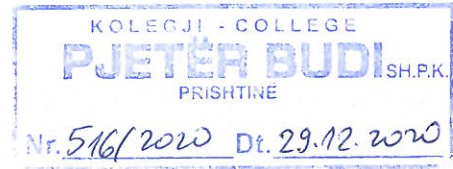




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PJETËR BUDI
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"Pjeter Budi" College

**REGULATION
ON DISCIPLINARY RESPONSIBILITY**

Pristina, 2020

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Pursuant to Article 125 of the Statute, the Board of the College "Pjetër Budi", on the date 29.12.2020, approved the following:

REGULATION

ON DISCIPLINARY RESPONSIBILITY

I. BASIC PROVISIONS

Subject of the Regulation Article 1.

The Regulation on disciplinary responsibility (hereinafter the Regulation), of the employees of the College "Pjetër Budi", Prishtina, (hereinafter: the "Pjetër Budi" Collage), regulates the disciplinary responsibility for the violation of work duties.

Forms of responsibility

Article 2

Employees respond to the "Pjetër Budi" College in a disciplinary form.

Article 3

The employee at work and related to work has the following obligations:

- 1 to regularly and timely execute all jobs and work duties defined by the Statute, Employment Contract and based on the job description and job duties;
2. to preserve the property of the "Pjetër Budi" College and the means at its disposal and to treat them with care and as a good household;
3. to personally perform with full conscience and responsibility the work tasks arising from the establishment of the employment relationship;
4. to perform the work at the scheduled time and during the working time not to leave the workplace without the prior permission of the superior;
5. to come to work and leave work at the time set for the beginning or end of working hours;



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6. in case of eventual impediment to coming to work to notify the immediate superior, no later than 24 hours;
7. to maintain official secrecy;
8. to regularly improve skills, knowledge and work experience;
9. to cultivate good relations with other employees and parties;
10. that by his-her behavior inside the workplace, he-she does not violate the authority of the "Pjetër Budi" College;
11. to consciously exercise leadership functions;
12. provide professional assistance to interns and new employees;
13. to implement in its daily work the decisions of the governing bodies of the "Pjetër Budi" College;

II. RESPONSIBILITY FOR VIOLATION OF WORK DUTIES

Article 4

The responsibility for the violation of work duties at work and related to work, is subject to all employees, regardless of the authorizations and responsibilities they have.

Article 5.

For any violation of work duties, the place and time are determined in advance.

The notion of guilt, intent and negligence are proof of the employee's disciplinary responsibility.

Article 6.

The employee is responsible only for the violation of work duties which are provided by applicable laws and this Regulation.

Determining disciplinary responsibility

Guilt

Article 7.

An employee who is able to understand the importance of his conduct is disciplined if he violates his job duties through his own fault.

The employee is guilty if the violation of work duties is done intentionally or negligently.



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**Intention
Article 8.**

The employee commits the violation of work duties intentionally, when he-she was aware of the violation and wanted to violate it or in the case when he-she was aware that as a result of his-her behavior may have caused the violation of the duties of labor so has admitted its violation.

**Negligence
Article 9.**

The employee commits the violation of work duties by negligence in the case when he-she was aware that the violation of work duties may occur, but considers that in this case will not lead to the violation or may be to avoid the same, or in the case when he-she was not aware of the possibility of a breach of duty.

III. DETERMINATION OF VIOLATIONS OF WORK DUTIES

Article 10.

The employee has disciplinary responsibility for violation of work duties, which he-she has caused through his own fault.

Violations of job duties can be light and severe.

**Minor violations of work duties
Article 11.**

Minor violations of work duties are:

I. late arrival or departure from work during and before working hours, without the permission of the immediate superior;

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2. non-performance of work tasks on time, which causes non-timely implementation of the work plan;
3. refusal to cooperate with other employees;
4. incorrect and inhuman behavior during working hours with other employees and students;
5. performing private work during working hours;
6. Violation of all other duties provided, which do not constitute serious violations of work duties within the meaning of this Regulation.

Serious violations of work duties

Article 12.

Serious violations of work duties are;

1. failure to perform and unconscionably or negligently perform work tasks and duties;
2. abuse of position and exceeding the given authorizations;
3. disclosure of official secrets or other data, provided by law or general legal acts;
4. abuse of the right to medical leave;
5. obstruction of workers in the work process;
6. unauthorized use of trusted means to perform work duties;
7. refusal to perform tasks or instructions by the direct manager;
8. coming to work drunk or consuming alcohol and other narcotics during working hours;
9. the refusal of the worker to undergo a medical examination, in order to verify the amount of alcohol consumed in the blood, but also of other narcotics;
10. receiving gifts or other valuable things related to work as well as mediation and giving gifts to other persons to the detriment of "Pjetër Budi" College;
11. misleading the authorized person to prove something untrue with his own signature or stamp;
12. repetition of minor violations of work duties;

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13. Absence from work, without reason 5 (five) uninterrupted days, or 7 (seven) intermittent days during the calendar year;
14. use of stamp and square stamp outside the competencies and authorizations;
15. failure to notify the start of the use of medical leave within 24 hours.
16. when according to the final decision of the Court, the employee must go to prison for a period of more than 6 (six) months;
17. immoral relationship during working hours and
18. any other violation which according to the legal provisions in force, constitutes a serious violation of work duties.

IV. DISCIPLINARY MEASURES

Article 13.

For violation of work duties, the employee may be imposed one of these disciplinary measures;

1. Written remarks;
2. Penalty with money;
3. Temporary dismissal - suspension
4. Termination of employment-termination of employment contract;

Article 14.

Written reprimand may be issued to the employee, for minor violation of work duties, defined by this Regulation. This disciplinary measure is executed with the publication of the Decision on the notice board.

Article 15.

The fine may be imposed at most in the amount of 30% of the monthly salary, for a period of 1 (one) and a maximum of 3 (three) months. The basis for determining the amount of the fine is the violation of work duties and the salary for the month for which the disciplinary measure was imposed.



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Article 16.

The employee may be fined for some minor violations of work duties as well as for all serious violations, for which this Regulation does not impose the measure of termination of employment.

Termination of the employment contract - termination of the employment relationship

Article 17.

Termination of the employment contract - termination of the employment relationship is done to the employee in the following cases:

1. if the employee does not perform or performs irregularly obligations defined by law, job description and employment contract;
2. if it is established that the employee does not have the necessary knowledge and skills to perform the jobs in which he-she works;
3. if the guilty employee commits a breach of duty,
4. Severe conduct after which it would be unreasonable to expect the employment relationship to continue further;
5. if the employee at work or in connection with work commits a criminal offense;
6. if the employee is absent from work without reason 5 (five) working days without interruption or 7 (seven) working days with interruption within one year;
7. if the employee abuses medical leave;
8. when according to the final court decision, the employee has to go to prison for a period of more than 6 months;
9. unreasonable objection to the performance of duties defined by the employment contract and job description;
10. disclosure of business secrets;
12. use of drugs and alcohol at work;

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13. repeated mistakes which as such disrupt the normal course of the employment relationship.

Article 18.

Termination of the employment contract - the termination of the employment relationship is executed when the decision becomes final.

Article 19.

Temporary dismissal from work-suspension, is imposed for all serious violations of work duties.

Article 20.

Before imposing a disciplinary measure due to the violation of work duties, the gravity of the violation and its consequences, the degree of responsibility of the employee, the circumstances in which the violation was committed, the behavior and the previous work must be taken into account. worker and other circumstances, which affect the pronouncement of the type and height of the measure.

V. DISCIPLINARY BODIES

Article 21.

The disciplinary bodies of the College "Pjetër Budi", which decide on the responsibility and impose disciplinary measures in the first instance are:

1. Executive Manager of "Pjetër Budi" College and
2. Disciplinary Commission.

Article 22.

The Executive Manager of "Pjetër Budi" College, decides on the disciplinary responsibility of the employee, for the violation of the duties of the job and imposes the measures: written reprimand, fine, change of job and temporary suspension.

Article 23.



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The Disciplinary Commission decides on the disciplinary responsibility of the employee for the violation of the work duty, for which the disciplinary measure of termination of the employment relationship is imposed, for serious violations of the work duties.

Article 24.

The Disciplinary Commission consists of 3 members: the Head and two members.

Article 25.

If before the disciplinary commission it is established that the employee has caused a minor violation or the mitigating circumstances are confirmed which may affect the imposition of a lighter measure, the disciplinary commission may impose a written reprimand or fine on the employee.

Article 26.

The Steering Board of the College "Pjetër Budi", is a body of the second degree, which decides on the disciplinary responsibility of the academic staff of the "Pjetër Budi" College.

Article 27.

The disciplinary bodies are appointed by the Steering Board of the College "Pjetër Budi" and are obliged to submit annual reports on the imposed disciplinary measures.

The Head or members of the disciplinary commission cannot be elected by the person who decides in the second instance.

V. DISCIPLINARY PROCEDURE

Disciplinary report

Article 28.

Every employee has the right to initiate the initiation of disciplinary proceedings for the violation of the duties of work for any other employee.

The employee acts in accordance with his duty even when he notifies the immediate supervisor of the violation committed.



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The employee with special authorizations and responsibilities is obliged to notify the Executive Manager of the College for the violation of work duties, within 8 (eight) days, from the day of notification of the violation of work duties and the perpetrator, to notify the manager of "Pjetër Budi" College.

Article 29.

The disciplinary procedure begins with the request of;

1. Disciplinary Commission and
2. The Executive Manager of "Pjetër Budi" College,

Article 30.

The request for initiating the procedure is made in writing and contains the necessary notes for the determination of the violation and the responsibility of the employee.

The request for initiating the procedure is sent to: the employee, against whom the disciplinary procedure has been initiated and the disciplinary body.

Proceedings before the Disciplinary Commission

Article 31.

The Disciplinary Commission is obliged to review the request for initiating the procedure and to start the procedure within 15 days from the day of submitting the request.

Article 32.

The review is opened by the Head of the Disciplinary Commission who ascertains whether all the guests are present.

The review is chaired by the Head of the Disciplinary Commission.

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The Head takes care that during the review all relevant facts are clarified, which enable a fair and lawful decision to be made.

The Head gives and takes the word to the parties and witnesses, asks questions and requests clarifications and announces the decision of the Commission.

Questions can also be asked by members of the Disciplinary Commission.

Article 33.

The review before the Disciplinary Commission begins with the reading of the request for initiating the procedure, after which the employee is invited to present his defense.

After the protection of the employee, witnesses are invited to give their statements. After hearing the witnesses, the papers and statements of the witnesses who are not present are read.

Article 34.

The Disciplinary Commission may take one of the following Decisions:

1. To release the employee from disciplinary responsibility;
2. For the termination of the procedure;
3. For the imposition of one of the disciplinary measures defined in article 13 of this Regulation.

Article 35.

The Disciplinary Commission takes a decision for release from liability if it is proven that:

1. The action for which the disciplinary procedure has been initiated, does not constitute a violation of the duties of work, provided by this Regulation;
2. Violation of work duties, the employee has not committed through his own fault and if there are other circumstances, which exclude his responsibility;
3. The employee has not committed the violation which is charged to him-her;



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Article 36.

The decision of the Disciplinary Commission is taken by a majority of votes.

A special record is kept for the decision-voting.

The decision is announced by the Head of the Disciplinary Commission.

VII. EXPLOITATION OF THE RIGHT TO OBJECTION AND PROCEDURE ACCORDING TO THE OPPOSITION

Article 37.

The objection against the decision of the disciplinary body can be exercised to the Steering Board of the College "Pjetër Budi" within 8 days, by the employee, to whom the disciplinary measure has been imposed.

The deadline for submitting the objection, derives from the date of submission of the decision.

Article 38.

In the meeting of the Steering Board of the College "Pjetër Budi", the employee can orally justify his objection.

Article 39.

After reviewing the objection, one of the following decisions can be taken:

1. The objection is rejected and the Decision on the employee's responsibility is confirmed.
2. The employee's objection is approved and a lighter measure is imposed.
3. The procedure is terminated due to obsolescence and
4. The objection is approved and the worker is released from responsibility.

Article 40.

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The decision is taken by a majority vote of those present.

The written decision is sent to the employee and the complainant, at the latest, within 8 days after the approval, with legal instructions that can be addressed to the competent court for the protection of their rights.

VIII. IMPLEMENTATION OF THE IMPOSED MEASURE

Article 41.

The measure of the written reprimand is applied with its publication in the notice board.

The measure of change of job and suspension is applied from the day of delivery of the decision.

The measure of termination of employment is applied from the day of submission of the final decision for termination of employment.

Article 42.

The decision for imposing the measure becomes final

- when the deadline for objection expires, and the objection is not submitted,
- when the body of the second instance makes a decision according to the objection, which confirms or changes the decision of the first instance, if the objection is within the time limit.

IX. SUSPENSION OF THE EMPLOYEE FROM THE WORKPLACE

Article 43.

The employee, in accordance with the law and this Regulation, may be temporarily removed from the job and the duties of the work he-she performs and assigned to other jobs or suspended in the following cases:

1. If found in the commission of serious breaches of work duties;
2. If the procedure has been initiated against him-her, for non-fulfillment of his obligations from the employment relationship and has seriously violated the interests of other employees;



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3. If criminal proceedings have been initiated against the employee, due to a criminal offense committed at work or related to work.

Article 44.

If detention is ordered against the employee, the employee is fired

Article 45.

The decision for dismissal of the employee and dismissal from work and duties is taken by the Executive Manager of the "Pjetër Budi" College, or the Rector of the College, depending on the position in which he-she is employed.

Article 46.

Against the Decision for removal, the employee has the right to submit a request for protection of his rights within 8 days, to the Steering Board of the "Pjetër Budi" College.

X. FINAL PROVISIONS

Article 47.

The amendment and supplementation of this Regulation is done in the same way and according to the same procedure that has been approved.

Article 48.

This Regulation shall enter into force on the day of its adoption.

President of the board

Besim AJETI