

MU Faculty of Law Directive No. 2/2020

SCHEDULING AND RECORDING OF WORKING TIME AT THE FACULTY OF LAW OF MASARYK University

(as amended with effect from 1 January 2020)

Pursuant to Section 28(1) of Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Supplements to Other Acts (Act on Higher Education Institutions), as amended (hereinafter referred to as the "Act on Higher Education Institutions"), I issue this Directive:

Article 1 **Subject of modification**

(1) The Directive regulates the scheduling and recording of working time for employees of the Faculty of Law of Masaryk University (hereinafter referred to as the "Faculty") in accordance with Act No. 262/2006 Coll., the Labour Code, as amended (hereinafter referred to as the "Labour Code"), MU Directive No. 11/2013 Organisation of Working Time at Masaryk University effective from 1 July 2019 and the MU Collective Agreement.

(2) In accordance with Article 15(2) of the Charter of Fundamental Rights and Freedoms, academic employees shall, within the framework of the freedom of scientific research and artistic creation, exercise during working hours

- a) direct teaching activities,
- b) work related to direct teaching activities,
- c) scientific, research, development and innovation, artistic or other creative activities.

The nature of the work of academic staff, which is primarily based on their creative skills, justifies different rules for recording working time compared to non-academic staff.

Article 2 **Timetabling, breaks, rest periods, overtime**

(1) The operating hours at PrF workplaces are governed by the PrF Operating Regulations. The operating hours start at 6:30 a.m. and end at 8:00 p.m. on weekdays.

(2) The fixed weekly working time is 40 hours (section 79(1) of the Labour Code), shorter working hours, if agreed, are less than 40 hours per week (section 80 of the Labour Code).

(3) The working hours are spread over five working days on a single-shift basis. The working time shall be so arranged that the length of a shift does not exceed 12 hours per day, the rest period between the end of one shift and the beginning of the next shift is at least 11 hours and the employee has at least 35 hours of continuous rest per week. The period of continuous rest between two shifts shall, in the case of a business trip, be calculated from the time the employee returns from the business trip to his place of residence.

(4) If the employee performs work outside the workplace of the Faculty of Arts, he/she shall follow the working regime established for these workplaces.

(5) After a maximum of 6 hours of work, the employee shall take a meal and rest break (§ 88 of the Labour Code) of at least 30 minutes. This break is not counted as part of the working time and cannot be taken at the beginning and end of the working time. Employees with working hours of less than 5 hours per day shall not be granted a meal and rest break. For work activities where a break cannot be taken in its entirety, the break shall be divided so that at least one part of it is at least 15 minutes. The specific conditions for the provision of meal and rest breaks shall be determined by the relevant senior staff member for each workplace according to its operating conditions.

(6) Overtime work is not part of the shift schedule, it is exceptional, random work. Overtime work shall be ordered or agreed to by the employee's supervisor, who shall be responsible for its recording and for compliance with the overtime limits set out in the Labour Code . Compensatory time off shall be given in preference to overtime work if the operational conditions of the workplace so permit and it has been agreed with the employee, until the end of the calendar month after the overtime work has been performed or at an otherwise agreed time. The request/arrangement for overtime shall be made on the form set out in the Annex. Requests/arrangements for overtime shall be recorded by the Head of Department.

(7) The employer shall not take into account any work performed in excess of the fixed weekly working hours unless it is overtime work. It shall not be overtime if the employee works in excess of the fixed weekly working hours on leave granted by the employer at the employee's request.

(8) Night work is work performed between 10:00 p.m. and 6:00 a.m. (§ 94 of the Labour Code). Night work is generally prohibited at the Faculty.

(9) An employee performing work on the basis of an agreement on work performed outside the employment relationship (hereafter referred to as a FTE or FTE) shall not have his/her working hours scheduled by the employer. The work shall not exceed 12 hours per day (within 24 consecutive hours), even if the employment relationship and the FTE or FTE are concurrent. The employee must hand in a statement of work after the work has been carried out or at the end of the month in question to the head of the workplace, who shall sign to confirm the accuracy of the data; this does not apply in the case of short-term activities (e.g. one-off lectures, work experience), where the person responsible guarantees the performance of the task by signing.

Article 3 **Rules on the application of flexible working**

(1) The faculty has a flexible working time system which includes periods of basic and optional working time. The basic working hours are set from 9:00 a.m. to 3:00 p.m. on Mondays to Thursdays and from 9:00 a.m. to 2:00 p.m. on Fridays.

(2) In the case of flexible working time, the employee chooses the beginning and end of the working day within the specified time periods of the optional working time so that the length of the shift may not exceed 12 hours on each day (Art.85(3) of the Labour Code).

(3) The smooth operation of all workplaces, including the provision of office hours through staff cover, must be ensured when flexible working hours are applied.

(4) For employees with shorter working hours, the head of department shall establish an individual schedule in writing.

(5) The average weekly working time at the Faculty of Arts must be completed in the monthly compensation period (i.e. the relevant calendar month in which the working time is distributed).

(6) During the compensation period, the employee shall be obliged to work the entire working time.

(7) Obstacles to work on the part of the employee in the case of flexible working hours are assessed in accordance with §97 of the Labour Code.

(8) Flexible working hours shall not apply in particular to:
(a) business travel,
(b) the need to secure an urgent work assignment,

- c) in times of important personal obstacles on the employee's side (illness, sick leave, etc.),
- (d) where operational reasons prevent it.

For these cases, the working hours for a 40-hour week are 8:00 a.m. to 4:30 p.m. (including meal and rest breaks), unless otherwise specified in a particular case.

(9) If the circumstances of the work and the employee's workload so permit, it may be agreed with the employee, at his request and with the consent of his immediate superior, that he will schedule a certain part of his working time himself at a place he designates (working from home). In particular, homeworking cannot be used for direct teaching activities, consultancy activities, scheduled meetings and other activities requiring the employee's personal presence at the workplace. The rules set out in the MU Directive on the Organisation of Working Hours at Masaryk University apply to homeworking.

(10) Failure to keep working hours may be considered an unexcused absence with all legal consequences.

Article 4 Non-academic staff

(1) In the case of flexible working hours, the basic working hours for non-academic staff at the Faculty of Arts are from 9:00 a.m. to 3:00 p.m. on Mondays to Thursdays and from 9:00 a.m. to 2:00 p.m. on Fridays. During basic working hours, the employee is obliged to be at the workplace, with the exception of meal and rest breaks, which can be taken in the period from 11:00 a.m. to 2:00 p.m. Optional working hours shall start between 6:30 am and 9:00 am and end between 3:00 pm and 8:00 pm on Fridays.

(2) In justified cases, work may be performed outside the faculty building with the permission of the head of the department, who must be informed of the location of the employee. The employee may leave the workplace only with the consent of his/her supervisor.

(3) Exceptions for a workplace or for an individual from the established working time schedule shall be authorised by the Secretary on the basis of a written request from the employee and the opinion of the head of the workplace.

Article 5 Records of working time of non-academic staff

(1) The records of working time of non-academic staff are reported via the "Working Time Records" module in the INET information system, unless otherwise determined by the head of the department for operational or technical reasons with the consent of the Faculty Secretary. The supervisor is responsible for the accuracy, completeness and verifiability of the time records.

(2) The employee shall record in the register in particular:

- a) start and end of working hours
- b) a break for food and rest
- c) other records - obstacles at work, leaving/arriving from/at the workplace during working hours (medical appointments, work meetings, training, etc.), absence due to personal obstacles, interruptions in work, work errands, working from home, beginning and end of overtime
- d) absences due to holidays and business trips, unless these are generated from the INET records

(3) The employee is obliged to keep a daily record of working time - the employee shall mark the beginning and end of the time worked, the period of absence from the workplace including the reason (medical, sick leave, vacation, business trip, unpaid leave, compensatory leave, etc.). The visit to the doctor shall be documented by a certified pass, a decision on temporary incapacity for work or a certificate of treatment of a family member.

(4) In the case of multiple employment relationships, the employee shall keep separate records for each employment relationship.

(5) The supervisor of the senior employee shall check the time records and their compliance with the facts and approve the time records by the 3rd working day of the following month. He/she shall be responsible for the integrity of the records.

(6) Duly completed timesheets shall be archived by the Human Resources Department at the Dean's Office and special-purpose facilities for a period of 10 years; for wages paid from projects in accordance with the provider's rules.

(8) The heads of departments shall control the keeping of working time records at their departments. The control of all workplaces is carried out by the Secretary of the Faculty.

Article 6

Special rules for the organisation of working time of academic staff or other employees who carry out teaching, research and other creative activities

(1) The distribution of working time of academic staff or other employees who carry out teaching, research and other creative activities (hereinafter referred to as "academic staff") is based on the nature of their work; it is governed by special rules with regard to the specific context of their work, which are set out in the MU Directive on the Organisation of Working Time at Masaryk University.

(2) Academic staff members are obliged to work at the employer's workplace or at another agreed location during the time specified in the timetable when this results from the performance of their direct teaching activities (primarily teaching, testing and consulting activities).

(3) Other cases in which academic staff are obliged to perform work at the employer's workplace related to direct teaching activities (participation in meetings and training sessions, meetings of bodies of which academic staff are members, participation in conferences, cooperation with foreign visitors, activities of a representative and ceremonial nature, etc.) and related to the performance of other scientific, research, development, innovative and creative tasks are determined by the head of the workplace.

(4) The employer shall schedule academic staff into shifts only for the part of the specified weekly working time in which the activities referred to in subsections (2) and (3) are performed.

(5) With regard to the remainder of the working time of academic staff, the academic staff member shall be deemed to schedule it himself/herself and the possibility of working from home has been agreed, in which case a written agreement to work from home is not a requirement.

(6) In the context of the working time of academic staff, it is assumed that they have also worked working time in individual weeks to the extent that it is equal to the difference between the stipulated or agreed shorter working time and the time that MU has scheduled in accordance with section 70a(2) of the Act; however, this time is not subject to registration and so it does not have to be stated on which days and at what exact times academic staff have worked it.

(7) Project activity is generally an activity that MU does not schedule in accordance with section 70a(2) of the Act. In the case of special conditions for the recording or reporting of time worked required by the providers of specific projects, special rules for the recording of time worked on projects are set by the chief manager/project director in the case of university-wide projects, and by the head of the department in the case of other projects.

(8) Records of working time in the sense of subsections (2) and (3) shall be reported via the module "Records of Working Time" in the INET information system, unless, with the prior written consent of the dean of the faculty, the head of the department determines otherwise for operational or technical reasons.

(9) In the case of multiple employment relationships, the employee shall keep separate records for each employment relationship.

(10) The supervisor of the senior employee shall check the time records and their compliance with the facts and approve the time records by the 3rd working day of the following month. He/she shall be responsible for the accuracy, completeness and verifiability of the time records.

(11) Properly completed timesheets shall be filed regularly by the department secretary for a period of 10 years; for staff paid by projects in accordance with the rules of the provider.

Article 7 Final provisions

(1) I entrust the interpretation of the individual provisions of this Directive to the Personnel Department of the Faculty of Arts.

(2) I entrust the PrF Secretary with the continuous updating.

(3) Control of compliance with this Directive is exercised by the Secretary and the Personnel Department of the Faculty of Arts.

(4) This Directive shall enter into force on the date of its publication.

(5) This Directive shall enter into force on 1 January 2020.

In Brno on

Martin Škop, v. r.
Dean of PrF

Translated by deepl translator.

Annex 1 - Overtime Order Form

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Nařízení práce přesčas a dohodnutá přesčasová práce

Pracoviště	Jméno a příjmení zaměstnance			UČO
Dne	Od (hod)	Do (hod)	Celkem (hod)	Přesčasová práce
				nařízená (max. 8 hod.)
	x	x		dohodnutá (max. 4 hod.)
Celkem	x	x	0,00	x
Zdůvodnění práce přesčas:				
Vedoucí pracoviště	Jméno a příjmení		Datum	Podpis

Vykázaná přesčasová práce					
Dne	Přesčas (hod)				Poznámka
	Prac.den	So-Ne	Svátek	Celkem	
Žádám o proplacení příplatku za vykázané přesčasové hodiny, náhradní volno v rozsahu práce přesčas čerpat budu / nebudu ¹⁾ .					
Datum:			Podpis zaměstnance:		

Záznam o provedení předběžné řídicí kontroly u výdajů před vznikem závazku ve smyslu příslušných ustanovení zákona č. 320/2001 Sb., o finanční kontrole a vyhlášky č. 416/2004 Sb., kterou se zákon o finanční kontrole provádí:							
Zdroj financování	Zakázka	Podzakázka	Pracoviště	Činnost	Fak. účet	X	X

Vedoucí pracoviště **	Jméno a příjmení	Datum	Podpis

Děkan / tajemník ***	Jméno a příjmení	Datum	Podpis

Finanční kontrola podle	Datum	Podpis
Příkazce operace		
Správce rozpočtu		

Poznámka: Nevypíňovat, * pokud se shoduje s vedoucím pracoviště nebo příkazcem operace,
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Vyplnit *** děkan pro akademické pracovníky / tajemník pro neakademické pracovníky.