



Terms of employment

Bern University of Applied Sciences BFH

valid as of January 1, 2019

This brochure contains important information on the terms of employment at Bern University of Applied Sciences (BFH) and is an integral part of your work agreement. It summarizes the main legal principles and is intended as a reference. In specific cases however the wording of the applicable legal provision is definitive (see item F. "Legislation").

A. Appointment

Employment relationship	The appointment is based on a work agreement under public law, based on the appropriate provisions in cantonal personnel and university of applied sciences legislation.
Probationary period	<p>The probationary period is for a maximum of six months. During the probationary period employment may be terminated subject to a notice period of</p> <ul style="list-style-type: none"> a) 7 days during the first month b) one month during the remaining probationary period, with effect at the end of a month <p>If not terminated during the probationary period, the employment contract becomes permanent.</p>
Periods of notice and termination of employment	<p>On expiry of the probationary period a permanent or a temporary employment contract can be terminated in writing by both parties under observance of the following periods of notice:</p> <ul style="list-style-type: none"> a) Professors, lecturers, associate lecturers (Art. 17 of the Federal Ordinance on Universities of Applied Sciences [FaV]) <ul style="list-style-type: none"> • During the entire period of employment: three months with effect at the end of a semester. b) Assistants (Art. 40 of the Federal Ordinance on Universities of Applied Sciences [FaV]) <ul style="list-style-type: none"> • for a period of employment of up to one year: one month with effect at the end of a month • for a period of employment of more than one year: two months with effect at the end of a month c) Undergraduate assistants (Art. 42 of the Federal Ordinance on Universities of Applied Sciences [FaV]) <ul style="list-style-type: none"> • during the entire period of employment of two years at maximum: one month with effect at the end of a semester d) All other staff (Art. 24 of the Personnel Act [PG]) <ul style="list-style-type: none"> • during the entire period of employment: three months with effect at the end of a month <p>The appointing authority must specify pertinent reasons for the termination of employment. A pertinent reason may, for instance, be the phasing out of external funding.</p> <p>The employment can be terminated without notice by both parties if important reasons exist.</p> <p>In the case of a temporary appointment the employment contract ends on expiry of the fixed duration. The right to premature termination is</p>

reserved in observance of the aforementioned periods of notice.

Copyright and intellectual Property

Based on Art. 60 Para. 1 of the Personnel Act [PG], intangible work results produced by BFH staff in the performance of their employment obligations and professional duties become the property of the University of Applied Sciences. On termination of the employment contract the use and application of the latter shall be arranged with the member of staff's superior in accordance with the interests of BFH and fiduciary obligations.

B. Working hours

Working hours

The (fixed) working week for full-time employment is 42 hours, or 8 hours and 24 minutes per day

Working hour models

The Bern University of Applied Sciences Regulations on Working Hour Models (RAZ) apply to lecturers, associate lecturers and research associates involved in teaching, provided they are not only employed for individual lessons.

In the case of associate lecturers and research associates in the "Performance agreement" working hour model (RAZ), the targets to be achieved within the fixed working hours are set out in writing at the beginning of employment as part of a personal performance agreement (ILV). Any overtime is not reimbursed.

In addition to the individual performance agreement (ILV) part of the salary will either have to be paid back or paid extra in case of a part-time assignment below 25% with different workloads between the 1st and 2nd semester of the academic year, if the employment contract is cancelled within that same year.

In the case of all other staff, working hours are generally based on the annual working hours model. The fixed working hours are therefore no longer defined per week, but per year. Hours worked in excess of the agreed fixed working hours are credited to a flexitime account. Flexitime can be compensated. The time at which compensation takes places is subject to operational conditions. For permanent employees, there is also an option of transferring outstanding holidays to a long-term account in order to take these in larger blocks at a later date. For temporary employees, the 'previous year's outstanding holidays' account serves a similar purpose to the long-term account.

Outstanding holidays are credited to this account at the end of the relevant calendar year. More details about the long-term account are available at www.fin.be.ch.

Breaks

A 15-minute break can be taken in the morning and afternoon, these will not be deducted from the working hours. A compulsory unpaid break of 30 minutes must be taken at the latest after seven hours of work.

C. Holidays, public holidays, leave

The amount of holidays per calendar year is fixed as follows:

Holidays	Undergraduates	32 days
	up to and including the calendar year in which 20 years of age is reached	28 days
	up to and including the calendar year in which 49 years of age is reached	25 days
	From the beginning of the calendar year in which 50 years of age is reached	28 days
	From the beginning of the calendar year in which 60 years of age is reached	33 days

Staff in salary group 19 and above are eligible for the higher holiday entitlement five years earlier. (From 45 years of age, 28 days and from 55 years of age, 33 days).

Public holidays

The canton of Bern grants the following ten public holidays:

- 1st and 2nd January
- Good Friday, Easter Monday
- Ascension Day, Whit Monday
- 1st August
- 25th and 26th December
- Afternoons of 24th and 31st December

Maternity leave

The canton of Bern offers its employees fully paid maternity leave for a period of 16 weeks. This may be commenced at the earliest two weeks before the expected birth date. Following maternity leave employees can resume work on the same terms in principle. Mother and father are entitled on application to unpaid leave of up to 6 months, provided standard day-to-day operations are maintained.

Minimum entitlement

Fathers are entitled to ten days of paid leave.

There is a minimum entitlement of free days and annual leave, according to Art. 149 of the Personal Ordinance of the Bern Canton. At least 20 free days have to be taken per calendar year, including a minimum of 10 from the annual leave entitlement. If no more than the minimum entitlement is used, the rest of the remaining annual leave credit is transferred to the long-term account at the end of the year. If the minimum entitlement is not used, the days that have not been used

expire at the end of the year. If an employee joins during the year, the annual leave should be taken pro rata, based on the number of months of employment. For BFH employees subject to the working hour model regulations (generally lecturers and research assistants), this regulation is part of the personal performance agreement, which includes annual leave planning across the organisation (taken outside term time). You can find more information on this topic at:

www.pa.fin.be.ch/anstellungsbedingungen/arbeitszeit/ferien

D. Insurance

Illness and accidents	Employees are obliged to notify their direct superior at once of absences due to illness or accident. A doctor's note must be presented for absences of more than five working days.
Wage continuation	<p>Wages are paid during absence due to illness or accident as follows</p> <ul style="list-style-type: none"> • in the first year at 100%, • in the second year at 90%, <p>insofar as the employment contract has lasted for more than three months, or was entered into for more than three months. In the case of temporary employment, reimbursement is linked to the term of the agreement.</p>
Pension fund	<p>The Bernese Pension Fund (BPK) insures persons in the canton's employ - insofar as the wage exceeds the minimum amount stipulated in the LOB - against the economic consequences of old age, death and invalidity. Information on membership terms, benefits and contributions is available in the provision of the Bernese Pension Fund (BPK).</p> <p>Employment contracts lasting a maximum of three months are not subject to compulsory contributions. If the employment contract is extended beyond three months, compulsory contributions are due from the date on which the extension was agreed.</p> <p>Staff who belonged to the Bern Teachers Insurance Fund (www.blvk.ch) prior to their appointment at Bern University of Applied Sciences remain insured with them.</p> <p>Part-time staff with a degree of employment of at least 20% and a permanent employment contract may join the Bernese Pension Fund voluntarily. This and other important information is available at www.bpk.ch.</p>
Accident insurance	Staff at Bern University of Applied Sciences are subject to compulsory insurance against occupational accidents and illnesses in accordance with the Accident Insurance Act (UVG). A supplementary insurance

providing capital benefits in the event of death or invalidity is also furnished.

Non-occupational accidents are insured provided services are rendered regularly for at least eight hours per week. Accidents on the way to work are regarded as occupational accidents. More details are available at www.fin.be.ch.

E. Reimbursement and allowances

Salary grades and classification

Every post is assigned to one of 30 salary grades according to the requirements and responsibilities. A basic salary is fixed for each salary grade with a progression in 80 salary increments. The maximum salary is equal to 160% of the basic salary. On appointment, classification in a specific salary grade is determined on the basis of professional skills and life experience.

Exception: According to Article 49 of the Personnel Ordinance (PV), the starting salary of cleaning personnel is fixed according to Appendix IV of the Personnel Ordinance (PV) (max. 34 salary grades).

Per mille wage contribution

With the exception of matriculated undergraduate assistants, the staff of Bern University of Applied Sciences donate one thousandth of their annual salary (13 monthly salaries, without social allowances) in support of social, cultural and sports facilities (Art. 79 of the Federal Ordinance on Universities of Applied Sciences [FaV]).

13. Monthly salary

The 13th month's salary is paid in two halves, one in June and the second in December. On leaving the university during the year, the 13th month's salary is paid out pro rata.

Loyalty bonuses

As a thank you and in recognition of services rendered and loyalty, each member of staff at Bern University of Applied Sciences is entitled to a loyalty bonus of 11 free days on completion of 10, 15, 20, 25, 30, 35, 40 and 45 years of service. On application they may be paid out in part or in full.

Family allowances

On January 1, 2009 the new Federal law on family allowances (FamZG) and the Cantonal Family Allowance Act (KFamZG) came into effect with the Ordinance (FamZV) governing the award of family allowances. This includes child and educational allowances. Irrespective of the employment level of the position, the following monthly allowances are paid per child:

- Child allowances for children up to 16 years of age: CHF 230.-



- Educational allowances for children in education up to 25 years of age: CHF 290.-

Care allowance

The care allowance which is additionally paid to cantonal personnel is regulated by personnel legislation. It is calculated according to the number of children entitled to an allowance. Depending on the employment level, the following monthly allowances are paid per family (for full-time employment):

for 1 child	→ CHF 250.-	for 4 children	→ CHF 40.-
for 2 children	→ CHF 180.-	from 5 children	→ CHF 0.-
for 3 children	→ CHF 110.-		

Both parents jointly receive a maximum of one care allowance (according to the number of children). Should allowances of this nature be paid by another employer, this amount will be deducted from the calculated claim based on the degree of employment.

Claim entitlement Family and care allowance

Persons are entitled to claim family and care allowances if their monthly income is at least half of the minimum AHV pension. This is equivalent to an income of CHF 592.- per month (based on 2019). A claim can be made on application by the employee for the following children:

Mitarbeiterin/des Mitarbeiters für folgende Kinder erhoben werden:

- Biological children of married and unmarried couples
- Foster children who are in permanent unpaid care and upbringing
- Step- and adoptive children
- Siblings for whose support one is mainly responsible

Claims for child and educational allowances may also be asserted for children living abroad insofar as the appropriate transnational agreements exist.

F. Advice and information

Contact point	The superior authority and the Human Resources department are the contact points for all matters relating to the appointment.
Equal opportunities	In its role as employer, BFH promotes equal opportunities for men and women. It endeavors to achieve a balance of both genders at all hierarchical levels and in all posts. Further details are available at http://www.bfh.ch/bfh/chancengleichheit/gender_management.html
Sexual harassment	Sexual harassment at the workplace injures the personality and dignity of the person concerned. Since 1 March 2006 the "Regulation against Sexual Harassment at the Workplace and during Study" applies at Bern University of Applied Sciences. It defines the principles for communicating information and prevention, and also the procedure in the case of actual incidents. For more information and details of contact persons please visit https://www.bfh.ch/bfh/chancengleichheit/diskriminierung/sexuelle_belaestigung.html
Occupational safety and health protection	The enforcement of occupational safety and health protection is the duty of superiors at all levels. Employees share responsibility for maintaining and are obliged to observe the relevant instructions and guidelines and to support their employer in the enforcement of these.
Law	<p>Ensuring occupational safety and health protection is the duty of superiors at all levels. Staff are co-responsible for upholding standards and are obliged to observe the instructions and guidelines, and to support their employer in the implementation of these.</p> <ul style="list-style-type: none"> • University of Applied Sciences Act (FaG, Federal Social Court (BSG) 435.411) • University of Applied Sciences Ordinance (FaV, Federal Social Court (BSG) 436.811) • Personnel Act (PG, Federal Social Court (BSG) 153.01) • Personnel Ordinance (PV, Federal Social Court (BSG) 153.011.1) <p>These decrees can be retrieved https://intranet.bfh.ch/BFH/en/Dienste/Rechtsdienst/Rechtsgrundlagen/Pages/default.aspx or http://www.fin.be.ch/fin/de/index/personal/personalrecht.html or can be viewed in Human Resources by contacting the responsible person.</p>

G. Employee obligations and duties

General obligations

Employees are obliged to perform the duties entrusted to them conscientiously and to follow the instructions of the appointing authority or the respective line manager. They shall handle with care all machines, equipment, technical devices and facilities, as well as material provided to them for the performance of their duties. They must maintain confidentiality in respect of the appointing authority and external partners. Confidential or secret facts of which they gain knowledge while in the service of the appointing authority must not be exploited either for personal interest or in the interest of third parties, nor is it permissible to disclose such facts to third parties. The confidentiality obligation exists both during and after termination of the employment contract, and as long as the justified interests of the appointment authority so require.

Specific obligations and remits

Remit for professors and lecturers (without associate lecturers):
The remit according to Art. 21 of the Universities of Applied Sciences Ordinance (FaV) includes in particular

- a) teaching duties;
- b) participation in application-oriented research and development projects (according to research and teaching emphases of Bern University of Applied Sciences) as well as in the provision of services;
- c) participation in the administration of Bern University of Applied Sciences.

The superior authority agrees a personal remit with each lecturer which is adjusted periodically as the circumstances demand.

Lecturers' place of work

In the case of professors, lecturers and associate lecturers, their place of work within the meaning of Art. 16 of the Federal Ordinance on Universities of Applied Sciences (FaV) is the place where the majority of their working hours (teaching lessons, R&D and services) are to be performed according to the staff roster. The additional costs arising for work performed outside the specified place of work are reimbursed according to the relevant cantonal provisions.

Remit for mid-level faculty staff

Assistants support lecturers in fulfilling their duties, participate in projects or are independently responsible for specific areas of activity (Art. 39, 42 of the Federal Ordinance of Universities of Applied Sciences [FaV]).

Research assistants participate in research, development and service projects and in other fields of activity (Art.41 of the Federal Ordinance of Universities of Applied Sciences [FaV]).

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