Regulation for coronavirus emergency operations

Working hours, holidays and childcare

Background

Unique challenges in our professional and personal lives

The coronavirus situation has created unusual professional and personal challenges for supervisors and employees. Human resources planning is a complex undertaking. Emergency operations at ETH are expected to last for weeks. ETH has the benefit of stable funding during this period. Essentially, ETH employees are guaranteed that their salaries will be paid and that their current employment contracts will remain in place.

Understanding of different workloads and personal situations

Working from home is a challenge for everyone in general and particularly for parents who must look after their children. The general circumstances have led to a situation in which workloads for supervisors and employees have changed. Many are faced with additional demands, while others can largely continue their work from home. Others have less work or due to the nature of their jobs cannot work from home.

Flexibility and responsibility on both sides

The range of situations calls for a variety of approaches. Flexibility is required for divisions or people with greater workloads in terms of working from home in general and childcare in particular. However, people must also take responsibility for holiday planning and reducing accrued overtime hours appropriately if they have less work or cannot work from home.

Shared responsibility to meet these challenges

Mutual understanding and consideration is required during this time. It takes good will from all of us. Supervisors must consider the individual situation of their employees as much as possible (leadership responsibility, employer duty of care) and look for fair solutions in discussions. At the same time, employees should consider the operational requirements and do their part to help find practicable solutions (accountability, employee loyalty) and make a personal contribution.

Maintenance of operational and personal performance

It is important that we all manage to stay healthy and maintain a lasting level of performance. If the situation normalises and research and teaching activities resume, we can expect that many employees will be faced with additional work tasks. During this phase, many employees will be able to take only a limited amount of holiday. It can be expected that in 2020 holidays will not be taken as requested. However, holidays should still be taken; a postponement to the second half of the year will create problems when normal operations are resumed.

The Executive Board would like to thank all supervisors and employees for their positive attitude and solidarity as we meet these challenges together.
Regulation for coronavirus emergency operations: working hours, holidays and childcare

On the basis of Art. 11c ETH Zurich Organisational Ordinance, the Vice President for Personnel Development and Leadership (interim) hereby issues the following regulation:

7 April 2020

1. General framework

1 The "Regulations for the recording of working time and absences", dated 13 December 2016 (RSETHZ 614en), specify the procedures for time recording for all ETH Zurich employees. These regulations do not apply to professors.

2 The duty to record absences applies to: (a.) scientific staff; (b.) members of management. The duty to record working hours and absences within the meaning of Art. 6 applies to: (a.) administrative and technical staff up to and including function level 9; (b.) employees paid on an hourly wage.

3 Absences, such as holidays, illness and accidents, must also be recorded.

4 Employees required to record their working hours must also do so when working from home and with childcare duties. The goal is a balanced working hours total at the end of the year. Managerial and academic staff are trusted to put in the time required to meet their duties. They are exempt from the obligation to record actual number of working hours.

5 As a rule, ETH Zurich employees complete their working hours based on the annual working hours model. If employees work more than the planned working hours during periods of greater workloads, this time is compensated for in periods of lower activity. The maximum time balance of 50 overtime/20 undertime hours applies.

2. Basis for this rule

1 Due to varying levels of work and stress in people’s professional and personal situations, it is important to understand that both flexibility and an appropriate degree of personal responsibility is required. Employees should be treated fairly with the understanding that identical treatment will not be possible in every situation.

2 This should be considered in view of the current emergency operations, which may continue through to the end of 2020; i.e. phases with decreased or increased workloads are possible. Management of the current situation calls for flexibility. Issues should be resolved and decisions made immediately whenever possible. As it is still uncertain how the rest of the year will unfold, such issues may also be addressed later if an assessment of the overall situation in 2020 is available.

3 It is essential that all employees plan their holidays for 2020 and use the holiday time they have accrued in 2020 before the end of the year. Accrued holiday time from the previous year is to be taken by 31.08.2020.

4 If working from home is not possible or the person’s workload has decreased, time balances (overhours, overtime, extra work) must be reduced. The time balance for the period of emergency operations is expanded this year to 50 undertime hours.

1 Legal basis:
– Ordinance of the ETH Board on personnel in the ETH Domain (PersO-FIT), dated 15 March 2001 (SR 172.220.113 g)
– Regulations for the recording of working time and absences, dated 13 December 2016 (RSETHZ 614en g)
– Shift work regulations at ETH Zurich, dated 20 August 2014 (RSETHZ 213.2 g)
– On-call regulations at ETH Zurich, dated 24 September 1996 (RSETHZ 213.14 g)
5 Priority for reduction of time balances: (1.) Compensation for accrued working hours (over-hours, overtime, extra work); (2.) Holiday credit from previous year; (3.) Holiday time accrued for the current year by the end of the year. Create a holiday plan based on a pro rata holiday reference as a guide.

6 In cases of increased workloads during emergency operations and limited opportunity to take holiday, it may be possible with the approval of the supervisor to partially defer time off and carry forward the accrued time to the following year. The time balance can be expanded with the approval of the supervisor.

7 Existing plans for reduction of accrued overtime and holiday remain unchanged and are to be implemented.

3. Working hours and working from home

1 For employees who record only their absences, working from home will be treated as normal working hours (target working hours), regardless of limited efficiency or effectiveness.

2 For employees required to record their working time and absences, no more than the target working hours are to be recorded. Overtime, working more than the legally regulated hours and extra work must be arranged and approved by the supervisor.

3 If working from home is not possible or the workload of an employee required to record their working time has decreased, the actual working hours are entered and any accrued time balance (over-hours, overtime, extra work) must be reduced.

4 The maximum time balance of 50 overtime/20 undertime hours applies to employees with recording duty of working time. The time balance during the period of emergency operations may be expanded to 50 undertime hours.

5 Supervisors should discuss the situation with their employees and how it relates to their working hours and reduction of time balances. The personnel managers can provide assistance if needed. Written documentation of agreements is recommended.

4. Childcare

1 Parents are required by law to ensure care of their children. Supervisors are to give parents the time necessary to do so. Parents are required to arrange adequate childcare so that they can work as effectively as possible. This is more difficult in the current conditions.

2 Due to the extraordinary situation officially determined by the Federal Council to 19.04.2020, supervisors are to offer as much flexibility as possible in terms of working from home and childcare. ETH previously stated that during the period from 16.03.2020 to 04.04.2020, working from home and childcare counts as paid working time. This is based on the regulations on childcare, the regulation of school matters and discretionary unpaid leave.

3 Parents who are able to work from home and who more or less have a full workload count their daily target working hours, even if they effectively work a fewer number of hours due to childcare duties.

4 Parents whose work is greatly restricted due to their childcare duties can be granted 10 additional days / 82 hours (100%) of paid leave from 04.04.2020 within the meaning of the hardship guidelines (i.e. consideration of the unique circumstances and individual situation of employees).

5 Criteria for this include ages and number of children, the individual professional and family situation of the employees, the school situation (in particular, “home schooling”), a child’s special care needs, a lack of other childcare options outside or within the family, etc.

6 A justification and approval by the supervisor in coordination with the personnel manager is required. This entitlement is not general and depends on the level of employment.

7 The type of absence “Work loss Corona” will be entered in the ETHIS time management system (available from 15.04.2020) in coordination with the supervisor (max. target working time).
5. **Holidays**

1. Holidays allow employees time to recuperate and must be guaranteed even in the current situation; thus, holidays should be planned and taken. Two consecutive weeks of leave must be taken per calendar year.

2. Planned holidays are to be taken, even if they cannot be spent as originally planned. Postponement requires prompt coordination with the supervisor and a holiday plan must be arranged.

3. **Accrued holiday for 2020 is to be taken by 31.12.2020. Any time carried forward into 2021 must be discussed with the supervisor and used by 31.03.2021.**

4. As a rule, accrued holiday from previous years is to be used by 31.03. Due to the current situation this year, it is to be taken by 31.08.2020.

5. Employees must arrange a holiday plan with their supervisor. This is based on a pro rata calculation of accrued holiday in 2020 through to 31.08.2020.

6. Example: 25 days/205 hours (100%) of holiday in 2020 amounts to 16 days/136 hours (100%) to 31.08.2020. 30 days/246 hours (100%) of holiday in 2020 amounts to 20 days/164 hours (100%) to 31.08.2020.

7. Arrangement of holiday may be made with a lead time of three months. Use of accrued holiday from previous years may be arranged without prior notice. However, this should be communicated within a reasonable period of one month.

8. Employees can be asked to cancel or postpone holidays. There must be a specific reason to do so, such as operational necessity. The measure must be appropriate and documented costs must be paid by ETH.

9. Supervisors may request a holiday plan and approval of the holidays. They are, however, to take proper consideration of employee needs, particularly for employees with school-age children or other family situations; e.g. if an employee is bound to a school or company holiday calendar.

6. **Loyalty premium / loyalty bonuses**

1. Paid leave resulting from loyalty premium must be taken within five years, after which it expires.

2. If an employee currently has a time balance of more than 20 days/164 hours (100%), they must reduce the difference by 31.08.2020.

7. **Time and holiday balance at 01.01.2022**

1. Some ETH employees have time and holiday balances from previous years that do not comply with current legal guidelines. ETH has committed itself to eliminating these by the end of 2021. Supervisors and employees have a duty to comply with the guidelines and are responsible for reducing time balances and accrued holiday. Human Resources is gradually and systematically implementing measures. The time recording principles were set out in greater detail in 2017. Individual reduction plans have been agreed since the beginning of 2019. Further information and measures are planned in 2020 to transfer time balances on 01.01.2021 and 02.01.2022. If an excessive time balance exists on 01.01.2021, employees must arrange a binding, signed reduction plan with their supervisors and personnel managers.

2. As of 01.01.2022, only time and holiday balances that comply with the legal requirements will be carried forward to 2022.

3. A maximum of 100 hours can be carried forward per calendar year to the subsequent calendar year (time balance, over-hours, overtime). Holidays are to be taken in the calendar year in which the holiday entitlement arises. At the end of the year, employees must discuss holiday to be carried forward with their supervisors. This carry-forward is to be taken by 31 March of the following year.
8. Information

To supervisors and employees the personnel managers can provide further information, advice and answer questions.

This regulation remains in force until 31.12.2020. This may be subject to change due to decisions by government authorities.

The measures for reduction of time and holiday balances to 31.12.2021 and for carry-forwards (working hours, holidays, loyalty bonus) as of 01.01.2022 remain in place.