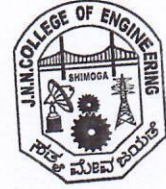




NATIONAL EDUCATION SOCIETY(R.)



JAWAHARLAL NEHRU NEW COLLEGE OF ENGINEERING

HUMAN RESOURCE MANUAL

Version 2.0

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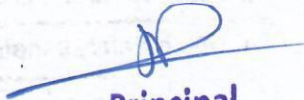

Principal
J N N College of Engineering,
Shivamogga.

Table of Contents

Serial Number	Content	PageNumber
I-a	Scope	3
I-b	About NES	3
I-d	About JNNCE	3
I-c	Vision and Mission	4-5
HR-100	Employment Policies	6-22
HR-101	Employee Grade Structures and Promotion	6-7
HR-102	Recruitment	7-8
HR-103	Joining Formalities	9
HR-104	Induction	9
HR-105	Roles and responsibility	10-19
HR-106	Probation	20
HR-107	Time and attendance management policy	20-21
HR-108	Transfer and Deputation Policy	21
HR-109	Seniority	22
HR-200	Salary and Incentive	23-28
HR-201	Positional pay scale	23
HR-202	Dearness Allowance .	23
HR-203	Yearly Increments	23
HR-204	Career Advancement Scheme	23-25
HR-205	Incentives	26-27
HR-206	Gratuity, PF and ESIC	27
HR-207	Advance Salary benefits	28
HR-208	Festival Advance	28
HR-300	Benefits	29-30
HR-301	Quality Improvement Program (QIP) for faculty	29-30

Serial Number	Content	PageNumber
HR-400	Leave Policy	31-32
HR-500	Work place	33-41
HR-501	Code of conduct	33-34
HR-502	Grievance Procedure	35-36
HR-503	Harassment	36-37
HR-504	Disciplinary procedure	37-39
HR-505	Cessation of Employment	40-41
HR-600	Service Maintenance of Employees	42-43
HR-601	Collection of service and maintenance of policies for Employees	42
HR-602	Review and Revision	42
HR-603	Interpretation	42
HR-604	Dispensation	42
HR-700	Annexures	43-48
	Abbreviations	43
	Forms & Templates	44-48


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3. Procedure for handling Grievances

STAGE-I

- i. The aggrieved employee may take up the grievance in writing to the HOD.
- ii. Depending on the type of grievance, the employee should wait for response from the HOD.
- iii. In case the employee is not satisfied with the redressal of the grievance employee may submit the grievance, in writing, to the Vice Principal within 5 working days from end of stage above with a copy to HR.
- iv. The Vice Principal will record comments on the grievance, depending on the type of grievance number of days can be taken for making necessary enquiries and discuss with Establishment
- v. In case of any delay in resolving the grievance, the Vice Principal will inform the aggrieved employee with a copy to Principal and HR of such a delay with reason depending upon type of grievance the number of days will be taken to resolve.

STAGE- II

- i. In case the employee is not satisfied with the decision communicated at Stage-I or fails to receive the reply within the stipulated period, employee may submit to Principal who must give a personal hearing to the grievance and a brief of same should be documented and take necessary steps for redressal

STAGE- III:

- i. The aggrieved employee who is not satisfied with the decision of the Principal will have an option to appeal to NES-MC with the detailed reasons for the appeal.
- ii. The NES-MC will take a decision and communicate the same within one month from the receipt of the appeal and the decision will be final and binding.
- iii. No legal proceedings will be raised until all the steps of grievance redressal cell are exhausted.
- iv. If any employee resort to legal proceeding without following Grievance Redressal Cell, he will do it at his own risk.

HR 503 HARASSMENT

JNNCE is committed to provide a work environment free from all sort of intimidation or offences which might interfere with an individual's dignity or work performance and as such no act that tamper with the integrity and honour of employees will be permitted and tolerated. Harassment of any sort – verbal, physical, visual – will not be tolerated. No harassment based on caste, race, colour, religion, gender, age, sexual orientation, nationality, disability, medical conditions, marital status etc. will be permitted in the workplace.

1. Sexual Harassment

JNNCE recognizes that sexual harassment violates fundamental rights of gender equality, right to life and liberty and right to work with human dignity as guaranteed by the Constitution of India. To meet this objective, measures shall be taken to avoid, eliminate and if necessary impose punishment for any act of sexual harassment, which includes unwelcome sexually determined behavior. Sexual Harassment is a criminal offence and punishable under relevant laws of the Country.

For this purpose, "Sexual Harassment" includes any unwanted or unwarranted gesture or verbal sexual advances, sexually explicit and derogatory statements or remarks, sexually colored remarks, avoidable and unwarranted physical contacts, willfully touching or patting, suggestive sexual remarks, sexually slanted and obscene jokes, vulgar comments about physical appearance, indecent invitations, use of pornographic material, demand for sexual favors, demanding sexual favor by making telephone calls or sending SMS/Mails, threats of physical assault or molestation on refusal by the employee by their superiors, colleagues or anyone who for the time being is in a position to sexually exploit or harass the employee at any work place which may contain :

- i. Implied or overt promise of preferential treatment in that employee's employment.
- ii. An implied or overt threat of detrimental treatment in that employee's employment or an implied or overt threat about the present or future employment status of that employee and includes the creation of a hostile working environment.
- iii. The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.
- iv. Such conduct that is humiliating and may constitute a health and safety problem
- v. Sexual Harassment¹¹ amounts to serious misconduct in employment under the service rules / regulations governing employment.
- vi. This policy on Sexual Harassment applies to men and women; to like and opposite gender relationships; to relationships between supervisors and subordinates; teachers and students; and peer relationships.

HR 504 DISCIPLINARY PROCEEDINGS, SUSPENSION AND PENALTIES

Following action will be initiated for any violation of CODE OF CONDUCT/ DISCIPLINE FOR THE EMPLOYEES mentioned in this manual

1. Disciplinary Action

- i. The Managing Committee/ HOI shall have power to initiate disciplinary action against an employee who is suspected to have committed misconduct
- ii. Where necessary a preliminary enquiry may be conducted to investigate any misconduct or irregularity occurring in the institution to fix the preliminary responsibility on employee.

2. Suspension

- i. The Managing Committee/ HOI may suspend an employee against whom any preliminary enquiry is initiated or misconduct is alleged, by issuing a specific order to that effect.
- ii. During the suspension period the employee shall be paid subsistence allowance at the rate of 50% of his/her gross salary for the first six months and if the period of suspension is extended due to reasons attributable to the employee under suspension, the subsistence allowance shall continue to be at the same rate.
- iii. Where the suspension period extends beyond six months for the reasons not attributable to the suspended employee, the subsistence allowance shall be at the rate of 75% of the gross salary of the subsequent period till the suspension is revoked.
- iv. The suspension order will contain such terms, conditions and other details as the Managing Committee/ HOI deems fit.
- v. The subsistence allowance to the employees shall be subject to PF and other statutory deductions.
- vi. The Managing Committee/ HOI may revoke the suspension of the employee at any time it deems fit for the reason considered appropriate and such action by Managing Committee/ HOI may not necessarily imply the dropping of charges against the employee. In such cases the employee is not entitled to any payment, for the period he was under suspension, in addition to the subsistence allowance already paid to him during the suspension period.
- vii. In case the Managing Committee/ HOI decides to drop the disciplinary action against the employee by a specific order the employee shall be entitled to the payment of full salary for the period of suspension after deducting the amount already paid towards subsistence allowance.
- viii. In case the employee, after an enquiry, is held guilty of misconduct he shall not be entitled to any payment in addition to the subsistence allowance paid to him during the suspension
- ix. In the event of any investigation under Criminal procedure code (CPC) being initiated against an employee and if such employee suffers police custody for more than 48 hours, the Managing Committee/ HOI may consider keeping such employee under suspension by paying a subsistence allowance of 50% only of the gross salary.

- x. Where any investigation under CPC relating to the offence of moral turpitude committed by an employee is initiated such employee shall be kept under suspension by paying 50% only of his gross salary as subsistence allowance for the said period of suspension.
- xi. The period of suspension can extend beyond one year in case of circumstances referred to (i) and (j) above.

3. Disciplinary Procedure

- i. In case of misconduct or any irregularity the Managing Committee / HOI may hold a preliminary enquiry by constituting an Enquiry Committee of one or more persons who may be members of National Education Society.
- ii. The Managing Committee / HOI based on the report of any preliminary enquiry committee or on its own findings may issue a show cause notice to the employee stating the nature of misconduct and seeking explanation from him by giving time of 48 hours to 8 days for submission of such explanation.
- iii. If the Managing Committee / HOI is not satisfied with the explanation or when no explanation is received, it shall frame a charge-sheet / office memo giving the details of the charges and issues of memorandum charges to the employee.
 - a. A charge-sheet / office memo intended to be served on an employee and which the said employee refuses to accept shall be deemed to have been served on him if such refusal takes place in the presence of another employee and action has to be recorded by the person who is delegated to serve.
 - b. Copy of charge sheet / office memo which is sent through registered post to the employee at his last recorded residential address, shall be deemed to have been served on the said employee even when he refuses to accept the delivery of the registered post.
- iv. On the receipt of the reply of the charge-sheeted employee the Managing Committee / HOI may not hold domestic enquiry if it finds that the misconduct is of nature that attracts minor penalty. The Managing Committee / HOI may then proceed to impose such minor penalty.
- v. The Managing Committee / HOI shall appoint an independent enquiry officer to hold domestic enquiry against the employee if the misconduct is of a nature attracting major penalty.
- vi. The Managing Committee / HOI may initiate disciplinary action, against the employee against whom the misconduct is alleged and is based on the same set of facts and the circumstances on which a criminal proceeding is also pending, by holding domestic enquiry against such employee.
- vii. Irrespective of any outcome of the criminal proceeding as noted in clause © above, the employee shall not be exonerated from the charges against him which are the subject matter of the domestic enquiry being conducted against him.
- viii. Domestic enquiry against an employee can be conducted through an independent Enquiry Officer or an Enquiry Committee comprising of one or more persons from among the responsible persons from any institute of Members of National Education Society.
- ix. The Managing Committee / HOI shall appoint such Enquiry Officer or Enquiry Committee by a specific order stating the terms and conditions of the enquiry and stipulate the period for completion of the enquiry. Such period may be extended where there are reasonable grounds for such extension.
- x. During the conduct of domestic enquiry the charge-sheeted employee may be allowed, if he so requests in writing, to have the assistance of an advocate with the prior permission of the enquiry committee. Similarly the employer will also be allowed to utilize the services of a lawyer or any other outsider. Both the parties are required to give the lists of their witnesses.

- xi. The Enquiry Officer may fix procedure to conduct the domestic enquiry to ensure fair and proper opportunity to both the parties. He has power to fix date, time and place of enquiry as he deems fit.
- xii. On completion of the evidence on both sides, the charge-sheeted employee and the management representative may submit their argument either orally or in writing as deemed necessary by the Enquiry Officer. The Enquiry Officer, on the basis of documents and evidence on records, shall submit a report regarding his findings and reasons thereof to the Managing Committee / HOI.
- xiii. The management on receiving the report of findings of the Enquiry Officer shall serve a copy of such report on the charge-sheeted employee seeking explanation as to why the report should not be accepted by the Managing Committee / HOI.
- iv. On receiving representation from the employee, the Managing Committee / HOI shall consider all factors and documents in the light of the findings of the Enquiry Officer and also taking into consideration the employee's representation, shall come to a conclusion as to whether the charges of misconduct against the charge-sheeted employee have been established and decide either to exonerate the employee or impose punishment (refer (iv) punishment below) by issuing a specific order to that effect.
- xv. The Managing Committee / HOI shall ensure to record initiation of disciplinary action, suspension, issue of charge-sheet and imposition of penalty in the service book of the employee at appropriate stage of the enquiry.
- xvi. In case of imposition of penalty of dismissal from service the employee shall not be entitled to any compensation from the institution or any other payments except the legal dues which are not subject to forfeiture by any law.
- xvii. In case of misconduct of the nature stated in Section 4 of the payment of the Gratuity Act, 1972, the Managing Committee / HOI shall forfeit gratuity payable to the employee after giving an opportunity to the employee to submit his explanation.
- xviii. The Managing Committee / HOI while following the procedure of disciplinary action shall also comply with provisions of other laws applicable to the institution in respect of disciplinary action.

4. Punishment/Penalty

The Managing Committee / HOI can impose the following penalties/punishments on its employee as may be appropriate.

- i. Minor Punishment / Penalty (HOI is Authorized)
 - a. Censure and record in the service book.
 - b. Suspension for a period of seven days or less.
 - c. Monetary fine not exceeding 25% of monthly gross salary.
 - d. Absence from duty to be treated as leave without pay.
 - e. Late attendance to be treated as casual leave/ leave without pay.
 - f. Recovery from pay of the whole or part of any pecuniary loss caused to the institution by the act of negligence of an employee.
- ii. Major punishment (Managing Committee - NES)
 - a. Dismissal from service.
 - b. Compulsory retirement.
 - c. Reverting to lower rank.
 - d. Withholding of increment/s
 - e. Disentitlement of increments temporarily or permanently.
 - f. Withdrawal of benefits extended by the employer.