Holidays and Leave Regulation

TU/e

EINDHOVEN UNIVERSITY OF TECHNOLOGY

Holidays and Leave Regulation

Holidays

General

Upon the request of the employee, a holiday with pay is granted insofar that this does not conflict with the interests of the employer. In a single year an employee is permitted to take as many holiday hours as the holiday entitlement and which is permitted with respect to company interests.

Holiday entitlements

As of January 1, 2009, all TU/e employees who are fully employed and work 38 hours are entitled to 232 holiday hours per calendar year. The holiday entitlement consists of 152 statutory holiday hours and 80 non-statutory holiday hours.

Furthermore, the number of holiday hours can be influenced by the selected working hours (with respect to the 'Regulation for choice of working hours': see the TU/e Selection Model for Conditions of Employment Selection Model for Conditions of Employment.pdf (tue.nl)).

Selecting one's working hours is optional for employees appointed for 0.5 FTE or more (50% or more in full-time employment) and who are permitted to participate in the Selection Model governing Employment Conditions (Dutch: KAV), with the exception of participants in the Senior Staff Scheme and vitality pact.

For those who do not have the choice of work duration, the applicable calculation base for holiday entitlement is the 38-hour work week (232 hours).

For part-time employees who in 1998 have opted for a salary raise instead of extra ADV, the calculation base for the holiday entitlement is 176 hours.

Types of hours

1. *Statutory holiday hours*
   This is four times the employee's weekly working hours. This is 4 times 38 hours per year for someone who works fulltime.
   The statutory holiday hours become void six months after the last day of the calendar year in which the entitlement was obtained. This means that these hours will expire on 1 July of the new calendar year.

2. *Non-statutory holiday hours*
   This is 80 non-statutory holiday hours for someone who is working fulltime.
   With regard to the transferred non-statutory holiday hours remaining, within six months after the last day of the calendar year in which the entitlement was obtained, the employee shall reach a written agreement with the employer regarding the taking of the holiday entitlement within a period not exceeding five years after the calendar year in which the holiday entitlement arose. The employer will respond in a timely fashion to a proposal for a written agreement.

3. *Compensation hours (flexible working hours)*
   These are the hours that an employee accrues by working 1 or 2 extra hours per week compared to the actual working hours. The compensation hours worked additionally are deemed to have been taken in the calendar year in which they arose (article 5.6 paragraph 2 cao-NU).

Recalculating / Decreasing the number of holiday hours
The number of holiday hours for persons who are not fully employed is determined in proportion to the number of hours that apply to entitled persons who work 38 hours (= full-time employment). With recalculating the holiday entitlement, the outcome is rounded off to the hour upwards.

If in the course of a calendar year there are changes in the employee's working hours percentage, the holiday entitlement is recalculated proportionately over the specific year.

In the case of an employee who leaves work or is dismissed, the leave entitlements are determined proportionately to the number of months in which he/she was employed.

Reserving holiday hours
See the regulation Public Holidays and Collective Closure Days.

Transferring and expiring holiday hours

a. The employee takes the holiday in the year during which entitlement is built up. The employer shall enable the employee to do so, the holiday shall be granted unless it is demonstrably in conflict with the interests of the institution.

b. If the employee does not use his entire holiday entitlement in that particular year, he shall, in order to prevent problems in the organization's business operations and to avoid excessive accumulation of holidays, make arrangements with the employer on how to take the holiday entitlement by:
    - Applying the long-term saving option referred to in article 5.5 cao-NU;
    - Applying the flexible working hours scheme, as referred to in article 5.6 cao-NU, in the following year, subject to a reduction of the average number of working hours per week, until the extra holiday entitlement is taken;
    - Another arrangement that will reduce the remaining entitlement.

c. If the employee has not made any arrangements for taking holiday entitlement (referred to under a or b) with the employer on 1 July of the calendar year of accrual, the employer can determine a holiday period of no more than four times the employee's weekly working hours.

d. Without prejudice to the provisions under c, the employee may transfer any accrued holiday hours left over in a calendar year to the next calendar year. In that case, the employee is obliged to take all of the transferred holiday hours before the end of that next calendar year. The transferred statutory holiday hours become void six months after the last day of the calendar year in which the entitlement was obtained. With regard to the transferred non-statutory holiday hours remaining, within six months after the last day of the calendar year in which the entitlement was obtained, the employee shall reach a written agreement with the employer regarding the taking of the holiday entitlement within a period not exceeding five years after the calendar year in which the holiday entitlement arose. The employer will respond in a timely fashion to a proposal for a written agreement.

e. If the employee does not submit a request to take the holiday hours transferred to a next calendar year in good time and also fails to reach a written agreement regarding the taking of the holiday hours at a later time, the employer is entitled, following consultations with the employee, to determine periods during which the employee will take these holiday hours within 12 months after the final day of the calendar year in which the holiday hours were accrued.

f. The outcome of the provisions under b, c, d and e shall be approved by the employer in writing.

Saving for a leave
See the regulation Selection Model for Conditions of Employment.pdf (tue.nl).

Paying out holiday hours
The basic principle in the TU/e is that holiday hours should be used before the end of employment and that the employer shall give the employee the opportunity to do so.

There are 2 reasons for this:

1. Because of sustainable employability and good employment practices: taking holiday is better for the welfare of the employee.
2. A (high) remaining holiday entitlement has a financial negative effect on the TU/e; every holiday hour of an employee is reserved on the balance and therefore weighs on the budget and when paid out it costs money.

If there is still a remainder of holiday hours at the end of the employment, the employee and manager will try to spend the remaining holiday hours before the end of the employment.

If this eventually does not succeed, the employee can submit a request to the supervisor to pay the remaining holiday hours. This request requires approval from the managing director.

The employee who upon termination of the employment contract is still owed previously accumulated holiday entitlements and who has not been given the opportunity to use them is entitled to a cash payment up to an amount of the salary (including holiday allowance and end-of-year bonus) equal to the entitlement.

Compensation hours are no holidays hours and will not be paid out (only in case of death article 7.4, paragraph 1 cao-NU).

Value of 1 hour = 0.704% of the CAO monthly salary in case of full-time employment (without allowances, etc.) according to article 5.7 of the cao-NU (this includes the vacation allowance and end-of-the-year bonus).

Holidays during illness
The (long-term) sick employee accrues as much leave as the non-sick employee. But the (long-term) sick employee is considered to take holiday hours if he is able to. In short, he is capable of this if he is also capable of reintegration activities. It does not have to be assumed too quickly that the employee has no usable possibilities for reintegration. In general, this is only the case if the employee has been admitted to a hospital or other healthcare institution or is in bed; or if the employee is so dependent on carrying out activities in daily life that he / she is not self-reliant. The company doctor advises on this, the employer ensures that leave is actually taken. The admission is equal to the number of hours that the employee is expected to work according to the schedule prior to the illness. So if someone is not available for reintegration because, for example, he is going to Maastricht for a day, he will take holiday hours for that day.

Long-term illness and flexible working hours
The arrangement between the employer and the employee, made prior to the first day of illness or disability, about the details of the flexible working hours scheme shall remain in force. Settlement of the holiday hours under the agreement with the holiday balance shall be limited to six months after the first day of illness.

Sickness during holidays
If the employee makes a reasonable case of the fact that if holiday was not granted, he/she would have anyway been prevented from working due to sickness, then the hours that were not used during the holiday - as a result of sickness - are not considered holiday hours that were granted. The following must be observed is such cases:

1. An employee who is on vacation in the country (in the Netherlands) shall have to report sick immediately and report his/her recovery as stipulated in the procedure regarding sickness and recovery notifications.
2. An employee who is abroad on vacation shall have to produce a medical declaration concerning his/her sickness, which will have to be submitted immediately to the company medical officer upon the employee's return. In both cases the hours in question are compensated unless the employer decides otherwise, based on the advice received from the company medical officer.

Leave when universities are closed on designated days
See the regulation Public Holidays and Collective Closure Days.

Special short-term leave (article 4.25 cao-NU)

1. Special days of leave are always directly related to the hours of work on the actual working days in which the leave is granted. Therefore a special leave for someone who actually works 8 hour per day will mean eight hours of leave on that particular day.
   For someone who works 4 hours per day, the day of leave means 4 hours of leave, etc.

2. Unless the interests of the organization come in conflict, a special leave with full salary is granted in the following cases:

(Note: The leave stated below is granted in principle on the occasion of and on the day(s) in which the stated events occur and, if this concerns more than one day, directly before or after the day(s) in which the stated events occur.
If certain events, as mentioned below, occur during the weekend, on a holiday or on a day which is officially a non-working day, then no special leave is granted at another point in time.

a. **Moving house**: Moving house other than in the case of relocation, with regard to employees who have their own household: one time per calendar year and maximum for 2 days.

b. **Family circumstance**

Taking out a marriage license (if this takes place during a working day):	1 day
Marriage (to be taken in consultation and immediately before/after the days of the wedding):	4 days
Marriage or registering partnership of family member or relative by marriage of the 1st or 2nd degree (if this takes place on a working day):	1 day
If this wedding takes place outside of location of residence (if and insofar that it takes place on a working day):	Maximum 2 days
Death of spouse, parents, stepmother/father, parents-in-law, children, stepchildren or children by marriage (to be taken in consultation around the date of death/funeral):	4 days
Death of family member or relative by marriage of the 2nd degree (to be taken in consultation around the date of death/funeral):	2 days
Leave is granted in the case of death of family member or relative by marriage of the 3rd or 4th degree (if the funeral takes place on a working day):*	1 day
**If the employee is burdened with arranging the funeral and/or estate (to be taken in consultation):*	*Maximum 4 days*
Childbirth of a spouse (2 days are allotted for the birth and registration of the baby).	2 days + one week's working hours
Celebration 25th, 40th and 50th employment and wedding anniversaries (if the celebration takes place on a working day):	1 day
Celebration 25th, 40th and 50th wedding anniversary of parents, stepparents or parents-in-law (if the celebration takes place on a working day):	1 day
Confirmation and First Holy Communion and also of his/her spouse, children or stepchildren (if it takes place on a working day)	1 day
For drawing up a deed of co-habitation or for registering partnership (if on a working day):	1 day

Below is an overview of the degrees of blood relationship and relatives by marriage.

Spouse	Spouse/party concerned (one of the two is employed at TU/e)	Party concerned (TU/e employee)
Relative by marriage		Blood relationship
1st degree Parents	1st degree Child	1st degree Parents
2nd degree Sister / Brother / Grandparents	2nd degree Grandchild	2nd degree Sister / Brother / Grandparents
3rd degree Uncle / Aunt (brother / sister of parents) Great grandparents	3rd degree Great grandchild	3rd degree Uncle / Aunt (brother / sister of parents) Great grandparents
4th degree Great uncle / Great aunt (brother / sister of grandparents) Cousin (child of brother / sister of parents) Great niece / nephew (grandchild of brother / sister) Great great grandparents	4th degree	4th degree Great uncle / Great aunt (brother / sister of grandparents) Cousin (child of brother / sister of parents) Great nice / nephew (grandchild of brother / sister) Great great grandparents

Note: It should be noted that the aforementioned stipulations concerning special leave in connection with personal and family circumstances that applies to a married employee also applies to an employee who maintains a non-marital relationship, in other words, lives together with a life partner, regardless of the sex of the person, on the condition that the employee has submitted a copy of co-habitation contract drawn up by a notary public, a notarial declaration concerning the existence of a co-habitation contract or a municipal deed of partner registration.

1. Unless the interests of the organization come in conflict, a special leave is granted for participating in meetings and sessions of public boards in which the employee has been appointed or elected, such as municipal councils and provincial states and for carrying out tasks ensuing from participation on these boards, all this in so far that the employee cannot perform this at his/her free time. If the employee received a fixed compensation for the activities stipulated above, then a deduction is applied to his/her salary for the time used for these tasks during the special leave.

2. Unless the interests of the organization come in conflict, a special leave with full salary is granted in the following cases:
    - Participating in the meetings of statutory bodies of employee associations or of international organizations, on condition that the employee participates as a council member or delegate, but for no more than 15 days per year;
    - Developing managerial and/or representative activities within an employee organization (belonging to the organization of the employer), which serve to support the objectives of the organization, take up no more than 26 days per year, and all this in so far that one was appointed to this task by an employees' organization.
    - Participating as a student in a course, upon the invitation of an employees' organization, with the understanding this will entail a leave of maximum 6 days per two years.

Based on the above, the maximum number of days that can be granted to an employee is 30, with the understanding that for board members the maximum is 40 days per year.
Short-term leave, whether or not with retaining a full salary, can be granted if the party authorized to grant the leave assesses that there is reason for doing so.
An example that can be considered in this matter is granting a special leave for activities to an employee who can demonstrate that the activity will serve general social interests, e.g., counseling in youth work. The employee must justify such a request for a special leave and substantiate it with evidence.

Requesting a short-term special leave
Barring urgent cases, a short-term special leave must be requested at least 24 hours in advance from the person authorized to grant that leave. If the employee shows that he/she had no chance of submitting a request for such a leave in advance, and that there were sound reasons for his/her absence (in accordance with the above mentioned circumstances) , then the absence is considered a special leave with retention of full salary.

Special long-term leave (article 4.18 cao-NU)

1. Special leave purely for personal interest: This can be granted upon request without retention of salary and for no longer than 6 months.

2. Special leave, also in the general interest of the employee for giving him/her the opportunity to fulfill another function; in principle, this can be granted for up to 1 year without retention of salary.

3. Special leave according to the judgment of the Executive Board, considered of common interest for the purpose of giving the employee the opportunity to fulfill - aside from the permanent employment - a function within an international organization, whether for the benefit of the Dutch Antilles or as an expert working temporarily for a foreign power; in principle, this leave can be granted for up to 3 years without retention of salary.
   A special leave without retention of salary can be granted for maximum 2 years to an employee appointed as salaried manager of an employees' organization or an international organization.

Leave based on Work and Care Act (WAZO)

Leave during pregnancy and childbirth (article 4.11 cao-NU)
In connection with childbirth, an employee is entitled to a total leave of 16 weeks for pregnancy and childbirth. Within the 16 weeks, maternity leave is always at least 10 weeks. This maternity leave comes into force immediately after the childbirth.
Leave can be adjusted according to personal needs (flexible pregnancy leave). The woman in question can take this leave starting from 6 weeks prior to the expectant delivery date (this date must be indicated on a declaration provided by a doctor or midwife).
Pregnancy leave must begin no later than 4 weeks before the expectant delivery date. If pregnancy leave was not taken before childbirth because the woman wanted to work longer, and therefore the leave time amounted to less than 6 weeks, then this leave can be taken following the maternity leave.

If childbirth occurs earlier than expected, then the non-utilized pregnancy leave is added to the 10 weeks of maternity leave. In this case, one is always entitled to a total leave of 16 weeks. If childbirth occurs later than the expectant date, then pregnancy leave is extended to the actual date of delivery. This is not at the expense of the minimum maternity leave of 10 weeks and not at the expense of a planned extension of this leave by using the non-utilized pregnancy leave.

Example 1: If a woman had planned a pregnancy leave of 6 weeks prior to the delivery date and a maternity leave of 10 weeks, but the baby was born later than the expected date, then the pregnancy leave is extended until the actual date of the delivery. The maternity leave remains 10 weeks, also if the woman had actually taken more than 6 weeks of pregnancy leave.
Planning: 6 weeks / 10 weeks
Actual leave: 6 weeks + 1 week / 10 weeks

Example 2: If the employee had continued working, for example, up until 4 weeks prior to the expectant delivery date (continued working later than this is not permitted), but the baby was born one week later than expected, then the 2 weeks planned for pregnancy leave are added to the maternity leave.
Planning: 4 weeks / 10 weeks + 2 weeks
Actual leave: 4 weeks + 1 week / 10 weeks + 2 weeks

Example 3: As indicated previously, absence for medical reasons during the 6 weeks prior to the expectant delivery date is deducted from the period, which might be added to the maternity leave. If the employee mentioned in example 2 becomes occupationally disabled during the sixth week prior to the expectant delivery date and is absent during 2 weeks, the actual situation becomes 4 weeks + 2 weeks / 10 weeks.

If the employee mentioned in example 3 becomes 50% occupationally disabled during the sixth week prior to the expectant delivery date, the actual situation becomes 4 weeks + 1 weeks / 10 weeks + 1 week.

If maternity leave begins after 1 January 2015 the following stipulations apply:

- Employees are entitled to take the last period of their maternity leave flexibly. The remaining leave six weeks after the date of the birth can, in consultation with the employer, be taken over a period of no more than 30 weeks. The employee must submit the request no more than 3 weeks after the date of the birth.
- If, during the birth, the mother dies, the partner is entitled to her remaining leave and apply to his/her employee for this. The partner is entitled to salary for the period of the leave. The employer can offset this salary payment with the UWV.
- If the baby is hospitalized during the maternity leave, the maternity leave will be extended by the number of days of hospitalization from the eighth day of hospitalization up to and including the final day of the maternity leave up to a maximum of 10 weeks. This only applies insofar as the hospitalization of the baby extends beyond the number of days that the maternity leave is extended subsequent to the actual date of the birth.

Example 1:
Say that the employee plans six weeks maternity leave and the birth takes place on the expected date, e.g. 1 July, and the baby is hospitalized for three weeks after the birth, then the maternity leave would last 10 weeks had there been no hospitalization. But counting from the eighth day of the hospitalization, in this case this would be two weeks of hospitalization. These two weeks are then added to the maternity leave since the hospitalization lasted longer than the number of days by which the maternity leave would have been extended subsequent to the actual date of the birth, namely zero days because the birth took place on the expected date. Therefore, the period of maternity leave is 12 weeks.

Example 2:
Say that the employee is expected to give birth on 1 July and wishes to take six week maternity leave beforehand but the baby is born mid May, before the maternity leave begins, and the baby is hospitalized after birth for four weeks. The employee gets the 6 weeks of maternity leave added onto her maternity leave, making a total of 16 weeks. Three weeks' hospitalization is counted (from the eighth day), but since the hospitalization is no longer than the 6 weeks by which the maternity leave is extended, there will be no further extension of the maternity leave.
Had the baby been hospitalized for 9 weeks (read: 8 weeks from the eighth day of hospitalization), then the maternity leave of 16 weeks would have been extended by 2 weeks because the hospitalization would have been 2 weeks longer than the 6 weeks by which the maternity leave had already been extended.

Example 3:
Say that the employee plans six weeks maternity leave and the birth takes place three weeks later than the expected date of birth. The baby is hospitalized for four weeks following the birth, and without this hospitalization the maternity leave would have lasted 10 weeks. Counting from the eighth day of the hospitalization, these three weeks' hospitalization are added to the maternity leave because the hospitalization period lasted longer than the number of days by which the maternity leave would have been extended subsequent to the date of the birth, namely zero days because the birth occurred 3 weeks after the expected date, resulting in 13 weeks of maternity leave.

Maternity leave for employees expecting multiples
From 1 April 2016 onwards, a new regulation is in place for maternity leave for employees who are pregnant with multiples. Maternity leave consists of pregnancy leave (before childbirth) and childbirth leave (after childbirth). Employees who are pregnant with multiples, and whose estimated due date is on or after 26 May 2016, can start their pregnancy leave earlier, i.e. between 10 and 8 weeks before the due date. This two-week period is called the flexible part of pregnancy leave. If the employee decides to continue working during the flexible period, this leave can't be added to the childbirth leave. The employee can also choose to start her leave on the 'standard' time of between 6 and 4 weeks before the day after the estimated due date.

NB: Pregnancy leave cannot start between 8 and 6 weeks before the day after the estimated due date.

The total duration of leave during pregnancy and after childbirth can only be determined after the employee gives birth. For employees who are pregnant with multiples, the day their youngest child is born is considered the day they gave birth. This day marks the end of pregnancy leave; childbirth leave starts the next day. The date of the birth also determines the duration of childbirth leave.

The calculation of the duration of maternity leave is as follows:

From 1 April 2018, the employee is entitled to a minimum of 20 weeks' pregnancy and maternity leave (this had been at least 16 weeks). This also applies to employees who have taken pregnancy leave on or since 11 December 2017.
The employee is entitled to a minimum of 10 weeks' maternity leave.

This means the following:
If the employee opts to take pregnancy leave 10 weeks before the date on which the birth is due, then the leave after the birth will be for a period of at least 10 weeks.

If the employee gives birth before the due date, then the missed days of the pregnancy leave are added to the maternity leave.

If the employee gives birth later than the probable delivery date, then the days that the employee gives birth later are added to her pregnancy leave. The leave after delivery still lasts at least 10 weeks.

If the employee chooses to continue working during the flexibilization period, then the days worked by the employee are added to her maternity leave.

If the employee is ill during the flexibilization period and has her pregnancy leave not yet begun, then these sick days apply as pregnancy leave. These days will not be added to her maternity leave.

Example 1: Employee gave birth before the due date:
Her pregnancy leave commenced 8 weeks before the due date but she gives birth 3 weeks too early. Then pregnancy and maternity leave lasts a total of 20 weeks: 5 weeks before and 15 weeks after her delivery.

Example 2: Employee gave birth after the due date
Her maternity leave commenced 10 weeks before the due date but she gives birth 1 week later than this date. Then total pregnancy and maternity leave lasts 21 weeks: 11 weeks before and 10 weeks after her delivery.

Example 3: Employee was ill during the flexibilization period
Her maternity leave commenced 8 weeks before the due date but she is ill the week before the leave commences. She gives birth 2 weeks early. Then total pregnancy and maternity leave lasts 20 weeks: 7 weeks before and 13 weeks after delivery.

Birth leave
Article 4:2 WAZO regulates the right to birth leave. This article states that the spouse or registered partner of the mother, who recognizes the child or who lives with the mother while unmarried, is entitled to paid birth leave after the mother has given birth (article 4:2, first paragraph).

Entitlement to birth leave commences on the day after the birth and may be taken within a period of four weeks after the day of the birth. This is a change from the current situation, in which paternity leave can only be taken from the day that the child actually lives with the mother at the same address. Because the right to birth leave is related to the birth itself, there is also the right to birth leave when the child is stillborn or dies shortly after birth. The right to birth leave applies regardless of the number of children born. In other words, there is no more leave in the case of multiple births than in the case of single births. As an employer, TU/e is obliged to continue paying salary during birth leave. Birth leave does not have to be taken as a continuous period. It may be spread over days and even hours.

See Birth Leave Regulations.pdf (tue.nl).

Leave for adoption and foster care (article 4.12 cao-NU)
An employee is entitled to a leave with pay in connection with adopting a child.

Calamities and other short non-attendance leave (article 4.22 cao-NU and article 4:1 WAZO)
The employee may be entitled to calamities and other short-term non-attendance leave for very urgent, unexpected or special personal situations. This leave can last from a few hours to a few days, depending on the situation. TU/e continues to pay remuneration during the leave as referred to in Article 4.22 in the CAO NU and Article 4:1 of the WAZO.

The employee shall report the calamities and other short-term non-attendance leave to the supervisor as soon as possible. In doing so, the employee shall indicate the expected duration of the leave.
Registration of the leave in TU/e InSite is not necessary.

A visit to the doctor or dentist* during working hours is covered by taking short-term non-attendance leave. There is no unconditional right to a doctor's visit. The basic principle is that the employee visits the doctor or dentist in his or her free time as much as possible. If visiting the doctor outside working hours is not possible, there may be a right to short-term non-attendance leave.

Short-term non-attendance leave may also be taken if the employee has to accompany someone in the immediate vicinity (including the employee's partner, children, parents, brother, sister, grandparent, grandchild or housemate who depends on the employee's help) to the doctor's office. The provisions referred to in Article 4.22 in the CAO-NU and Article 4:1 of the WAZO apply when taking calamity and other short-term non-attendance leave.

*= a visit to the doctor or dentist also means a visit to a medical specialist in the hospital or medical clinic.

Care leave (article 4.21 cao-NU)
At the TU/e it has been agreed that during short term care leave 100% of the salary will be paid.

Hardship clause
If implementing this regulation apparently leads to unreasonable situations, the parties shall strive to reach a solution through mutual consultations.

This information has been updated on May 23, 2023.

A dispute can be submitted insofar as it relates to compliance with leave entitlements. Click here for more information.