

Appendix 3 Explanation and consequences Vacation-leave Research Centres

1 GENERAL

As of 1 January 2004 the format of vacation and working hours reduction as agreed in the Collective Labour Agreement for Research Institutes 2002-2003 is incorporated in one vacation-leave scheme in which vacation-leave and working hours reduction are combined to one leave claim: Vacation-leave. Thus the difference between vacation and working hours reduction expires. This has to comply with compelling legal regulations regarding vacation-leave.

- The amount of vacation-leave with full-time employment and a full-time working week (i.e., 40 hours) is 338 hours per annum and can, considering what is stated in the Collective Labour Agreement and especially this stipulation, be deployed flexibly and customized.
- Vacation-leave can be increased with age-hours as mentioned in article 5.1 of the Collective Labour Agreement.
- Annually, at least 130 hours of vacation-leave have to be deployed as vacation, considering what is stipulated in chapter 5 of the Collective Labour Agreement.

2 VARIANTS

Depending on the chosen variant an employee can annually deploy maximally 208 hours (increased with age-hours) flexibly and customized in the following variants.

a. The year-variant

Point of departure in this example is an actual number of working hours of maximum 40 hours per week, with a balance of 338 hours leave. In consultation with the employer an employee can take this vacation-leave throughout the year.

b. The week-variant

The point of departure is a permanent working hours reduction pattern each week, or a cluster of weeks. Depending on the chosen week-variant the employee should turn in vacation-leave. Look elsewhere in this appendix for calculations.

3 PROCEDURAL PROVISIONS

- The purpose can be chosen and used once a calendar year.
- The employee's request should nevertheless fit within the framework of the arrangements made with the employee organisations at the organisational level or with the Works Council.
- The employer can only deviate from the employee's request within the framework of the arrangement if there are pressing organizational reasons.
- Within the framework of this scheme, arrangements can be made on the application of the variants for certain groups/functions with the employee organization at the organizational level or with the local Works Council (this choice will be left up to the employer) on the basis of schedule and working hours arrangements with an eye to requirements of conduct of business (right of consent). At the Works Council level total exclusion of a variant is non-negotiable.
- The arrangements and the application of the variants at the WVOI level shall be annually reported to the trade unions in retrospect.
- If the employer is of mind to exclude a variant for an entire category of employees, this is then a subject that is up for discussion at the WVOI level.
- The choice of using vacation-leave for week or year variant must be made once a calendar year.

4 OTHER PROVISIONS

Inability to work

- If an employee is ill/unable to work on a scheduled leave-day, based on choices made for the week variant, these vacation-leave hours are settled in accordance with the leave balance. The build-up of vacation-leave based on the week variant is assumed to be ended 6 months after the start of the disability, in accordance with the build-up and use of leave according to article 5.6 Collective Labour Agreement.

Seniority scheme

- If an employee uses the SROI-2007 the age-hours are cancelled and he can no longer make use of the 60+ scheme from the moment he participates in the SROI-2007.

5. TRANSITIONAL PROVISION

1. Those employed on 31 December 2003 who can claim old rights to the working hours reduction scheme as valid before 1 August 1998 retain those rights. This especially concerns employees with the opportunity to change working hours reduction into fixed salary through an increase of employment percentage.
2. When the size of the employment changes for an employee participating in one of the transitional provisions he can no longer claim transitional provisions and the new vacation-leave scheme of 1 January 2004 also applies to him.

6. SAMPLE CALCULATIONS

Size employment/appointment size (in hours)	Full-time actual working week & pro rata (in hours)	Overall vacation-leave (in hours) excluding age-hours	Mandatory vacation (in hours)	Freely employable hours
38	40	338	130	208
34.2	36	304.2	117	187
30.4	32	270.4	104	166
19	20	169	65	104

Application week-variant: An employee who chooses an actual working week of 36 hours (each week 4 9-hour working days or alternates one week 4 8-hour days and the other week 5 8-hour days) and 38 hours of employment, should annually write off $52 \times 4 = 208$ hours (i.e., the difference between 36 and 40 hours) of his vacation-leave. On the other hand this employee only has to write off the actual hours he should work when he takes a week off (in this case 36 hours).

Principal rule for all calculations: For the benefit of a basic leave claim of 338 hours, the actual working time and the size of employment should always be conform the relation 40/38. When this is not the case, a correction will be made on the basic leave claim. The examples below clarify this principal rule.

Example 1

The employee has a formal employment/appointment size of 20 hours. Annual leave claim $\Rightarrow 20/38 \times 338 = 177.8$ hours, if he works $20/38 \times 40 = 21.05$ hours a week. So if this person has an actual working week of only 20 hours, a correction is applied and 52×1.05 hours are deducted from the 177.8. His vacation-leave claim is therefore 124 hours (123.2 is rounded up in full hours).

Example 2

The employee has a formal employment/appointment size of 19 hours.

Annual leave claim $\Rightarrow 19/38 \times 338 = 169$ hours, if he works $19/38 \times 40 = 20$ hours a week. If this person actually works 20 hours a week, his vacation-leave claim is 169 hours and there will be no correction.

Example 3

The employee has a formal employment/appointment size of 32 hours.

Annual leave claim $\Rightarrow 32/38 \times 338 = 284.6$ hours, if he works $32/38 \times 40 = 33.68$ hours a week. If this person has an actual working week of 32 hours, a correction is applied and 52×1.68 hours are deducted from the 284.6. His vacation-leave claim becomes 198 hours (197.24 is rounded up to full hours).

Example 4

The employee has a formal employment/appointment size of 30.4 hours.

Annual leave claim $\Rightarrow 30.4/38 \times 338 = 270.4$ hours, if he works $30.4/38 \times 40 = 32$ hours a week. If this person has an actual working week of 32 hours his vacation-leave claim is 271 hours (270.4 is rounded up to full hours).