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## **Part one**

### **Article 1**

#### **Introductory provisions**

- (1) This Rector's Directive implements the provisions of § 211 – 223 of the Act No. 262/2006 Coll., Labour Code, as amended (hereinafter referred to as "LC"), particularly the Act No. 285/2020 Coll., effective from 1 January 2021.
- (2) At the same time, this Rector's Directive amends relevant provisions of the Rector's Directive "Work Regulations" (hereinafter referred to as "Work Regulations of TBU").
- (3) In the event that the provisions of this Directive are in contradiction with the Work Regulations of TBU, the provisions of this Directive shall apply preferentially.

### **Article 2**

#### **Definition**

- (1) For the purpose of this Directive, the term "employer" refers to Tomas Bata University in Zlín (hereinafter referred to as "TBU").
- (2) Employees are physical entities, who are in labour-law relations to TBU in accordance with a contract of employment, and who are entitled to annual leave for a calendar year or to a proportional part thereof under conditions specified by the Act.

### **Article 3**

#### **Rate of annual leave**

- (1) The standard rate of annual leave is regulated by the LC and the Work Regulations of TBU.
- (2) The rate of annual leave in hours per a calendar year shall equal to the product of the rate of annual leave (in weeks), to which the employee is entitled in the relevant calendar year and the weekly working hours of the employee in accordance with the contract of employment.

#### **Article 4**

##### **Leave taking**

- (1) The annual leave to which the employee's entitlement had accrued before this Directive came into effect, shall continue to be taken in days, i.e. it shall not be converted to hours as defined in Article 3 Paragraph 2 of this Directive.
- (2) The annual leave for the period from 1 January 2021 shall be calculated and taken in hours.

#### **Article 5**

##### **Calculation of annual leave**

- (1) In the SAP information system for financial management, used at TBU for personnel and salary administration, an **assumed** annual leave entitlement shall be set depending on the duration of the employment relationship concluded in the contract of employment and on the workload of the employee.
- (2) If the amount of the workload changes in the course of the year, the rate of annual leave shall be calculated proportionally for particular periods of duration of employment relationship.
- (3) For the purpose of annual leave, the period missed due to the reasons listed below is considered as performance of work in the same calendar year up to twenty times the standard weekly working hours or the shorter weekly working hours:
  - Temporary incapacity to work
  - Quarantine
  - Parental leave taking
  - Other significant personal obstacles to work on the part of the employee, except for the obstacles specified in the relevant implementing regulation (current Government Decree No. 590/2006 Coll. (e.g. unpaid leave, 4<sup>th</sup> year of PL, nursing allowance for a person taking care of a family member – children over 10 years of age during the period when schools are closed)).
- (4) Application of the procedure specified in the preceding Paragraph is conditional on working at least twelve times the standard weekly working hours or twelve times the shorter weekly working hours.

#### **Article 6**

##### **Procedure for taking annual leave**

- (1) The taking of annual leave shall be determined by the employer in accordance with a written schedule of leave taking issued upon prior consent by the trade union body; when determining the period of annual leave, it is necessary to take into consideration operational reasons of the employer as well as legitimate interests of the employee. The employee shall be informed about the determined period of annual leave taking by the employer in writing at least 14 days in advance, unless agreed otherwise between them.
- (2) The employer may determine the time when the employee will take the annual leave even if such employee has not yet met the requirements for his/her annual leave entitlement upon conditions specified in the LC.
- (3) The annual leave to which the employee's entitlement had accrued before this Directive came into effect shall be taken in days and shall be taken preferentially; after this annual leave is taken, the employee shall take the annual leave to which his/her entitlement accrued after the effective date of this Directive, in hours.

- (4) The annual leave shall be taken in the amount of the duration of a shift, unless a shorter period has been agreed upon between the employer and the employee, however, no shorter than half of a shift.
- (5) The annual leave shall be taken in the year, in which the annual leave entitlement accrued, unless prevented by:
  - urgent operational reasons,
  - obstacles to work on the part of the employee.
- (6) In accordance with a written request submitted by the employee, the part of annual leave for the calendar year to which the entitlement accrued in the relevant calendar year may be carried over to the subsequent calendar year, and that in the amount which exceeds 6 weeks in case of academic staff and 4 weeks in case of other employees.
- (7) In the event that the employee has not taken all his/her annual leave in the relevant year, the employer shall determine the annual leave taking in such a manner as to enable the annual leave to be taken before the end of the subsequent calendar year at the latest, or after the obstacles to work are removed.
- (8) Where annual leave taking is not determined latest until 30 June of the subsequent calendar year, the employee is entitled to determine his/her annual leave taking.

#### **Article 7**

#### **Compensatory salary for leave taking**

- (1) An employee is entitled to compensatory salary in the amount of his/her average earnings for the time when he/she takes his/her leave.
- (2) Compensatory salary is always paid for the time when the employee takes his/her annual leave, i.e. for the number of hours of the annual leave taken.
- (3) An employee is entitled to compensatory salary for annual leave not taken (reimbursement of his/her outstanding annual leave) only on termination of his/her employment relationship.
- (4) If, consequently, the employee's entitlement to the annual leave already taken does not accrue (termination of employment in the course of the year, failure to perform work during a sufficient number of shifts, curtailment of annual leave) or if the employee loses his/her entitlement, an obligation to refund the compensatory salary paid to him/her arises for the employee, or, more precisely, the compensatory salary will be deducted from his/her salary one-sidedly.

#### **Article 8**

#### **Curtailment of annual leave**

The employer is entitled to reduce the annual leave entitlement only in case of unauthorized absence from work, and that as follows:

- The annual leave may be reduced by an hour for each hour of unauthorized absence, i.e. 1:1; unauthorized absence consisting in shorter parts of individual shifts may be added together.
- At the same time, the employee must be granted a minimum of 2 weeks of annual leave in the event that his/her employment relationship lasted for an entire calendar year.

**Article 9**  
**Leave taking in case of concurrent employment relations**

- (1) Rights and obligations shall be defined separately for each employment relationship.
- (2) The compensatory salary shall be reimbursed by means of average earnings ascertained in the given employment relationship.