UNIVERSITY OF TARTU LEAVE RULES

Based on clauses 15 (2) 16) and 15 (3) of the Statutes of the University of Tartu, adopted by the senate regulation no. 11 of 21 July 2014 and approved by the council resolution no. 18 of 29 July 2014, I hereby approve the University of Tartu Leave Rules. [effective as of 1 January 2016]

I. GENERAL PROVISIONS

1. The University of Tartu Leave Rules (hereinafter ‘these rules’) govern the principles and procedure of granting paid annual leaves, parental leaves, study leaves and leaves without pay in the University of Tartu (hereinafter ‘the university’).

2. In the university, leave is granted pursuant to the Republic of Estonia Employment Contracts Act and the regulations enacted on its basis, as well as pursuant to the Republic of Estonia Adult Education Act, other national legislation, and the relevant employment contract.

2.1. For the purposes of these rules, the head of a structural unit is the head of an institute, director of college, director of non-faculty institution, head of dean’s office and head of support unit. With regard to the head of a structural unit, the tasks assigned to them with these rules are performed by their immediate supervisor, with regard to vice rectors, heads of spheres of responsibility and deans, these tasks are performed by the rector. [effective as of 1 January 2016]

II. TYPES OF LEAVE

3. Paid annual leave

3.1. An employee's paid annual leave entitlement is 28 calendar days, except where the employer and the employee have agreed upon a longer entitlement or where these rules provide a different duration emanating from relevant national legislation.

3.2. The leave entitlements of the university’s senior managers and teaching and research staff shall be as follows (by position):
3.2.1. vice rectors, deans, vice deans, heads of institutes, directors of colleges, directors of non-faculty institutions if the prerequisite for holding the position is a doctoral degree – 56 calendar days; [effective as of 1 July 2017]

3.2.2. members of the teaching staff (professors, senior lecturers, lecturers, assistants, teachers) – 56 calendar days;

3.2.3. members of the research staff (academy research professors, research professors, senior research fellows, research fellows, junior research fellows) – 42 calendar days.

[effective as of 28 September 2012]

3.3. Minors and employees who receive an incapacity pension are entitled to 35 calendar days of paid annual leave.

3.4. Under the terms and conditions stipulated in the employment contract, up to 7 calendar days of additional paid leave may be granted:

3.4.1. to employees in the pay grade of managers and senior specialists for the performance of duties that are stressful and entail considerable responsibility;

3.4.2. to the health and safety representative for the effective performance of his or her duties. Leave is granted on the following terms:

3.4.2.1. leave is granted after performing the tasks for at least 12 months;

3.4.2.2. in order to be granted leave, the health and safety representative submits to the head of the structural unit a report of activity for the previous year and an application, which shows the time for using the leave approved by the head of the structural unit;

3.4.2.3. the leave of the health and safety representative is added to their paid annual leave and granted with it, unless the employee and the head of the structural unit agree differently;

3.4.2.4. if the time of the agreed leave is in the next calendar year, the leave of the health and safety representative is added to the schedule of annual leave, in other cases it is granted on the basis of the application of the health and safety representative;

3.4.2.5. the health and safety representative’s leave must be used during one year from the end of the authorisation to act as a health and safety representative, after that the leave expires;

3.4.2.6. the health and safety representative’s leave is paid leave;

3.4.2.7. upon the termination of the employment contract, the employee shall not receive financial compensation for not using the leave of the health and safety representative.

[effective as of 1 January 2016]

3.5. Part-time employees shall enjoy the same paid annual leave entitlements as full-time employees.

4. Other types of leave

4.1. Employees are entitled to parental leave (maternity leave, paternity leave, adoption leave, childcare leave, additional childcare leave and additional childcare leave without pay) according to the procedure and pursuant to the terms and conditions stipulated in the Republic of Estonia Employment Contracts Act and in these rules.

4.2. Employees are entitled to a study leave according to the procedure and pursuant to the terms and conditions stipulated in the Republic of Estonia Adult Education Act and in these rules.

4.3. Employees are entitled to a leave without pay for taking admission examinations. In other cases, a leave without pay may be granted if this is agreed between the head of the unit and the employee.
III. PRINCIPLES GOVERNING THE GRANT OF A LEAVE

5. A leave shall be granted in calendar days, except for paternity leave, additional childcare leave and additional childcare leave without pay, which shall be granted so as to fall on the employee’s working day(s).

6. National or public holidays shall not count as leave days.

7. Annual paid leave shall be granted as a single leave period or, if the employer and the employee so agree, as separate leave periods. If the annual paid leave is granted in several leave periods, at least one continuous period of leave in a calendar year must amount to no fewer than 14 calendar days. Each period of leave shall be granted for one or more full weeks, except when the remaining entitlement amounts to less than one full week or when the head of the unit allows the employee to take out a period of leave that is shorter than one full week.

8. An employee shall be granted leave according to the schedule of annual leave or on the basis of the employee’s application, or a proposal from the head of the unit. The employee’s application shall be agreed upon with the head of the structural unit and the proposal of the head of the structural unit is agreed upon with the employee. [effective as of 1 January 2016]

9. In the case that an employee is hired after the unit’s schedule of annual leave has already been drawn up and his or her leave is not included in that schedule, the employee shall be granted such leave as may be agreed between the employee and the head of the unit, either on the basis of the employee’s application or a proposal of the head of the unit.

10. A paternity leave, adoption leave, childcare leave, additional childcare leave, additional childcare leave without pay, study leave and leave without pay for taking admission examinations shall be granted on the basis of the interested employee’s application. The employee must notify the head of the unit and his or her immediate supervisor 14 days in advance of taking childcare leave or interrupting the same; the employee’s applications for a leave, paternity leave, adoption leave, additional childcare leave or additional childcare leave without pay, which are not included in the schedule of annual leave, must also be submitted to the immediate supervisor and the head of the unit 14 days in advance. [effective as of 1 January 2016]

11. The employee shall notify the employer as soon as possible of any circumstances that may prevent the employee from using his or her leave entitlement, such as the employee’s temporary incapacity, maternity leave or other important personal reasons. If a leave has to be interrupted, postponed or prematurely terminated due to such circumstances, the unused part of the leave entitlement shall be used immediately after said circumstances cease, on the basis of the employee’s application, or shall be rescheduled by way of agreement between the employee and the head of the unit, on the basis of the employee’s application or a proposal of the head of the unit.

12. The employee’s leave application and the proposal of the head of the structural unit shall be drawn up at such a time as will allow it to reach the Personnel Office at least five working days before the commencement of the leave. The employee’s application and the proposal of the head of the unit shall be registered and archived in the structural unit. Upon registration, the application or the proposal shall be notified to the Personnel Office. [effective as of 1 January 2016]

IV. DRAFTING OF LEAVE SCHEDULES

13. The schedule of annual leave shall include paid annual leave and unused leave entitlements. The schedule may also include other leave entitlements.
14. Paid annual leave shall be scheduled by the head of the unit, who shall take into account the employee’s wishes as long as they can be reasonably accommodated without unduly interfering with the employer’s interests.

15. The university is obligated to grant the request to take a leave when it is submitted by:
   15.1. a female employee immediately before or after her maternal leave or immediately after her childcare leave;
   15.2. a male employee immediately after his childcare leave or during his wife’s maternal leave;
   15.3. a parent who is raising a child under the age of 7;
   15.4. a parent who is raising a child who is from 7 to 10 years of age, during the child’s school break;
   15.5. a minor who is subject to compulsory school attendance, during his/her school break.

16. In the schedule of annual leave, employees’ leave shall be scheduled in accordance with the leave entitlements that accrue to those employees for one year of service. If an employee has any unused leave entitlements accrued over the previous years, and those entitlements amount to more than a half of the employee’s paid annual leave entitlement, at least seven additional calendar days of leave, on account of the entitlements of the previous years of service, shall be added to the leave scheduled for that employee pursuant to the current year’s entitlement. The planning of the use of leave entitlements shall be based on the principle that earlier entitlements should be used up first.

17. The following principles shall be observed in planning the grant of leave to a university employee employed under more than one employment contracts:
   17.1. the procedure for using leave entitlements arising from several employment contracts shall be agreed upon with the employee in his/her second employment contract;
   17.2. the leave entitlements accruing under different employment contracts shall be used by the employee concurrently;
   17.3. if the annual paid leave entitlements arising from different employment contracts differ in length, the employee’s leave schedule shall be planned according to the longer entitlement and, under the other employment contract, the employee shall be granted a leave without pay for the period of time by which the longer entitlement exceeds the shorter one, provided the parties have not agreed otherwise.

18. The schedule of annual leave shall list stand-ins for heads of units, senior specialists and secretaries on leave. For other employees, the schedule of annual leave shall list a stand-in when this is necessary due to the nature of the job of the particular employee. The stand-ins shall have all the rights and duties of the employees they stand in for.

19. The leave schedule shall be drawn up, modified and made available to the employee on a dedicated webpage (UT LeaveWeb).

20. The Personnel Office shall enter all data and particulars necessary for drawing up the schedule of annual leave to the LeaveWeb by 31 January each year. [effective as of 1 January 2016]

21. The draft schedule of annual leave of a unit of the university shall be prepared and made available in the LeaveWeb by an employee appointed by the head of that unit by 15 February at the latest. The schedule of annual leave shall contain the scheduled leave of all employees by type of leave, specifying the beginning and end dates of at least the paid annual leave and the additional childcare leave, and shall list stand-ins for employees occupying the positions listed in section 18 above. [effective as of 1 January 2016]
22. The Personnel Office shall scrutinise the draft schedule of annual leave for conformity with relevant national legislation and university bylaws and, if necessary, shall make amendments which are approved by the head of the structural unit. [effective as of 1 January 2016]

23. The schedule of annual leave of the university's employees shall be approved by the head of the Personnel Office. [effective as of 1 January 2016]

24. The employees shall be informed of the approved leave schedule, which shall be made available to them in the LeaveWeb by 28 February at the latest. [effective as of 1 January 2016]

25. A planned leave may be rescheduled by a mutual agreement of the employee and the head of the structural unit on the basis of the employee’s application or a proposal of the head of the structural unit, subject to the requirements stipulated in section 12 and section 18 of these rules. [effective as of 1 January 2016]

V. IMPLEMENTING PROVISIONS

26. Employees who, by virtue of their employment contracts, are entitled to receive paid annual leave and paid additional leave shall retain their leave entitlements as stipulated in the employment contracts after 1 July 2009, pursuant to relevant legislation.

27. I hereby repeal the University of Tartu Leave Rules approved by Administrative Decree 36 of the Rector of the University of Tartu of 28 December 2006.

28. This decree shall be effective as of 1 September 2009.