

Age-aware human resources policy

> Elaboration of Section 7 of the 2014-2015 CLA for Secondary
Education

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1 Introduction

Certain aspects of the new collective labour agreement for the secondary education sector require further elaboration. In mutual consultation and agreement, the school management board, the Executive Board and the GMR wish to develop flanking HR policies in order to give effect to a transition plan amongst other things, in the event that resources are freed up as a result of amendments to the Act on Classroom Time (*Wet op de onderwijstijd*). In accordance with the Collective Labour Agreement for Secondary Education, this transition plan will also look at the subject of pressure at work, since any additional resources could be used to address factors that influence work pressure. A more favourable perception with regard to pressure at work, which can be achieved by increasing freedom to arrange one's own work amongst other things, contributes to the sustainable employability of our employees.

The implementation of the individual entitlement to a personal budget of 50 hours in the context of the age-aware HR policy (chapter 7)¹ can be also be considered to be part of that transition plan. This policy places emphasis on improving the sustainable employment of employees in the secondary education sector, as indeed was the case for the Secondary Education Sector Plan that was submitted by a number of school boards and that was adopted by Minister Asscher in November 2014. We wish to conclude some agreements with the GMR on the rules regarding the use of this personal budget of 50 hours, which agreements have been set out in these regulations.

The relevant quotes from the Collective Labour Agreement have been included in textboxes.

¹ A reference will be included in brackets to the article in the 2014-2015 Collective Labour Agreement for Secondary Education that deals with the subject at hand.

2 Personal Budget

The personal budget of 50 hours is an individual entitlement within the scope of the age-aware human resource policy. Circumstances may vary from person to person and between the different phases in life. The Collective Labour Agreement restricts the options for using the personal budget to four purposes. This restriction has been introduced in order to limit the administrative burden as much as possible. An evaluation of these regulations will be carried out after one year. The personal budget is allocated on a pro rata basis, according to the number of hours worked, with full-time employees being entitled to 50 hours.

Each school year, an employee is free to choose anew how they wish to spend their personal budget. The employee's choice with regard to the personal budget must be communicated using the option form by 1 May, ahead of the new school year. In other words, the choice is recorded in writing.

2.1 Target group

These regulations will be applicable to all personnel appointed by the competent authority. The personal budget is determined by the whole time equivalent on 1 August and is maximised at 1.0 FTE. All leave taken by the reference date, with the exception of sickness leave and maternity leave, is deducted from the whole time equivalent used to calculate the personal budget.

In respect of employees joining the organisation after 1 August, the whole time equivalent on the start date will apply and the personal budget will be calculated on a pro rata basis for the remaining part of the year.

7.1. paragraph 2(a) The personal budget shall also apply during the first twelve months of the contracts of employees hired to cover sickness absence. The purposes for using the time as described in the articles pertaining to the options are, however, excluded. Instead, the entitlement to these hours is implemented by increasing the hourly wage by a factor 1.03.
 b. Teaching staff starting out in the profession who enjoy a reduction in their teaching hours of 20% in the first year and 10% in the second year, are excluded from the provisions outlined in paragraph 1.

In addition to paragraph 2(a), the following shall apply in respect of replacements:
 Employees engaged on a temporary employment contract to provide cover for sickness leave and other situations such as maternity leave, parental leave and extended extraordinary leave may only take the hours in the form of an increase of the hourly wage by a factor 1.03. Once the first 12 months of the employment contract have passed, replacements will not be able to avail themselves of the other purposes designated under these regulations either.

3 Options

When deciding how to use the personal budget four options are generally available:

1. Adaptation of workload
2. Leave
3. Payout (exclusively for employees up to scale 8)
4. Capitalisation for the purposes of increasing the pension pot² or child care

3.1 Adjustment of workload

The main purpose of these regulations is to create a possibility to adapt the workload. Various studies on the subject of job satisfaction have shown that a greater degree of freedom to make one's own arrangements can reduce the perceived pressure in the workplace. The personal budget can be used to reduce tasks or classroom time.

7.2 paragraph 1(a). Teachers are entitled to use the basic budget as they deem fit in order to adjust their workload, either by reducing their teaching activities or by reducing other tasks. Use of the basic budget does not result in a reduction in the annual work activities, which teachers must account for.

7.2 paragraph 1(b). In cases where the school has designated that one lesson will last 50 minutes, teachers on a full-time contract who opt for a reduction in their teaching activities shall be entitled to reduce these by one hour of teaching per week, or the equivalent.

Use of the personal budget in order to adapt tasks does not give rise to a reduction of the defined annual work activities; it is however expected to reduce the mental task load.

3.2 Leave

The personal budget may also be taken as leave in order to promote sustainable employability. This leave will be granted as a casual day-off, consecutive leave or a combination of both, following approval by the line manager. Leave is granted on the condition that no disruption occurs to the primary process. The school management is at liberty to deviate from this rule, if this is deemed to be in the interest of sustainable employability.

² At the end of 2014, it was announced that the decision of the General Pension Fund for Public Employees (ABP) in respect of the fiscal space in relation to any extra pension rights is not expected before 1 June. As a result, it may not be possible to honour this option. In this case, it will be reviewed in consultation with the employee which other option might be suitable.

7.2 paragraph 2(a). Employees are entitled to use their basic budget in the form of leave if this is in the interest of sustainable employability.

b. Employees are entitled to save their annual basic budget for a maximum of four years. The following rules apply in this regard:

- i. The value of an hour saved is equal to an hour of leave taken (time in lieu).
- ii. Leave from the first year that has not been taken will lapse after five years. In the second year of sickness absence, the personal budget is accrued over the last six months of the sickness absence.

3.2.1 Additional rules in respect of leave

1. *Leave coinciding with school holidays:* Consecutive leave cannot be taken immediately prior to or after the summer holidays, as laid down in the Act on Classroom Time. A decision may be made in consultation with the line manager to deviate from this rule with regard to other school holidays, provided no disruption occurs to the primary process.

2. *Requesting consecutive leave:* Consecutive leave must be requested at least 3 months prior to the start date of the leave.

3. *Balancing the interests of the individual and the organisation:* Leave will in principle be granted unless compelling interests of the organisation dictate otherwise. Organisational interests will in any case include formative and organisational possibilities. The employee's immediate superior will inform the employee in writing of the decision on whether to grant leave within two weeks of the request, stating the reasons. If the request for leave is rejected, the employee may lodge an objection with the next line manager in the hierarchical structure, who will be required to assess the reasonableness of the request and issue a ruling (preferably in writing). In accordance with article 7.2 paragraph 9(b) of the Collective Labour Agreement for Secondary Education, the leave will commence no later than on the first day of the school year following the date on which the employee wishes to avail him or herself of the scheme.

4. *Planning of leave:* The school management may indicate a period during which employees (within a specific job group) will not be able to use their personal budget in order to take leave. Such a period must be indicated in good time. This decision will require the approval of the staff section of the MR.

3.2.2 Saving up leave

1. *Maximum number of hours*

Employees will be offered the opportunity to save a maximum of 200 hours (4 years' budget) instead of taking this time in the form of leave each year. When leave is being saved, it is important that effective agreements are made on when the leave balance will be taken. If the interests of the organisation so dictate, the leave may commence later than the date

requested by the employee. If a number of teachers were to decide that they wish to take their saved leave in the same months, this could put the quality of teaching at serious risk. This risk can be mitigated by developing adequate multi-annual plans and through a mutual understanding of what will and will not be possible.

2. *Expiry of saved leave:* The saved balance will lapse five years after saving commenced. In other words, the balance from the first year must be taken within five years and any saved leave not taken after the fifth year will lapse (CLA for Secondary Education, art. 7.2 par. 2 (biii)).

3. *Interruption in the saving of leave due to unforeseen circumstances:* Following consultation, the employer and the employee may decide that the saving of leave will be interrupted for a maximum of one year as a result of unforeseen circumstances, e.g. due to illness or pregnancy, without the maximum saving period being affected. When the saving of leaves resumes following this interruption, the same conditions pursuant to these regulations shall apply. A request to interrupt the saving period must be submitted in writing to the immediate superior of the employee.

4. *Termination:* Where the employment is terminated at the initiative of the employer, the leave balance will be paid out. Where the employment is terminated at the initiative of the employee, the employee will be able to take the leave prior to his or her departure.

5. *Supplementary leave entitlement:* employees aged 57 years and over will be granted a supplementary leave entitlement of a maximum of 120 hours per year, for which the employee is required to make a contribution to the costs. The employee will not acquire this additional leave entitlement until one month after he or she reaches the age of 57. The conditions linked to this option are described in article 7.2 'Options', paragraphs 3 to 13 of the CLA for Secondary Education.

6. *Transitional arrangements in relation to the BAPO scheme (to promote labour force participation of older teachers):* transitional arrangements have been put in place with regard to employees who currently make use of the BAPO scheme or will qualify for this scheme as of 1 July 2014. These employees will be able to make use of these arrangements during a period of five years, in accordance with the conditions laid down in Article 7.4 'Transitional arrangements' of the CLA for Secondary Education. Employees who avail themselves of the BAPO scheme can no longer qualify for the BAPO transitional arrangements, once they have chosen to make use of the individual budget containing options.

7. *Displacement effect:* When the option to save leave is granted, this shall in no way, whether directly or otherwise, create a right to payments under the Transfer of Undertakings Act (*Wet Overgang van Ondernemingen, WOVO*).

8. *Balancing the interests of the individual and the organisation:* Please refer to section 3.2.1 paragraph 3 in these regulations.

3.3 Payout

Employees up to scale 8 may choose to have their personal budget paid out. The personal budget will be paid out in July in accordance with the following formula: 50 x the hourly rate associated with the pay scale (1/138 of the gross monthly salary). This budget can be paid out on completion of the "*Aanvraag uitbetalen basisbudget levensfasebewust personeelsbeleid VO*" [Request to pay out the basic budget according to the age-aware HR policy in the secondary education policy] form, which can be accessed on the Dyade website or by clicking [here](#).

Employees will not be able to split the budget between different options. This means that it is not possible to take 50% of the budget in the form of leave and have the other 50% paid out.

3.4 Capitalisation

It is possible to capitalise time off in connection with two purposes: Having leave paid out in order to increase pension rights³ or as a contribution towards the costs of childcare.

a) Pension

ABP ExtraPensioen enables employees to save for the purpose of increasing their ABP pension. Although the return on private pension savings are currently minimal, the ABP provides a guarantee that the proceeds will never be less than the amounts paid in.

Employees can use mijnabp.nl to check how much fiscal space they have available. If sufficient fiscal scope is available, the employee should fill in his or her personal details on the form made available for this purpose (at mijnabp.nl)⁴. The employee will use this form to indicate that a payment will be made to the ABP Extrapensioen fund. The payment amount will be determined using the formula: 50 x the whole time equivalent x 1/138 of the gross monthly salary. Through payroll, the personal budget will be paid into the ABP Extrapensioen fund on behalf of the employee, after he or she has submitted the "*Aanvraag uitbetalen basisbudget levensfasebewust personeelsbeleid VO*" form, which can be accessed on the Dyade website or by clicking [here](#).

b) Child care

In order to qualify for a contribution, the employee must submit proof of registration with a children's day care centre. In addition, Esprit Scholen requires documentary evidence of the actual payments made.

The payment will be determined using the formula: 50 x whole time equivalent x 1/138 of the gross monthly salary. The payment will be made through payroll after the employee has submitted the "*Aanvraag uitbetalen basisbudget levensfasebewust*

³ See also footnote 2 on page 5 of 10.

⁴ More information is available at: <http://www.abp.nl/over-pensioen/soorten-pensioen/extrapensioen/>

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