

Guidelines on employee leasing

adopted with resolution no. 15/2022 dated December 12th, 2022 of the Head of the Human Resources Service

1. INTRODUCTION

Fondazione Bruno Kessler, for certain professional profiles and in particular situations, can resort to employee leasing.

The professional profiles concerned are technical support figures for research and development activities to be employed in operational tasks on "technology platforms" or in laboratory tasks, or administrative support figures to be employed in functions that the Foundation itself, as a service provider, ensures for the provincial system.

Employee leasing here means the employment relationship under which the Foundation, as the user, can request the provision of one or more workers or employees from authorized agencies, so-called employee leasing companies, registered in a special Register kept at the National Agency for Active Labor Policies.

Employee leasing is governed by Legislative Decree no. 81 of June 15, 2015 entitled "Comprehensive regulation of employment contracts and review of legislation on duties".

Employee leasing entails two types of contracts: the commercial contract between the staffing firm and the client and the work contract between the staffing firm and the worker.

Although the client does not have a direct contractual relationship with the leased employee, he or she has various obligations and burdens towards them, primarily safety and training, but also organizational and managerial power.

In order to ensure uniformity of treatment between leased workers and its own employees, Fondazione Bruno Kessler, when acting as a client, binds the signing of the commercial contract to the application by the staffing firm of employment contract schemes referable to the distinctive features of the Foundation's Collective Bargaining Agreement.

2. SCOPE AND TERMS AND CONDITIONS

In compliance with planning and financial sustainability and depending on the trend in the value of revenues generated by activities on commercial contracts, the Foundation may resort to the activation of specific leased employee contracts for technical support figures for research and development tasks to be employed in operational tasks on "technology platforms" or in laboratory activities.

These technical figures are those whose profiles are often "sacrificed" by POE Programming, which, in line with the mission and purposes proper to a research institution, is predominantly focused on figures of researchers or technologists.

The above profiles therefore correspond to technical staff who are neither researchers nor technologists, employed in the so-called "technology transfer" application or "prototype production" chains within laboratories or in programming and code development.

Exceptionally, the use of a leased employee contract may also be needed for administrative support profiles involved in those organizational solutions with respect to which, in a system logic, the Foundation is involved by the Autonomous Province of Trento as a "service provider" (e.g., School of Training in General Medicine).

The costs for the above administrative profiles have to be fully covered in the Program Agreement Additional Deeds related to the function assigned to the Foundation by the Autonomous Province of Trento.

3. COST COVERAGE AND PROVISION FUND

The total cost for leased employees for the Foundation must be covered by a percentage rate of the revenues from self-financing deriving from commercial orders or by rates of the Program Agreement Additional Deeds expressly earmarked for staff employed for functions that the Foundation, as a service provider and at the direction of the Autonomous Province of Trento, provides to the Local system.

The percentage share of revenues deriving from commercial orders and intended to cover the costs of leased employees may not exceed 40% of the average value of such revenues as shown in the last three years with reference to the final financial statements of the Foundation.

This figure determines the so-called "Provision Fund," i.e., the specific dedicated Fund that will feed into the planning related to the staff units that FBK can hire through employee leasing.

This planning should be duly documented and undergo the annual review cycle (preventive, *in itinere* and final) on the part of the Board of Directors and the Board of Auditors.

The upper limit of the total cost of staff on employee leasing must take into account all pay-related items (allowances, incentives, bonuses, etc.) as well as other direct and indirect charges including those of the so-called "premium," and related VAT, attributable to the business contract signed with the staffing firm.

The planning, and related management and implementation, of the above is provided by the Foundation's Human Resources Service in consultation with the Secretary General.

In order to ensure an accurate monitoring of the overall sustainability of personnel costs incurred by the Foundation, either with regard to the Program Agreement and its Supplementary Deeds or with regard to self-funding in general - when verifying compliance with provincial Personnel Guidelines - the total cost of leased employees is subtracted from the average of the last three years of Foundation's revenues not derived from provincial funding.

While the budgeting of the costs for leased employees is linked to the Provision Fund, i.e. to the total production revenues from commercial contracting activities connected to so-called "technology transfer" or "prototype production" as well as to the resources that the Program Agreement Supplementary Deeds expressly allocate to staffing costs, the administrative management of the costs for leased employees is linked instead to the Cost Centers at which such staff are assigned.

Where applicable, the valuation of these costs on order or project is therefore deferred to the cost center manager concerned. With this in mind, given the peculiar nature of employee leasing, it remains the responsibility of the latter to verify in advance the eligibility and acceptability of costs.

4. SELECTION AND RECRUITMENT PROCESS, CONTRACT MANAGEMENT AND OBLIGATIONS

The selection process and the contract management of leased employees, while being the responsibility of the staffing firm, corresponds almost entirely to the Foundation's personnel management system and refer, due to an agreement between the staffing firm and the client, to the general principles of the Foundation's Collective Labor Agreement and personnel policies.

The selection process, duly documented, must ensure transparency, traceability and, with reference to the profiles sought, attention to merit.

Being provided for by the specific planning dedicated to employee leasing, the process for selection and recruitment is activated by the Foundation's Human Resources Service upon application by the interested individuals.

The selection process--based on the job description matching the figure sought-- is publicized through a notice, or call; the notice is conveyed through the channels agreed upon between the staffing firm and the Foundation as well as on the dedicated pages of the latter's website. The position posting must stay active for at least ten calendar days.

At the close of the deadline, the staffing firm makes an initial assessment of the eligibility of applications and, based on the requirements listed in the advertisement, makes a short list and shares it with the Foundation's Human Resources Department and with the applicants for the open position.

Short-listed *candidates* are involved in a preliminary motivational interview and undergo an aptitude test.

The final assessment of technical-professional requirements and soft skills is conducted by the Foundation and is finalized through an interview.

Date of hire, contract duration, job classification and salary are determined by the Foundation and set forth in the employment contract signed by the staffing firm and the worker.

With respect to Foundation staff, leased employees are guaranteed equal treatment with regard to training and development, hourly flexibility, agile work, *welfare*, labor relationship management and business travel as well as equal pay including bonuses and incentives, where applicable.

Leased employees are required to abide by the Foundation's Code of Conduct as well as the Foundation's provisions on safety, corruption prevention and protection of personal data.