



THE PROCEDURE FOR CALCULATING THE DURATION OF LABOR LEAVE

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When Calculating the Total Duration of Annual Labor Leave,
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Abstract:

The article discusses the norms established by the legislation on the calculation of labor holidays in accordance with the labor legislation of the Republic of Uzbekistan. It also covers the social rights of the employee in labor relations.

Keywords: Vacation, period, Labor Code, working week, additional vacation, illegal actions, time.

Introduction

When calculating the total duration of annual leave, all additional holidays granted to an employee are added to his annual basic minimum or basic extended leave. If an employee exercises the right to several types of additional holidays, they are also added to the basic minimum or basic extended leave granted to him.

When adding up all types of labor holidays provided for by law, their total duration in all cases cannot exceed 48 working days.

According to the Labor Code of the Republic of Uzbekistan, the duration of holidays is calculated in calendar working days based on a six-day working week. Holidays that fall within the vacation period and are considered non-working days are not taken into account when determining the duration of the vacation.

According to Article 223 of the Labor Code of the Republic of Uzbekistan, when calculating the total duration of annual leave, additional leave is added to the main annual leave (including extended leave).

For example: an employee has the right to 6 days of additional leave. In this case, the total annual leave is 21 working days (6+15). Similarly, when an additional six days



of leave is granted to an employee who has the right to the main extended leave, the total duration of annual leave is 42 working days (36+6).

According to Article 141 of the Labor Code, when calculating the duration of leaves in proportion to the time worked, their duration is determined by dividing the amount of each full leave by twelve and then multiplying it by the number of months worked in full.

For example: for an employee who is entitled to annual leave in the amount of 48 working days (the main extended leave is 36 working days and additional leave in the amount of 12 working days for work in extremely difficult working conditions), the duration of the leave should be calculated based on the 8 months of actual work.

In order to correctly calculate the duration of the leave in proportion to the time worked, according to the Labor Code of the Republic of Uzbekistan, days equal to or exceeding fifteen calendar days are rounded up to one month, and those less than fifteen calendar days are excluded.

The calculation of the duration of the annual leave in proportion to the time worked is also carried out in cases of termination of the employment contract. An employee whose employment contract is terminated is paid compensation for all unused annual main and additional leaves.

The length of service giving the right to the main annual leave includes:

- time actually worked during the working year;
- the time when the employee did not actually work, but his workplace (position) was retained, with the exception of partially paid leave for childcare and unpaid leave of more than two weeks;
- the period of compulsory paid leave in the event of illegal termination of the employment contract or illegal transfer of the employee to another job, the employee was subsequently reinstated to his previous job, and as a result of this;
- other periods provided for by industry agreements, collective agreements and other local documents of the enterprise, the terms of the employment contract.

The time actually worked is, as a rule, the basis for the length of service giving the right to annual leave.

Partially paid parental leave and unpaid leave of more than two weeks, although the employee retains their job, do not count towards the length of service for the purpose of calculating the main leave, except in exceptional cases.



As a general rule, the calculation of the working year begins on the day the employee starts work. The end date of the working year is determined only after twelve months have passed, which includes only certain periods of work that give the right to take leave. It is from this date that the end of the current working year and the beginning of the next working year are calculated each year.

In accordance with Article 216 of the Labor Code of the Republic of Uzbekistan, the sequence of annual labor leave is determined in accordance with a schedule, which is one of the local regulatory documents approved by agreement with the employer's trade union committee or other representative body of employees before the beginning of each calendar year and is mandatory for each enterprise.

According to Part 3 of Article 216 of the Labor Code of the Republic of Uzbekistan, the following employees should be granted leave at their discretion in the summer or at another time convenient for them:

- 1) single fathers raising one or more children under the age of fourteen (a disabled child under the age of sixteen), single mothers (widowers, widows, divorcees, single mothers) and wives of military personnel performing military service;
- 2) disabled people of groups I and II;
- 3) participants in the war of 1941-1945 and persons equated to them in terms of benefits;
- 4) those studying in educational institutions without separation from production.

Annual leave is granted to working men, at their request, during the period of pregnancy and maternity leave of their wives. In addition, a collective agreement or collective contract may provide for the right to use leave for other categories of employees in the summer or at other convenient times.

The sequence of granting annual labor leaves is determined in accordance with a schedule approved by the employer before the beginning of the calendar year in agreement with the trade union committee or other representative body of employees. Agreement on a vacation schedule implies obtaining the consent of the representative body of employees for its approval.

Part three of Article 214 of the Labor Code of the Republic of Uzbekistan stipulates that labor leave may be granted to certain categories of employees at their request within six months. In accordance with Part 2 of Article 216 of the Labor Code of the Republic of Uzbekistan, the employee must be notified of the time of vacation at least fifteen days before the start of the vacation.



Employees have the right to extend or transfer vacation to another period during the period of temporary incapacity for work; when the period of pregnancy and maternity leave begins; when annual leave coincides with school leave; when performing state or public duties, provided that laws and other regulatory documents provide for the release of an employee from work to perform such duties.

In cases of objective reasons arising during the period of vacation, provided for in laws and other regulatory documents on labor, vacation must be extended.

In accordance with Part 5 of Article 214 of the Labor Code of the Republic of Uzbekistan, labor leave must be granted annually, before the end of the working year for which the leave is granted.

In accordance with Part 6 of Article 230 of the Labor Code of the Republic of Uzbekistan, the part of labor leave exceeding twelve working days may be transferred to the next working year. Such transfer is also allowed only with the consent of the employee and only in exceptional cases when it is impossible to grant the full leave in the current year due to production reasons.

In accordance with Part 7 of Article 230 of the Labor Code of the Republic of Uzbekistan, it is prohibited to not grant annual leave to employees under the age of eighteen, as well as additional annual leave to employees employed in work with unfavorable and specific working conditions, work in difficult and unfavorable natural conditions.

Dividing the leave into parts. Article 231 of the Labor Code of the Republic of Uzbekistan allows for the division of vacation into parts at the employee's request and on the basis of his written application. In this case, one of the parts of the vacation must not be less than twelve working days.

For example: an employee is assigned an annual labor leave with a total duration of 24 working days. Since the legislation does not specify how many parts the vacation can be divided into, this employee can use the part of the vacation, which is 12 working days, at the same time, and the remaining 12 working days of the vacation at another time, or use it in parts (for 2, 3, 4 working days, etc.).

At the employee's request, the use of vacation in parts can be directly provided for in the vacation schedule.

Recall from vacation. In accordance with Article 232 of the Labor Code of the Republic of Uzbekistan, recall from vacation is allowed only with the employee's consent.



In connection with the recall of vacation, the unused part of the vacation must be granted to the employee at another time during the current working year or added to the vacation of the next working year in compliance with the requirements stipulated by the Labor Code.

For example, if it is not possible to grant the employee the part of the vacation that, in accordance with the legislation, must be used in the current year and cannot be transferred to the next working year before the end of the working year, it cannot be recalled from vacation (additional leave for work in unfavorable or specific working conditions, etc.).

The issue of replacing the unused part of the vacation with paid compensation when recalling from vacation can be resolved in compliance with the general rules for replacing vacation with paid compensation

References

1. O'zbekiston Respublikasining Konstitutsiyasi // Qonun hujjatlari ma'lumotlari milliy bazasi, 01.05.2023 - y.,.
2. O'zbekiston Respublikasining Mehnat kodeksi // O'zbekiston Respublikasi Oliy Majlisining Axborotnomasi, 1996-y., 1-songa ilova; Qonun hujjatlari ma'lumotlari milliy bazasi, 30.04.2023 -y.,.
3. O'zbekiston Respublikasining "Aholini ish bilan ta'minlash to'g'risida"gi qonuni. (yangi tahriri) // O'zbekiston Respublikasi Oliy Majlisining Axborotnomasi, 1998-y., 5-6- son, 97-modda; Qonun hujjatlari ma'lumotlari milliy bazasi, 17.10.2018 y., 03/18/501/2056-son.
4. O'zbekiston Respublikasining "Kasaba uyushmalari to'g'risida"gi qonuni // O'zbekiston Respublikasi Oliy Kengashining Axborotnomasi; O'zbekiston Respublikasi qonun hujjatlari to'plami, 2019-y., 48-son, 546-modda.
5. O'zbekiston Respublikasining "Mehnatni muhofaza qilish to'g'risida"gi Qonuni (yangi tahriri) // O'zbekiston Respublikasi qonun hujjatlari to'plami, 2016-y., 38-son, 441-modda; Qonun hujjatlari ma'lumotlari milliy bazasi, 05.01.2018-y., 03/18/456/0512-son.