Appendix no. 3 to Ordinance no. 20 of the Rector of the Cracow

University of Technology from 5 February 2021

**Bylaws of employing personnel at the Tadeusz Kościuszko Cracow University of Technology in projects financed from external resources.**

§ 1

The Bylaws shall apply in cases of employing persons who conduct work as part of the projects financed from resources other than subsidies obtained for PK activities and its own didactic revenues, financial revenues such as structural funds, EU programmes, community initiatives, EU financial mechanisms, national projects and other external resources.

§ 2

1. For realization of projects financed from external resources one may employ persons on the basis of the following forms of employment:

1) establishing employment relationship with persons from outside PK solely for tasks related to project realization,

2) temporary transfer of employees, upon consent, for the purpose of project realization,

3) entrusting PK employees, upon their consent, for a specific period of time, with tasks related to project realization:

a) in the part of working time dimension,

b) in the number of man-hours for persons who work on a regular basis on the project,

c) temporary increase in work duties,

4) civil-law contract which, with respect to PK employees, may cover solely actions which do not form part of the scope of duties under labour relationship.

2. In case of selecting the form of employment of employees in accordance with sec. 1 point 3 letter a and b academic teachers who realize projects as part of the labour relationship should consider the proposals between the types of duties in accordance with the Bylaws of work at PK.

3. The choice of form of employment is made by the project manager and depends on the requirements binding for the project, specifying the eligibility of expenditure and the principles of their settling as well as the nature of conducted work.

§ 3

1. Employment of persons in the form specified in § 2 sec. 1 point 1 occurs in accordance with the Statute of the Cracow University of Technology and the Bylaws of employment of non-academic teachers.

2. The choice of project manager, if it has not been specified in the project funding agreement/application, is made by the employee of unit realizing the project, taking into consideration the engagement in project preparation and the necessary qualifications of the candidate for project supervision.

3. The selection of candidates for the purpose of entrusting with PK employees the tasks related to project realization in accordance with § 2 sec. 1 points 2 and 3 is made by the project manager as per the principle of competitiveness, in consideration of qualifications necessary to perform tasks in the project.

4. Upon ordering tasks in the project on the basis of civil-law contracts in cases specified in § 2 sec. 1 point 4 one must adhere to the act on public procurement law and the binding for PK provisions concerning concluding contracts for specific work.

§ 4

1. Project manager is responsible for abiding by the principles of employing persons in the project and for the correct settlement of remunerations.

2. Remuneration, in accordance with the requirements concerning project realization, encompasses its eligible cost and is established on the basis of the approved project budget.

3. In case of realizing projects in case of which separate to the above principles of remuneration and settlement for persons working on their realization have been specified, these principles take precedence over the provisions of the hereby Bylaws.

§ 5

1. Remuneration of persons realizing projects in accordance with § 2 of the hereby Bylaws is paid for the period of their employment on the basis of:

1) employment contract,

2) annex/understanding to the employment contract or contract of nomination,

3) application for granting specific allowance, in accordance with the provisions of the Bylaws of remuneration of PK employees,

4) civil-law contract.

2. The project cost includes (gross) personnel remuneration with applicable social insurance and Labour Fund contributions, payments made by PK to the employee capital plan paid by the employer, monthly contribution to the Company Social Benefits Fund (of it constitutes an eligible cost) and additional annual remuneration (13th salary),

3. Subject to § 4 sec. 2, in justified cases specified:

1) in § 2 sec. 1 point 2, remuneration for the period of engagement in the project may be higher than the so far granted remuneration,

2) in § 2 sec. 1 point 3 letter a and b part of remuneration granted for the work as part of the project may be higher than one stemming from the proportional division of the so far granted remuneration.

4. In case specified in § 2 sec. 1 point 4 the cost of the project is composed of non-personal remuneration and honorariums jointly with due contributions for social insurance and the Labour Fund, constituting contributions paid by the employer.

§ 6

1. Remuneration stemming from employment contract for persons specified in § 2 sec. 1 point 2 and 3 letter a and b constitutes the current value as per the date of concluding annex/understanding to the employment contract or contract of nomination of hourly rate multiplied by the number of effectively worked hours in the project, calculated according to the patterns constituting Appendix no. 1 to the hereby Bylaws.

2. The hourly rate specified in sec. 1 shall be calculated depending on the assumptions specified in the project:

a) dividing the rate of annual basic remuneration including allowances and bonuses stemming from personal classification of employee by the number of working hours falling for work to be conducted in a given year and with reference to academic teachers - by the number 2016 (168 x 12 months) or

b) dividing the last annual documented costs of gross employment by the number 1720.

§ 7

1. Remuneration of persons employed in the project constitutes the basis for the calculation of due contributions for social insurance, Labour Fund, additional annual remuneration (13th salary), payment made by PK to the employee capital plan as well as contribution to the Company Social Benefit Fund.

2. In the situation where any of the components of remuneration does not constitute an eligible cost in a given project, the head of the unit which realizes the project shall indicate the source of its funding.

3. In case of lack of possibility of considering remuneration to be an eligible expense, the cost of remuneration including non-salary expenditure shall be borne from own resources by the organizational unit realizing the given project.

§ 8

1. The number of hours to be performed in the project is specified in the annual schedule of hours, considering the annual leave to which the employee is entitled.

2. Works conducted and settled in the project cannot be realized as part of overtime hours.

3. Extending the period of project realization may constitute the basis for further payment of remuneration specified in the hereby Bylaws subject to elaboration of an annex to the agreement on project realization and obtaining assurance of financial resources under project budget.

§ 9

1. The application for employment, transfer or entrustment of tasks, as specified in § 2 sec. 1 point 3 letter a and b, is submitted by the project manager – in case of PK employees – after approval by the direct superior of a given employee. The application constitutes Appendix no. 2 to the hereby Bylaws.

2. The application specified in sec. 1 must contain confirmation of possessing means for its payment regardless of the source of funding. The application is approved by the PK Rector.

3. A detailed scope of duties of the employee realizing the tasks as part of the project, elaborated by the project manager and approved by the head of organizational unit realizing the project as well as the application for the change of proportions between types of duties conducted by academic teachers (if applicable) must be enclosed with the application - Appendix no. 4 to the hereby Bylaws.

4. In case of entrusting the tasks in the project which constitute periodic increase of work duties (§ 2 sec. 1 point 3 letter c) an application for allocating a specific addition is submitted in accordance with the template and the principles specified in the Bylaws of remuneration of PK employees.

§ 10

1. Provided that the guidelines of the project require so, the working time of persons conducting work as part of the project must be registered on working time tracking cards or in another document specified in the guidelines of a given project, maintained for the whole duration of the project. It is not allowed to calculate an estimated working time.

2. Working time tracking card or another document specified in the guidelines for a given project for a given month must be signed off by the employee and approved by the project manager. Only then can it form the basis for payment of remuneration for work on the project made to employees employed in accordance with § 2 sec. 1 point 3 letter b.

3. Working time tracking card or another document specified in the guidelines to a given project must be filled out in two copies. One of them remains in the project documentation, which is conducted by the project manager, whilst the other one, within a deadline of the 4th day of the subsequent month must be submitted to the Department of Personnel and Social Affairs.

4. Working time tracking card in the project ought to comply with the working time tracking card which is maintained by the employee’s direct superior.

5. Terms of payments of remuneration shall be specified by the **Bylaws of remuneration for PK employees.**

§ 11

1. Sample annex to the employment contract or nomination contract shall constitute Appendix no. 3 to the hereby Bylaws, respectively, and shall define in particular: time for which it was concluded, average monthly number of hours to be worked on the project, hourly rate and source of funding. Its integral part shall be the detailed scope of duties of the employee employed in project realization.

2. Annex specified in sec. 1 may be terminated on the basis of the provisions of the Labour Code or the Act on Higher Education and Science.

§ 12

1. Periodical remuneration contributions granted prior to the date of entry into force of the hereby Bylaws, including special allowances shall be paid according to the so far principles, levels and in the timeframe for which they were granted.

2. Payments of remuneration stemming from the annex to the employment contract or the nomination contract, established on the basis of the provisions in place prior to the date of entry into force of the hereby Bylaws, shall be made according to the so far principles, that is, until the 10th day of the following month.

3. Remuneration in the project for which agreements were concluded or negotiated prior to entry into force of the hereby Bylaws shall be established according to the so far principles with the use of the so far binding forms. For projects specified in the preceding sentence it is possible to establish remuneration on the basis of the provisions of the hereby Bylaws, provided that they comply with the concluded or negotiated agreements.

Appendix no. 1 to the Bylaws of employment at the Tadeusz Kościuszko Cracow

University of Technology in projects financed from external resources.

**Calculation of the gross basic rate:**

**Version A:**

a) For academic teachers:

A = (B + C + D) x 12 + E

2016

b) For employees who are not academic teachers:

A = (B + C +F + D) x 12 + E

G

Markings:

A. hourly rate calculated for the annex to the employment contract or contract of nomination (basic)

B. current basic remuneration of employee

C. seniority allowance (seniority bonus)

D. functional allowance

E. additional annual remuneration – 13th salary

F. bonus

G. Number of working days[[1]](#footnote-1) in a year x 8 hours

**Version B:**

A = \_\_\_W\_\_\_

1720

Markings:

A. hourly rate calculated for the annex to the annex to the employment contract or contract of nomination (basic)

W. last annual documented cots of gross personal remuneration[[2]](#footnote-2)

Appendix no. 2 to the Bylaws of employing personnel at the Tadeusz Kościuszko Cracow

University of Technology in projects financed from external resources

*- PROJECT LOGO EUROPEAN UNION MARK1 -*

Letter reference

Cracow, on ……………………….

**JM Rector**

**at the Cracow University of Technology**

In accordance with the Bylaws of employing personnel at the Tadeusz Kościuszko Cracow University of Technology as part of projects financed from external resources I hereby kindly request for employment on the …………… time basis/entrustment with tasks/transfer to work2 of Mr/Ms ………………….in the project entitled …………………………… from ……………………….and for them to obtain:

a/ basic remuneration in the amount of …………. PLN,2

b/ hourly rate calculated on the basis of § 6 sec. 2 letter a/§ 6 sec. 2 letter b2 of the above-specified Bylaws2.

At the same time, please be informed that the employed person possesses relevant qualifications to carry out work in the above project.

The burden resulting from it does not exclude the possibility of correct and effective realization of all tasks entrusted to the given person3

Average monthly number of hours of work in case of entrusting the tasks in the project will not exceed

...................... hours/month.4

.................................................

/Signature of project manager/

.................................................

/ Employee signature/

................................................

/approval - signature of direct superior of the employee/

……………………………………………………….

/ signature of dean/vice-rector/chancellor/

…………………………………………………………………………………………………………………………………………………………………

/ decision of the rector or of authorized person/

1. provided the project requires same

2. Select adequate term

3. This sentence must be left solely in case of entrusting the tasks under the project on the basis of the annex specified in Appendix no. 3

4. To be filled out solely in case of entrusting the tasks in the project on the basis of the annex specified in Appendix no. 3

Appendix no. 3 to the Bylaws of employing personnel at the Tadeusz Kościuszko Cracow University of Technology in projects financed from external resources

*- PROJECT LOGO EUROPEAN UNION MARK\**

Letter reference

Cracow, on ………………

**ANNEX No........**

to the employment contract/nomination contract concluded on

……………. 20…. in Cracow by and between:

• Mr/Ms ………………………………………………

• employed on the position of ………………………..

• in (name of entity) ………………………………….

and

The Tadeusz Kościuszko Cracow University of Technology, with its seat at ul. Warszawska 24, 31-155 Cracow, represented by:

……………………………………………………….

……………………………………………………….

In accordance with the Bylaws of employing personnel at the Tadeusz Kościuszko Cracow University of Technology as part of the projects financed from external resources, introduced by way of ordinance no...... of the Rector of PK from you are entrusted with tasks under the project financed from external resources entitled: …………………………………………..

from ……………………………….. to …………………………….

Remuneration in accordance with the binding rate designated for you, calculated in line with § 6 par. 2 letter a/§ 6 par. 2 letter b\*\* in the above-specified Bylaws for each effective hour of work carried out under realization of the above project, indicated in the working time sheet or another document maintaining by name in a manner and according to the principles specified in the above-stated Bylaws.

Average monthly number of working hours in the project shall not exceed …………..hours per month

The above annex may be terminated on the basis of provisions of the Labour Code or the Act on Higher Education Law.

The remaining employment contract/nomination contract provisions shall remain unamended.

……………………………… ………………………………

……………………………………………………

/ Signature of the Rector or of authorized person/

.................................................

/ Employee signature/

*To be acknowledged by direct superior of the employee.*

\*provided the project requires same

\*\* select the appropriate

Appendix no. 4 to the Bylaws of employing personnel at the Tadeusz Kościuszko Cracow University of Technology in projects financed from external resources

Letter reference

Cracow, on …………………..

**of the Rector of the Tadeusz Kościuszko**

*PROJECT LOGO EUROPEAN UNION MARK\*\**

In accordance with the Bylaws of employing personnel at the Tadeusz Kościuszko Cracow University of Technology as part of the projects financed from external resources, introduced by way of ordinance of the PK Rector from , and § 55 sec. 2 of the Bylaws of work at PK, pursuant to the engagement in realization of the project called ....................................................................................

I hereby request for the consent to be granted to change the proportions between my research and didactic duties in the period from...................................................to........................................................

in the following manner:

a) research duties …………%

b) didactic duties ………….%,

c) organizational duties – 10%

.............................................................

/ employee signature/

...........................................................................................

/approval - signature of direct superior of the employee/

.................................................

/ signature of dean/vice-rector

…………………………………………………………………………………………………………………………………………………………………………………………………………………………

Decision of the PK Rector

\* delete as appropriate

\*\* if applicable

1. Number of working days for employee who is not an academic teacher equals the number of calendar working days in the year, decreased by additional days off stemming from the Rector's decision. [↑](#footnote-ref-1)
2. In case of persons who are newly employed one must assume an average annual documented costs of employment gross for employees of the university on a similar work position (conducting tasks of similar character and scope of duties) [↑](#footnote-ref-2)