

PERSONNEL REGULATIONS

FOR

THE UNIVERSITY OF SOUTH-EASTERN

NORWAY

EFFECTIVE 01 JULY 2019

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Regulations have been established in the negotiations meeting between the University of South-Eastern Norway and the public servants' organisations 01 July 2019.

Chapter 1 - General

Section 1 The Regulations' scope of application

This Regulation applies to hiring/appointment etc. to positions at the University of South-Eastern Norway. The regulations are laid down pursuant to the Norwegian Act relating to civil servants etc. (Civil Servants Act), cf. Section 2 fourth paragraph a), b) and c).

Section 2 Definitions etc.

Appointing body

The authority (leader or body) that, in any given case, has the authority to hire/make appointments to positions.

Recommending authority

The authority (chairperson or committee) that, in any given case, has the right to make recommendations to the appointing body.

Operating unit

Used to designate the faculty and department at executive level two of the organization.

Public employee

"Public employee", in this regulation, means any employee hired by the university.

Section 3 Exemption from regulations

1. For newly hired persons (employees who have not been previously employed at the USN) for less than 12 months, the provisions in Chapters 2, 3, 4 and 5 of the regulations do not apply, cf. Civil Servants Act Section 7 No. 2. Advertisement, recommendation, and the qualification principle are not requirements in these instances of employment. The head of the operating unit in question is the recommending authority and the personnel and organisation director is delegated authority to appoint. An extension of such employment, which will thereby run beyond 12 months, shall be treated pursuant to the ordinary provisions of the regulations.
2. For extensions of permanent or temporary positions for part-time employees, the head of the operating unit in question is the recommending authority and the personnel and organisation director is the appointing authority, cf. the Civil Servants Act Section 13 No. 1.
3. When personnel are appointed to positions to carry out externally funded assignments, so-called commissioned positions, exceptions may be made to the provisions of Chapters 2, 4 and 5 of the regulations, cf. Regulations relating to the Civil Servants Act Section 3 No. 3. This also applies to additional positions that are externally funded. The head of the operating unit in question is the recommending authority and the personnel and organisational director is delegated appointment authority.
4. When special reasons warrant, the board of directors may appoint personnel to teaching and research positions without prior announcement. Such appointments cannot be made if more than one member of the board oppose this, cf. University and

Colleges Act Section 6-3 No. 4. Special reasons are present if at least one of the following criteria is met:

- a. The purpose is to achieve strategic goals and to fill the position as quickly as possible
- b. It is desirable, in exceptional circumstances, to employ a specific person having specific skills
- c. The position has been announced several times without having attracted applicants who meet the qualification requirements for the position

Chapter 2 - Job advertisements

Section 4 Announcement of vacant positions

1. Vacant positions at USN shall normally be advertised publicly and are filled through normal competition, cf. Civil Servants Act Section 4. The employee representatives have the opportunity to make statements about the announcement text in relation to the salary level of the position (salary level Basic Collective Agreement 2.5.5) (discussed in annex to local wage policy) and factors relating to equal status and gender balance (equality Basic Agreement for State Employees Section 31).
2. The recommending authority prepares a draft announcement text. The announcement text is adopted by the appointing body. The rector prepares a draft announcement text for positions where the board is the appointing authority, cf. Chapter 4 Section 15.
3. Public announcement is done by advertising the vacant positions on the university's and NAV's web pages and in other relevant media. The announcement should be made publicly known for a minimum of two weeks.

§ 5 Exemption from public announcement

The following functions/appointments are not defined as employment in positions, and may be advertised internally as an announcement of work tasks:

1. As a rule, vacant functions such as deputy head for a department head in a 100% fixed-term position shall be announced internally. Functions such as specialist group leader/programme coordinator, team coordinator, etc. can be advertised internally or appointed by the head of the unit in consultation with the dean.
2. For appointments to substitute positions and other time-limited appointments for one year or less when formal employment is necessary, cf. Civil Servants Act Section 7 (2). To the extent it is possible, an interview/trial lecture should be held prior to hiring (cf. Section 10 and Section 11). Formal appointment is carried out administratively by the personnel and organisation director.
3. In cases of employment with fewer working hours than 15 per week, the statutory rules relating to recommendation and the appointing body may be exempted – *but not the statutory rules relating to public announcement of the position.*

Section 6 Content and adoption of the job announcement text

1. The job advertisement shall contain:

- a) A description of the position's current work area and title.
 - b) Qualification requirements.
 - c) Information about the time during which the position is vacant.
 - d) Information as to whether the position is permanent, temporary or a commissioned position, and whether it is full-time or part-time. If a lower position is anticipated to become vacant as a result of the advertised position being filled by an internal applicant, and it is appropriate to fill the new vacancy at the same time, this shall also be stated in the advertisement, so that there is an opportunity for interested parties to include this position in their application.
 - e) Information about the main place of work p.t.
 - f) Information on whether a trial lecture or the like is to be held for the position, where applicable.
 - g) Information concerning whether the person appointed to the position is obliged to undergo training.
 - h) Information stating that the workforce must reflect the diversity of the population in terms of age, gender and immigrant background, cf. Universities and Colleges Act Section 6-3 (2).
 - i) Information on wage conditions and applicable contributions to the Norwegian Public Service Pension Fund.
 - j) Information on the application deadline period, which must not be shorter than two weeks from the date of the announcement.
 - k) Information on who can provide more details about the position.
 - l) Information about the appointing authority.
2. The internal announcement can be made simpler by excluding factors that are assumed to be common knowledge among prospective applicants, cf. exemption provisions.
 3. Advertisements for all positions are determined by the appointing authority for the position in question.

Section 7 Conditions for renewed job advertisement

A position must be announced a second time if there has been an insufficient number of qualified applicants, and it can be assumed that a new announcement will change this situation.

If the appointing authority wishes to waive the qualification requirements in the public announcement, the position must be re-processed in the appointing body before it is advertised a second time. The same is true if a disproportionately long period has passed since the position was first advertised, or if conditions have changed substantially.

Chapter 3 - Processing of applications

Section 8 List of applicants

- 1) As soon as possible after the application deadline has expired, a list of applicants (expanded applicant list) will be prepared containing applicants' names, age and full details of their education and work practice in both public and private workplaces, cf. Regulations relating to the Public Administration Act Section 15.

- 2) In addition, and as soon as possible, a public list of applicants shall be set up containing the applicants' names, age, position or professional title and place of domicile or municipality in which they work, cf. Section 25 second paragraph of the Norwegian Freedom of Information Act. Nevertheless, information about an applicant may be barred from public disclosure if the applicant himself/herself so requests. The list of applicants must state the number of applicants for the position and how many of each gender.

Section 9 Expert assessment

Appointment to academic positions shall be on the basis of recommendation.

Recommendation is made based on expert assessment in accordance with the job description published in the public announcement. In special cases, the appointing authority may determine that the requirement of expert assessment can be waived for academic positions that are not senior posits or professor/dosent positions, cf. Section 6-3 (3) of the Universities and Colleges Act.

Reference is also made to the current Regulations concerning appointment and promotion to teaching and research posts as well as the Universities and Colleges Act Section 6-3 (3) in terms of the composition of the expert committee.

In addition to the Regulations concerning appointment and promotion to teaching and research posts, when hiring research fellows, the Dean shall appoint two representatives, both of whom have competence at the associate professor level. As a general rule, at least one of the committee members should be external; together, these constitute an expert committee for this position group.

For the appointment of an expert committee, issues of impartiality must be assessed. Common rules apply for impartiality pursuant to Section 6 of the Public Administration Act. A member of an expert committee shall be deemed disqualified on the grounds of lack of impartiality if academic co-production with one of the applicants is included in the material to be assessed or he/she has been an applicant's adviser for a master's thesis or doctoral thesis. The question of impartiality must be considered particularly when there are internal applicants for the position.

Section 10 Interview

1. In the hiring procedure for managerial positions and technical-administrative positions, the applicants who have been assessed by the recommending authority as seemingly the best qualified are called in to an interview.
2. For appointments to academic positions, applicants who are seemingly the best qualified, after an optional expert assessment and in the opinion of the recommending authority, are called in to an interview.
3. The immediate manager for the person being appointed, or his/her appointed proxy, will participate in the interview. An employee's representative, designated jointly by the civil servants' unions, shall also attend. An employer's representative can also attend, as well as a staff member from the personnel and organisations department.

In positions where recommendations are to be made by a recommendation committee, the latter will serve as the interviewing panel.

Section 11 Trial lecture or the equivalent

Before a recommendation is drawn up for appointments to academic positions at the University of South-Eastern Norway, a trial lecture or the equivalent of at least 15 minutes in duration shall be conducted on a topic within the subject area for which the public announcement has been made.

Section 12 References

Statements will be collected from one or more reference persons for the recommended candidates. Only designated reference persons shall be contacted.

Section 13 Applications received after the deadline

The recommending authority can include applicants who have exceeded the deadline if there are grounds warranting this. If such is the case, all applicants who have submitted applications after the deadline expired shall be included and their names added to the applicant list.

Chapter 4 - Recommendation

Section 14 General rules on recommendations

1. Prior to the employing body's processing of an application for employment, a recommendation must be made according to the rules in this chapter, cf. Universities and Colleges Act 6-3 (3) and Civil Servants Act Section 5.
2. If there are several qualified applicants, a justified recommendation shall normally be prepared for three applicants ranked in the order they should be considered, cf. Civil Servants Act Section 5 No. 3.
3. If the person who is to submit a recommendation is a member of the appointing body, a proposal for appointment is submitted, and not a formal recommendation, cf. Civil Servants Act Section 3 No. 2.
4. The time between recommendation/or proposal for appointment for all job categories and decisions on hiring should be at least one week.

Section 15 Recommending authority

1. For the appointment of rector, prorector/vice-rectors, deans, vice-dean and department managers, the recommendation for appointment must be made by a recommendation committee designated by the board of directors, cf. Universities and Colleges Act Section 11-1 (3) and Board decision 16/05552-2.
2. For appointments to other management positions, the recommendation is made by the immediate superior administrative leader of the currently applicable unit on the USN organisational chart, cf. Civil Servants Act Section 5 No. 1.
3. For appointments to academic positions, fellowship positions, postdoctoral positions as well as appointments to engineering positions that are directly related to academic activities, recommendations are made by the head of the department, cf. Civil Servants Act Section 5 No. 1.

4. For appointments to other management positions, recommendation is made by the immediate superior administrative leader of the currently applicable unit on the USN organisational chart, cf. Civil Servants Act Section 5 No. 1.

§ 16 Right of access to information

The applicants' (parties') right of access to information in a formal recommendation is governed by the Regulations of the Public Administration Act. The applicants shall have the same right of access to information in an appointment proposal.

Chapter 5 - Appointment

Section 17 Appointing body

- 1) The board is the appointment authority for the following positions:
 - a) Rector, cf. Universities and Colleges Act Section 10-4 (1)
 - b) Pro and vice-rectors
 - c) Department directors (executive level two)
 - d) Deans/vice-deans and department heads

Pursuant to Section 6-3 of the Universities and Colleges Act as well as the university board's decision on delegation of authority to underlying bodies, cf. Board decision 17/00393-1, the appointing authority is as follows:

- 2) The Appointment Committee for technical-administrative positions (TUT) is the appointing authority for technical and administrative positions, as well as technical/administrative management positions not mentioned in Section 1.
- 3) The Appointment Committee for teaching and research positions (TUF) is the appointing authority for positions in this category.
- 4) The Appointment Committee for fellowship positions (TUS) is the appointing authority for fellows.

§ 18 Composition of the appointing bodies

There must be one appointment committee for technical/administrative positions and two appointment committees for academic positions. The appointing bodies have a quorum when three (incl. the chairperson) or more are present. Both genders should have approximately equal representation in the committees.

1. *The Appointment Committee for technical/administrative positions (TUT) shall have the following composition:*
 - a) Director of Personnel and Organisation
 - b) Director of Finance
 - c) The head of the operating unit involved in the case, or his/her authorised proxy.
 - d) Two representatives from the civil servants organisations who, as far as possible, are affiliated with the position group in question.

The personnel and the organisation director chairs the Appointment Committee.

If the personnel and organisation director or manager of the operating unit is absent, their substitute meets for them.

Representatives from the civil servants organisations shall have one deputy representative each.

In the event of equality of votes, the chairperson's vote decides the outcome.

2. *The Appointment Committee for teaching and research positions (TUF) shall have the following composition, cf. Board decision 17/00393-1:*

- A) Rector (chair) or the authorised proxy
- b) Dean of the faculty involved in the case
- c) Two employee representatives belonging to the teaching and research staff, one with senior competence and one with professor/dosent competence
- d) One student representative

3. *The Appointment Committee for fellows (TUS) shall have the following composition, cf. Board decision 17/00393-1:*

- A) Vice-Rector for R&D (Chairman)
- b) Dean of the faculty involved in the case
- c) Two employee representatives with a PhD and belonging to the teaching and research staff
- D) One representative for the position group (PhD fellow)

For both appointment committees, TUS and TUF, the department manager is the recommending authority and the personnel and organisation director is responsible for the secretarial function.

It is desirable that the employee representatives be affiliated with different USN branch campuses.

If the chairperson or dean is absent, their substitutes meet for them.

Based on recommendations from the civil servants organisations at USN, the rector appoints employee representatives to both committees for two years at a time. The employee representatives should preferably represent both sexes.

Both the employee representatives and the PhD fellows representative should each have a deputy representative.

Section 19 Appointment of employee representatives to the Appointment Committee for technical/

administrative positions

1. The employee representatives in the Appointment Committee shall, as far as possible, belong to the same group of employees as the case relates. cf. Regulations Section 17 No. 2 and 3.

2. For the Appointment Committee for technical and administrative positions, the following categorisation applies for position groups:
 - a) Managers, case officers/advisors, project managers and office positions
 - b) Librarian positions
 - c) Engineering positions
 - d) Technical operations and cleaning positions

3. The organisation that organises public employees in the position group involved and who, either alone or through affiliation with a parent umbrella association, is entitled to negotiate under the provisions of the Basic Agreement for State Employees, appoints employee representatives with personal deputies. If there is more than one organisation entitled to negotiate and they have members in the position group involved, the organisations jointly appoint employee representatives with personal deputies to the appointment committees.

4. Employee representatives are appointed for two years at a time. As far as possible, the function period is set so that it does not expire at the same time for both employee representatives within the same employee group. If the organisations do not agree on whom to appoint, two employee representatives are appointed with deputies in line with the following rules:
 - A) For an organisation to designate representatives under the rules below, it must have at least 25% as members of the organised government officials in the group for public employees.
 - b) The primary organisations under the same umbrella association may combine their membership figures in relation to the rules in this section.
 - c) In the event that two or more organisations organise public employees in the employee group in question, the two organisations that have the highest number of total members within the group shall each appoint their representative and one deputy representative.

5. The employee representatives do not represent their own organisation once they have been appointed, but serve in the interests of all applicants.

Section 20 Appointment of student representatives

The student representatives on the employment committees for academic positions are appointed by the rector based on recommendation from USN's Student organisation for one year at a time effective 1 August in the current academic year.

§ 21 Processing by the appointing body

1. Processing in TUT and TUF shall take place in meetings. Meetings are held as video/skype conferences.

2. In exceptional cases, the treatment in the employment agency may take place by sending the case electronically on a round to the members. This scheme entails that decisions taken must be unanimous, i.e. that all members actively agree with the proposed resolution. In the event of dissent, which cannot be redressed through

submission of new proposals, the appointing body convenes in a meeting. The appointing body shall always convene in a meeting if one of its members requires it.

3. Matters are addressed in TUS by sending the cases electronically on a round to the members. The cases are sent in continuous sequence after approval by the Vice-Rector for research, innovation and internationalisation. Decisions taken must be unanimous, i.e. that all members actively agree with the proposed resolution. In the event of dissent, which cannot be redressed through submission of new proposals, the appointing body convenes in a meeting. The appointing body shall always convene in a meeting if one of its members requires it.
4. In public administration in general, participation in the appointing body is a compulsory duty. The members of the body cannot prevent decisions by not participating in the processing. If, however, some of the agency's members do not participate in the processing of a case, the committee has a quorum if at least half of the members participate.
5. Minutes are to be kept of the meetings in the appointment committees. The minutes shall record the time and place of the meeting, who attended, any absences, original proposed resolutions, any proposals that were presented in the meeting, numbers of votes, and any additional agenda items or clarifications of votes. The minutes are sent electronically to the members of the appointing body for approval as soon as possible after the meeting.
6. If a member of an appointment committee or the board wishes to hire an applicant who has not been recommended, a written assessment of the applicant shall be obtained from the person submitting the recommendation, cf. Civil Servants Act Section 6 No. 3. This does not apply to proposals for appointment. After receiving a written assessment, the Appointment Committee makes its decision by majority voting.
7. The final decision to hire is taken in the minutes of the meeting, which are approved by the appointing body's representatives.
8. The equality and inclusion principle should be emphasised for appointments to all job categories. In addition, reference is made to regulations of the Civil Servants Act Section 6 concerning applicants with disabilities/special needs.

Section 22 Notification of employment

1. The employee is given written notification of employment, cf. Civil Servants Act Section 6 No. 5. The employment contract shall contain information about the laws, instructions and regulations currently applicable to public service as well as the trial period and any special terms of the contract.
2. The person hired shall be given a deadline to answer of minimum one week.
3. A written employment agreement must be entered into for both permanent and temporary employment, cf. Working Environment Act (AML.) Sections 14-5 and 14-6.
4. All applicants shall be notified that the position has been filled when the employee has confirmed that he/she accepts the position, cf. Section 27 first paragraph of the Public

Administration Act. The informational statement shall include the name of the person employed in the position.

Chapter 6 - Calculation rules, disciplinary actions, resignation, suspension, dismissal and appeal

Section 23 Calculation of seniority

All coherent service time in the university system, is used as the basis for calculating employment time in relation to Section 23 of the Civil Servants Act. This also includes previous service at former institutions now comprised in the USN system.

§ 24 Deletion of disciplinary actions

Pursuant to the Civil Servants Act Section 25 No. 4, all disciplinary actions are deleted after 5 years.

Section 25 Decision-making bodies in cases concerning disciplinary actions, resignation, suspension, dismissal and appeal

1. Decisions relating to a member being imposed a disciplinary penalty, being given notice of termination, suspension or dismissal, shall be made by the appointing authority, cf. Section 11-3 (1) of the University and Colleges Act.
2. If the matter requires a particularly quick decision, the rector can make decisions on suspension or transfer to another less responsible post pursuant to the Civil Servants Act Section 30 No. 2 for cases in which the Board is the appointing authority and the personnel and organisation director can make decisions in cases in which one of the appointing committees is the appointing authority.

Section 26 Procedural rules, appeal

1. Appeal of a decision relating to a disciplinary action, termination of employment, suspension or dismissal is determined by the board of directors when the decision is made by the appointing body, and by the academic department when the decision is made by the board, cf. Section 11-3 (3) of the Universities and Colleges Act. The appeal is made in writing and addressed to the decision-making body.
2. The deadline for appeals is three weeks from the time the decision has been received by the party concerned, cf. Section 29 of the Public Administration Act.

Chapter 7 - Leaves of absence

Section 27 Welfare leave

Welfare leave can be granted by the employee's immediate manager in accordance with the joint provisions of the Basic Collective Agreement and the Personnel Handbook for State Employees.

§ 28 Leave in connection with training, transition to a different position etc.

1. To the extent that service allows, leave should be granted to persons who wish to complete an education or perform work that is important for the individual's professional development in public service.

2. Leave to take over another public service position outside the university or a different position in the university can be granted for a period of up to one year. Such leave can be extended for up to one year. An equivalent leave can be granted when the employee takes over a position outside the civil service, provided that the work is relevantly affiliated with the work area from which the employee has received a leave of absence.
3. The condition for granting of leave pursuant to Section 2 is that the person has had at least three years' continuous service at the university from the date work commenced to the last working day before the leave begins.
4. Leave for time-limited service in an educational position, as far as the service permits, can be granted for the period necessary for this purpose.
5. Leave can be granted to an employee who is appointed to a fixed-term post at the University of South-Eastern Norway. The length of the leave is equivalent to the period of employment in the fixed-term post.
6. Leave in accordance with Section 2–5 above is determined by the appointing body under which the position is affiliated, upon recommendation by the employee's immediate superior manager.
7. Leave of shorter duration – up to 2 months – may be granted administratively, under management prerogative, by the personnel and organisation director.

Chapter 8 Other provisions

Section 29 Working hours etc.

In terms of working hours etc., reference is made to the applicable statutes and agreements pertinent to the civil service area in question.

Section 30 Impartiality

The duty of impartiality is practised pursuant to Sections 6 and 8 of the Public Administration Act. A member of the appointing body must disqualify himself/herself from processing a case when the member lacks impartiality. As far as is possible, the deputy representative shall be called in and shall participate in the processing of the case in question. The appointing body determines whether a member is disqualified on the grounds of lack of impartiality. The individual in question does not participate in this decision. Members are obligated, on their own initiative, to brief the appointing authority on aspects that may affect the issue of disqualification on the grounds of lack of impartiality.

Section 31 Duty of secrecy

The duty of secrecy is practised in accordance with the Public Administration Act Section 13. Members of the employment Agency and others participating in the hiring process are obligated to maintain secrecy with respect to personal information and the personal assessments they become aware of through the hiring process, including the processing in the appointing body.

Section 32 Holiday lists

Rules on holiday determination and time for holidays are regulated in the Holiday Act, cf. Sections 6 and 7 of this law.

If the holiday has not been agreed, the holiday is administratively stipulated as five weeks beginning the first Monday in July.

The head of the individual operating unit is responsible for ensuring that the holiday lists are drawn up as early as possible, primarily by 1 May. Sufficient personnel coverage for the university is to be ensured at all times.

Section 33 Letters of reference

A public servant who resigns his post after termination or dismissal, or who requests it, has the right to receive a written letter of reference, cf. Working Environment Act Section 15-15.

The certificate shall include the name of the public employee, the date of birth, the position(s) he/she has held, and the date he/she commenced work and, if applicable, the date he/she resigned from the position(s). In addition, the certificate shall provide information on what work areas the public employee has had.

Furthermore, the certificate may provide an assessment of the public employee and his/her work performance, if so requested by the public employee himself/herself.

Section 34 Entry into force and revision

These personnel regulations have been negotiated between the management of the university and the public servants' organisations at USN who are entitled to negotiate pursuant to the Norwegian Public Service Dispute Act. The personnel regulations encompass the conditions set out as items of negotiation in the Civil Servants Act and comply with the requirements of Section 2 No. 4 of the Act.

The personnel regulations enter into force 01 February 2019 in accordance with what the parties have agreed, cf. Civil Servants Act Section 2 no. 1 and the General Agreement Section 19 no. 2 letter d.

Each of the parties in the negotiations may at any time demand that the rules be re-examined for revision, cf. Norwegian Civil Servants Act (statsansatteloven) Section 2 No. 5.