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POLITECNICO DI MILANO

THE GENERAL DIRECTOR

HAVING REGARD TO Law no. 168 issued on 09.05.1989, as amended and supplemented;
HAVING REGARD TO Law no. 241 issued on 07.08.1990, as amended and supplemented;
HAVING REGARD TO Lgs. D. no. 165 issued on 30.03.2001, specifically art. 7 - paragraph 6 *et seq.*, as amended and supplemented;
HAVING REGARD TO Law no. 69 issued on 18.06.2009, "Provisions for economic development, simplification, competitiveness and the civil procedure", specifically art. 22 - paragraph 2 - letter b) which amended and supplemented art. 7 - paragraph 6 of Lgs. D. no. 165 issued on 30.03.2001;
HAVING REGARD TO the Statute of the Politecnico di Milano;
HAVING REGARD TO the Politecnico di Milano Rules for Administration, Finance and Accounting;
HAVING REGARD TO the Director Decree no. 3894/AG issued on 18.12.2008 which enacted the Regulations governing comparative procedures for appointment to individual independent collaboration positions, implementing art. 7, paragraphs 6 and 6 bis of Lgs. D. no. 165 issued on 30.03.2001, as amended and supplemented;
HAVING OBTAINED the opinions expressed by the Academic Senate and the Board of Governors, during their respective meetings on 21 and 29 October 2013, in relation to the approval of the reviewed text of the Regulations governing comparative procedures for appointment to individual independent collaboration positions, implementing art. 7, paragraphs 6 and 6 bis of Lgs. D. no. 165 issued on 30.03.2001, as amended and supplemented;
HAVING RECOGNISED the need to enact the aforesaid Regulations;

HEREBY DECREES

ART. 1

1. For the reasons given in the preamble, the Regulations governing comparative procedures for appointment to individual independent collaboration positions, implementing art. 7, paragraphs 6 and 6 bis of Lgs. D. no. 165 issued on 30.03.2001, as amended and supplemented, enacted with the Administrative Director Decree no. 3894/AG issued on 18.12.2008, are further amended according to the text that is deemed fully reported herein.
2. The amendments have been made to articles 1, 3, 5, 6, 7, 9, 10 and the new art. 12 "Renewals and extensions" has been introduced, with the ensuing new numbering of the subsequent articles, as well as to article 15. The amendments are in *bold italics*.

Regulations governing comparative procedures for appointment to individual independent collaboration positions, implementing art. 7, paragraphs 6 and 6 bis of Lgs. D. no. 165 issued on 30.03.2001, as amended and supplemented

INDEX

- Art. 1 Scope of application
- Art. 2 Purposes and instruments of implementation
- Art.3 Requirements for appointment to positions
- Art.4 Definitions
- Art.5 Methods for the identification of the collaborator or subject to appoint
- Art.6 Subjects entitled to start the procedure
- Art. 7 Selection notice
- Art.8 Selection procedures and criteria
- Art.9 Subjects entitled to stipulate the contract
- Art.10 Publication and effectiveness
- Art.11 Verification of execution and success of collaboration
- Art. 12 *Renewals and extensions***
- Art.13 Attachments
- Art. 14 Controls
- Art. 15 Deposit and Filing
- Art.16 Final provisions and reference to the law

Art. 1

Scope of application

1. *These Regulations define and govern the comparative procedures for appointment to individual positions under self-employment contracts, on an occasional or coordinated and continuous basis, of experts with a special and proven specialisation, including University specialisation, in accordance with art. 7, para. 6 of Legislative Decree no. 165 issued on 30 March 2001. These provisions apply to all types of self-employment.*
2. The provisions set out in paragraphs 6, 6 bis and 6 ter of art. 7 of Legislative Decree no. 165/2001, as amended and supplemented, do not apply to the members of internal control and evaluation bodies. The comparative procedures and the obligations of publication do not apply to purely occasional work that is limited to an incidental performance by the collaborator on an irregular basis and that is not referable to any phases of the principal's plans or programmes and that is carried out independently, also falling within the cases indicated in paragraph 6 of art. 53 of Legislative Decree no. 165/2001 as amended and supplemented, or that implies, by its very nature, a modest disbursement that can be compared to an expense refund such as, by way of example, the participation in congresses or seminars, a single lecture, the translation of publications and alike.
3. *The comparative evaluations do not even apply to performances for which the skill or activity required (especially in research collaborations) is of such a specific professional nature to make the comparative evaluation inapplicable due to the scarceness of professional figures available.*
4. The evaluation of the reasons for direct appointments and the corresponding responsibilities is made by the body in charge of starting the comparative procedure.

Art. 2

Purposes and instruments of implementation

1. The procedure, which is adequately published in accordance with art. 7 of these Regulations, is conducted according to methods that ensure impartiality and transparency as well as inexpensiveness and promptness.
2. The procedure is designed:
 - a) to identify the needs and to exactly define the scope of the collaboration and of the necessary cultural and professional requirements in order to favour the reasoned and preventive ascertainment of the impossibility to meet such needs with internal resources due to the inexistence or justified unavailability (for both quality and quantity reasons) of the professional figure suitable for the position;
 - b) to identify the most adequate and effective instruments to choose the curriculum, among that/those submitted, which best meets the characteristics required and to select the collaborator with the most suitable qualities for the position.
3. The procedure can include the evaluation of curricula and/or theory-practical and/or written and/or oral tests to verify possession of the skills required.
4. The most suitable procedure is chosen by the subjects listed in art. 6, in accordance with the methods set out in these Regulations, depending on the relevant needs and pre-established profile.

Art. 3

Requirements for appointment to positions

1. *Assignments are given in the cases established by law and are allowed only where the following prerequisites are met:*
 - a) *correspondence between the scope of the collaboration and the capacities attributed by the educational system to the Politecnico di Milano, to specific objectives and projects, and consistency with the functionality needs of the proposing Unit;*
 - b) *temporary and highly qualified nature of the performance;*
 - c) identification and pre-establishment of the selection criteria and of the most suitable procedure;
 - d) compliance with the financial limits laid down by the laws in force.
2. *The use of ongoing coordinated collaboration contracts for the performance of ordinary functions, or the use of collaborators as employees, causes the administrative liability of the Head stipulating such contracts.*

Art. 4 **Definitions**

1. For the purposes of these Regulations:
 - a) an “ongoing coordinated collaboration” means a systematic and non-occasional collaboration that takes the shape of a continuous performance that is coordinated with the organisation and purposes of the principal, mainly offered on a personal basis though not as an employee, and referred to experts with special and proven specialisation, including University specialisation, for highly qualified services, excluding ordinary needs or needs which do not require specific expertise;
 - b) an "incidental performance" means a performance that is carried out on an irregular and independent basis, without being employed and coordinated by the principal.
The performance of an incidental or merely instantaneous activity must be completely occasional. This relationship is for a definite term and ends when the agreed result is achieved;
 - c) the “comparative evaluation procedure” means the set of operations which, considering the profile and type of work to be assigned, goes from the implementation of publication procedures to the establishment of the most suitable selection procedures and criteria to choose the collaborator who best meets the applicable requirements, up to the method used to announce the results of the process and to publish the appointment.
 - d) “evaluation” means the value-attribution process that is carried out by comparing the skills of applicants with the profile specifically pre-established by the administration or its units when assessing their needs and identifying the skills required;
 - e) “profile” means the specification of the professional skills and cultural titles required for the activities to be assigned;
 - f) “professional skills” means the set of elements, including cultural titles, proving the collaborator's specialisation, including University specialisation and/or experience acquired in the sector, which are strictly connected with the content of the activity required, as well as the experience, knowledge and skills to be assessed in relation to the profile required.

Art. 5

Methods for the identification of the collaborator or subject to appoint

1. The individual positions referred to in art. 1 para. 1 above, provided the conditions required by law are met, are assigned with a comparative, previously published procedure, which consists of an assessment, by experts, of the cultural titles and skills possessed in the relevant field, in accordance with pre-established criteria relating to the profile to be selected.
2. *The proven university specialisation requirement does not apply in case of occasional or ongoing coordinated collaboration contracts for activities to be performed by professionals registered in rolls or lists or with subjects working in the arts, entertainment, crafts or computer sciences sector and activities supporting teaching and research activities, for guidance services, including hiring services, and for the certification of work contracts under Lgs. D. 276/2003, without prejudice to the need to establish the collaborator's experience in the field.*

Art. 6

Subjects entitled to start the procedure

1. The requests to start the individual appointment procedure referred to in art. 1 para. 1 above, for work to be carried out at the *University's Administration*, are submitted, together with a declaration certifying the impossibility to meet such needs with the staff in service at the unit, by the Head of the Unit concerned to the Head of the Unit in charge of human resource management, who authorises the commencement of the relevant procedures.
2. *The requests to start the individual appointment procedure referred to in art. 1 para. 1 above, for work to be carried out at other Units, are submitted to the Head of the Unit who, after acquiring the opinion of the competent collegial body, where required, starts the comparative procedure after objectively establishing the impossibility of using internal resources to this end. The activation of such collaboration by the Units whose cost is to be charged to the Fund for Normal Operations (FFO - Fondo di Funzionamento Ordinario), is subject to prior authorisation from the Head of Human Resources of the competent Unit.*
3. The proposer must indicate:
 - a) the characterising content of the collaboration to be carried out in relation to a given project, plan of activities or phase thereof;
 - b) the temporary and highly qualified nature of the performance required;

- c) the specific cultural and professional requirements relating to the performance required, certifying the special and proven specialisation, including university specialisation and/or the experience acquired in the field, which is necessary to be admitted to the selection and to be appointed;
- d) the place of work and the manner of performance of the appointment (coordination level);
- e) the names of the experts in the fields pertaining to the professional figure required who, also via specifically established judging panels that will include representatives from the offices who will benefit from the collaboration, will evaluate applicants;
- f) the reasons for assigning the work to individuals external to the University;
- g) ***the duration of the contract;***
- h) the total remuneration offered, including taxes, the total expenditure incurred by the Administration; the remuneration must be established in accordance with the activity required, its quantity and quality, the possible use by the collaborator of his/her own means and instruments, taking also account of market values. In any event, the remuneration must be proportionate to the benefit achieved by the administration;
- i) the method of execution of the performance and of payment of the remuneration which usually takes place, except as otherwise expressly agreed, in connection with completion of the stages of the assigned activity, at the end of the collaboration;
- j) the representative or person in charge of the results and the method of verification of the correct performance of the service.

Art. 7

Selection notice

1. The comparative procedure is regulated by a specific notice for appointment to a specific position.
2. The notice must be disclosed, for ***at least*** 10 days, by being published on the Official Bulletin of the Politecnico, which can be accessed by the public on line, and on the web site of the proposing Unit.
3. The selection notice is prepared according to the attached facsimile referred to in art. 13 of these Regulations.

Art. 8

Selection procedures and criteria

1. In relation to the selected procedure, the evaluation, which is designed to establish the utmost consistency between the skills possessed and the skills required, is carried out via a comparative assessment by at least two experts in the field, delegated by the Head of Unit. The outcome of the procedure is documented in a report which specifies the selection and ranking criteria, to be attached to the collaboration contract.
2. The outcome of the procedure is communicated to the selected applicant to stipulate the collaboration contract.

Art. 9

Subjects entitled to stipulate the contract

1. In accordance with art. 54 of the Rules for Administration, Finance and Accounting of the Politecnico di Milano, the collaboration contract is stipulated by the General Director.
2. ***For Departments and Campuses, the contract is stipulated by the Department Manager within the expenditure limits attributed thereto by the Board of Governors.***
3. The subjects who stipulate and/or grant the assignment in violation of the law are liable for public property damage, in accordance with art. 7 paragraph 6 of Lgs. D. 165/2001, as amended and supplemented.

Art. 10

Publication and effectiveness

1. The individual independent collaboration positions referred to in these Regulations and the consultancy positions for which payment is envisaged, must be published on the Politecnico's web site, specifying the corresponding recipients, the reason for their appointment and the amount paid.
In case of omitted publication, payment of the collaboration or consultancy positions referred to in this paragraph is a disciplinary offence and makes the relevant Head liable for public property damage.
2. ***The effectiveness of consultancy contracts is conditional upon fulfilment of the obligations of publication referred to in art. 15 paragraph 2 of Legislative Decree no. 33 issued on 14.3.2013.***

Art. 11

Verification of execution and success of collaboration

1. The competent Head or the Head of Unit, on request by the project manager, periodically assesses the correct execution of the activities, especially when such execution is related to stages of development, by checking that the results achieved are consistent with the objectives assigned.
2. If the results of the services rendered by the external collaborator are not in accordance with the conditions of appointment or are totally unsatisfactory, the competent Head or Head of Unit will take the measures set out in such conditions.

Art. 12

Renewals and extensions

1. *Appointments cannot be renewed.*
2. *The extension of the original appointment is exceptionally allowed for the sole purpose of completing the project and for delays that are not attributable to the collaborator, without prejudice to the remuneration agreed at the time of appointment.*

Art. 13

Attachments

1. The facsimile of the selection notice is attached to these Regulations (attachment 1).
2. This attachment may be amended via a resolution of the General Director.

Art. 14

Controls

1. All applicants are required to comply with the law and with the established procedure.
2. The Administration reserves the right to carry out sample controls via an internal audit concerning the procedures autonomously activated by Units.

Art. 15

Deposit and Filing

1. All the documents relating to the procedures for appointment to collaboration positions referred to in these Regulations are deposited and filed with the competent *human resources Unit, for the University's Administration, and the secretariat of the Department Manager of Departments and Campus, according to the scope of their powers.*
2. The relevant Heads ensure the accessibility and availability of such documents.

Art. 16

Final provisions and reference to the law

1. Since these Regulations provide for the enforcement of provisions of law that are already in force, they go into force on the date of enactment hereof.
2. All matters that are not expressly regulated by these Regulations, will be regulated by the provisions of the applicable laws in force.

THE GENERAL DIRECTOR
Signed Graziano Dragoni, Engineer