

Appendix 5 RWO0 provisions 2.2 through 2.7, 15.2 and 15.3

ARTICLE 2.2

1. The appointment occurs in permanent or temporary employment.
2. A permanent appointment is generally preceded by a temporary appointment.
3. Those who are not Dutch can only be appointed if they have been granted residency on grounds of article 9. of the Aliens Act and the residence permit does not exclude the carrying out of paid employment or if they have been granted residency on grounds of article 1 of the Aliens Act.
4. No appointment shall take place in a function as meant in article 12.6, first paragraph, of persons who at the time that the age limit set for that function is reached, had no continuous term of service of at least five years, brought about in one or more such functions.
5. The fourth paragraph applies mutatis mutandis in case of placement of a staff member in a function as meant in that paragraph.

ARTICLE 2.3

1. Appointment in temporary employment may be for a fixed or an indefinite period of time. A part-time fixed-term appointment cannot occur for a certain term.
2. Appointment in temporary employment can only occur on a ground as specified in the third through eighth paragraph.
3. Appointment in temporary employment can occur for a trial period of 2 years at most, and if necessary to be extended in special cases at the request of the staff member by 1 year at most and if necessary by the time, during which the staff member has not spent the trial period in actual employment. If the staff member is appointed for another function in the same organization after dismissal from a trial period, the total duration of the trial periods cannot amount to more than 3 years.
4. Appointment in temporary employment for 2 years at most, whether or not extended at the request of the staff member by 1 year at the most, can take place:
 - a. For persons who do not yet fulfil the requirements for the appointment in permanent employment;
 - b. If a change in the duty of the involved organization's department is planned;
 - c. For the replacement of a staff member who due to temporary absence cannot fulfil his function either fully or in part;
 - d. For the temporary fulfilment of a vacant function;
 - e. Of persons, belonging to the category of work force, necessary in connection with fluctuations in the amount of the activities to be carried out.
5. Appointment in temporary employment of 5 years at the most, can take place as an academic researcher for the carrying out of specific academic research for specific places appointed by the Royal Netherlands Academy of Sciences. An appointment as meant in the first sentence is merely possible for persons who have obtained a doctorate degree at a university.
6. Appointment in temporary employment can take place:
 - a. For persons who will be charged with work of an apparently temporary nature, which also includes activities in the framework of a project in limited terms of time;
 - b. For persons who are employed for necessary adjustment of the workforce merely on grounds of temporarily available financial means;
 - c. For persons in part-time functions in relation to the fact that they hold a function elsewhere which is deemed essential to higher distance learning or university teaching and research expected of them;
 - d. For unpaid persons;
 - e. For persons who are employed as student in training for any profession or in connection with their further scientific or practical forming.

7. Appointment in temporary employment can furthermore take place in the cases meant in articles 12.3, 13.4, 13.10, 13.23, 14.7, 14.8, 15.7 and 16.19, as well as in the case, meant in article 9.24, fifth paragraph, of the Higher Education and Scientific Research Act.
8. The organization's management can determine rules restricting or extending the number of grounds for temporary appointment.

ARTICLE 2.4

1. As soon as the circumstance which led to an appointment in temporary employment on grounds of article 2.3, third, fourth or sixth paragraph, under sections a. or b., ceases to exist, a permanent employment shall be granted, unless this is objectionable for other reasons.
2. In the cases meant in the first paragraph, it is assumed in each case that the circumstance that led to temporary employment is no longer applicable, when the staff member has been employed for 5 years, in special cases to be extended by 1 year, without an interruption of more than 3 months by one of the following organizations:
 - a. An organization;
 - b. A special university specified under b in the appendix under the Higher Education and Scientific Research Act;
 - c. The University of Amsterdam;
 - d. A university hospital, meant in article 1.13 of the Act of higher education and scientific research, of which the last two years at least have been in the current organization. In these cases the staff member is granted a permanent employment.
3. In determining the years of service, meant in the second paragraph, the years of service spent in temporary employment on grounds of article 2.3, sixth paragraph, under sections c or d, 13.3, 13.4, 13.10, 13.23, 14.7, 14.8, 15.7 or 16.19 are not included, nor are the years of service spent in temporary employment on grounds of comparable provisions which apply to the personnel in the employment of a university or university hospital as meant in the second paragraph, under sections b., c. and d.

ARTICLE 2.5

1. In case of an appointment in temporary employment for a fixed period of time, the organization's management shall no later than 3 months prior to the end of that term notify the staff member that with the expiry of this term the appointment in pursuance of article 12.4, first paragraph will end by law or that the appointment in temporary employment will be extended by a specified term or will be changed into an appointment in temporary employment on the same or other grounds or in an appointment in permanent employment, notwithstanding article 2.4.
2. In case of an appointment in temporary employment for a fixed period of time which is different from a specified term or in case of an appointment in temporary employment for an indefinite period of time, the staff member who is not dismissed will be notified when the grounds for the appointment have been cancelled that the appointment in temporary employment will be changed on the same or other grounds or will be changed into an appointment in permanent employment, notwithstanding article 2.4.
3. In case of change in an appointment in temporary employment on the same or other grounds by virtue of the first or second paragraph, article 2.9, second paragraph, this is applicable mutatis mutandis.

ARTICLE 2.6

If after the expiration of a certain permanent term for which an appointment in temporary employment has taken place, the staff member, with the consent of the organization's management, continues his assigned activities, the appointment is changed into an appointment in temporary employment for an indefinite period of time as from the time that this term has lapsed.

ARTICLE 2.7

If a staff member is appointed in temporary employment on grounds of article 2.3, fifth or sixth paragraph, under a., b. or e., the organization's management shall investigate in case the appointment has occurred for a specified term, before the end of this term, and otherwise before this transpires in dismissal whether he can, within the scope of his authority, offer the staff member another function that is suitable to him in consideration of his personality and circumstances.

ARTICLE 15.2 NWO TEMPORARY APPOINTMENTS

- Paragraph 1 - Article 2.4, second paragraph, is not applicable to persons who will be charged with work of an apparently temporary nature as meant in article 2.3 sixth paragraph under a.
- Paragraph 2 - Article 2.7 does not apply to personnel meant in the first paragraph.

ARTICLE 15.3

The duration of the appointment of persons as meant in article 15.2 first paragraph, may not exceed the period of 5 years, if necessary in special cases to be extended by 8 years at the most.