

The Direction of the Ecole polytechnique fédérale de Lausanne, based on Article 2 (2) of the Ordonnance-cadre relative à la Loi sur le personnel de la Confédération (Ordonnance-cadre LPers), having regard to Article 3 of the Ordonnance sur le personnel du domaine des EPF (OPers-EPF), hereby establishes as follows:

Section 1 General Provisions

Article 1 Subject

The purpose of these Regulations is to define the principles and rules applicable to the On-Call Service during the week, at night, on Sundays and on public holidays.

Article 2 Scope

¹ These Regulations apply to members of the administrative and technical staff of EPFL who perform on-call service within the meaning of Article 4 (1) of these Regulations. However, these Regulations do not apply to research activities or teaching activities.

² Articles 7, 9 and 10 of these Regulations shall not apply to members of the Direction in the broad sense who are represented by the following functions: President, Vice-Presidents, Associate Vice-Presidents, Departmental Directors of the VPO, Secretary General, Director of Legal Affairs, School Deans and College Directors.

Article 3 Applicable Law

These Regulations are based on the provisions of the *Loi sur le travail (LTr) (RS 822.11)* as well as *Ordonnances 1 et 2 relatives à la Loi sur le travail (OLT 1 et OLT 2) (RS 822.111 et 822.112)* concerning on-call duty, night work and work on Sundays and public holidays.

² The provisions of the *Loi sur le personnel (LPers : RS 172.220.1)* of the *Ordonnance sur le personnel du domaine des EPF (OPers-EPF ; RS 172.220.113)* apply.

³ The provisions of the Rules and Regulations concerning Working Time Management (RGT) shall continue to apply (LEX 4.1.4).

Article 4 Definition and Clarifications

¹ On-call service is the time in which the employee is on standby in addition to normal work in order to rectify faults, provide emergency assistance, carry out inspection visits or deal with similar special situations (Article 14 (1) *OLT 1*; *RS 822.111*).

² On-call service deployments must generally meet an extraordinary and urgent need that cannot be planned or foreseen in any way and requires swift deployment, as it is impossible to wait until the next working day. The aim is to prevent consequential damage to persons, equipment or infrastructure and to mitigate major reputational risks to EPFL.

³ On-call service relates in particular to technical and infrastructural work; namely:

- a) Maintenance of the network and computer systems that cannot be carried out during the day or on working days.
- b) The elimination of unforeseeable malfunctions in the building's technology and alarmed equipment, security incidents and in case of special incidents such as fire, water-service interruptions or power outages.
- c) Unpredictable malfunctions in the functioning of technology platforms.

Article 5 Roles and Responsibilities

¹ Employees required to perform on-call service must be available at all times in accordance with the schedule and these Regulations. Their job descriptions/specifications must be adapted accordingly. Thus, on-call service assignments are an integral part of the contractual activity of the EPFL employees concerned.

² The legislative authority with regard to remuneration for on-call service lies with the Direction of EPFL in accordance with Article 2 (3) of the *Ordonnance sur le personnel du domaine des EPF (OPers-EPF ; RS 172.220.113)*.

³ The heads of the organisational units with on-call service shall request the Direction to approve on-call service in accordance with this LEX. The heads of the units are then authorised to issue specific regulations concerning their area of activity. Any budgetary requirements for these on-call services must be handled and approved through the usual annual budgeting processes.

⁴ Human Resources shall validate the specific regulations applicable to the on-call service and ensure that exceptional authorisations are obtained for night and Sunday work at EPFL.

Section 2 On-Call Service Rules

Article 6 Basic Principles

¹ The time that the employee spends performing on-call service or the deployments resulting therefrom shall not exceed seven days (whether consecutive or not) in any four-week period. The employee may not be assigned to any on-call service during the two weeks following their last on-call service, even if they were not actually deployed (Article 14 (2) *OLT 1*). This means that the last day of on-call service in the relevant period must be followed by two full weeks (Monday to Sunday) without on-call service.

² The entire time made available to EPFL during on-call service performed onsite counts as working time. The time between the call-up and the employee's arrival at EPFL must be at least 30 minutes. Travel time to and from the place of work is considered working time.

³ If, because of a short deployment time (less than 30 minutes), an employee who is on call must be onsite at EPFL, the total duration of the on-call service counts as working time (Article 8a (3) *OLT 2*).

⁴ Deployment time during on-call service outside EPFL counts as working time provided the work is actually performed for EPFL (remote deployment). The time between the call-up of the employee and their deployment must be at least 15 minutes. Depending on the type of breakdown, the on-call service may thus be performed outside the usual work place.

⁵ To the extent that rest periods are prescribed by law, they may not be replaced by cash payments or other benefits except upon termination of the employment relationship (Article 22 *LTr*).

⁶ As a rule, on-call deployment time must be compensated in the form of leave within two months or no later than 31 December of the year in which it was granted. In exceptional cases where this is not possible, the deployment time will be compensated at the overtime rate (Article 55 *OPers-EPF* and Articles 13, 19 and 20a *LTr*).

Article 7 Standard Working Hours, Distribution of Working Hours and Daily Rest Times

¹ The average working week for full-time employees amounts to 41 hours. For part-time employees, the working time corresponds to the agreed level of employment (Article 54 *OPers-EPF*).

² If the weekly working time of 41 hours is exceeded as a result of deployment during on-call service that includes work performed at night or on Sundays or public holidays, this shall result in overtime that must be compensated in accordance with Article 6 (6) of these Regulations.

³ The week as defined in the Swiss Employment Act (Article 16 *OLT 1*) begins at 00:00 on Monday and ends at 24:00 on Sunday.

⁴ Day work is between 06:00 and 20:00, and evening work between 20:00 and 23:00. Day and evening work do not require authorisation.

⁵ The daily 11-hour rest period (Article 15a (1) *LTr*) must be observed but may be interrupted by deployments during the on-call service. If the rest period is reduced to less than four consecutive hours, the employee must be granted a full rest period, i.e. 11 consecutive hours.

⁶ If an employee is on call on a Sunday or a public holiday but is not called in for a deployment, no compensatory day of rest shall be granted.

Article 8 Planning and Allocation

¹ The planning of the on-call service is the responsibility of the heads of department of the organisational units concerned. The planning shall be carried out with the participation of the employees (Article 48 *LTr*), in accordance with the principles of these Regulations, particularly rest periods and days.

² As a rule, scheduling is carried out annually with publication of the schedule for the following year by 1 November at the latest.

³ Any short-notice change to the on-call service plan or schedule and the resulting deployments may only be made with the consent of the employees concerned and in the absence of any other solution acceptable to EPFL (Article 14 (4) *OLT 1*).

⁴ The provisions on additional protection for persons with family responsibilities (Article 14 (4) *OLT 1*), as well as for the protection of pregnant and lactating women (Article 60 (1) *OLT 1*) apply. Therefore, pregnant and lactating women cannot be called up to perform on-call service.

Article 9 Night Work, Work on Sundays and Public Holidays

¹ If the employee is required to work at night or on Sundays or public holidays, they are entitled to salary supplements and to the compensatory time specified by *OLT 1*, both of which must be greater for work performed on Saturdays and Sundays:

- Temporary night work (fewer than 25 nights per calendar year) in the event of an urgent and duly established need (Article 27 *OLT 1*):
 - Compensatory time of equal duration
 - Pay supplement of 25% for work performed between 23:00 and 06:00.
 - Applications for authorisation must be submitted to the cantonal labour inspectorate.
- Regular night work (25 or more nights per calendar year) if technically or economically indispensable (Article 28 *OLT 1*):
 - Compensatory time of equal duration along with a supplement of 10% of the night work performed
 - Pay supplement of 25% for work performed between 23:00 and 06:00.
 - Applications for authorisation must be submitted to the federal labour inspectorate.
- Temporary Sunday work (up to six Sundays per calendar year) in the event of an urgent and duly established need (Article 27 *OLT 1*):
 - If the duration does not exceed five hours, compensatory time at 150%.
 - If the duration exceeds five hours, compensatory time at 150% in the previous or following week with a compensatory rest period of at least 24 hours on a regular workday immediately following the 11-hour daily rest period. The total rest period will therefore be at least 35 hours.
 - Salary supplement of 50%
 - Applications for authorisation must be submitted to the cantonal labour inspectorate.
- Regular or periodic Sunday work when technically or economically indispensable (Article 28 *OLT 1*):
 - If the duration does not exceed five hours, compensatory time at 150%
 - If the duration exceeds five hours, compensatory time at 150% in the previous or following week with a compensatory rest period of at least 24 hours on a regular workday immediately following the 11-hour daily rest period. The total rest period will therefore be at least 35 hours.
 - Salary supplement of 50%

- Applications for authorisation must be submitted to the federal labour inspectorate.
- ² No authorisation to work at night or on Sunday is required for EPFL staff entrusted with tasks related to information and communication technology within the meaning of Article 32a *OLT* 2, provided that night and Sunday work is essential for the following operations on an IT or network structure, the interruption of which during business hours would jeopardise EPFL's operations:
- a) correcting disruptions to the IT or network structure, or
 - b) carrying out maintenance of the IT or network structure when no organisational planning or measure allows this to be carried out during the day on working days.

Article 10 Compensatory Time, Remuneration, Expenses and Equipment

- ¹ Deployment time during on-call service is considered working time and must be compensated in the form of leave of the same duration in accordance with Article 6 (6) of these Regulations, except Saturday deployments, which are subject to compensatory time at the rate of 125%.
- ² Employees deployed to on-call service at night, on Sundays or on public holidays must receive compensatory time and be remunerated in accordance with Article 9 of these Regulations.
- ³ Employees who perform on-call service shall receive the following daily flat-rate compensation:
- Monday to Friday: CHF 60 per day
 - Saturday: CHF 90
 - Sunday or public holiday: CHF 120
- ⁴ In the event of on-site deployment of more than four consecutive hours during an on-call service, the employee shall receive a lump-sum reimbursement of meal expenses in accordance with the Directive concerning professional travel and the reimbursement of expenses (LEX 5.6.1).
- ⁵ Compensation (subject to social security contributions, except *LPP*) and lump-sum meal allowances shall be paid monthly and disbursed together with the salary.
- ⁶ Employees who are unable to work because of illness or accident may not perform on-call service. Therefore, they are not entitled to receive daily allowances or additional compensation for this period.
- ⁷ If necessary, EPFL will provide the employee with the equipment required for on-call service (mobile phone, laptop, etc.). Personal internet connection fees will not be reimbursed.
- ⁸ In relation to on-site travel expenses in connection with on-call service, the specific regulations of the unit may specify the relevant terms. Otherwise, the Directive concerning professional travel and the reimbursement of expenses (LEX 5.6.1) applies.

Article 11 Medical Care

- ¹ Employees who perform on-call service and/or night work are entitled to have regular medical examinations performed by the EPFL's occupational physician. Employees must also comply with their superior's requests to undergo a medical examination. The time spent on these examinations is considered working time.
- ² In the event of a request to be exempted from on-call service for medical reasons, the medical officer shall assess the employee's state of health and decide whether they are fit to perform on-call service. The employee is required to cooperate in this process. In the event of an exemption from on-call service, the specifications shall be adapted.

Section 3 Final Provisions

Article 12 Transitional Provisions

- ¹ Pursuant to Article 5 (3), any request to validate the on-call service and the revision of the specific regulations pursuant to this LEX shall be made within a period of six months after the entry into force of these Regulations or, as the case may be, of any revision thereof.
- ² The job descriptions/specifications of employees required to perform on-call service shall reflect this responsibility and shall be amended, if necessary, within a period of six months after the entry into force of these Regulations.

³ During the transitional period of six months, the on-call services ongoing at the time shall remain applicable until approval by the Direction and until approval by Human Resources of the specific regulations, if any.

Article 13 Entry into Force

¹ This Directive shall enter into force on 1 May 2023.

² On expiry of the transitional period, and no later than 31 December 2023, any and all prior On-Call Service Regulations shall become null and void.

On behalf of the EPFL Direction:

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