



**MANUAL FOR RESEARCHERS ON THE MANAGEMENT OF HUMAN RESOURCES  
COMPLIANT WITH COSTA RICAN LAWS AND OTS POLICIES**

In Costa Rica, there are laws, regulations, and procedures that constitute the guidelines that both employers and employees must obey to keep a figure of equity and respect towards social equality. The most important of these documents is the Labor Code of Costa Rica, which regulates the rights and duties of employers and employees.

The Organization for Tropical Studies, represented for every legal act in Costa Rica by the General Director for Costa Rica, is responsible to insure the observance of the established norms and general rules that are indicated in the Labor Code. The General Direction has to be aware that the procedures of Human Resources Management are carried out in a suitable way, for all personnel hired by OTS. The General Director delegates these tasks in the Station Directors; so they as well, have to watch over the observance of administrative procedures on Human Resources.

This Handbook was created so that the Principal Investigators (PI) and their coordinators are aware of the procedures that must be followed. In this Handbook there are general rules regarding work contracts, working days, breaks and salaries, protection of workers, and others, as stipulated in the Labor Code.

All those cases that are not included in the Labor Code, nor in its regulations, will be resolved according to the general principles of the Labor Law, equity, custom, or local and national use. If not, the rules adopted by the International Labour Organization will be applied. As personnel hired by the OTS we understand those that are in the payroll of the Organization, be them administrators, scientists, educators or project researchers.

Research activities at OTS stations; require, often hiring technical staff or scientist. In any situation where project staff work in one of the biological stations, receive a wage for the functions in the project, monitored by the project staff, and possess hours or days (whether hours, weeks or months), you must have a contract of employment.

Is the policy of OET that this contract should be established directly between the OTS and the official to hire, which is subject to regulatory and labour regulations of the institution.

Hire staff through OTS facilitates the administrative work, and the financial costs of the project, since:

- a. The OTS has a Bank of candidates eligible for different types of tasks, in addition to knowing the local labour market.
- b. OTS performed a study of wage market every six months to update the ranges of salary for all posts in the organization.
- c. The OTS has insurance policies required by Costa Rican labor laws.
- d. OTS is responsible for performing the employee registration and payment of social charges to the various institutions of the State.
- e. OTS assumes the administrative and legal costs of labor in nature possible legal conflicts.

**1. Employer:**

It is every physical or legal person that employs another person's services, in a written or oral agreement, individually or collectively. Every employer must have a legal representative duly certified before the corresponding authorities. In the case of the OTS it is the General Director for Costa Rica. This person is the one in charge of the design, execution, and control of these functions



*where science and nature converge*



and is compelled to fulfill the legal elements of Social Justice through the Organization management. The Labor Code states the general rules under which an employer must be ruled; however, the jurisprudence (resolutions given by the highest authorities in the field of labor) may modify, in a certain way, the work legislation. For this reason, it is important to center the Stations Directors as channels to apply any labor procedure. They will be the ones who will obey and execute by delegation all the General Director's instructions.

**In the case of staff from research projects based at the OTS Stations; even when the researcher is the one who provides the funds to pay the worker salary, OTS will be the legal employer and, therefore, responsible for the hiring of this employee.** Therefore, the Director and the Station Directors acting as representatives are empowered to ask for the observance of the Costa Rican labor laws at any moment, such as sanctions and disciplinary measures, entrances, exits, use of punch cards, etc.

## 2. Work contracts:

The work contract is one where a person is engaged to render his/her services or to execute a work, under permanent dependence and immediate direction for any kind of remuneration. The contract compels both the employer and the employee to comply with what is stated in it, as well as the consequences derived from it. The guarantees and minimum rights given to the workers must be included in any contract.

The different kinds of work contracts are:

### 1.1 Contract for indefinite time.

It is that one derived from the rendering of services in an activity, in which the activity is to be long termed or permanent. It has supervision, working schedule, fulfillment of working days, and accomplishment of specific conditions (given in the work contract or by use or custom), e.g. hiring the stations accountant.

### 1.2 Contract for definitive (fixed) time.

It is that one derived from the rendering of services in a sporadic activity during an specific (short) period of time. It includes the same rights and duties than those for an indefinite time contract. Whenever the contract is extended, it loses its condition of fixed time to become an indefinite time contract, e.g. hiring a field-worker for 2 months only.

**1.3 Contracts for professional services.** The contract for professional services is generated for the fulfillment of a specific technical activity, where the hired person does not have supervision, working days, or any employer-employee bond, e.g. hiring a consultant.

### 1.4 Contract for a specific labor.

It is every contract derived from the obtaining of a specific product, there is coordination by the Organization; it does not have supervision, working days, or any employer-employee bond, e.g. a contract for mason to build a wall.

## OTS policy

- OTS workers cannot be benefited from more than one simultaneous contract. **An employee CAN NOT work for two projects simultaneously nor have two different contracts within the same project.**



where science and nature converge



- **Transfers:** An employee can be transferred from one Project to another only if it has the approval of both project coordinators and if the corresponding procedure is done through the Station Administration.
- **The signing of any contract:** must be done seven working days before the beginning of the work. The researcher must request, in writing, the issue of a contract for a determinate person, provide a list of duties, and request the salary rank from the Administration for its approval. The Administration will be in charge of the contract format, but the project will be responsible for obtaining the signature by the worker seven working days before the beginning of work.
- The General Direction and, therefore, the Station Directors, can decide **not to process a contract for justified reasons**; for example, when the salary is lower than the minimum fixed by the government, the shift is longer than allowed by law, worker's references, etc.
- OTS recommends PI's to **ask cooperation** from the Administration before they carry out or negotiate a contract, in order to get the correct market salaries, established working days, etc.

### 3. Proceedings for recruitment and selection.

The recruitment process includes the search of people that meet the requirements for a position. Selection is the final step of this process, when the project coordination, with the support of the Station Administration, has made the decision about which person will be hired.

#### Policy

- The vacant positions will be filled, preferably, first by people that have worked previously for other projects or for the Station, when the candidates meet the requirements.
- Whenever the hiring of personnel for a project is needed, it is necessary to contact the Station Administration in advance, in order to begin the recruitment process.
- During this process, the establishments of salaries, working conditions, shifts, workdays, etc. have to be coordinated with the Administration, because it is the Administration the responsible for operative proceedings: contract making, controls, designation of positions nomenclature, etc. This coordination must be carried out previous to the hiring, **and not after that.**

### 4. Salary balance

The Organization has endeavored to establish and keep fair salaries, internally equitable and in accordance to the Costa Rican Labor market.

#### Policy

- Each time a person is hired, it is necessary to consult with the Station Administration, **before negotiating with the person**, to establish a salary ranges in accordance to market ranks, which cannot be lower than the minimum established by law for similar positions.
- The project can increase a new employee's salary up to 5%, once he/she has finished the initial trial period of 3 months that the Labor Code states.
- Every meritorious increase that exceeds the Percentile 50 must be approved by the General Direction. Note: The Percentile 25 represents the salary under which 25% of the occupants of certain positions are paid in the national Labor market.
- Salaries in dollars are not accepted in the regular payroll of the Organization.
- The salary will be paid by transfer to electronic account, deposit to an account, or by check, never in cash.



where science and nature converge



## 5. Working shifts and breaks

There are three different kinds of working shifts:

- Day (maximum 48 hours a week)
- Mixed (maximum 42 hours a week)
- Night (maximum 36 hours a week).

It is considered as effective working time that time when workers stay at the employer's orders, not counting time for lunch and coffee. The time spent after the working shift is considered overtime. All year days are working days except for those days off agreed between the two parties and the holidays established by law.

Vacation is an inalienable right of the worker, and it is fixed in two weeks per fifty continued weeks of work. In the case of the Organization available vacation is established in a gradual way (yearly) depending on the number of years worked (information included in the Induction Handbook), and it is counted from the hiring date on. It is the responsibility of the employer to oversee that the employee do not accumulate more than one vacation period.

Those workers who have been dismissed and then hired again, will start from zero in the vacation period table.

### Policy

- **Shift:** The establishment of the working shift will be coordinated with the Station Administration, according to what is indicated in the personnel classification and the national legislation.
- **Days off:** The day off will be agreed between the employee and the project coordinator according to what is stated in the Labor Code.
- The holidays granted by law will be paid according to what the laws states.
- **Vacation:**
  - The Station Administration will indicate to the researcher the vacation days that the staff has accumulated and it will be obligation of the Principal Investigator (PI) or Project Coordinators to ensure that the employees take them. If not, the Administration will indicate the due date when the worker must take vacation. Labor law forbids the accumulation of more than one vacation period.
  - Vacation periods cannot be paid.
  - It is the obligation of the PI or his/her delegate to communicate to the Station Administration, in writing, the days when project workers will take vacation, and to ensure their staff signs the corresponding form. If not, it will not be possible to keep the corresponding records that would exonerate the project from payment of "pending" periods.
  - When calculating vacation, days are calculated based on number of working days (days off are not taken into account).

## 6. Management of overtime:

- Every worker is hired to carry out determinate tasks; however, he/she has the obligation to carry out any other tasks related to the project for which he/she has the ability and mental



where science and nature converge



- and physical conditions, and it will not mean an extra payment or a variation in the hiring conditions. In the case of operative personnel, when the performance of his/her duties exceeds the established shift, it will mean the payment of overtime.
- Overtime is that when the employee works further than his/her normal shift. It is occasional, not fixed, and must be paid adding fifty percent more of the worker's salary per hour worked.
  - Any extra hours that the employee would need to amend mistakes committed during the ordinary shift, is not considered as overtime

#### **7. Personnel Movements:**

- Every movement, generated on personnel management, during any type of a contract, must be duly documented under a Personnel Movement Form (salary increase, admonitions, permits, suspensions, transfers, etc.)
- The Personnel Movement Form represents the base document to assure the good management of personnel.
- The only movement that is not recorded by a Personnel Movement Form is vacation.

#### **8. Service fee**

All services provided to projects, researchers and users in general are subject to a service fee, applicable on the total cost of transactions, be they: purchases of materials, work in the shop or pay wages recruitment (in this particular case is considered wages and social charges to calculate it). The service charge can be 14% or 22%. The 14% will be applied if the research or project makes an advanced payment by the estimated cost of the service, or if there is a contract signed by the University or Institution sponsoring the project. The 22% applies to researchers or projects that do not make advanced payments to cover the estimated costs of the services and therefore must have a previously approved credit account by OTS.

#### **9. Role of station managers:**

As noted at the beginning of the manual station managers are responsible for ensuring good management of human resources in each of the stations over which they have responsibility. They depend on processes as well as the policies outlined here and some that can be generated are applied in the best possible way.

Therefore, Costa Rica address delegates on those representatives the authority and responsibility for the application of the rules and procedures and everything related to personnel management be channeled through them.

### **GUIDE FOR RESEARCHER**

#### **I. IF YOU NEED TO HIRE STAFF FOR YOUR PROJECT:**

- a. Contact to the Administrative department of the biological stations or to the Manager of human resources at CRO at the earliest, before performing any recruitment.
- b. Provide a profile of the worker who needs to hire, so that OTS look into your database more suitable candidates.
- c. OTS will suggest market wages, and will give you the minimum wage law that must pay the worker according to the post that



*where science and nature converge*



- d. If you have already identified specific staff who wants to work for you, you shall inform it in writing to the administrative direction of the biological station or to the Manager of human resources to perform the respective contract until the person begins to work on properties of OTS.

## **II. THE EMPLOYMENT CONTRACT IS ESSENTIAL:**

- a. This is a legal requirement to work in Costa Rica.
- b. It is important to establish the conditions of the contract, and have the personal data of the worker:
- Full name
  - Place of residence
  - # of identity (identity card or passport)
  - Work permit
  - Date of start and termination of the contract
  - Salary
  - Specific tasks
  - Name of the post
  - Direct boss
- c. The contract is an endorsement before the law in the event of any legal problem that may arise.
- d. The contract must be signed by the new worker at least 7 days prior to entering to work

## **III. REQUIREMENTS TO WORK ON OTS:**

- a. To provide letters of recommendation, as OTS verify particulars of every worker, for safety of the same projects.
- b. To have the identity document to the day and provide a copy of the same.
- c. If it is foreign, having work permit (at Headquarters it will provide help in these procedures, foreign persons).
- d. In the case of staff with university degree, be affiliated with the corresponding professional college; for example, to the College of biologists from Costa Rica, etc.
- e. To comply with standards of behavior laid down in the Costa Rican labor code, and those specified in the OTS internal manuals.
- f. Sign the contract before starting the work.
- g. Receive the induction course before starting their work.
- h. Wage levels will be adjusted to the range of existing wages for each position and the project coordinator shall decide, within that range, what salary you want to grant to the employee.

## **IV. WAHT MUST TO PAY A RESEARCH PROJECT TO OTS FOR HIRING STAFF**

OTS facilitates the recruitment of staff in its properties. Where the project wants to advertise the post in a national newspaper, the project shall bear the cost of the publication.

Apart from the wage that must be paid to the employee, the project will have to pay:

- a. Social charges that represent a 43.71% of the total salary, and include the costs of:
- Social Security
  - Holiday
  - Christmas bonus and



*where science and nature converge*





- Severance pay

b. Service fee: 14% if a prepayment, or 22% If you make the payment after the start of the work of the worker. This percentage is calculated on the total of the wage cost (salary more loads).

**V. NOTICE:**

a. In the case of contracts with durations longer than three months, the employee is entitled to notice if the employer of terminated his employment contract. This notice is governed according to the following table:

| Period which has worked | Notice              |
|-------------------------|---------------------|
| 0-3 months              | 0 days of notice    |
| 3-6 months              | one week of notice  |
| 6-12 months             | two weeks of notice |
| A year or more          | a month's notice    |

- b. The notice applies for both the employer and the worker; if the employee resigns you must give to the employer (OTS) while following the previous table.
- c. In case that the employer wanted to dispense with the services of a worker without just cause (according to Costa Rican labour code), this shall be notified beforehand in the above table or the employer must pay him the notice applicable, if that worker will immediately end its work. Where the employer wishes to give the required notice time, workers are entitled to be absent with pay one day per week, to find a new job.
- d. When you dismiss the employee with just cause, the notice has not be charged.
- e. The economic cost of the notice, pay is not included in the social charges that are charged monthly to the project. If the project decides to pay the notice to one of its employees, it should provide the necessary additional economic content.

**VI. VACATION:**

a. These are equivalent to one day for each month worked. Once the employee has completed one year of work for the project, your holiday is calculated according to the following table:

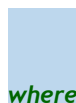
| a. Period worked      | Holidays per year |
|-----------------------|-------------------|
| b. 1-2 years          | 12 days           |
| c. 3-6 years          | 15 days           |
| d. 7-10 years         | 18 days           |
| e. More than 11 years | 22 days           |

- b. Once completed a year of work of the employee, the employer has 3 months to assign vacation to the worker, if not, legally, the worker can take them when you want. In the event that the project does not assign the holidays in these 3 months, OTS before their 3rd month assigned them at its discretion.
- c. Vacation pay is not legal during the employment relationship. Every worker must take their holidays.
- d. It is not legal to accumulate vacations for two or more periods.
- e. In very special cases can break up the holiday period but it is recommended that holidays are taken in weekly units so that the worker rests.

**VII. HOLIDAYS:**

Holidays that must be paid if the worker works for them are:

- 1 January



where science and nature converge



- Thursday and Friday Saints
- 1 may
- July 25
- August 2
- August 15
- 15th September
- 12 October
- 25 December

#### **VIII. WORKING HOURS AND OVERTIME**

- a. The weekly working time is 48 hours, from this time are paid hours extra amounting to 1.5 a simple time.
- b. The hours extra work in cases extraordinary and occasional; there are fixed overtime.
- c. OTS will cancel overtime an employee of project only if the project leader or their delegate authorized them by writing; the note is sent to the administrative direction of the biological station. This additional payment will be covered by the project.

#### **IX. EMPLOYEES WHO LIVE IN THE STATIONS**

Any employee who lives at the station, will have to pay your food and lodging; and it will be lowered biweekly salary receiving.

#### **X. RELATIONSHIP BETWEEN THE PROJECT COORDINATOR AND ADMINISTRATION OF THE STATIONS:**

The project coordinator must be notified in writing to the administrative direction of the biological station as far in advance as possible:

- When you want to hire a new staff member for your project.
- When assigning holidays to the staff in charge, since the employee will need to fill a ballot requesting vacation, which must be attached to the employee personal file.
- When you give permissions to your personal, sick or without pay.
- When you give a wage increases, bonuses, etc. OTS performed 2 semi-annual increases per year, to compensate for the increase in the cost of living, and notifies them of the project coordinator. If you want to make increases in percentages higher than the OTS, they must be approved by the management, who must ensure to keep the salary ranges of the organization. These ranges are based on a wage market nationwide survey.
- When you make any changes to the contract of employment, functions or job change, change of schedules, etc.
- If you have to carry out a disciplinary sanction (warnings or suspensions) to any of the staff.
- Or if you want to terminate a contract of employment, whether by resignation of the worker or severance of the employer.



*where science and nature converge*