

ახალი უმაღლესი სწავლებელი



NEW HIGHER EDUCATION INSTITUTE

It is Approved

“-----” “-----” 20 ----year

**Internal Regulation**

## **Article 1. General Provisions**

- 1.1 In the internal regulation of New Higher Education Institute (next – “Institute”) there are determined the terms of employment – duration of working hours, breaks, vacation; types of encouragement and liabilities, rules of discussing the disputes and the other rules that are necessary to be followed by the employees of the institute.
- 1.2 An employed person in the institute is responsible for following the Labor Legislation, following requirements of this internal regulation and the terms of Labor agreement.
- 1.3 The Internal regulation of the institute (next – “Internal Regulation”) is relevant to the Georgian Legislation, which determines the rights of employees, labor relations and also the statute of the institution.
- 1.4 All the issues related to the control of following the terms of the internal regulation by the employees are regulated by the rector of the institution or by the person who is authorized by her.
- 1.5 Internal regulation is the part of the labor agreement.
- 1.6 Employees know the internal regulation before they sign the labor agreement.

## **Article 2. Goals of the Internal Regulation**

The main goals of the internal regulations are:

- 2.1 To support the employees to carry out their rights, to depend the interests of the employees while relations with the third person;
- 2.2 To determine the labor conditions of the employees and to regulate the relationships related to the job, with taking into consideration the determined requirements in Georgian Legislation;
- 2.3 To use the working hours reasonably, to develop the quality and effectiveness of the work;
- 2.4 To provide and reinforce the discipline of the work;
- 2.5 Fair remuneration;
- 2.6 To create safe and healthy conditions for the employees;
- 2.7. To provide the protection of ethical norms in the institute.

## **Article 3. Working Conditions**

- 3.1 Rights and Obligations of the employees that are not represented in this internal regulation or in the labor agreement, are determined by the Georgian Constitution, by The Code of Georgia and by the other normative acts.
- 3.2 An employee is obliged to:

- a. Fulfill the obligations under the labor agreement;
- b. Be at work on time;
- c. Use the working hours reasonably for carrying out his/her rights and obligations that are determined according to his/her position;
- d. Fulfill his/her obligations under the labor agreement, responsibly and conscientiously;
- e. Care about the institution and the reputation of other employees in it and follow the rules of ethics that are made generally, for jobs.

3.3. During working hours an employee is forbidden to:

- a. Leave a working place without agreement with his/her supervisor;
- b. Carry out the job that is not related to his/her rights according to the labor agreement or that is not the subject of interest for the employer;
- c. Smoking in the building of the institution.

#### **Article 4. Time for Working, Break and Vacation**

4.1. In the institute, for administrative and auxiliary personnel working day begins at 10 a.m. and ends at 6 p.m.

4.2. Break: from 14:00 to 15:00.

4.3. An employee who feeds up to one-year baby, according to his/her request, can take additional paid break for at least 1 hour a day.

4.4. For the academic personnel, teachers and invited specialists (next – “academic personnel”) of the institute time of starting and ending the job is related to giving lectures and to the fulfillment of other obligations under the labor agreement and includes the time estimated by the “timetable”.

4.5. Non-working days are: Saturday and Sunday. Also, an employee can have a rest on other non-working days that are determined by the Labor Code of Georgia.

4.6. With the agreement with an employee, under the labor agreement, it is possible to be determined the different duration of breaks and holidays, within the framework of Labor Legislation.

4.7. Duration of an annual vacation is minimum 24 working days and it is given to an employee according to the terms of Georgian Legislation, this internal regulation and the labor agreement.

#### **Article 5. Delay and Absence of Work**

5.1. Being late for the work may be considered as valid or as unreasonable by the rule determined in this regulation.

5.2. Being late for work unreasonably, more than 5 times for a term, may be deemed as regular delay that may be the ground for dismissal from work (termination of the labor agreement).

5.3. Not being on a working place during a day, unreasonably; also, being late for work or leaving the work for more than 3 hours, without agreement with administration, is deemed as absence of work.

#### **Article 6. Delay or Absence of Work Regarded as Reasonable**

6.1. Delay or absence of work by an employee will be regarded as reasonable as long as the rector of the institute accepts the oral or written request of the employee about delay or absence.

6.2. As long as the rector of the institute will not accept the oral or written request of the employee about delay or absence the work, delay or absence of work will be regarded as unreasonable.

6.3. In case of regarding the delay or absence of work as unreasonable, the rector of the institution has a right to use the determined disciplinary measures of responsibility.

6.4. In case of regarding the absent working hours as unreasonable, these hours will not be paid.

#### **Article 7. Absence of Work on the Base of the Pre-Known Reason**

7.1. In case of the pre-known reason of the absence of work, when this reason is reasonable, the employee is obliged to inform the rector about the reasons of absence of working hours, about the probable period and about the urgent job that should be done by him/her and then to request the rector to allow him/her to be free from the official duties for certain period of time.

7.2. In case of absence of job for more than one day, the statement about it should be represented in a written form; In case of leaving the job for only one day, on the base of the pre-known reason, the request about missing the job may be oral.

7.3. In case of not accepting the request about leaving the job temporarily, the employee is obliged to continue his/her job activities in a regular regime. If the employee does not obey the decision, his/her action will be considered as absence of working hours with an unreasonable cause and the rector of the institute will have the right to use the disciplinary measure of responsibility.

#### **Article 8. Absence of Work with Unanticipated Reason**

8.1. In case of absence of work with unanticipated reason, an employee is obliged to inform the rector of the institute orally, as soon as possible, about the reason, about probable period and about his/her job that should be done urgently.

8.2. In case of absence from work for more than 2 days, with unanticipated reason, an employee is obliged to request the rector of the institute in a written form to consider his/her absence as reasonable.

8.3. Absence from work with unanticipated reason may be regarded as reasonable according to the rule, determined in the Article 6 of this regulation.

#### **Article 9. Absence from Work with Unreasonable Cause**

9.1. In case of an employee's absence from work (except academic and invited personnel) with unreasonable cause, the rector of the institute will make an order for the employee about the deduction from remuneration as the form of a fine.

9.2. In case of missing the job with unreasonable cause, for more than 3 days, the rector of the institute has a right to make a decision about dismissal from work (termination of the labor agreement).

#### **Article 10. Result of Academic Personnel's Absence from Work**

10.1. Academic/invited personnel coordinate the learning process according to the electronic timetable determined by the dean of the faculty. The change of the "timetable" one time or for certain period by academic/invited personnel is allowed only on the base of acceptance of the dean of the faculty.

10.2. On each fact of absence from work of the academic/invited personnel, the authorized person by the dean of the faculty or by the rector of the institute makes a written act in which there is represented an academic/invited personnel's (lecturer) name, surname, the name of the faculty and the missed academic hour.

10.3. The employee is obliged to represent the reason of the missing lecture during the period of one week.

10.4. Academic/invited personnel is obliged to provide the restoration of each reasonably missed lecture during the current term.

10.5. In case of unreasonably missing of a lecture by the academic/invited personnel, the rector of the institute with her own initiative or on the base of the dean's submission, makes an order about deduction the appropriate amount of money from remuneration of the current month, as a type of a fine.

10.6. For missing the job three or more times in a month the rector of the institute has a right to terminate the labor agreement with the employee, with her own initiative or on the base of the dean of the faculty.

10.7. In case of the students' absence from the lecture during the time period estimated by the timetable, the leave of the academic/invited personnel will be considered as reasonable if he/she stays in the auditorium for the first 15 minutes.

#### **Article 11. Obligations of an Employee when Dismissal from Work, Going on a Business Trip or Taking a Vacation**

11.1. In the period of 5 days from learning the order about dismissal from work, an employee is obliged to provide the indication of location of electric versions of the documents under his/her responsibility and also delivering the property (material values), including the key of his/her working room, registered under his/her name, to the person on his/her position or to the other responsible person in the institute.

11.2. Before taking a vacation or going on a business trip, an employee is obliged to provide the delivery of documentations related to the job to the person who changes her/him or to the supervisor, with indication the location of relevant electric versions.

#### **Article 12. Benefits**

12.1. Pregnant and nursing mothers, women who have little or/and disabled little children, people who are unable to work temporarily due to the problems related to the health, people who work and learn at the same time and the other people of different categories, on the base of their written and valid application, within the framework of the active legislation, it is possible to receive the right of using benefits different from the norms of the regulation by the rector.

12.2. Benefits are determined by the rector of the institute with her own initiative of on the base of submission of the dean of the faculty.

#### **Article 13. Overtime Work**

13.1. An employee is obliged to do overtime job:

a. When it is necessary for preventing the natural disaster or/and for liquidation of its results, without remuneration;

b. For preventing the crash situation or/and for liquidation of its results, with relevant remuneration.

13.2. Working overtime is not allowed for pregnant women, for women who have recently given baby the birth, for disabled people, without their acceptance.

13.3. Work is overtime when it is performed in the time period that is more than the time period determined in the labor agreement. As long as the working hours are not determined in the labor

agreement, work is regarded as overtime in case the performance of the work requires more than 41 hours a week or more than the working hours determined within 41 hours a week by the institution.

13.4. Circumstances of performing overtime work are determined by the agreement between an employee and employer.

#### **Article 14. Professional Ethic of an Employee**

14.1. An employee is obliged to respect humans' generally accepted rights and freedoms, he/she should not violate the other people's values and dignity.

14.2. All kind of unworthy behavior toward the other people's discrimination in the institution, behavior against generally accepted norms of ethics is strongly forbidden.

14.3. An employee is obliged, within the framework of his/her competences, to give a necessary help to a person on higher or lower position, with using the materials that she/he obtains, if the collaborator who needs a help:

- a. Cannot perform the job due to the legal or factual reasons;
- b. Does not have the necessary knowledge for performing this job;
- c. Does not have the documents or other proofs, that are necessary for performing the job and the person whose need she/he needs obtains these materials.

14.4. An employee is obliged not to spread or not to use the confidential information of his/her job for the purposes that are not related to the job, not in the period of working and not, in case of termination of labor relations.

14.5. An employee is also obliged to defend the other rules and restrictions, that are not mentioned here, but that are determined by the norms of ethics that regulates the professional activities.

#### **Article 15. Duration of a Vacation**

15.1. An employee has a right to use a remunerative vacation for minimum 24 working days in a year.

15.2. An employee has a right to use a non-remunerative leave.

15.3. By the working agreement there may be determined dates and circumstances that will be different from the ones determined in this article and that should not worsen the conditions of an employee.

#### **Article 16. Rule of Giving a Vacation**

16.1. An employee has a right to take a vacation after 11 months of working. The employee may be given a vacation earlier on the base of an agreement between the employee and employer.

16.2. From the second year of working, on the base of the agreement between the parties, an employee may be given a vacation at any time of a working year.

16.3. With the agreement between the parties, an employee has a right to use his/her time for vacation piece by piece.

16.4. The institution has a right to determine the order of giving remunerative vacations, if in the labor agreement there is not determined the other thing.

16.5. In case of taking a non-remunerative vacation, an employee is obliged to inform the rector about this issue, except the situations when informing the rector is not possible since the employee has a necessity of taking emergency medical care or it is not possible due to the urgent circumstances related to the family.

16.6. Payment of a vacation is determined according to the monthly remuneration of an employee.

#### **Article 17. Forms of Encouragement**

17.1. For excellent performance of duties, for long-term and conscientious work, for performing the especially difficult or important job, in the institution there are used the following forms of encouragement:

- a. Appreciation;
- b. Monetary award;
- c. Awarding with a paid gift;
- d. Raise of salary.

17.3. Several forms of incentives can be used simultaneously.

#### **Article 8. Responsibility for Breach the Internal Regulation**

18.1 Foundations of disciplinary responsibilities

Foundations of disciplinary responsibilities are:

- Breach of the active legislation;

- Failure to perform official duties or improper performance of duties determined in the statute of the institute, in the internal regulation, in the other normative and individual administrative-legal acts.
- Breach of the code of ethics, code of ethics of students and disciplinary responsibilities;
- All kind of behavior, that may not be formally included in this article, but they are against the moral or ethical norms and the other estimated requirements.

18.2 Breach of the labor circumstances that are determined in the internal regulation, is followed by the disciplinary sanctions given in this document.

18.3 Types of disciplinary sanctions.

For academic/invited personnel there are determined the following types of disciplinary sanctions:

- a. Note
- b. Reprimand;
- c. Fierce Rebuke;
- d. Dismissal from work;
- e. One-time deduction of 20% from monthly remuneration.

18.4 For administrative and auxiliary personnel:

- a. Note
- b. Reprimand;
- c. Fierce Rebuke;
- d. Dismissal from work;
- e. One-time deduction of 20% from monthly remuneration.

18.5. For students there are determined following types of disciplinary sanctions:

- a. Note (verbal warning);
- b. Reprimand (written warning);
- c. fierce Rebuke (putting a written warning in his/her personal affair);
- d. Suspension of a student's status. A student may be suspended a student's status for one term and may be given a recommendation about moving to the other higher institution.

18.6 While imposing the disciplinary penalty, seriousness of circumstances of conviction, an employee's previously performed job and his/her behavior are taken into consideration.

18.7 Before imposing a disciplinary penalty, an employee should be requested to represent a written explanation; imposing a disciplinary penalty for a person who is on a business trip or on a vacation, occurs after his/her arrival.

18.8 Disciplinary penalty shall be used during one month from revealing the conviction fact. Within this period there is not estimated the period of an employee's illness or his/her being on a vacation.

18.9 For each breach of the labor discipline there may be used only one disciplinary penalty.

18.10 Decision about a measure of a disciplinary penalty against an employee is made by the rector of the institution and the appropriate order is passed by her. The order about the measure of the disciplinary penalty will be delivered to the interested person, personally or by the post.

18.11. If a person will not be imposed with another disciplinary penalty for one year from the day of receiving the first one, she/he will be regarded as a person who has never received a disciplinary penalty.

## **Article 19. Protection and Safety of Employees' Work**

19.1 Protection of work means wide system of technical, hygienic and sanitary and legal measures that provides the healthy and safe working conditions.

19.2 For the students and the personnel, the institute cares about creation the healthy and safe working, learning and teaching conditions, in accordance with the Code of Labor of Georgia and the other normative acts; the institution also cares about technical organization of all working places and about creation of working conditions that are absolutely relevant to the generally accepted rules of the protection of work (including technical, sanitary and fire prevention spheres).

19.3 An employee is obliged to follow the rules of using the machines, mechanisms, equipment of laboratory, equipment of diagnostics and other technical materials that the institute owns. He/she is also obliged to use the materials that are for individual protection and that are delivered to him/her; follow the instructions of labor protection and technical (included fire prevention) safety that determine the rules of fulfillment of work, rules of using the techniques and equipment and also the rules of behavior in the building of the institution.

19.4 For violation the labor protection and safety rules, an employee is charged with disciplinary, administrative or material responsibility determined by the Georgian Legislation or Criminal Law of Georgia.

## **Article 20. Remuneration**

20.1 Remuneration for an employee is determined by the character, volume and the quality of the work.

20.2 Remuneration is determined by the rector of the institute according to the qualification of an employee, on the base of the active legislation and with taking into consideration the rule and the amount of payment determined by the labor agreement.

20.3. An employee is given a salary once a month, in the last week of a month. Salary is given in a bank, by transferring the amount of money on the personal account.

The institute is not responsible for the problems related to the delay of the salary due to the problems caused in the systems of a bank and it is not also responsible for awarding of damages caused by it.

## **Article 21. Students' Rights and Duties**

### **21.1 A student of the institute has a right:**

- a. To receive the education of high quality;
- b. To equally use the library, material-technical, informational and the other materials according to the rules determined by the internal regulation of the institute and the provisions of the structural units;
- c. To elect the representative and to be elected in the student government and in the representative organs of the faculty, on the base of the general, direct and equal election, with a secret voting, according to the rule determined by the legislation;
- d. To establish or join the student organizations according to his/her interests;
- e. To express his/her opinion freely during the learning process;
- f. To receive a scholarship, financial or material help or the other kind of assistance from the state, from the institute or from the other sources, in accordance with Georgian Legislation and the statute of the institute;
- g. To choose the educational program;
- h. To take part in a process of developing an educational program;
- i. To evaluate the work of the academic personnel of the institute, periodically;
- j. To require the fair assessment of the knowledge and to appeal non-desirable results of the exams in accordance of the determined rule;
- k. To use right of internal or outer mobility, on the base of the rule determined by the legislation;
- l. To perform the other rights granted to him/her by Georgian Legislation.

2. The institution determined the benefits for students with special needs in order to make necessary conditions for them to receive the education of high-quality; making the necessary conditions means the creation of special material-technical base for them, individual service, financial assistance or other kind of benefits.

#### **21.2. A student is obliged:**

A student is obliged to learn all the learning courses that he/she chose and that is compulsory according to the program, determined by the institution; to follow the rules under the agreement between him/her and the institute, to defend the statute and the internal regulation of the institute, students' ethical code and the other legal acts.

#### **Article 22. Orders Related to the Labor Relations**

22.1 Orders, related to the labor relations is passed only by the rector of the institute on the base of her own initiative or on the base of submission by the dean of the faculty.

22.2. An order that is passed about the issues related to the work and that has an individual character, if there is not determined the other thing by the law, is delivered to the interested person individually or by the post. In case of not receiving the order, sent by the post, the person has a right to receive another copy of the order in the institute.

#### **Article 23. Developing and Entering into Force of the Internal Regulation of the Institute**

23.1. Internal regulation is approved by the rector of the institute after the agreement of the academic personnel

23.2. Internal regulation enters into force upon the signature of the rector.

23.3. Internal regulation is located on the institute's webpage.

23.4. From the day of entering into force of the internal regulation, all kind of changes-additions in it will be performed by the initiative of the academic council or after the approval of the project of the changes-additions created by the initiative group, by the academic council.

#### **Article 24. Final Provisions**

24.1 Relations that are not reflected in the internal regulation will be settled by the Georgian Legislation.

24.2. Control over following the rules of the internal regulation is carried out by the rector of the institute or by the people who are authorized to do it, by her.

24.3. All kind of dispute during the period of labor relations, included the dispute related to the interpretation of the provisions of the labor agreement or of the internal regulation, will be settled on the base of the Georgian Legislation and on the base of the agreed procedures between the parties.