GUIDELINES FOR FORMALISING TERMS OF EMPLOYMENT

1. Employment contracts should be drawn up in writing. Any modifications and terminations of such contracts, except for terminations by reason of expiry of the term of contract, should also be in writing. The drawing up, modification and termination of employment contracts is hereinafter referred to collectively as ‘contract formalisation procedures’.

2. Contract formalisation procedures should be performed by the Personnel Office or, in the case of autonomous institutions of the university (Narva College, Türi College, Viljandi Culture Academy), by the relevant institution, provided the director of the institution has been authorised to conclude, modify, or terminate employment contracts.

3. In order to make an employment contract with a prospective employee the head of the relevant unit should negotiate the negotiable terms of the position in question with the prospective employee, having regard to the substance of relevant national legislation and the bylaws of the university. In accordance with the agreement reached with the employee, the head of the unit should arrange for an employment particulars form to be filled out in the unit in respect of the employee’s employment. The filled out employment particulars form should be transmitted to the Personnel Office or to the officer in charge of formalising employment contracts in the relevant autonomous institution of the university at least one week before the employee assumes his or her duties. In the case of employment of the head of a university unit, the employment particulars form shall be prepared by the immediate supervisor of the head of the unit.

4. Any modification of the terms of employment should be based on a recommendation of the head of the employee’s unit, or a corresponding application of the employee concerned, which should be endorsed by the head of the unit. The application or the recommendation should be transmitted to the Personnel Office or to the officer in charge of formalising employment contracts in the relevant autonomous institution of the university at least one week before the date the modification is to take effect.

5. An employee’s employment can be terminated by mutual agreement of the employee and employer’s representative. The formalisation of such an agreement requires the employee’s application, which has been endorsed by the head of the unit, or a recommendation of the head of the unit. The application or the recommendation should be transmitted to the Personnel Office or to the officer in charge of formalising employment contracts in an autonomous institution of the university at least one week before the effective date of the termination.

6. An employment contract may be terminated on the initiative of the employee, pursuant to the employee’s resignation letter, which must be transmitted from the university unit in which it originated to the Personnel Office or to the officer in charge of formalising employment contracts in the relevant autonomous institution of the university at least one week before the day on which the termination of the employment contract is to take effect. The employee may give a notice that is shorter than the statutory requirement if the head of the unit agrees to it and provided that the employee’s resignation letter, which has been

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1 In general, an employee must submit his or her resignation letter at least 30 calendar days before the day of the intended effective termination of employment; during the probationary period, an employee must give at least 15 calendar days notice of termination.

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endorsed by the head of the unit, reaches the Personnel Office or the officer in charge of formalising employment contracts in the institution at least one week before the day on which the termination of employment is to take effect.

7. A termination of the employment contract of an employee may also take place at the initiative of the employer, which should take the form of a corresponding recommendation from the head of the employee’s unit. In the case that employment legislation requires the employer to give the employee advance notice of termination\(^2\), the recommendation should be transmitted to the Personnel Office or to the officer in charge of formalising employment contracts in the relevant university institution at least one week before the day on which the employee is to be notified of the termination of his or her employment. The Personnel Office or the officer in charge of formalising employment contracts in the relevant institution of the university should then draw up a termination letter (in two copies). The termination letter should be transmitted to the employee by his or her immediate supervisor, who should ask the employee to sign a copy of the letter and to return that copy to the Personnel Office or to the officer in charge of formalising the employment contracts in the relevant institution of the university at least three days before the day on which the termination is to take effect.

8. In accordance with the clerical business procedure of the university, the head of a university unit should arrange for any applications submitted by employees of the unit and for any written recommendations drawn up by himself or herself to be registered in the university’s document management system.

9. When formalising a modification or termination of an employee’s employment, the Personnel Office or the officer in charge of formalising employment contracts in the relevant institution of the university should have regard to the employment particulars form that has been filled out in respect of the employee and to that employee’s application, or to the written recommendation of the head of the unit, and should transmit the resulting document to the employee, who should be asked to sign it.

10. If a prospective employee’s knowledge of the Estonian language is insufficient, the employment contract should incorporate an English translation of its Estonian text.

\(^2\) Depending on how long the employee has been employed with the employer, the employer is required to give notice of termination to the employee as follows:
1) to an employee employed for less than a year – at least 15 calendar days,
2) to an employee employed for 1-5 years – at least 30 calendar days,
3) to an employee employed for 5-10 years – at least 60 calendar days,
4) to an employee employed for 10 years or more – at least 90 calendar days.

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