

Leiden University Regulations on Staff Redeployment 2014

Leiden University regulations stipulating the rules regarding the redeployment of employees.

Section 1 General provisions

Article 1 Definitions

In these regulations the following definitions apply:

- a. *Executive Board*: 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 due to one of the following reasons:
 1. discontinuation of the candidate's job, or staff redundancy;
 2. incompetence or unsuitability, unless the employee can be held accountable or responsible for this;
 3. an employee who is threatened with dismissal for reasons other than those listed above; unless the employee can be held accountable or responsible for this;
- e. *Redeployment candidates* also include employees 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 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 2014.

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. The employee's contract can then be terminated with immediate effect, in accordance with the statutory notice period. 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 relevant decision has been confirmed 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 reorganisation, 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 9.12a 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 guarantee

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 9.12, paragraph two of the CAO of Dutch Universities (Chapter 9 Reorganisations) is subject to Article 9.12, 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 8.7, first paragraph of the CAO of Dutch Universities.

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, a report of the investigation will be drafted and the contract of the redeployment candidate will be terminated in accordance with the statutory notice period.
3. For redeployment candidates as referred to in Article 1, under (e), paragraph two 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.

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 Transitional provision

Employees who are already redeployment candidates at the time of entry into force of these regulations will retain the rights granted to them by the Staff Redeployment Regulations which were legally valid at the time when they became redeployment candidates.

Article 15 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 16 Citation title

These regulations can be referred to as the Leiden University Staff Redeployment Regulations 2014.

These regulations were adopted by the Executive Board on 25 February 2014, following consensus in the meeting with the Local Consultative Committee (*Lokaal Overleg*) on 23 January 2014.