

RULES OF WORK AT THE INSTITUTE OF PHYSICAL CHEMISTRY PAS

set pursuant to Art. 104² § I of the Labour Code by an order of the Director of the Institute no. 3/06.... dated 23 February 2006, after consultation with Komisje Zakładowe NSZZ SOLIDARNOŚĆ [*Enterprise Commissions of "Solidarność" Independent Autonomous Trade Union*].

I. Introductory provisions

§ 1.

These Rules of Work establish organisation and order of work and rights and related obligations of the employer and employees.

§ 2

The Rules apply to all employees.

§ 3

1. The Institute comprises organisational units stipulated by the Institute's statutes.
2. Work of an organisational unit is supervised by its head who is responsible for the performance of tasks and proper work of the unit of which s/he is in charge.

§ 4

In order to be admitted to work, an employee must confirm with his/her signature that s/he has familiarised him/herself with the rules.

§ 5

Each time these rules refer to the employer, this should be understood as a reference to the Director of the Institute of Physical Chemistry PAS.

II. Employer's obligations

§ 6

The Institute is obliged, in particular:

- 1) to ensure that the employee is given work in accordance with the employment agreement concluded,
- 2) to familiarize an employee commencing work of his/her scope of duties, the manner in which the work is to be carried out at a given post and basic rights,
- 3) to ensure safe and hygienic conditions of work,
- 4) to pay remuneration properly and in due time,

- 5) to enable employees to improve their professional qualifications,
- 6) to satisfy, to the extent of the means available, employees' needs,
- 7) to assess employees and the results of their work,
- 8) to consult a trade union in the circumstances stipulated by the provisions of labour law,
- 9) to fulfil other obligations resulting from internal regulations and orders.

III. Employees' rights and obligations

§ 7.

An employee's basic obligations include:

- 1) carrying out work conscientiously and efficiently,
- 2) complying with the instructions of superiors in the scope provided for by the employment agreement,
- 3) complying with the hours of work prescribed,
- 4) complying with provisions and rules concerning health and safety in the work place and fire prevention,
- 5) caring for the good of the Institute and its property,
- 6) duly securing apparatus, tools and work premises at the end of work.

§ 8.

1. The employee may be delegated by the employer to work outside the Institute's seat for a time necessary to perform specific tasks relating to the Institute's activity. The reimbursement of costs of a business travel and costs relating to travel abroad is regulated by separate provisions.
2. The employees of the Institute may participate in foreign language classes in accordance with separate rules.

§ 9.

The employees shall comply with the following provisions prohibiting them from:

- 1) using apparatus and equipment not relating directly to their tasks;
- 2) report to work drunk or drink alcohol at the workplace;
- 3) smoking in closed premises except for separated places.

§ 10.

1. If the employment relationship terminates or expires, an employee must settle accounts with the Institute and obtain necessary entries in the clearance slip.

2. An employee transferred to another position must deliver the property entrusted to him/her to a person that will assume his/her duties or directly to the superior in the form of a protocol.

§ 11.

1. The primary duty of a researcher is research work.
2. In addition to the duties resulting from sec. 1, s/he must carry out organisational activities entrusted to him/her by a superior.
3. It is recommended that the Institute's researchers participate in the scientific life of academic establishments, in particular in educating young people and specialist staff and popularisation of physicochemical knowledge.
4. The researcher is entitled to apply for scholarships and get scientific trainings at other scientific establishments according to the rules in effect at the Polish Academy of Sciences.
5. Independent researchers should notify the head of the organisational unit on the intention to publish results of research conducted at the Institute upon sending them for printing at the latest.
6. Other employees should agree the intention to publish results of research conducted at the Institute or to publicise them in a different form with the head of the department, research group or grant.
7. A copy of the publication should be delivered to the secretary's office at the Institute as soon as possible.
8. The head of an organisational unit or the employer may restrict the right of publication of research results and information on conducting the research if the research results are of commercial nature, are supposed to result in obtaining a patent or are related to the performance of an order limiting the possibility to publicise the results of research.
9. The employer may grant to the researcher a paid or unpaid leave of absence due to health reasons, for scientific purposes or for professional training in accordance with the provisions of the Act on Higher Education.

IV. Hours o work

§ 12.

1. Hours of work:
 - 1) Researchers, qualified librarians, employees of library service, qualified scientific documentation officers, engineers and technicians, and administrative employees work 40 hours a week.
 - 2) Workers and service staff work 40 hours a week.
2. Particular groups of employees commence and end work as follows:

1) Employees of scientific departments: from: 8.00-9.00 a.m.
to: 4.00-5.00 p.m.

due to the necessity to conduct research it is admissible to adjust the working hours to current needs within a 40-hour working week;

2) Employees of the library: from: 7.30 – 8.00 a.m.
to: 3.30 – 4.00 p.m.

in the case of a duty lasting until 6 p.m. the hours of work are determined individually so as they do not exceed 40 hours a week.

3) Engineers and technicians and administrative employees of technical and economic divisions: from: 7.30- 8.30 a.m.
to: 3.30 – 4.30 p.m.

4) Employees of technical divisions: as specified for each position:
from: 7.00 – 8.00 a.m.
to: 3.00 - 4.00 p.m.

5) Working days and days off work as well as the hours of commencing and ending work at the post of janitor are specified in the work schedule.

3. If it is required by the Institute and if it is necessary for the purposes of current research works, the employer may instruct the employee to perform work beyond the agreed working hours, also at night or on a Sunday and holiday without the right to additional remuneration. For such work the employee is entitled to time off work as specified in the provisions of the Labour Code.
4. Due to the specific nature of the researchers' work, this group of employees shall have the time of work outside the Institute included in their working time.
5. The researcher agrees with his/her direct superior the necessity to work outside the Institute and the manner in which s/he may be contacted. This requirement does not apply to the heads of organizational units. The heads of organizational units inform their deputies of their absence in agreed hours.
6. The rules concerning the employee's absence resulting from business trips abroad are set by other provisions.
7. The employees whose working time is 40 hours a week on average in a one-month settlement period, have their work schedule established taking into account additional statutory holidays determined by the employer before a calendar year begins.
8. Hours of commencing and ending work for employees working on a part-time basis shall be determined individually.
9. Working time of youths, pregnant women and disabled shall be specified individually.
10. Working time of an employee performing work in a place other than specified in the employment agreement shall be settled on the basis of a business trip order.

11. For overtime work and work at night additional remuneration is due in the amount specified in the remuneration rules. These provisions shall not apply to the cases mentioned under item 3.

§ 13.

1. The employee arriving to work must confirm his/her arrival with his/her own signature on the attendance list.
2. Heads of organisational units are responsible for proper maintenance of the attendance list and control of the working time. The reasons of the employees' absence known in advance shall be noted on the attendance list (e.g. sickness, business trip, holiday, etc).
3. The Director of the Institute may release an employee from the obligation to sign the list if the nature of work performed by the employee and the scope of his/her duties justify such solution.
4. The employee present in a lab or a workshop between 9 p.m. and 7 a.m. must agree this with the head of the department or a team and notify a janitor on duty of his/her presence. This requirement does not apply to regular duties.
5. The materials and apparatus owned by the Institute may be taken out of the Institute only with the written consent of the employer or a person authorised by it.

V. Leaves and absence from work

§ 14.

1. The employee acquires the right to the first holiday leave after one month of work at 1/12 of the holiday entitlement the employee is entitled to after one year of work.
2. The annual holiday entitlement shall be:
 - 1) 36 working days for researchers
 - 2) for other employees:
 - 20 working days if the employee has been employed for less than 10 years
 - 26 working days if the employee has been employed for more 10 years
 - 3) The holiday entitlement of an employee working on a part-time basis shall be established in proportion to the working time of such employee. A not full day of leave shall be rounded up to a full day.
3. The employee may begin his/her holiday leave only upon a written consent of the employer (an authorised person) on a holiday form, except for cases referred to in sec. 6.
4. The employer must grant, at a later time, a part of a leave not used up due to temporary inability to work caused by sickness, isolation of the employee relating to contagious sickness, call-up for military manoeuvres or military training up to three months, maternity leave.

5. The employee is entitled to remuneration specified in Art. 172 of the Labour Code for the time of the leave.
6. The employer is obliged to grant an employee no more than four days of leave in each calendar year at the request of the employee and on the date specified by the employee. The employee notifies the employer of the request to grant leave on the date of starting the leave at the latest.

§ 15.

1. The employer may, at the employee's written request, grant to the employee an unpaid leave of absence in accordance with the provisions of the Labour Code.
2. The employer must release the employee from work or grant him/her unpaid leave of absence if such obligation results from the Labour Code, secondary legislation related to the Labour Code or other provisions of law (Ordinance of the Minister of Employment and Social Policy dated 15 May 1996. Journal of Laws No. 60, item 281; Ordinance of the Council of Ministers dated 11 June 1996. Journal of Laws No. 71, item 336).

§ 16.

1. An employee may be released from work for a time necessary to attend to important personal or family matters which must be settled during working hours – if such absence is necessary.
2. An employee shall be entitled to remuneration for the time of absence, referred to in sec. 1, if s/he makes up for his/her absence at another time, which work shall not be considered overtime.

§ 17.

The employer must release an employee from work for:

- 1) 2 days – in the case of the wedding of the employee, birth of the employee's child, death and funeral of the employee's spouse, father, mother, stepfather or stepmother;
- 2) 1 day – in the case of the wedding of the employee's child, death and funeral of siblings, mother- or father-in-law, a grandparent or other person who is a dependant of the employee or directly cared for by the employee.

§ 18.

Any employee who is bringing up at least one child of up to 14 years shall be entitled to two days leave of work during any calendar year, while retaining the right to remuneration.

VI. Health and safety at work and fire safety

§ 19.

Before they are admitted to work, the employees of the Institute must do initial training in the scope of safety and hygiene at work, and fire safety and familiarise themselves with laws and regulations in effect at the Institute regarding the post the employee is to hold.

§ 20.

The employer must:

- 1) ensure that the employee is timely notified of current provisions and rules of health and safety at work, and fire safety provisions and organise trainings in this scope from time to time in accordance with the applicable provisions of law;
- 2) provide to the employees, free of charge, protective clothing, working shoes, means of individual protection at the posts which require this; if the employees' own clothing and shoes may be used, an employee is entitled to a cash equivalent in the amount specified by the employer;
- 3) ensure that employees working under difficult thermal conditions receive mineral water, free of charge;
- 4) refer employees to periodic medical examinations;
- 5) appoint the Work Safety and Hygiene Commission under Art. 237 of the Labour Code.

§ 21.

1. If working conditions do not comply with the provisions of health and safety at work and pose direct threat to the employees' health or life or if the work carried out by the employee poses such threat to other people, the employee has a right to refrain from performing work, notifying his/her superior immediately.
2. If refraining from performing work does not remove the threat, referred to in sec. 1, the employee may walk away from the place of risk, notifying his/her superior immediately.
3. The employee retains the right to remuneration for the time of refraining from work or walking away from the place of risk in the cases referred to in sec. 1 and 2.

VII. Protection of women and youths

§ 22.

1. Employing women is subject to restrictions provided for in the schedule to the Ordinance of the Council of Ministers of 10 September 1996 on the List of Work Women Are Prohibited from Carrying Out (Journal of Laws No. 114, item 545) and Art. 176-189 of the Labour Code.
2. Employing youths is subject to restrictions provided for in the list of work youths are prohibited to carry out, set in the schedule to the Ordinance of the Council of Ministers of 1 December 1990 (Journal of Laws No. 85, item 500, as amended) and the general rules of employing youths specified in Art. 190-193 of the Labour Code.

VIII. Payment of remuneration

§ 23.

1. Remuneration for work performed shall be paid in arrears. The payment is made at the Institute's cashier's office on the following dates:
 - a) payment of remuneration and sick benefits – on each last day of month
 - b) payment of additional elements of remuneration or employees paid per hour of work and employees who worked overtime – on 10th day of each subsequent month.

If the date of payment is a holiday, the remuneration is paid on the preceding day.

2. Remuneration is paid to the employee personally or to persons authorised by the employee or the employee's spouse if the employee cannot collect his/her remuneration personally due to a temporary obstacle and has not objected in writing to the payment being made to the spouse.
3. At the employee's request his/her remuneration may be paid into his/her bank account.
4. Remuneration and additional payments for overtime work shall be paid no later than within one month from the end of the settlement period.
5. Remuneration shall be subject to the following deductions:
 - a) amounts enforced under execution titles for the payment of alimonies and child maintenance,
 - b) amounts enforceable under execution titles to cover due payments other than alimonies and child maintenance,
 - c) cash advances granted to the employee,
 - d) pecuniary penalties stipulated in Art. 108 of the Labour Code,
 - e) other due amounts to the deduction of which the employee has consented.

IX. Awards and distinctions

§ 24.

1. The employer may, upon consultation with the company trade union representing the employees, grant to the employees who fulfil their obligations exemplarily, show initiative at work and have special achievements and results at work
 - a) pecuniary award
 - b) written commendation
 - c) recognition award.
2. Excerpt of the notice on granting the award or distinction shall be attached to the employee's personal file.

§ 25.

After many years' work the Institute's employees are entitled to jubilee awards after 20, 25, 30, 35, 40 and 45 years in the amounts and on the terms specified in separate provisions.

X. Discipline at work

§ 26.

Absence from work on a part or a whole day of work, without prior leave granted by the employer (a person authorised by the employer) is excused only by serious reasons, in particular:

- 1) accident or sickness rendering the employee unable to work or isolation of the employee relating to contagious sickness,
- 2) accident or sickness of a member of the employee's family, requiring that the employee personally look after the sick person,
- 3) circumstances requiring that the employee personally look after a child up to the age of 8,
- 4) extraordinary circumstances making it impossible for the employee to arrive at work on time,
- 5) rest after a business trip at night, to the extent not exceeding 8 hours from the end of a trip in conditions preventing rest at night.

§ 27.

1. The employee should notify his/her superior in advance if s/he is unable to come to work for a reason known in advance.
2. An employee is obliged to excuse his/her absence from work or late arrival.
3. If the employee does not arrive at work, s/he must notify the Institute of the reason of his/her absence and its anticipated length on the first day of absence, no later, however, than on the following day, personally or through other persons or by post. In the case of notification by post, the date on the post stamp shall be deemed to be the notification day.
4. In the case of absence from work caused by:
 1. inability to work resulting from the employee's sickness or his/her isolation relating to contagious sickness,
 2. sickness of a member of the employee's family, requiring that the employee personally look after the sick person,

the employee must excuse his/her absence by delivering to his/her superior a medical certificate no later than seven days from the day of its receipt.

§ 28.

In relation to the employee who breaches employee's basic duties, and in particular:

- 1) arrives late at work or abandons his/her workplace without permission and excuse,
- 2) arrives at work drunk,
- 3) drinks alcohol at work,
- 4) does not follow his/her superiors' instructions,
- 5) behaves offensively or disrespectfully towards his/her superiors and colleagues,

the following penalties may be imposed:

- a) admonition,
- b) serious reprimand,
- c) pecuniary penalty,
- d) dismissal on disciplinary grounds in the event of a blatant breach of the employee's duties,

§ 29.

The penalty may not be imposed after more than two weeks after the employer has become aware of the breach of the employee's duties and after more than three months of such a breach.

1. A penalty may be imposed only after the employee has been given a hearing.
2. The employer imposes penalties and notifies the employee of this in writing. A copy of the notice shall be attached to the employee's personal file.

§ 30.

1. If a penalty has been imposed in violation of law, the employee may lodge an objection within seven days of the date s/he is notified of the imposition of penalty.
2. Penalties provided for in § 28 pt. 5 a-b shall be deemed to be of no effect after a year of blameless work.