

THE UNIVERSITY OF PADUA
CODE OF DISCIPLINE PTA

(CCNL Education and Research Sector Art. 13 signed on April 19, 2018)

To comply with the degree and proportionality of sanctions concerning the type of violation and level of seriousness, the extent of each sanction is hereby determined by the following:

- a) Intentionality of behaviour, degree of negligence, imprudence or level of ingenuousness demonstrated when taking into consideration the predictability of violation
- b) Relevance of the violation
- c) Level of employees professional responsibilities
- d) Degree of damage or danger, or the disservice caused to the administration, user or third parties
- e) Existence of aggravating or mitigating circumstances in the employees behaviour, including any previous disciplinary measures invoked two-years prior by law
- f) Participation in a violation that include several workers that were found to agree with each other
- g) Educational institutions and AFAM that include the participation of minors, employee must have adequate supervision.

2. The employee deemed responsible for committing a single or multiple violation, which failed to be reported as a single or multiple violation, are subject to an applicable punishment for each violation based on the level of each violation.

3. Disciplinary sanctions ranging from a verbal or written reprimand to the maximum fine of an amount equal to four hours of remuneration will be applied concerning the criteria referred to in paragraph 1 and depending on the extent of the sanction as follows:

- a) Non-compliance with the provisions or resolutions made by the collegial bodies, also in terms of sick leave and working hours, where the cases considered do not occur Art. 55-quater, comma 1.a. of law. n. 165/2001
- b) Conduct that does not comply with principles of fairness towards superiors or other employees or towards users or third parties
- c) For ATA staff of educational institutions and the administrative and technical AFAM, negligent conduct do not comply with the responsibilities, duties and correctness inherent to each function
- d) Negligence in executing assigned tasks assigned, including the care of the premises, movable property or instruments entrusted concerning ones level of responsibility, must be carry out under supervision
- e) Non-compliance with obligations relating to accident prevention and safety at work where no damage to the service or the interests of the administration or third parties has ensued
- f) Refusal to submit to personal visits intended to protect the administration's assets, in compliance with the provisions of Art. 6 law n. 300/1970
- g) Insufficient performance of the assigned tasks, where the cases considered in Art. 55-quater law n. 165/2001
- h) Violation of the required obligation in Art. 55-novies, law n. 165/2001
- i) Violation of duties and obligations of conduct not previously included resulting in a disservice, damage or danger to the administration, users, or third parties.

The amount of the withholding per fine will be collected from the administration budget and allocated to social activities in favour of the employee.

4. Disciplinary actions that include suspension of work up to a maximum of 10 days depend on the type of violation concerning the criteria referred to in paragraph 1, including:

- a) recidivism of violation provided for in comma 3
- b) level of severity foreseen in comma 3

- c) cases not provided for by Article 55-quater, paragraph 1.b of legislative decree n. 165/2001, that include the unjustified absence from the service or arbitrary abandonment of services; the amount of the sanction is determined concerning the duration of the absence or abandonment of services, the type of disservice that has occurred, the level of seriousness of the violation, damages caused to the administration, and/or users or third parties
- d) unjustified failure to show up on the first day of work for positions of transfer by a ATA staff member of a school or educational institutions as well as technical and AFAM administrative staff position, except short term substitutes to whom the specific regulatory discipline applies, the transfer location assigned is responsible for determining any disciplinary procedures
- e) carrying out activities under a state of illness or injury that delays psycho-physical recovery
- f) offensive forms of demonstrations against the administration outside the legal definition of freedom of thought, pursuant to art. 1 of law n. 300/1970
- g) if no seriousness or repetition of cases considered in art. 55-quater, paragraph 1.d. law. n. 165/2001, including aggressive, hostile and disparaging acts or behaviours of moral violence towards another employee, threatening, insulting, slanderous or defamatory behaviour towards other employees or users or third parties
- h) violation of the supervisory obligations by the staff of educational institutions and the AFAM towards the pupils and students for which they are entrusted
- i) violation in breach of secrecy for inherent acts or activities not subject to publicity
- j) violation of duties and obligations of conduct not specifically included previously that result in serious damage to the administration, users or third parties

5. The suspension from service with withholding of salary up to a maximum of fifteen days applies in the case provided for by Art. 55-*bis*, paragraph 7 of law n. 165/2001.

6. Suspension from service with withholding of salary up to a maximum of three months, applies in the cases provided for by Art. 55-*sexies*, paragraph 3, of law n. 165/2001.

7. The suspension from service with withholding of salary starting from a minimum of three days up to a maximum of three months applies in the case provided for by art. 55-*sexies*, paragraph 1, law n. 165/2001.

8. The disciplinary sanction of suspension from service with withholding of salary starting from 11 days up to a maximum of 6 months, is applied, depending upon the level and the amount of the sanction concerning the criteria referred to in paragraph 1, per:

- a) repeat offence two-year prior to the period of the offenses provided for in paragraph 4;
- b) concealment by the person in charge, in control or supervisor of facts and circumstances relating to the illegal use, tampering, distraction or theft of sums or assets belonging to the entity or those entrusted to it
- c) acts or behaviours deemed detrimental to the dignity of the person or any harassment of a sexual nature, including circumstances where no seriousness, repetition acts including those which do not concern pupils or students
- d) *de facto* altercations in the workplace, including with users;
- e) up to two repetitive unjustified absences from service from holidays or weekend or days off
- f) unjustified absences in any period, identified by the administration, in which it is necessary to ensure continuity in the provision of services to users
- g) violation of supervisory obligations towards pupils and underage students caused by absence from the service or by the arbitrary abandonment of the same;
- h) for the ATA staff of schools and educational institutions and the technical and administrative staff of the AFAM, carrying out acts in violation of their duties that affect the regular functioning of the institution and by competition in the same acts

9. Without prejudice to the discipline regarding removal for just cause or justified reason, the disciplinary sanction of dismissal applies:

1. with notice for:

- a) the hypotheses considered by Art. 55-*quater*, comma 1, of b., c., f.*bis* to f.*quinquies* of law n. 165/2001;
- b) repeat violations indicated in the paragraphs 5, 6, 7 e 8
- c) recidivism of violation within a two-year period of each act, including those against a different person, sexual behaviour or harassment or when the act, behaviour or harassment is of a particularly serious nature or including those against pupils, supervisors of the staff of schools, educational institutions and the AFAM
- d) false and misleading statements, made by the staff of schools, educational institutions and AFAM, to obtain an advantage in the context of territorial or professional mobility procedures
- e) final conviction for a crime committed outside the realm of professional duties including those not directly related to the employment relationship but for which prevents the continuation of responsibilities due to level of gravity
- f) violation of the obligations of conduct referred to in Art 16, paragraph 2, second and third section of the D.P.R. n. 62/2013
- g) violations of the duties and obligations of conduct not specifically included in the previous letters of such gravity, according to the criteria referred to in paragraph 1, as not to allow the continuation of the employment relationship
- h) failure to resume work, except in cases of proven motive, after periods of interruption of the activity provided for by the legislative and contractual provisions in forced, at the end of the suspension period or the expiry of the term set by the administration.

2. without notice for:

- a) the hypotheses considered in Art. 55-*quater*, paragraph 1, letters a), d), e), f) of law n. 165/2001
- b) serious illegal acts of criminal relevance, including those that may give rise to the precautionary suspension, according to the provisions of Art. 15, without prejudice to the provisions of Art. 16
- c) final conviction for a crime committed in service or out of service that while not directly adhering to the employment relationship, does not allow its continuation due to its level of gravity
- d) commission in general, including those against third parties, of malicious acts, including acts that constitute offenses of criminal relevance that are of such a level of gravity as not to allow the temporary continuation of the employment relationship
- e) any sentence for a crime, including those not finalized as follows
 - crimes indicated in Art. 7, paragraph 1, and in Art. 8, paragraph 1.a of law n. 235/2012
 - any perpetual ban from public office following the sentence
 - crimes provided for by Art. 3, paragraph 1 of law n. 97
 - serious crimes committed while in service
- f) intentional violation of obligations, not specifically included in the previous letters, including those against third parties, but are of such gravity, concerning the criteria referred to in paragraph 1, as not to allow the temporary continuation of the employment relationship.

10. Failures not expressly provided for in the preceding paragraphs sanctioned according to the criteria referred to in paragraph 1, referring to the identification of punishable facts, to the obligations of workers pursuant to Art 11 and referring to the type and extent of the sanctions to the principles demonstrated by any of the preceding paragraphs

11. The disciplinary code, referred to in this article, must be given maximum publicity by publication on the institutional website of the administration following with the provisions of Art. 55, paragraph 2, last sentence, of law n. 165/2001.

12. During the first application of this CCNL, the disciplinary code must be made public in the forms referred to in paragraph 11, within 15 days from the date of stipulation of the CCNL and shall apply from the fifteenth day following that of its publication