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Labor Code. Section V. REST TIME

Chapter 17. GENERAL PROVISIONS

Article 106. The concept of rest time

Rest time is the time during which an employee is free from performing work duties and which he can use at his discretion.

Article 107. Types of rest time

The types of rest time are:

breaks during the working day (shifts);

daily (inter-shift) rest;

days off (weekly continuous rest);

non-working holidays;

vacations.

Chapter 18. BREAKS IN WORK. WEEKENDS AND NON-WORKING HOLIDAYS

Article 108. Breaks for rest and meals

During the working day (shift), the employee must be given a break for rest and meals lasting no more than two hours and no less than 30 minutes, which is not included during working hours. The rules of internal labor regulations or an employment contract may provide that the specified break may not be provided to an employee if the duration of daily work (shift) set for him does not exceed four hours.

Article 110. The duration of the weekly continuous rest

The duration of a weekly continuous rest may not be less than 42 hours,

Article 111. Days off

All employees are provided with days off (weekly continuous rest). With a five-day working week, employees are given two days off per week, with a six-day working week - one day off. The general day off is Sunday.

The second day off for a five-day working week is established by a collective agreement or internal labor regulations. Both days off are provided, as a rule, in a row or on a rolling schedule..

Article 112. Non-working holidays

Non-working holidays in the Russian Federation are:

1, 2, 3, 4, 5, 6 and January 8 - New Year holidays;

January 7 - Christmas;

February 23 - Defender of the Fatherland Day;

March 8 - International Women's Day

May 1 - Spring and Labor Day;

May 9 is Victory Day;

June 12 - Russia Day;

November 4 is National Unity Day.

Article 113. Prohibition of work on weekends and non-working holidays. Exceptional cases of attracting employees to work on weekends and non-working holidays

The involvement of employees to work on weekends and non-working holidays is carried out with their written consent and, if necessary, the performance of unforeseen work in advance, on the urgent performance of which the normal work of the organization as a whole or its individual structural divisions, an individual entrepreneur depends in the future.

The involvement of employees to work on weekends and non-working holidays without their consent is allowed in the following cases:

- 1) to prevent a disaster, industrial accident or eliminate the consequences of a disaster, industrial accident or natural disaster;
- 2) to prevent accidents, destruction or damage to the employer's property, state or municipal property;
- 3) when a state of emergency or martial law is imposed,

Chapter 19. VACATIONS

Article 114. Annual paid holidays

Employees are granted annual leave with the preservation of their place of work (position) and average earnings.

Article 115. The duration of the annual basic paid leave

The annual basic paid leave is provided to employees for a duration of 28 calendar days.

Article 116. Annual additional paid holidays

Annual additional paid leave is provided to employees engaged in jobs with harmful and (or) dangerous working conditions,

Employers can independently establish additional vacations for employees, the procedure and conditions for granting these vacations are determined by collective agreements

Article 117. Annual additional paid leave for employees engaged in work with harmful and (or) dangerous working conditions

The minimum duration of annual additional paid leave for employees is 7 calendar days.

Article 120. Calculation of the duration of annual paid vacations

The duration of annual basic and additional paid vacations of employees is calculated in calendar days and is not limited to the maximum limit. Non-working holidays that fall during the period of annual basic or annual additional paid leave are not included in the number of calendar days of vacation.

When calculating the total duration of annual paid leave, additional paid leave is added to the annual basic paid leave.

Article 121. Calculation of the length of service that entitles you to annual paid leave

The length of service, which entitles to annual basic paid leave, includes:

the time of actual work;

the time when the employee retained his place of work (position)

, the time of forced absenteeism in case of illegal dismissal or suspension from work and subsequent reinstatement to his previous job;

the period of suspension of an employee who has not passed a mandatory medical examination through no fault of his own;

the time of leave without pay provided at the request of the employee, not exceeding 14 calendar days during the working year;

the period of suspension of the employment contract in accordance with Article 351.7 of this Code.

The length of service, which entitles to annual basic paid leave, does not include:

the time an employee is absent from work without valid reasons, including due to his suspension from work

, the time of parental leave until he reaches the age prescribed by law;

The length of service, which entitles to annual additional paid leave for work with harmful and (or) dangerous working conditions, includes only the time actually worked in the appropriate conditions.

Article 122. The procedure for granting annual paid holidays

Paid leave should be provided to the employee annually.

The right to use leave for the first year of work arises for an employee after six months of continuous work for this employee. the employer. By agreement of the parties, paid leave may be granted to an employee before the expiration of six months.

Before the expiration of six months of continuous work, paid leave at the request of an employee must be granted to:

women - before or immediately after maternity leave;

employees under the age of eighteen;

employees who have adopted a child (children) under the age of three months;

in other cases provided for by federal laws.

Leave for the second and subsequent years of work may be granted at any time of the working year in accordance with the order of annual paid leave established by this employer.

Article 123. The order of granting annual paid holidays

The order of paid leave is determined annually in accordance with the vacation schedule, which is approved by the employer no later than two weeks before the calendar year

The vacation schedule is mandatory for both the employer and the employee.

The employee must be notified of the start time of the vacation under the signature no later than two weeks before it begins.

Article 124. Extension or postponement of annual paid leave

The annual paid leave must be extended or postponed for another period determined by the employer, taking into account the wishes of the employee, in the following cases:

temporary disability of an employee;

performance of state duties by an employee during annual paid leave, if for this purpose the labor legislation provides for exemption from work;

in other cases provided for by labor legislation, local regulations.

If the employee has not been paid in a timely manner for the time of the annual paid leave, or the employee has been notified of the start time of this leave later than two weeks before it begins, then the employer, upon the written application of the employee, is obliged to postpone the annual paid leave for another period agreed with the employee.

It is allowed, with the consent of the employee, to postpone the vacation to the next working year, While the vacation must be used no later than 12 months after the end of the working year for which it is granted.

It is prohibited not to provide annual paid leave for two consecutive years, as well as not to provide annual paid leave to employees under the age of eighteen and employees engaged in work with harmful and (or) dangerous working conditions.

Article 125. The division of annual paid leave into parts. Vacation review

By agreement between the employee and the employer, the annual paid leave can be divided into parts. At the same time, at least one part of this vacation must be at least 14 calendar days.

The withdrawal of an employee from vacation is allowed only with his consent, the unused part of the vacation in this regard must be provided at a convenient time for the employee during the current working year or attached to the vacation for the next working year.

It is not allowed to recall employees under the age of eighteen, pregnant women and workers engaged in work with harmful and (or) dangerous working conditions from vacation.

Article 126. Replacement of annual paid leave with monetary compensation

A part of the annual paid leave exceeding 28 calendar days may be replaced by monetary compensation upon the written application of the employee.

When summing up annual paid vacations or rescheduling annual paid vacation to the next working year, monetary compensation may be replaced by a part of each annual paid vacation exceeding 28 calendar days, or any number of days from this part.

It is not allowed to substitute monetary compensation for annual basic paid leave and annual additional paid leave for pregnant women and employees under the age of eighteen, as well as annual additional paid leave for employees engaged in jobs with harmful and (or) dangerous working conditions (with the exception of payment of monetary compensation for unused leave upon dismissal)

Article 127. Realization of the right to leave upon dismissal of an employee

Upon dismissal, the employee is paid monetary compensation for all unused vacations.

At the written request of the employee, unused vacations may be granted to him with subsequent dismissal (except in cases of dismissal for culpable actions). In this case, the last day of vacation is considered to be the day of dismissal.

Article 128. Leave without pay

For family reasons and other valid reasons, an employee may be granted leave without pay upon his written application, the duration of such leave is determined by agreement between the employee and the employer.

The employer is obliged, on the basis of a written application from an employee, to grant leave without pay:

to participants of the Great Patriotic War - up to 35 calendar days a year;

working old-age pensioners (by age) - up to 14 calendar days per year;

parents and wives (husbands) of military personnel - up to 14 calendar days per year;

working disabled people - up to 60 calendar days per year;

employees in cases of child birth, marriage registration, death of close relatives - up to five calendar days;

in other cases provided for by this Code, other federal laws or a collective agreement.