



KOSOVO ART ACADEMY

INSTITUTIONAL AND PROGRAM EVALUATION

REGULATION ON LABOR RELATIONSHIP

6TH of March, 2020, Prishtina

REGULATION ON LABOR RELATIONSHIP

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According to Statute of Kosovo Art Academy (hereinafter: **KAA**) and Law on Labor of the Republic of Kosovo, the Board of Directors (hereinafter: **BoD**) of the Kosovo Art Academy on its session held in Prishtina on 20.12.2018 adopted the following:

I. GENERAL PROVISIONS

Article 1

By this regulation, the Kosovo Art Academy defines the criteria and conditions of employment, working conditions, employee benefits, salaries and compensations, training, personnel records, employee behaviour; disciplinary measures and final provisions.

II. EMPLOYMENT CRITERIA AND CONDITIONS

Article 2

During the employment, the Academy implements fair, impartial, equal and non- discriminatory treatment to prevent discrimination based on race, gender, religion, language, family status, political opinion, ethnicity, disability, age and others legally protected status.

Article 3

The minimum age of employment is eighteen (18) years, and the retirement age is sixty-five years old (65).

A person under the age of 18 can be hired only for light work, which does not harm his/her health and development and does not prevent him from attending school and still following the legislation in force in the Republic of Kosovo.

Article 4

Employment restrictions

A candidate who has been convicted for a crime according to a judicial process under applicable laws and in accordance with internationally recognized standards for which a punishment of 6 or more months of imprisonment, has no right to be employed in any the Academy's leading post.

Employees in violation of section 4.1 of this regulation and the employee, who is punished according to the above paragraph of this article, has no right to continue the employment relationship at the Academy.

Article 5

Public Announcement

Job vacancies at the Academy must be announced in the public media. Announcements for vacancies should include the following information:

- a) Job title;
- b) Job description;
- c) Qualifications required;
- d) Professional experience - skills required;
- e) Contract Period
- f) Closing date of the competition.

Everyone has the right to equal participation in the employment competition at the Academy.

Article 6

Internal Employment

The Academy may decide not to announce a vacancy for a particular job position in the following cases:

- a) When employing an internal staff or a scholarship beneficiary to the Academy;
- b) When the need to complete a fixed-term job is excluded, which does not exceed the 6 months and in other cases when the Board of Directors decides on a different way of employment.

Article 7

Evaluation committee for the academic staff candidates

The Academic Senate based on the vacancy announcement appoints the evaluation committee composed of the Chairperson, an HR deputy and two members of the Academy. The evaluating committee after reviewing the applications interviews the candidates who have best fulfilled the conditions for the job vacancy. Within 30 days of the appointment date, the Committee shall draft and submit a report signed by all members on the nomination of the candidate. The proposal of the Academic Senate for selection is submitted to the Board of Directors of the Academy, which nominates the academic staff.

The terms for appointment and promotion in any title of academic staff are relevant qualifications and relevant workplace experience.

Article 8

Evaluation committee for non-academic staff candidates

The President CEO of the Academy, based on the vacancy announcement, appoints the committee for interview and selection. The committee should have no less than three members including an HR deputy and two of which should be of a higher post than the post that has been announced. A member of the commission cannot be a close relative of the candidate. After the interview and selection of candidates, the committee recommends to the President CEO the list of the most successful candidates for appointment. The President CEO decides to accept the candidate after reviewing the list of candidates recommended by the committee.

Article 9

Work contract

1) The employment contract may be concluded for unlimited or for a fixed period of time.

The contract of employment shall be in writing in an official language used in Kosovo.

2) The employment contract shall be considered as valid after being signed by the President CEO of the Academy and the employed person and shall contain the following information:

- a) The basic data of the Academy,
- b) The Department,
- c) The name of the employee,
- d) The job title,
- e) Job description,
- f) The date of commencement of work,
- g) Duration of the contract,
- h) Data on salary and working hours and
- i) Trial period (if applicable).

Article 10

Trial employment period

- 1) The employment contract provides for an initial period of trial work up to ninety (90) days from the date of commencement of employment. At the end of the trial period, the appointment or non-appointment is confirmed by the President CEO, upon written notice within 7 days.
- 2) Employees who, during trial work, do not show satisfactory results, professional skills and other skills cease to work on the expiry date of the term specified in the employment contract. Preliminary vocational training verification, i.e. professional skills, is made by a separate committee composed of the employees of the same profession who have at least the same degree of professional qualification.
- 3) The President CEO shall appoint a professional committee for the verification of the ability of the employee as well as the rights and duties of the committee. The trial period shall not be determined in the cases of appointments under Article 6 of this Regulation.

Article 11

Termination of the employment

Employment at the Academy ends in the following cases:

- a) In case of death or retirement of the employee;
- b) After the expiration of the employment contract;
- c) Due to the restructuring of the Academy;
- d) By written agreement between the employee and the Academy;
- e) When the continuation of the employee's employment has not been confirmed at the end of the trial period;
- f) In cases of severe misconduct by the employee or unsatisfactory work performance or disciplinary measures provided for in the Code of Ethics;
- g) For health reasons, when an employee is unable to perform duties due to long illness or disability ascertained by a medical commission;
- h) If it is ascertained that the employee has entered into an employment contract based on false declaration or documentation.

Article 12

Confirmation of employment termination

Upon termination of employment, at the employee's request, the employer must provide him/her with a certificate stating the name of the employee, the nature or type of work in which he or she was engaged and the employment period. Upon a special request by the employee, the certification may also include the assessment of the performance of his/her work.

Article 13

Code of Ethics and Conduct

The Code of Ethics and Conduct defines the minimum standards of honesty and conduct required by Academy staff.

III. WORKING CONDITIONS

Article 14 Working hours

The working time lasts 40 hours a week, the week has 5 working days. Every employee has the right to rest for at least 60 minutes during 8 working hours. The employee is entitled to a 48-hour weekly break without interruption. Working hours between 22 and 6 are considered as night work and are paid according to a special decision by the Academy. The Academy employee, who works shorter than the full working hours due to childcare, commences and ends working hours in agreement with the President CEO of the Academy.

Article 15 Overtime work

In case of need for work that cannot be completed during regular working hours, it may be required to work overtime but may not last more than 20 hours per week and 40 hours per month. Overtime work may be compensated by the employee as a break during the next month or the following month. Overtime work may be paid at a special rate by the decision of the President CEO and in accordance with applicable laws.

I. EMPLOYEES' BENEFITS

Article 16 Annual leave

Employees have entitled to eighteen working days paid annual vacation during a calendar year, plus the one-and-a-half-day basis for each calendar month of employment, and after every 5 years of work experience one more working day. Such leave can be taken with the approval of the employees' supervisor taking into account the job requirement. During the annual leave, the weekend days are not counted, i.e. the days of holidays set by law as a day off. Annual leave should normally be used within the current calendar year.

With the approval of the supervisor, the worker may transfer to the next year maximum of 12 working days of unused annual leave. The paid annual leave cannot be compensated for in cash, except in cases when employment at the Academy is terminated. The worker must notify the supervisor of the annual leave at least 14 days before its use.

Article 17 National and religious holidays

According to the general principle, regular working days are from Monday to Friday. Academy employees are entitled to paid leave during state and religious holidays as well as over the weekends unless otherwise provided in the employment contract. If a worker is required to work on holidays or weekends, those days are compensated for him/her as an overtime job.

Article 18 Pregnancy/maternity leave

During pregnancy and childbirth, the Academy female employee is entitled to maternity leave according to the provisions of the applicable Labor Law. The child's father may use the protection, respectively the rights from paragraph 1 of this article, in case of death of the mother of the child or in case, she abandons the child, and upon confirmation of the Center for Social Work. This right is also the foster parent of the child if both parents die or parents abandon the child. During the unpaid leave, the employed woman ceases all the labour rights except health insurance. Based on the finding of the competent health authority, the employed woman may commence maternity leave 45 days before delivery and necessarily 28 days before birth. If the female employee gives birth to the child or if the child dies before the end of the maternity leave, according to the physician's finding, she is entitled to rest time as long as she needs to recover

from the birth and the psychological condition caused by the loss of the child but not less than 45 days, for which time they are entitled to all maternity leave entitlements. For a child who needs parental care because of a serious health condition or handicap, one of the parents upon expiration of maternity leave has the right to work half the full working hours until the child becomes 2 years old.

Article 19

The leave due to the family cases

1) Family cases leave allowance up to 7 days per year may be used in the following cases:

- a) Employee's marriage, 5 working days;
- b) For childbirth, 2 working day;
- c) Child marriage, 2 working day;
- d) The death of the close family member, 5 working days;
- e) Changing the employee's residence, i.e. the employee's family, 1 working day;
- f) Elementary Disasters, 3 working days.

2) The worker absence must be allowed due to the performance of civil duties, the invitation to the courts or the invitation of other state municipal bodies and local communities. With the permission of the Academy, the worker may be granted additional leave for the cases mentioned and other reasonable cases.

3) The worker is entitled to the unpaid leave in the following cases:

- a) Urgent personal matters;
- b) Care for a family member who needs professional medical care;
- c) Exceptional repair of house/apartment;
- d) Other cases foreseen by the Labor Law.

The unpaid leave may last up to one year.

Article 20

The sick leave

Workers may, due to the illness, use up to 15 days of paid sick leave for each calendar year, as well as any sick leave due to accidents or work-related illness. If employment begins after the beginning of the year, the right to sick leave should be in proportion with the duration of employment for that year. The sick leave due to occupational accidents or work-related illness may be paid to the worker for a period of 3 months and half a page for a period of three months if such leave is recommended by the doctor. The free sick leave, according to the doctor's recommendation, may be granted to the employee for a supplementary period of one year, which may not exceed one year and which does not exceed the term of the employment contract.

Article 21

Safety and health protection at work

- 1) The Academy and the employee, in addition to the rights and obligations established by law, are obliged to respect the provisions of the collective contract on work safety and health protection.
- 2) The Academy has the following obligations and responsibilities related to work safety:
 - a) Adapt working conditions for all employees;
 - b) Selection of working tools and procedures to reduce the harmful effects on the health of the employees;
 - c) Every employee is obligated to take care of his health and safety through oral and written training and training by the employer.

Article 22

The leave due to the research and scientific work

Upon the proposal of the department head, the President CEO of the Academy may give the academic staff permission to conduct research and creative work in designated locations outside the Academy and to participate in joint projects with other institutions.

Article 23
The leave for Focused Research (Sabbatical)

1) The full-time Academy professors have the right to ask the governing body to be allowed a free year of focused research into another institution. The positive decision for one year is conditioned with the fulfilment of the following conditions:

- a) Application to the research project;
- b) At least 5 years of experience in teaching and research;
- c) Proven scientific competence and recognition within the scientific community;
- d) Invitation for scientific research from another institution.

2) During the sabbatical year, the employee will receive a reduced salary in accordance with the regulation approved by the Board of Directors of the Academy. After a year of focused research, the employee has the right to return to the same job position on the same terms as before.

V. SALARIES
Article 24

Salaries

- 1) Salaries are paid on a monthly base until the end of the employment agreement.
- 2) Taxes and contributions are deducted from salaries following the legislation in force.

Salaries of employees are paid into the bank account of their choice.

Article 25

Criteria for assigning employees as economic, technological and structural surplus

1) The following criteria are taken into consideration for the preservation of the job:

- a) Work performance;
- b) Vocational training and job training;
- c) Longer working experience.

2) The Academy should inform the employees about all activities related to filing and solving the issue of overwhelming employees. Also, employees should be personally informed about the possible ways of solving their employment status.

Article 26

Work Assessment

Every employee should be given the proper instructions and guidance regarding his duties for which he is employed. Job appraisals are made at the end of each calendar year by the supervisor to assess the performance of the employee's work results. Job evaluation is discussed with the employee and the department head whenever the case is required.

During this discussion, the employee can express his / her comments on the evaluation. Job evaluation is taken into consideration for the continuation of the contract and the determination of salaries of the employees.

Article 27

Salary structure

The Academy creates a scalable salary structure for employees and each step consists of the minimum and maximum of the basic salary for that job.

Article 28

Transfer and appointment to new assignments

When seeking the needs of the Academy, employees may be reallocated to other positions at the same salary level, provided that the new post meets their professional skills.

Article 29

Merits, bonuses and special payments

1) The work, contribution, and achievement of the employee's specific work-related results may be due to a specific remuneration or payment that will not normally be included in the basic salary adjustments. Employees have the right to additions to special workloads, work hazards, as well as work at the least suitable time for employees as follows:

- a) 30% for night work,
- b) 30% for overtime,
- c) 40% for work on Sundays,
- d) 50% for work during the working days determined by law (state, religious and national holidays).

2) A proposal for remuneration may be made by the head of the department, who must present in his proposal the special reasons for awarding the award. The meritorious decision for reward or special payment is taken by the President CEO of the Academy.

VI. TRAINING

Article 30 Training policy

The Academy for the purpose of professional development of all the employees examines and defines the training program for them following the conditions and criteria set out by the BoD and proposed by the Academic Senate and the President CEO.

VII. PERSONNEL DATA

Article 31 Data

The Academy maintains individual employee data. Such data includes all documentation relating to the employees determined by the employment contract. Every employee has the right to check the data from his personal file and to request corrections for any inaccurate data at all times until his documentation is kept in the Academy. Individual staff records are confidential and access to them is limited except when disclosure is required to perform official duties, depending on the permission granted by the President CEO of the Academy from case to case.

VIII. RESPONSIBILITY AND DISCIPLINARY PROCEDURES

Article 32 Disciplinary Committee

1) The Disciplinary Committee shall be appointed by the Board of Directors following the regulation on disciplinary responsibility state by the current legislation of the Republic of Kosovo. In addition to the violations of the labour obligations foreseen by the Labor Law, the Code of Ethics and the Regulation on Disciplinary Responsibility, as a violation for which disciplinary measures are imposed are:

- a) Incorrect behaviour towards other employees;
- b) 3 days uninterrupted absence without notification.

2) The Appeals Committee, which is competent with the regulation on the disciplinary procedure and the statute of the Academy, shall decide on the rights of workers in the second instance.

IX. FINAL PROVISIONS

Article 33

- 1) Criteria and Conditions of Employment - Appointments of external associates at the Academy, who do not have the status of regular staff at the Academy, are determined by the President CEO of the Academy.
- 2) The provisions of applicable laws and international employment standards shall apply to matters not provided for in this Regulation.

Article 34

This Regulation enters into force on 20th of October 2019

General Regulations and Procedures Affecting Students 2019/2020