LEAVE RULES

Based on clause 15 (2) 16) and subsection 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 approve the Leave Rules. [effective as of 1 January 2016]

I. GENERAL PROVISIONS

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

2¹. 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, area directors and deans, these tasks are performed by the rector. [effective as of 1 January 2016]

2². The holiday schedule is drawn up and the leaves are entered, amended and cancelled in a dedicated online environment (‘Leave Web’). [effective as of 1 January 2021]

II. TYPES OF LEAVE

3. Annual holiday

3.1. An employee's annual holiday 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 academic staff are as follows (by position): [effective as of 1 January 2021]
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. professors, associate professors, lecturers, teachers, junior lecturers – 56 calendar days; [effective as of 1 January 2021]
3.2.3. research fellows, junior research fellows – 42 calendar days. [effective as of 1 January 2021]
3.3. The leave entitlement of minors and employees with partial or no work ability is 35 calendar days. [effective as of 1 January 2021]
3.4. Under the terms and conditions stipulated in the employment contract, up to 7 additional calendar days of annual holiday may be granted:

3.4.1. to employees in the salary 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. The additional holiday entitlement 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. 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 indicating 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 annual holiday 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 based on 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. holiday pay is paid for the health and safety representative’s leave;
3.4.2.7. upon the termination of the employment contract, the employee will 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 have the same annual holiday entitlements as full-time employees.

4. Other types of leave
4.1. Employees are entitled to parental leave (pregnancy and maternity leave, paternity leave, adoptive parent leave, child care leave, child leave and child 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 holiday without pay for taking admission examinations. In other cases, a holiday 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 is granted in calendar days, except for paternity leave, child leave and child leave without pay, which is granted so as to fall on the employee’s working day(s).
6. National or public holidays do not count as leave days.
7. Annual holiday is 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 at least 14 calendar days.
Each period of leave is 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 a period of leave that is shorter than one full week.

8. An employee is granted leave based on the holiday schedule or the employee’s application. The employee submits an application in the Leave Web. The application is approved by the head of the structural unit of the employee and a personnel management specialist. An application for leave is submitted at least four working days before the beginning of the leave. When the application is submitted, a substitute is appointed for the head of structural unit and for an employee whose replacement is necessary due to the nature of the job. The substituting employee has all the rights and responsibilities arising from the position of the substituted employee. [effective as of 1 January 2021]

9. [repealed as of 1 January 2021]

10. A paternity leave, adoptive parent leave, child care leave, child leave, child leave without pay, study leave and holiday without pay for taking admission examinations is granted based on the employee’s application. The employee must notify 14 days in advance of taking child care leave or interrupting the same; the employee’s applications for a leave, paternity leave, adoptive parent leave, child leave or child leave without pay, which are not included in the holiday schedule, must also be submitted 14 days in advance. [effective as of 1 January 2021]

11. The employee notifies 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, pregnancy and 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 is used immediately after said circumstances cease, based on the employee’s application, or be rescheduled by way of agreement between the employee and the head of the unit, based on the employee’s application. [effective as of 1 January 2021]

12. [repealed as of 1 January 2021]

**IV. DRAFTING OF HOLIDAY SCHEDULES**

13. An annual leave is planned in the holiday schedule; also, the child leave and the leave of health and safety representative may be planned in the holiday schedule. [effective as of 1 January 2021]

14. Annual holiday is scheduled by the head of the unit, taking into account the employee’s wishes as long as they can be reasonably accommodated with the employer’s interests.

15. The following employees are given annual holiday at a suitable time:
   15.1. a woman immediately before or after her pregnancy and maternity leave or immediately after her child care leave;
   15.2. a man immediately after his child care leave or during his wife’s pregnancy and maternity leave;
   15.3. a parent raising a child under the age of 7;
   15.4. a parent raising a child of 7 to 10 years of age, during the child’s school holidays;
   15.5. a minor subject to the obligation to attend school, during his/her school holidays.

16. In the holiday schedule, employees’ leave is scheduled according to 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 annual holiday entitlement, at least seven additional calendar days of leave, on account of the entitlements of the previous years of service, are added to the holiday scheduled for that employee pursuant to the current year’s entitlement. The planning of the use of leave entitlements is based on the principle that earlier entitlements should be used up first.

17. The following principles are observed in planning the grant of leave to a university employee employed under more than one employment contracts:
   17.1. [repealed as of 1 January 2021]
17.2. the leave entitlements accruing under different employment contracts are used by the employee at the same time;
17.3. if the annual paid leave entitlements arising from different employment contracts differ in length, the employee’s holiday schedule is planned according to the longer entitlement and, under the other employment contract, the employee is granted a holiday without pay for the period of time by which the longer entitlement exceeds the shorter one, unless the parties have agreed otherwise.

18. In the holiday schedule, substitutes are appointed for heads of structural units and employees whose replacement is necessary due to the nature of the job. The substitutes have all the rights and duties of the employees they substitute for. [effective as of 1 January 2021]

19. [repealed as of 1 January 2021]

20. The Human Resources Office enters all data and particulars necessary for drawing up the holiday schedule to the Leave Web by 31 January each year. [effective as of 1 January 2016]

21. All employees plan their annual leave in the Leave Web and the heads of structural units approve the holiday schedule of the unit in the Leave Web on 15 February at the latest. [effective as of 1 January 2021]

22. The head of the Human Resources Office verifies the conformity of the holiday schedule with relevant national legislation and university bylaws and, if necessary, makes amendments, which are approved by the head of the structural unit. [effective as of 1 January 2021]

23. The holiday schedule of the university's employees is approved by the head of the Human Resources Office. [effective as of 1 January 2016]

24. The approved holiday schedule is made available in the Leave Web on 28 February at the latest. [effective as of 1 January 2021]

25. A leave approved in the holiday schedule may be rescheduled by a mutual agreement of the employee and the head of the structural unit based on the employee’s application, which has been submitted via the Leave Web, observing the requirements stipulated in clauses 8, 11 and 18 of these rules. [effective as of 1 January 2021]

V. IMPLEMENTING PROVISIONS

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

27. I repeal the University of Tartu Leave Rules approved by rector’s decree no. 36 of 28 December 2006.

28. The decree takes effect on 1 September 2009.