



Leiden University Regulations on Staff Redeployment

This translation of the Regulations on Staff Redeployment is intended as a service to non-Dutch speaking employees, and as such has no legal status. Any legal claims can only be made on the content of the Dutch procedure (Herplaatsingsregeling)

Paragraaf 1 General Provisions

Artikel 1 Definitions

- a. *Employer*: the Executive Board of Leiden University;
- b. *Unit*: faculty or non-faculty service;
- c. *Employee*: salaried employee, as referred to in the CAO of Dutch Universities, employed by Leiden University;
- d. *Redeployment candidate*: an employee who is threatened with dismissal on a reasonable ground as mentioned in Article 7:669 paragraphs 3a, 3c, 3d, 3f, 3g and 3h or a combination of these grounds as mentioned in Article 7:669 paragraph 3i of the Civil Code, unless redeployment is not possible or not reasonable. Redeployment is in any case not reasonable when the employee can be held accountable or responsible for the dismissal.
- e. *Redeployment candidate* also includes the employee who is threatened with dismissal on the ground of Article 7:669 paragraph 3b of the Civil Code for whom, in accordance with the provisions of the Sickness and Disability Scheme of Dutch Universities (ZANU), an investigation is currently being conducted to find a suitable position, or, following the first year of illness, an acceptable position;
- f. *Person responsible for the vacancy*: the Executive Board or the Dean or Director or the one who is mandated, in whose unit the vacancy arises;
- g. *Redeployment coordinator*: a Leiden University employee responsible for coordinating the redeployment investigation;
- h. *Regulations on Filling of Vacancies*: Leiden University Regulations on Filling of Vacancies.

Article 2 Mutual obligations

The Executive Board and the redeployment candidate each have their own responsibilities in the redeployment investigation. The Executive Board will support the redeployment candidate as much as possible in obtaining a new position. The redeployment candidate is in turn expected to actively and demonstrably cooperate, and to accept a suitable, or if applicable, acceptable position once it is offered. If the Executive Board is of the opinion that the employee is not cooperating adequately, the right to a redeployment investigation as referred to in Article 3 will be forfeited. In that case, the procedure for dismissal will be started immediately. The benefits agency will be informed of this fact.



Article 3 The redeployment investigation

1. The manager of the unit from which the redeployment candidate originates will draft, following consultation with the redeployment candidate and the redeployment coordinator, an action plan which includes at the very least a description of potentially suitable positions.
2. The redeployment coordinator will investigate whether redeployment to a suitable, or if applicable acceptable, position is possible.
3. The redeployment investigation may include an assessment of the redeployment candidate.
4. Career counselling may be provided throughout the redeployment investigation. This counselling may include providing retraining courses and facilities for acquiring additional skills.
5. Where necessary, external support focused on obtaining a position beyond the scope of authority of the Executive Board can be provided, including outplacement and support with job applications.

Article 4 Temporary duties

During the period of the redeployment investigation, an employee may within reason be assigned duties other than his or her normal work.

Section 2 Provisions for redeployment candidates as referred to in Article 1, under d

Article 5 Start and duration of the redeployment investigation

1. An employee is considered to be a redeployment candidate as soon as the employer is aware of the fact that the employee is threatened with dismissal, and has confirmed this to the employee in writing. The unit from which the redeployment candidate originates will immediately instruct the redeployment coordinator to carry out a redeployment investigation.
2. The investigation for a redeployment candidate lasts three months. This redeployment investigation will be extended by a period of one month for every ten years that the employee has been employed by Leiden University, up to a maximum of six months.
3. Without prejudice to the provisions of the previous paragraph, if a redeployment candidate is threatened with dismissal due to the discontinuation of the position or redundancy as a result of a reorganization as mentioned in Article 9.1 of the Collective Labour Agreement Dutch Universities, the redeployment investigation will proceed throughout the dismissal protection period.

Article 6 Assessment of suitability of position

1. A position is considered to be suitable for a redeployment candidate if the following apply:
 - the position is considered to be suitable in accordance with Article 9.12 of the CAO of Dutch Universities, and
 - the position is not rated lower than two salary scales below the salary scale of the current position of the redeployment candidate, and
 - the position structurally forms part of the permanent staff structure.



2. Placement can take place in the form of a trial placement for a maximum of 12 months. If the trial placement does not lead to a final placement, the redeployment candidate must be informed of this fact in writing and including a motivation no later than two months before the end of the trial placement period.
3. If the redeployment coordinator is of the opinion that a vacant position might be suitable for a redeployment candidate, the person responsible for the vacancy will invite the candidate for an interview.
4. If a position is not considered to be suitable by the redeployment coordinator, but the candidate does not share this opinion, the person responsible for the vacancy will invite the candidate for an interview.
5. The person responsible for the vacancy will assess whether the position can be considered to be suitable.
6. If the person responsible for the vacancy intends to reject the candidate, he or she will inform the redeployment coordinator of this intention in writing and will include a motivation. The Executive Board may decide, contrary to the opinion of the person responsible for the vacancy, to consider the position as suitable and to place the redeployment candidate in the position in question (on a trial basis).

Article 7 Salary

1. A redeployment candidate who is placed in a position with a lower scale, will retain his or her current salary scale as well as the right to potential periodic salary increases until the maximum of **the current scale has been reached. The costs of the difference between the employee's current salary and the salary belonging to the position with a lower salary scale will be covered by the unit from which the redeployment candidate originates for a period of five years, and following this period by the unit responsible for the vacancy.**
2. If the new position is for fewer hours than the position where the employee is threatened with dismissal, and the employee is not entitled to any unemployment benefits for the lost hours, the unit from which the redeployment candidate originates will compensate the employee for the difference in salary for a period of a maximum of two years. Following this period, the difference in salary will be covered by the unit responsible for the vacancy.

Article 8 Extension of the redeployment investigation

1. The duration of the redeployment investigation as referred to in Article 5, paragraph two, can be extended if the employee has been placed in a position on a trial basis as referred to in Article 5, paragraph two, or if he or she has been assigned temporary duties as referred to in Article 4.
2. Contrary to the first paragraph of this article, a trial period as referred to in Article 9.11, paragraph two of the CAO of Dutch Universities (Chapter 9 Reorganisations) is subject to Article 9.11, paragraph four of the CAO of Dutch Universities.



Section 3 Provisions for redeployment candidates as referred to in Article 1, under (e) (in accordance with the Sickness and Disability Scheme of Dutch Universities (ZANU))

Article 9 Start and duration of the redeployment investigation

1. An employee is considered to be a redeployment candidate from the moment that a return to his or her own position is no longer possible in the opinion of the employer. The unit from which the redeployment candidate originates assigns the redeployment coordinator the task of carrying out a redeployment investigation.
2. The maximum duration of the investigation for the redeployment candidate is determined, depending on the assessment of the UWV Recruitment Agency, on the basis of Article 12, paragraph three, or Article 20, paragraph four of the ZANU, and Article 7:670 Civil Code.

Article 10 Assessment of suitability of position

1. A redeployment candidate can be redeployed to a suitable position or, if no opportunity arises and the first year of illness has passed, to an acceptable position, as defined in the ZANU.
2. If a vacant position is considered by the redeployment coordinator to be suitable for a given redeployment candidate or, where applicable, if this position is considered to be acceptable for the candidate in question, the person responsible for the vacancy will invite the redeployment candidate for an interview.
3. If a position is not considered to be suitable or, if applicable, acceptable by the redeployment coordinator, but the candidate does not share this opinion, the person responsible for the vacancy will invite the redeployment candidate for an interview.
4. The person responsible for the vacancy will assess on the grounds of the criteria in the first paragraph whether the position can be considered to be suitable or, if applicable, acceptable.
5. Placement can take place in the form of a trial placement for a maximum of 12 months.
6. If the person responsible for the vacancy intends to reject the redeployment candidate, he or she must inform the redeployment coordinator of this fact. The Executive Board may decide, contrary to the opinion of the person responsible for the vacancy, to consider the position as suitable or, if applicable, acceptable, and to place the redeployment candidate in the position in question.



Section 4 End of the redeployment investigation and other provisions

Article 11 End of the redeployment investigation and contract termination

1. Without prejudice to Article 8, the redeployment investigation ends as of the date on which the redeployment candidate is placed in a new position.
2. If, following a thorough investigation, it has not been possible to find a suitable position, the investigation will terminate and a report of the investigation will be drafted. The UWV will be asked for permission to terminate the contract, in compliance with the regulations on termination of the UWV.
3. For redeployment candidates as referred to in Article 1, under (e), paragraph two regarding the termination of the contract only applies in so far as this is permitted by the provisions of the CAO of Dutch Universities and the ZANU.

Article 12 Retention of right of precedence

The employee will retain his or her right of precedence as a redeployment candidate as described in Article 5 of the Regulations on the Filling of Vacancies:

- a. For the duration of the period in which he or she performs temporary duties in accordance with Article 4;
- b. For the duration of the notice period mentioned in Article 8.1 of the Labour Agreement Dutch Universities..

Article 13 Responsibility and cost considerations

1. The unit from which the redeployment candidate originates acts as the commissioning authority for the redeployment investigation, and is responsible for monitoring its implementation.
2. The unit from which the redeployment candidate originates is responsible for providing the facilities referred to in Article 3, paragraphs three and four; these facilities will be provided subject to considerations of costs and benefits.

Article 14 Entry into force

These regulations came into effect on 1 January 2014. They replace all previous versions which fall within the scope of authority of the Executive Board.

Article 15 Citation title

These regulations can be referred to as the Leiden University Staff Redeployment Regulations.

These regulations were adopted by the Executive Board on 25 February 2014, following consensus in the meeting with the Local Consultative Body (*Lokaal Overleg*) on 23 January 2014. These regulations were modified by the Executive Board on 19 November 2019 following the agreement of the Local Consultative Body on 19 September 2019. The amended regulation shall enter into force on 31 December 2019.



**Universiteit
Leiden**
The Netherlands