

REDEPLOYMENT AND VACANCY FILLING REGULATIONS Radboud University Nijmegen

as decreed by the Executive Board on 14 January 2008
and most recently amended on 29 April 2022

In addition to the Collective Labour Agreement of the Dutch Universities (CAO)
the Executive Board adopted the following regulations.

Article 1 Definitions

1. vacancy: a job vacancy of at least 0.2 FTE that needs to be filled for three months or longer.
2. vacancy holder: the dean or director of the faculty, Division or business unit that has a vacancy.
3. redeployment candidate: the employee subject to potential dismissal due to changes in employment circumstances. Changes in employment circumstances include, but are not limited to, the following:
 - (a) abolition of a post, redundancy and/or reorganisation;
 - (b) incapacity for work due to medical reasons;
 - (c) incompatibility of characters;
 - (d) disturbed labour relations, unless blame can be attributed;
 - (e) unsatisfactory performance, unless blame can be attributed.
4. internal candidate:
 - (a) an employee of Radboud University Nijmegen;
 - (b) a former employee of Radboud University Nijmegen who has been unemployed less than two years, provided he/she is not voluntarily unemployed.
 - (c) a former employee of Radboud University Nijmegen who, after having been made redundant due to reorganisation, was awarded statutory or non-statutory unemployment benefit. He/she shall be regarded as an internal candidate during the entire period of unemployment benefit.
 - (d) a posted worker within the meaning of the Placement of Personnel by Intermediaries Act or a posted student employee of Campus Detachering B.V. He/she shall be regarded as an internal candidate during the period of placement at Radboud University Nijmegen.
5. suitable position: A position is considered suitable if, in the opinion of the employer, the redeployment candidate:
 - possesses the knowledge and skills deemed necessary to perform the function effectively or;
 - if, in the opinion of the employer, the redeployment candidate can be retrained or given further training within 12 months;
 - the position can reasonably be assigned to the person concerned in view of his/her personality, circumstances and prospects;
unless compelling business interests do not allow for it.

6. mobility coordinator: independent officer within the Human Resources Division responsible for the coordination of activities geared towards the guidance of redeployment candidates.

Article 2 Job vacancy

The vacancy holder will report the job vacancy that has arisen as soon as possible to the personnel advisor, who will then notify the mobility coordinator.

Article 3 Registration of redeployment candidates

If an employee has been designated as a redeployment candidate, he/she will be registered as such by the personnel advisor, who will subsequently report this registration to the mobility coordinator.

Article 4 The mobility coordinator

1. Generally, the mobility coordinator is responsible for the optimisation of internal vacancy filling at Radboud University Nijmegen and, more particularly, for the coordination of activities geared towards the guidance of redeployment candidates.
2. After consultation with the personnel advisor and the vacancy holder, the mobility coordinator will assess whether or not a registered vacancy is one for which one or more redeployment candidates might qualify.
3. If the mobility coordinator is of the opinion that a vacancy is one for which one or more redeployment candidates might qualify, he/she has the right to block this vacancy to prevent further recruitment, but must do so within 5 working days following the date on which the vacancy was reported.

Article 5 Redeployment study

1. For every redeployment candidate, the possibilities of redeployment in suitable work within or outside Radboud University will be carefully studied.
2. The duration of the study concerning redeployment of an employee subject to potential dismissal as a result of reorganisation is 10 months until July 2023, as laid down in Article 9:12 of the Collective Labour Agreement of the Dutch Universities (CAO), from 1 July 2023 until 31 December 2023, this is 7 months plus the notice period, and from 1 January 2025, 3 months plus the notice period¹.
3. The duration of the study concerning redeployment of an employee subject to potential dismissal as a result of incapacity for work due to medical reasons is determined by the course of the proceedings in the first and second years of illness in accordance with the Eligibility for Permanent Invalidity (Restrictions) Act (*Wet Verbetering Poortwachter*) and the provisions of the Sickness and Disability Scheme (*Ziekte- en Arbeidsongeschiktheidsregeling*) of Dutch Universities.
4. The duration of the study concerning redeployment of an employee subject to potential dismissal as a result of other grounds than those referred to in the second and third paragraphs is 6 months plus the notice period, until 1 January 2025, after which it is 3 months plus the notice period.
5. The redeployment candidate is obliged to cooperate actively and demonstrably in the redeployment study.
6. If, at the end of the redeployment study, no suitable position has been found, the dean/director will send a written notification to the redeployment candidate, stating the

¹ see also article 9.10 CLA for the exception to these terms

reasons and the efforts that have been made.

Article 6 Priority of redeployment candidates

1. If, according to the mobility coordinator, a vacancy might be filled by a redeployment candidate, the vacancy holder will consider the candidate in question for the vacant position.
2. The vacancy holder will interview the redeployment candidate concerned in order to assess whether this candidate – given his/her knowledge and skills – will be able to perform the position effectively. The vacancy holder will make this assessment with reference to the job content and job requirements. The redeployment candidate will be obliged to attend the aforementioned interview.
3. If there is more than one redeployment candidate for a vacant position, the most suitable candidate shall be given priority.
4. If the redeployment candidate is not placed in the suitable position, the vacancy holder will state the reasons clearly in a written notification.

Article 7 Priority of other candidates

If no redeployment candidates are available for certain job vacancies, the vacancies in question will be released for further recruitment, in which case the following recruitment, selection and priority sequence will apply:

- (a) Vacant positions within the Education & Research job family will be released for simultaneous internal and external recruitment, i.e. these vacancies will at least be posted on Radboud University's intranet and the Academic Transfer website. Internal candidates will be entitled to a job interview if they meet the formal criteria. If an internal candidate and an external candidate are equally suitable for a vacant position, preference will be given to the internal candidate. When recruiting university lecturers, tenured lecturers and tenure-track researchers have priority as internal candidates in cases of equal suitability.
- (b) Vacant positions within the other job families may be released for simultaneous internal and external recruitment. Internal candidates will be entitled to a job interview if they meet the formal criteria. If an internal candidate and an external candidate are equally suitable for a vacant position, preference will be given to the internal candidate.

Article 8 Target group policy

Radboud University's target group policy, in which candidates from the target groups are given priority in cases in which candidates of matching ability are short-listed, continues to be fully applicable, but the sequence and priority provisions included in these regulations shall prevail.

Article 9 Application code

Without prejudice to the provisions of these regulations, the Application Code of the Netherlands Association for Personnel Management and Organisational Development (NVP) shall apply, and applicants will be entitled to reimbursement of their travel expenses and other costs reasonably incurred.

Article 10 Effect

These regulations came into effect on 1 January 2008, and were last amended on 29 April 2022.

EXPLANATION

1. Redeployment policy

The aim of Radboud University's redeployment policy is to give priority to employees designated as redeployment candidates in filling job vacancies. Redeployment status is granted when an employee is subject to potential dismissal as a result of, for example, reorganisation, unsatisfactory performance, incapacity for work or disturbed labour relations.

Mobility coordinator

The mobility coordinator supports the personnel advisor in guiding redeployment candidates and other employees whose careers have stagnated or threaten to stagnate towards other suitable work within or outside the university. For this reason 'mobility coordinator' is the preferred job title and not the formerly used job title 'reintegration coordinator' as the latter caused some confusion in relation to the reintegration of employees who have been ill.

Redeployment study

The duration of the redeployment study in the case of reorganisation is laid down in the Collective Labour Agreement (CAO). The duration of 10 months will be gradually reduced to 3 months in order to offer the employer greater flexibility with regard to the termination of the employment contract as the new CAO will allow employees to become permanent quickly. The Eligibility for Permanent Invalidity (Restrictions) Act (*Wet Verbetering Poortwachter*) and Policy Rules concerning the Occupational Disability Assessment Framework (*Beleidsregels Beoordelingskader Poortwachter*) stipulate which efforts need to be made to redeploy people who are incapacitated for work. Regarding the threat of dismissal on other grounds (unsatisfactory performance, disturbed labour relations and the like) no provisions have been made in the legislation or CAO.

It has been decided to maintain the 6-month term until 1 January 2025. Thereafter, the duration of the re-employment study will be aligned with the 3-month period described in the CAO in the case of reorganization dismissal. However, special circumstances may justify a longer term. For example, it may be that the employer has not yet been able to organise the support required within the context of the redeployment study, or that the employee cannot yet be employed for medical reasons or does not yet qualify for placement due to the fact that he/she is frustrated or angry about all that has happened and, for example, first needs to clearly define his/her search profile with the help of a career advisor. In such a case the redeployment study cannot be conducted effectively. This does not change the fact that the employee is subject to potential dismissal, but, depending on the circumstances involved, further agreements will have to be made on the basis of good employment practice.

Suitable position

A redeployment candidate shall not be dismissed before the possibilities of his/her redeployment in suitable work within or outside Radboud University have been carefully studied. What constitutes a 'suitable position' has been defined in the CAO.

Employees unfit for work

An employee who is unfit for work for medical reasons occupies a special position within the legal and regulatory framework. He is considered a redeployment candidate if the Department of Occupational Health and Safety and Environmental Service (AMD) and/or the Public Employment Service (UWV) have determined that he can no longer fulfil his current duties because he is partially or wholly unfit for work (temporarily or permanently), but nonetheless still capable to perform certain other duties. Within the context of this incapacity for work the UWV provides advice as to what kind of work may be considered suitable for the person in question. This may involve what is known as generally accepted work, which may be of a totally different nature and level than the work performed in the position(s) previously held. The Policy Rules concerning the Occupational Disability Assessment Framework (*Beleidsregels Beoordelingskader Poortwachter*) even state that, if necessary and possible, an employer should reorganise the work within a department in such a way that an employee who is unfit for work can remain in employment.

2. Priority of internal candidates

All those employed by Radboud University Nijmegen are considered internal candidates, regardless of whether they have a contract for a definite or indefinite period of time, and regardless of the duration of employment (Equal Treatment [Temporary and Permanent Contracts] Act).

As Radboud University Nijmegen can realise considerable savings on benefits if former employees receiving statutory or non-statutory unemployment benefits go back to work, the present regulations include the provision that not only former employees as referred to in Article 9:14, par. 5, of the CAO but all former employees who have been unemployed less than two years and receive unemployment benefits paid by the university will be considered equivalent to internal candidates, with the exception of employees who are voluntarily unemployed.

Article 9, paragraph 3, of the Non-Statutory Unemployment Regulation of the Dutch Universities 2020 (BWNU) stipulates that a former employee who, after having been made redundant *due to reorganisation*, was awarded statutory or non-statutory unemployment benefit, will be employed by the former employer in a suitable position as defined in Article 9.12a of the CAO when such a position becomes vacant. Such a former employee will therefore be regarded as an internal candidate during the entire period of unemployment benefit.

Pursuant to the amended Placement of Personnel by Intermediaries Act (WAADI), Radboud Universities Nijmegen is obliged to inform the workers posted with the university clearly and in good time of any vacant positions at the university to give them the same opportunity as other workers at the university to find permanent employment. This means that the workers posted with the university qualify as internal candidates. 'Posted workers' are workers with a contract of employment or employment relationship with an agency who, for consideration, are assigned to Radboud University Nijmegen to work under the university's supervision and direction. Various terms can be used to refer to this procedure (e.g. temporary agency work, secondment, payrolling, hiring-out of manpower, or employee leasing). The provision of personnel by way of help without any profit incentive (e.g. in the context of reintegration or outplacement) does not fall within the definition of posting of workers. The workers remain in the employ of the agency, and the on-charges are limited to the wage costs plus a 10% surcharge.

Students posted with the university through Campus Detachering B.V. shall also be regarded as internal candidates during their period of placement at Radboud University Nijmegen.

If no redeployment candidates are available for certain job vacancies, the vacancies in question will be released for further recruitment. Vacant positions within the Education & Research job family will be released for simultaneous internal and external recruitment; for UD positions, tenured lecturers/researchers have priority in cases of equal suitability. Vacant positions within the other job families may be released for simultaneous internal and external recruitment. The privileged position of internal candidates entails that they will be entitled to a job interview if they meet the formal criteria and that, when an internal candidate and an external candidate are equally suitable for a vacant position, preference will be given to the internal candidate.