



RECTOR'S DIRECTIVE

Designation:

PR/TUKE/15/21

Serial no.:

MEASURES RELATED TO THE PERFORMANCE OF WORK AT THE TECHNICAL UNIVERSITY OF KOŠICE FROM 29 NOVEMBER 2021 UNTIL FURTHER NOTICE - RESTRICTED WORK SCHEDULE

Overview of the amendments made to this document:

Number	Date	Overview of amended provisions, sections
no. 1	12/10/2021	title page, pp. 2 - 6

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Date:	Date:	Date:	Date of publication:
Signature:	Signature:	Signature:	11/26/2021

RECTOR'S DIRECTIVE no. 15/2021**MEASURES RELATED TO THE PERFORMANCE OF WORK AT THE TECHNICAL UNIVERSITY OF KOŠICE
FROM 29 NOVEMBER 2021 UNTIL FURTHER NOTICE - RESTRICTED WORK SCHEDULE****I.****Basic Provisions**

1. Due to the persistence of the emergency situation in the territory of the Slovak Republic declared by the Government of the Slovak Republic by the Resolution of the Government of the Slovak Republic no. 111 from 11 March 2020, and the COVID-19 pandemic declared on 11 March 2020, by the Director General of the World Health Organization, measures have been taken in the Slovak Republic to protect health from COVID-19 disease caused by coronavirus.
2. Based on the Constitutional Act no. 227/2002 Coll. on State Security at the Time of War, State of War, State of Emergency and State of Crisis, the Government of the Slovak Republic declared a 90-day state of crisis connected with the restriction of freedom of movement and residence with a curfew (with exactly specified exceptions) from 25 November 2021 **at the latest by 09 January 2022**.
3. **Based on the Resolution of the Government of the Slovak Republic no. 735 from 08 December 2021, published in the Collection of Laws of the Slovak Republic under no. 465/2021 Coll.,** the Recommendations of the Task Force of the Technical University of Košice (hereinafter referred to as "TUKE") and in accordance with Act no. 131/2002 Coll. on Higher Education and on Changes and Supplements to Certain Acts, as amended, Act no. 124/2006 Coll. on Occupational Safety and Health, as amended, Section 52 of Act no. 355/2007 Coll. on Protection, Support and Development of Public Health and on Changes and Supplements to Certain Acts, as amended, and Act no. 311/2001 Coll. Labour Code as amended (hereinafter referred to as "LC"):

PART 1**Restricted work schedule****I.**

1. With effect from 24 November 2021, the Rector of TUKE ordered the performance of work from home with the obligation to ensure the necessary operation of TUKE workplaces.
2. In order to clarify the rules of the restricted work schedule from 29 November 2021 **until further notice**:

II.**I order:**

1. **To all TUKE employees, in the period from 10 December 2021 to 31 December 2021, take the leave for the year 2021 according to Article 3 of Rector's Directive no. 07/2021 "Take the leave in 2021 at the Technical University of Košice".**
2. **To TUKE employees who have already taken their recovery leave for the year 2021 and the type of their work allows it to perform work from home according to Article 250b (2a) of LC (also referred to as "home office") under the following conditions:**
 - a) they stay at a place agreed with their superior,
 - b) they perform work which results from their job description, and which may also be assigned to them by e-mail or telephone,
 - c) they are available to the employer via e-mail and telephone communication,
 - d) if the employer needs it, they are obliged to come to the workplace,
 - e) at the request of the superior, they are obliged to submit a "Work Activities Survey" according to the form in Annex no. 1 of this Directive.

During performance of work from home, employees are entitled to a functional salary.

3. To employees whose type of work does not allow them to perform work from home and who will not perform work within the workplace according to Part 1, Art. III. of this Directive, wage compensation will be provided in the amount of 80% of their average earnings, but at least in the amount of the minimum wage, as due to the restriction of TUKE's activities it is an obstacle to work on the part of the employer according to Article 250b (8) of LC.
4. In special cases (at the proposal of the head of the department and with the consent of the Rector of TUKE), in agreement with Grassroots Organisation of the Trade Union of Workers in Education and Science of Slovakia (hereinafter referred to as "ZO OZ PŠaV TUKE"), employees according to the previous point (i.e. employees who are not allowed to perform work from home) may be provided with wage compensation in the amount of 60% of average earnings.

III.

I assign:

1. To the deans of faculties, heads of departments and departments with schoolwide competence, the director of Student Dormitories and Canteens (hereinafter referred to as "ŠDaJ"), the head of organisational unit at the TUKE Rectorate to determine the minimum number of non-teaching and non-research / non-artistic employees (hereinafter referred to as "THZ and R") at individual workplaces so as to ensure the necessary operation of the workplace while abiding by all hygiene and safety measures (so-called "workplace service") and conditions set out in Part 2 of this Directive.

Responsible: head employee according to the text

Deadline: immediately

2. To THZ and R, who will perform the workplace service, to record their arrival and departure electronically, respectively in attendance books. During performance of work from home, employees are entitled to a functional salary.

Responsible: head employee according to the text

Deadline: **until further notice**

3. Prepare a Confirmation of the need to perform work at the workplace (form in Annex No. 2 of this Directive) for employees of THZ and R who will perform workplace service, in order to prove an exception to the curfew pursuant to the valid Government Resolution No. 695 from 24 November 2021.

Responsible:

for faculties: dean, head employees charged by him

for ŠDaJ: the director of ŠDaJ, head employees charged by him

for the Rectorate: the Bursar, head employees charged by him

Deadline: according to the work shift schedule **until further notice**

4. To the Head of the Economic Governance and Energy Department of the TUKE Rectorate (hereinafter referred to as "OHSE R TUKE"), to ensure the emergency operation of the university's facilities, including winter maintenance.

Responsible: head of the OHSE R TUKE

Deadline: **until further notice**

5. During the restricted work schedule, the OHSE R TUKE shall ensure the mandatory registration of foreign persons and the OTP (vaccinated, tested, overcome) regime control of these persons entering the TUKE buildings.

Responsible: head of the OHSE R TUKE
Deadline: from 29 November 2021 **until further notice**

6. If employees who are to work according to the work shift schedule do not get into employment without proper justification and proof of the relevant document, it will be considered a breach of work discipline.

IV.

Providing teaching, research and artistic activities

1. Education at TUKE is carried out by the distance method.
2. University teachers, researchers and artists perform work in the regime specified in Part 1, Art. II. of this Directive.
3. The deans of faculties, heads of workplaces and departments with schoolwide competence may determine the performance of work at the workplace for specific pedagogical, research and artistic staff in order to ensure the necessary work and continuity of solving scientific research tasks and projects under the conditions specified in Part 1, Art. III. of this Directive and under the conditions set out in Part 2 of this Directive.

V.

Food

1. Every employee who performs work for more than four hours as part of a work shift is entitled to food. An employee who performs work from home according to Article 250b (2) of the LC is entitled to food as well. The employer, through the ŠDaJ, in compliance with hygienic and anti-epidemiological measures, provides food on the basis of an order via <http://jedalen.tuke.sk/> (currently the issue of packaged food).
2. The provision of meals for an employee who performs work from home and for serious reasons cannot order and take over meals in ŠDaJ will be the subject of a special agreement between the TUKE management and ZO OZ PŠaV TUKE.
3. To employees who do not work due to obstacles to work on the part of the employer according to Art. II., Points **3 and 4** of this Directive, the right to food does not arise.

VI.

Accommodation

1. Accommodated students (foreign and Slovak) in the premises of TUKE student dormitories in Košice and Prešov are obliged to comply with the OTP regime, i. e. they must:
 - a) be fully vaccinated, or
 - b) overcame COVID-19 in no more than 180 days ago,
 - c) be tested and able to demonstrate a negative test result (e. g. PCR test, antigen test, etc.) not older than 7 days after taking.
2. Students will make payments for the provided accommodation in the months 12/2021 and 01/2022 in the amount of 30% of the agreed monthly payment in an extraordinary deadline by 15 December 2021. In the event of a delay in payment by 15 December 2021, the provisions on penalties for delays agreed in the accommodation contracts are valid.
3. Students who are interested in the reduced accommodation fee mentioned in the previous point are obliged to inform the relevant accommodation department by e-mail by 03 December 2021 (exclusively by e-mail to the clerk of this accommodation department). During the period when they will pay a reduced accommodation fee, they must not stay in the student dormitory.
4. Students who are interested in continuing accommodation in student dormitory without using a reduced payment will make a payment according to the regulations for 11/2021 to 02/2022 of the valid accommodation contract.

5. All current information related to the accommodation of students at student dormitory TUKE in Košice and Prešov will be updated on the ŠDaJ TUKE website.
6. The provisions of the current Decree of the Public Health Authority of the Slovak Republic (hereinafter referred to as "ÚVZ SR") apply to accommodation in the TUKE facility in Herľany.

PART 2

Conditions for performing work at workplaces from 29 November 2021 until further notice

1. TUKE employees who perform work at TUKE workplaces are obliged to comply with the condition of the OTP regime, i. e. they must:
 - a) be fully vaccinated, or
 - b) overcame COVID-19 in no more than 180 days ago,
 - c) be tested and able to demonstrate a negative test for COVID-19 (e. g. PCR test, antigen test, etc.) not older than 7 days after taking.
2. **Heads of departments or the employees charged by them are obliged according to the valid Decree of the ÚVZ SR (currently according to Article 2 of the Decree of the ÚVZ SR no. 264/2021 of the Government Gazette), carry out regular inspections of employees so that the condition of the employee entering the workplace only in the OTP regime is met.**
3. Authorized employees for the purposes of control according to this Directive will be appointed by the TUKE Bursar at the Rectorate and schoolwide departments and workplaces, and the relevant dean at the faculties. Only a minimum number of employees determined in writing may process personal data in accordance with the GDPR and in accordance with this Directive. Designated employees (authorized persons) then undergo training and the responsible person from TUKE will prepare instructions for them for the purposes of this Directive in accordance with Section 29 and Section 32 (4) of the GDPR. **This provision also applies in the event of the change of authorized employees.**
4. Employees who meet the OTP condition prove when inspected by the employer:
 - a) fully vaccinated - by digital or "paper" COVID pass,
 - b) overcome COVID-19 disease no more than 180 days ago - a positive PCR test,
 - c) tested - a negative COVID-19 test result (e. g. PCR test, antigen test, etc.) not older than 7 days after taking.
5. **Details on the terms and possibilities of testing employees who do not meet the OTP regime condition are given in the Bursar's Methodical Instruction no. 01/2021 „Measures for the implementation of the Rector's Directive no. 15/2021 and measures related to self-testing of TUKE employees until 31 December 2021“.**
6. The Dean of the Faculty of Manufacturing Technologies is responsible for providing testing at this Faculty with a seat in Prešov.
7. According to Article 250b (6) of LC, if the employee does not submit the relevant document mentioned in the previous point according to the current state of crisis, he/she refused the possibility of free testing offered by the employer and the employer therefore did not allow him to enter the workplace and perform work, this is an obstacle on the part of the employee without compensation.

PART 3

Specific and Final Provisions

I.

Specific Provisions

1. I ask all TUKE employees to adhere to all epidemiological measures.
2. Employees who are subject to a quarantine or isolation obligation are obliged to report this fact to the direct superior manager, the relevant personnel department and the BOZPaPO Department of the TUKE Rectorate.

3. Due to the new and sensitive processing of personal data in the control of compliance with the OTP regime of employees when entering the workplace and other premises of TUKE, TUKE is obliged in this collection of personal data from the persons concerned pursuant to Art. 13 of the GDPR to inform its employees (data subjects) about the processing of their personal data and provides them with mandatory information concerning the processing. Information obligation is Annex no. 3 of this Directive.

II.

Final Provisions

1. All TUKE employees are obliged to acquaint themselves with this Rector's Directive and to observe its provisions.
2. This Rector's Directive will be published on the TUKE website, as well as in the "TUKE Legislation" and "Study" sections.
3. All TUKE employees are obliged to monitor and comply with the valid so-called COVID automat, currently issued resolutions and other measures of the Government of the Slovak Republic, relevant ministries, the Public Health Authority of the Slovak Republic and other bodies in the battle against coronavirus.
4. This Directive shall enter into force on the day of its issuance and shall take effect on 29 November 2021.
5. **Changes concerning the conditions of performing work at TUKE workplaces in connection with compliance with the OTP regime and self-testing may also be notified to employees by bulk e-mail.**
6. **Amendment no. 1 to this Directive shall take effect on 10 December 2021.**