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Ordinance of the ETH Board on Professors at the Federal Institutes of Technology (ETH Professorial Ordinance)

of 18 September 2003 as of 1 September 2023)

approved by the Federal Council on 26 November 2003

The ETH Board,

based on Article 37 paragraph 3 of the *Loi sur le personnel de la Confédération du 24 mars 2000 / Bundespersonalgesetz vom 24. März 2000* [Federal Personnel Act of 24 March 2000] (LPers/BPG),¹

on Article 2 of the *Ordonnance-cadre LPers du 20 décembre 2000 / Rahmenverordnung vom 20. Dezember 2000 zum Bundespersonalgesetz (Rahmenverordnung BPG)* [Framework Ordinance of 20 December 2000 to the Federal Personnel Act]² and

on Article 17 paragraph 2 of the *Loi du 4 octobre 1991 sur les EPF / ETH-Gesetz vom 4. Oktober 1991* [ETH Act of 4 October 1991]^{3,4}

ordains:

Section 1 General Provisions

Art. 1 Purpose and scope of application

¹ This Ordinance governs the employment relationships of the following members of the ETH teaching staff (professors):

- a. full professors;
- b. associate professors;
- c. assistant professors.

² The *Code of Obligations*⁵ applies to the employment of professors under private law.

¹ RS 172.220.1

² RS 172.220.111

³ RS 414.110

⁴ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁵ RS 220

2bis Employment contracts under private law may be concluded, in particular with professors who are employed at an ETH on a part-time or fixed-term basis and who are not obliged to perform all duties specified in Article 5 at the ETH.⁶

³ The employment contract under private law shall contain those provisions of the LPers/BPG and this Ordinance that also apply *mutatis mutandis* to professors employed under private law. The provisions of Articles 4 to 6 (rights and obligations) and Article 16 (salary) of this Ordinance shall apply *mutatis mutandis* to professors employed under private law.⁷

Art. 2 Responsibilities

¹ The President of the ETH shall decide on all matters concerning the employment relationship of professors for which this Ordinance does not explicitly regulate the decision-making authority.

² The President of the ETH shall regulate the details to the necessary extent, unless this Ordinance provides otherwise.

Art. 3 Principles for the appointment of professors

¹ With regard to the appointment of professors, the two ETH shall take the necessary measures to attract scientists from Switzerland and abroad whose education, research and services meet the highest internationally recognised quality standards and who ensure continuity and excellence in teaching and research.

² They offer working conditions that can compete with those of the world's leading universities. They are committed to the principles of academic freedom in research and academic teaching.

³ They shall periodically review whether the objectives set out in paragraph 1 and Article 4 LPers/BPG have been achieved. They shall report on this to the ETH Board.

Section 2

Rights and obligations of professors arising from the employment relationship

Art. 4 Principles

¹ Professors are responsible for maintaining international excellence in teaching and research. They shall promote young academics who are professionally qualified and responsible towards society and the environment.

² They shall provide high quality services and work together with private and public institutions to this end. In doing so, they maintain their professional independence.

⁶ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁷ Expression in accordance with No 1 of the *Ordonnance du Conseil des EPF* of 18 Sept. 2014, approved by the Federal Council on 25 March 2015 and in force since 1 Jan. 2015 (RO 2015 1041).

³ They support the periodic review of their performance by evaluation committees.

Art. 4a⁸ Performance evaluation

- 1 The performance of full and associate professors shall be evaluated on a regular basis. The subject of the performance evaluation shall be the fulfilment of the tasks according to Article 5.
- 2 The performance evaluation shall be based on the principles of fairness and transparency.
- 3 The result of the performance evaluation may have an impact on the endowment of the professorship.
- 4 The two ETH shall regulate the frequency, form and execution of the performance evaluations. They shall report to the ETH Board.
- 5 The ETH Board shall review the execution of the performance evaluations and the implementation of the resulting measures within its controlling function.

Art. 5 Tasks

- 1 The professors shall educate the students, promote their staff and ensure their continuing education, and supervise doctoral students. They contribute to the development of curricula through their proposals.
- 2 The professors take the required examinations. They assess the scientific work submitted in their field of teaching and research.
- 3 They shall organise, direct and further develop their professorship, taking into account the needs of the teaching and research unit to which they belong. They assume their responsibility as superiors.
- 4 They promote their scientific field by conducting high-quality scientific research. They take part in the critical dialogue of the world's leading experts. They are responsible for spreading research results and fostering the exploitation of the rights resulting from research activities.
- 5 They participate in academic self-administration.

Art. 5a⁹ Conflicts of interest and recusal

- 1 Professors shall perform their tasks independently of their personal interests; they shall avoid conflicts between private interests and those of the two ETH.
- 2 They shall recuse themselves should they be biased due to personal interests in a specific matter or for other reasons. The appearance of bias is sufficient grounds for recusal. The grounds for bias pursuant to Article 53b paragraph 2 of the *Ordonnance sur le personnel du domaine des EPF du 15 mars 2001 / Personalverordnung ETH*.

⁸ Inserted by No I of the O of the ETH Board of 29 June 2005, approved by the Federal Council on 23 Sept. 2005 and in force since 1 Jan. 2005 2006 (RO **2005** 4811).

⁹ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO **2022** 398).

Bereich vom 15. März 2001 [Ordinance concerning the personnel of the ETH Domain of 15 March 2001] (OPers-EPF/PVO-ETH)¹⁰ apply.

³ ETH professors who are married to each other, live in a registered partnership or in a cohabitation, or are closely related or related by marriage must inform the President of the ETH or disclose this information in the appointment process.

⁴ If there is a relationship according to paragraph 3, the President of the ETH shall ensure that the persons concerned are not directly subordinated to each other at the organisational level.

⁵ In accordance with Art. 53a OPers-EPF/PVO-ETH, the ETH shall issue rules for the employment of spouses, life partners and relatives of professors; in particular, they may ensure that they are not employed in the same organisational unit.

Art. 6¹¹ Secondary employments

¹ Professors shall notify the President of the ETH on an ongoing basis of all secondary employments which they pursue in their own name, for their own account and on their own responsibility outside their ETH employment, as well as of any changes thereto.

² They require the prior consent of the President of the ETH if:

- a. the secondary employments of full-time professors require more than one working day per week;
- b. there is a possibility of a conflict of interests with the ETH due to the nature of the activity or if there is a significant risk of jeopardizing the reputation of the ETH, or if such a risk is foreseeable;
- c. membership of a supervisory or management body of public or private organisations is involved; or
- d. the secondary employment involves the use of resources of the ETH such as laboratory facilities or personnel of the ETH.

³ Activities carried out by professors on behalf of the ETH are not taken into account when determining the permissible time expenditure (paragraph 2 letter a).

⁴ If professors make use of resources of the ETH such as laboratory facilities or personnel for paid or unpaid secondary employment, they must compensate the ETH for this use. The two ETH shall issue the necessary regulations.

¹⁰ RS 172.220.113

¹¹ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

Section 3 **Establishment, amendment and termination of the employment relationship**

Art. 7 Appointment of professors

- 1 The ETH Board shall appoint professors at the request of the President of the ETH.
- 2 The following documents must be enclosed with the request:
 - a. a report on the candidate;
 - b. a report on the selection procedure;
 - c. the draft of the employment contract resulting from the preliminary negotiations.
- 3 As a rule, the President of the ETH shall appoint a committee to prepare the request. In exceptional cases, a request may be submitted to the ETH Board on appeal.

Art. 8 Employment contract

- 1 Once the professor has been appointed, the ETH Board shall conclude a written employment contract with him or her.
- 2 The employment contract shall settle in particular:
 - a. the description of the teaching and research field;
 - b. the amount of starting salary.
- 3 It regulates the employer's possible participation to the Federal Pension Fund (PUBLICA) buy-in.¹²

Art. 9 Duration of employment

- 1 Employment contracts with full and associate professors are concluded for an unlimited period of time.
- 2 Employment contracts with assistant professors are concluded for a period of four years. The employment relationship may be renewed until the maximum duration of eight years has been reached.¹³
- 2^{pis} In the event of extended absence due to illness, accident, paternity, adoption or other important reasons, the time limits set out in paragraph 2 may, upon request, be extended by a maximum of one year in total; in case of maternity by a maximum of one year each. The two ETH shall each regulate the details.¹⁴
- 3 There is no probationary period.

¹² Expression in accordance with No I of the O of the ETH Board of 2 Oct. 2007, approved by the Federal Council on 14 May 2008 and in force since 1 July 2008 (RO 2008 2291).

¹³ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

¹⁴ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

Art. 10 Assistant professors with the prospect of a permanent appointment (tenure track)

¹ At the request of the President of the ETH, the ETH Board may guarantee assistant professors a permanent position (tenure track) upon their appointment, provided that they achieve certain performance targets.

² It shall appoint an assistant professor pursuant to paragraph 1 as an associate professor at the latest after the end of the second employment period provided the evaluation has shown that he or she has achieved the performance targets. In exceptional cases, the ETH Board may appoint the assistant professor directly as a full professor.

Art. 11 Promotion

¹ At the request of the President of the ETH, the ETH Board may promote an associate professor to full professor.

² The results of the evaluation shall be attached to the request.

³ An associate professor may apply to the President of the ETH to initiate a promotion procedure two years after the appointment at the earliest.

Art. 12 Termination of employment by professors

¹ Professors may terminate their employment relationship with six months' notice in accordance with the ordinary procedure.

² They shall submit their notice of termination in writing to the President of the ETH for the attention of the ETH Board.

Art. 13 Termination of employment relationship by the ETH Board

¹ The ETH Board may terminate the employment of professors at the request of the President of the ETH in accordance with Art. 10 paragraph 3 LPers/BPG, subject to a six months' notice.¹⁵

^{1bis} In the event of permanent total or partial incapacity to work due to illness or accident, the employment relationship may be terminated at the earliest at the end of the continued payment of salary period according to Article 26.¹⁶

² In the case of ordinary terminations, the President of the ETH shall, before submitting the request, appoint a committee which shall decide on the adequacy of the termination and make a recommendation. The committee shall consist of at least six members, three of whom may not belong to the ETH in question. Three of the six members shall be proposed by the Conference of teaching staff.¹⁷

¹⁵ Expression in accordance with No I of the O of the ETH Board of 18 Sept. 2014, approved by the Federal Council on 25 March 2015 and in force since 1 Jan. 2015 (RO 2015 1041).

¹⁶ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

¹⁷ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

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⁴ Professors who have reached the age of 58 years at the time the termination according to paragraph 1 becomes effective, but who have not yet reached the age limit according to Article 21 of the *Loi fédérale sur l'assurance-vieillesse et survivants du 20 décembre 1946 / Bundesgesetz über die Alters- und Hinterlassenenversicherung vom 20. Dezember 1946* [Federal act on Old-age and survivors's insurance of 20 December 1946] (LAVS/AHVG)¹⁹ and who have been employed in the ETH Domain for ten years, shall receive a retirement pension in accordance with the provisions of the *Règlement de prévoyance de la Caisse de prévoyance du domaine des EPF pour les professeurs des EPF du 3 décembre 2007 / Vorsorgereglement des Vorsorgewerks ETH-Bereich für die Professorinnen und Professoren der ETH vom 3. Dezember 2007* [pension regulations of the pension fund for the ETH department of 3 December 2007] (RP-EPF2/VR-ETH 2)²⁰. This retirement pension is calculated in the same way as a disability pension according to Art. 57 RP-EPF2/VR-ETH 2. The ETH reimburse the Federal Pension Fund for the part of the pension not financed at the time of termination of the employment relationship. The bridging pension is not financed by the employer.²¹

Art. 13a²² Compensation

¹ If the employment relationship is terminated without the professor being at fault, he or she shall be entitled to compensation.

² The compensation shall amount to at least one month's salary and at most one year's salary.

³ When calculating the compensation, the following in particular, shall be taken into account:

- a. the reasons for the termination of employment;
- b. the age;
- c. the professional and personal situation;
- d. the duration of employment;
- e. the possible continued employment with an employer according to Article 3 LPers/BPG

⁴ The compensation shall be reimbursed on a pro rata basis if the person concerned is employed by an employer according to Article 3 LPers/BPG within one year of his or her dismissal.

¹⁸ Repealed by No II of the O of the ETH Board of 6 March 2013, approved by the Federal Council on 14 June 2013, with effect from 1 July 2013 (RO 2013 1777).

¹⁹ RS 831.10

²⁰ RS 172.220.142.2

²¹ Expression in accordance with No II of the O of the ETH Board of 6 March 2013, approved by the Federal Council on 14 June 2013 and in force since 1 July 2013 (RO 2013 1777).

²² Inserted by No II of the O of the ETH Board, approved by the Federal Council on 14 June 2013 and in force since 1 July 2013 (RO 2013 1777).

Art. 14 Retirement

¹ The Professor shall retire at the end of the month in which:

- a. he or she reaches the age limit according to Article 21 LAVS/AHVG²³, or
- b. their employment relationship is terminated due to disability.

² The professor may take early retirement if he or she is entitled to a retirement pension according to RP-EPF 2/VR-ETH 2²⁴ after termination of the employment relationship.²⁵

³ Retirement may take place at the end of the academic semester in which the age limit according to Article 17 paragraphs 7 or 8 of the *ETH Act* is reached.²⁶

⁴ In consultation with the professors, the ETH shall determine in good time the temporal and factual modalities of the resignation and submit any required requests to the ETH Board.²⁷

⁵ Retired professors may give free lectures and use the general facilities of the ETH. The President of the ETH may give them teaching assignments and other assignments and, at their request, make rooms and other facilities available to them.

Art. 14a²⁸ Employment under private law beyond the age limit

¹ An employment under private law beyond the date specified in Art. 14 paragraph 1 letter a may be agreed in justified cases if this does not impair the renewal of faculty members and the appointment of younger professors and if at least one of the following two conditions is met:

- a. the professor in question has made outstanding academic achievements which are expected to lead to the acquisition of significant third-party's funding for the continuation of a research group;
- b. the continuation of the employment is important for the strategic or institutional tasks in the ETH Domain.

² At the request of the President of the ETH, the ETH Board shall determine which professors meet the requirements of paragraph 1.

³ The employment contract under private law shall settle at least:

- a. the period of time of continued employment, as a rule, it shall end no later than five years after reaching the statutory retirement age;

²³ RS 831.10

²⁴ These Regulations are not published in the RO (see BBI 2008 5458).

²⁵ Expression in accordance with No I of the O of the ETH Board of 2 Oct. 2007, approved by the Federal Council on 14 May 2008 and in force since 1 July 2008 (RO 2008 2291).

²⁶ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

²⁷ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

²⁸ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

- b. the possibility of prior ordinary termination by either party;
- c. the rights and obligations, taking into account Articles 4–6;
- d. the waiver of the continuation of occupational pension insurance.

⁴ The annual salary for full-time employment amounts to CHF 114'279.60 (as at 1 January 2022) with an employment level of 100 percent.

⁵ The Executive Boards of the two ETH shall regulate the details.

Art. 14b²⁹ Continuation of employment under public-law beyond the age limit

¹ In justified exceptional cases, the ETH Board may, at the request of the President of the ETH, agree with a professor on the continuation of the employment relationship under public law beyond the date specified in Article 14 paragraph 1 letter a.

² The Executive Boards of the two ETH shall regulate the details.

Art. 15 Title of professor after termination of employment³⁰

¹ At the request of the President of the ETH, the ETH Board shall determine in individual cases whether full and associate professors leaving the ETH may keep the title of ETH professor. In order to keep their title, they must have worked for at least six years at the ETH. If there is an interest of the ETH, the ETH Board may deviate from this rule.

^{1bis} Full and associate professors who are permitted to keep the title of professor shall use the title of "Professor emerita" or "Professor emeritus" or "Prof. em."³¹

² Assistant professors are not permitted to continue to use the title of professor.

Section 4 Salary and allowances

Art. 16³² Salary

¹ At the time of appointment, the starting salary shall be agreed between the minimum and maximum salary applicable to the relevant category of professor.

² The minimum and maximum salaries are as follows (as at 1 January 2020):

- a. for full professors CHF 216'050 and CHF 284'270;
- b. for associate professors CHF 184'790 and CHF 253'010;

²⁹ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

³⁰ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

³¹ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

³² Expression in accordance with No I of the O of the ETH Board of 29 June 2005, approved by the Federal Council on 23 Sept. 2005 and in force since 1 Jan. 2006 (RO 2005 4811).

c. for assistant professors CHF 153'494 and CHF 221'714.³³

³ For determining the starting salary, professional experience, previous performance and the conditions on the labour market are taken into consideration appropriately.

⁴ In order to recruit particularly distinguished full professors, the ETH Board may increase the salary in individual cases to a maximum of 115 percent of the maximum salary.

Art. 17³⁴ Salary development

¹ The development of the salary of full and associate professors is based on the performance assessment in accordance with Article 4a.

² The President of the ETH shall decide on the amount of salary adjustments within the framework of the minimum and maximum salaries specified in Article 16 paragraph 2 letters a and b.

³ The President of the ETH may increase the salary in individual cases to:

- a. a maximum of 110 percent of the respective maximum salary to reward extraordinary performance of full and associate professors;
- b. a maximum of 125 percent of the maximum salary to retain particularly distinguished full professors.

⁴ The ETH Board shall be informed of salary increases according to paragraph 3.

⁵ The salary of assistant professors is increased annually by one twelfth of the difference between the maximum and minimum salary according to Article 16 paragraph 2 letter c.

Art. 18³⁵ Adjustment of salary scale and salary

For the adjustment of the salary scale and the salary according to Article 14a to inflation or to general salary measures, Article 28 OPers-EPF/PVO-ETH³⁶ applies by analogy.

Art. 19 Function allowances

¹ The ETH Board may grant allowances to professors who perform functions with decision-making powers in the Executive Boards of the ETH. The allowances may amount up to 15 percent of the maximum amount specified in Article 16 paragraph 2.

³³ Expression in accordance with No III of the O of the ETH Board of 12 Dec. 2019, approved by the Federal Council on 19 August 2020 and in force since 1 Jan. 2020 (RO 2020 3617).

³⁴ Expression in accordance with No I of the O of the ETH Board of 29 June 2005, approved by the Federal Council on 23 Sept. 2005 and in force since 1 Jan. 2006 (RO 2005 4811).

³⁵ Expression in accordance with No I of the *O of the ETH Board* of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

³⁶ RS 172.220.113

² The President of the ETH may grant allowances to professors who perform additional tasks, such as the management of teaching and research units, the management of major projects or chairmanship of important commissions.³⁷ The allowances may not exceed the function allowance for an ETH Vice-presidency.

³ No inflation adjustment is paid on function allowances.

Art. 20 Dual professorship

At the request of the President of the ETH, the ETH Board shall agree on the salary and benefits with professors who teach at several teaching institutions at the same time, taking into account their obligations outside the ETH.

Art. 20a38 Affiliated professors

¹ At the request of the President of the ETH and within the framework of an institutional cooperation agreement according to Article 3 paragraphs 1 and 2 of the ETH Act, the ETH Board may appoint as affiliated professors Swiss or foreign scientists who work outside the two ETH at Swiss or foreign research institutions.

² Affiliated professors work full-time at their home institution and, in addition, perform a limited workload at the ETH. They have the status of full professors according to Article 1 paragraph 1 letter a of this Ordinance.

³ For this purpose, the ETH Board shall conclude a private-law employment contract with the affiliated professor, which shall regulate the rights and obligations in detail, taking Article 1 paragraph 1 letter a of this Ordinance into account.

⁴ If the institutional cooperation agreement or the employment at the home institution ends, the employment contract with the ETH Board shall also end.

Art. 21 Reimbursement of expenses and other benefits³⁹

¹ Professors shall be entitled to reimbursement of expenses incurred as a result of their professional activities. The provisions of the *Ordonnance concernant le remboursement des frais dans le domaine des EPF du 11 avril 2002 / Verordnung des ETH-Rates über den Ersatz von Auslagen im ETH-Bereich vom 11. April 2002* [Ordinance of the ETH Board on the Reimbursement of Expenses in the ETH Domain of 11 April 2002]⁴⁰ shall apply.

³⁷ Expression in accordance with No I of the O of the ETH Board of 29 June 2005, approved by the Federal Council on 23 Sept. 2005 and in force since 1 Jan. 2006 (RO **2005** 4811).

³⁸ Inserted by No I of the O of the ETH Board of 8 Dec. 2016, approved by the Federal Council on 1 Feb. 2017 and in force since 1 March 2017 (RO **2017** 533).

³⁹ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO **2022** 398).

⁴⁰ RS **172.220.113.43**

² The ETH may reimburse professors for expenses incurred in the event of a change of residence necessitated by their appointment to the ETH.⁴¹

³ In justified exceptional cases, the ETH may provide appropriate additional benefits to professors for recruitment purposes.⁴²

⁴ If the ETH provide benefits according to paragraph 3 they shall issue implementing provisions on the scope, duration and conditions of the benefits.⁴³

Art. 22 Procedural and party costs

¹ The ETH shall reimburse the procedural and party costs to professors who as a result of the exercise of their professional activities become involved in civil, administrative or criminal proceedings or who legitimately initiate such proceedings if:

- a. the ETH has an interest in conducting the proceedings; or
- b. the professor has not acted with wrongful intention or with gross negligence.

² Until a legally binding decision has been reached, it shall only provide cost credits.

Section 5 Holidays, leaves and absences⁴⁴

Art. 23 Research leave

¹ Within seven years of employment, the professor shall be entitled to six months' fully paid research leave or one year's partially paid research leave.

² He or she must submit a request to the President of the ETH.

³ The decision to grant research leave shall be based on previous performance and the guarantee of a qualified replacement.

Art. 23a⁴⁵ Holidays and leaves

¹ Holiday entitlement is governed by Article 51 paragraphs 1 and 2 OPers-EPF/PVO-ETH⁴⁶ and leaves entitlement by Article 52 paragraphs 1 and 2 OPers-EPF/PVO-ETH.

⁴¹ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁴² Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁴³ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁴⁴ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁴⁵ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁴⁶ RS 172.220.113

² Holiday must be taken in the calendar year in which the entitlement arises. If this is not possible for compelling operational reasons or due to illness or accident, the professor shall report the holiday balance to the Human Resources and take the holiday in the following year.

Art. 24 Unpaid leave

The President of the ETH may grant a professor unpaid leave, provided that this does not conflict with the interests of the ETH.

Art. 25 Absences

¹ An absence of more than one week due to illness or accident during the semester must be reported to the head of the teaching and research unit to which the professor belongs.

² An absence of more than one week for other reasons during the semester requires the approval of the head of the teaching and research unit to which the professor belongs.

Section 6 Continued payment of salary and care allowances

Art. 26 Continued payment of salary in the event of illness or accident

¹ Professors are entitled to continued payment of salary, including allowances, for a maximum of 730 days in the event of incapacity to work due to illness or accident. The full gross salary is paid for 12 months, thereafter 90 percent of the gross salary is paid.⁴⁷

^{1bis} The person concerned is obliged to cooperate in accordance with Article 36a OPers-EPF/PVO-ETH⁴⁸. Medical certificates must be submitted to the relevant office in the Human Resources department.⁴⁹

² The salary entitlement shall be reduced for reasons provided for by law and case law on health and accident insurance.

³ A medical examination may be ordered to assess the incapacity to work.

⁴ The benefits of the compulsory insurances are taken into account. Interruption and beginning of continued salary payments are governed by Article 36c OPers-EPF/PVO-ETH.⁵⁰

⁴⁷ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁴⁸ RS 172.220.113

⁴⁹ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁵⁰ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

Art. 27 Continued payment of salary during maternity

In the event of maternity, female professors are entitled to a four-month suspension of work with full salary continuation.

Art. 27a⁵¹ Paternity leave, adoption leave and leave to care for a child whose health is seriously impaired by illness or accident

Leave and continued payment of salary for the birth of one or more of the employee's own children, for the birth of one or more children of the employee's registered partner, for an adoption and for the care of a child whose health is seriously impaired by illness or accident are governed by Articles 37a and 37b OPers-EPF/PVO-ETH⁵².

Art. 28 Continued payment of salary during military, civil defence or alternative civilian service

¹ Professors on compulsory Swiss military and civil defence service and alternative civilian service shall be entitled to continued payment of their salary.

² In the case of voluntary service, continued salary payments are made for a maximum of ten working days per year.

³ The statutory compensation for loss of earnings is paid to the ETH.

⁴ The care allowances are paid in full.

Art. 29 Benefits in the event of an occupational accident

¹ In the event of disability as a result of an occupational accident or an occupational disease to be treated as such, an entitlement exists:

- a. in the event of total disability: to 100 percent of the relevant salary until the age limit pursuant to Article 21 LAVS/AHVG⁵³ is reached;
- b. in the case of partial disability: to the proportion corresponding to the degree of invalidity in accordance with the *Loi fédérale du 20 mars 1981 sur l'assurance-accidents / Bundesgesetz vom 20. März 1981 über die Unfallversicherung* [Federal Act of 20 March 1981 on Accident Insurance^{54,55}]

² The benefits of the compulsory insurances are taken into account.

⁵¹ Inserted by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁵² RS 172.220.113

⁵³ RS 831.10

⁵⁴ RS 832.20

⁵⁵ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

Art. 30⁵⁶ Continued payment of salary in the event of death

- 1 In the event of death, survivors shall receive an amount equivalent to one sixth of the annual salary plus any allowances in accordance with Article 31–31b.
- 2 Survivors are the spouse, registered partner, minor children or the person with whom the deceased person was cohabiting before his/her death. If there are no such survivors, survivors are the persons to whom the deceased person had a duty of support.

Art. 31⁵⁷ Entitlement to the family allowances and supplementary benefits

- 1 Entitlement to family allowances is governed by Article 3 of the *Loi du 24 mars 2006 sur les allocations familiales / Familienzulagengesetz vom 24. März 2006* [Family allowances Act of 24 March 2006] (LAFam/FamZG)⁵⁸.

- 2 The professor is entitled to supplementary benefits, up to a maximum total amount of:
 - a. CHF 4'530 for the first child entitled to an allowance;
 - b. CHF 2'922 for each additional child entitled to a child allowance (Article 3 paragraph 1 letter a LAFam/FamZG);
 - c. CHF 3'300 for each additional child entitled to an education allowance (Article 3 paragraph 1 letter b LAFam/FamZG).
- 3 The following family allowances are deducted from the supplementary benefits:
 - a. family allowances claimed by other persons for the same child according to LAFam/FamZG and the cantonal family allowance regulations;
 - b. compulsory and non-compulsory family, child, education or care allowances claimed for the same child from other employers or another body.
- 4 Professors with a degree of employment of less than 50 percent shall not receive any supplementary benefits.
- 5 The supplementary benefits in accordance with paragraph 2 shall be adjusted in line with inflation.

⁵⁶ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁵⁷ Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO 2022 398).

⁵⁸ RS 836.2

Art. 31a⁵⁹

Art. 31b⁶⁰ Allowance for family support

¹ Half of the amount of the allowance according to Article 31a paragraph 1 letter b may be paid to professors whose wife, husband or registered partner is permanently unable to work due to serious illness.

² The allowance for family support shall be adjusted in line with inflation.

Section 7 Occupational Pension Fund

Art. 32

¹ Professors shall be insured by PUBLICA in accordance with the provisions on occupational pension funds of the LPers/BPG and the *Loi relative à PUBLICA du 20 décembre 2006 / Publica-Gesetz vom 20. Dezember 2006* [PUBLICA Act of 20 December 2006] (LPUBLICA/PUBLICA-Gesetz)⁶¹.⁶²

² They must disclose:

- a. termination benefits;
- b. advance withdrawals according to the *Ordonnance sur l'encouragement à la propriété du logement au moyen de la prévoyance professionnelle / Verordnung über die Wohneigentumsförderung mit Mitteln der beruflichen Vorsorge vom 3. Oktober 1994* [Ordinance on the Promotion of Home Ownership with Occupational Pension Funds of 3 October 1994].⁶³
- c. benefits due to divorce (Art. 22c of the *Loi sur le libre passage du 17 décembre 1993 / Freizügigkeitsgesetz vom 17. Dezember 1993*⁶⁴);
- d. acquired entitlements, in particular with pension funds abroad.

³ The salary and the salary components pursuant to Articles 16-19 are deemed to be the relevant salary and are insured with PUBLICA within the framework of the regulatory provisions.⁶⁵

⁵⁹ Inserted by No III of the O of the ETH Board of 11 Dec. 2008, approved by the Federal Council on 18 Feb. 2009 (RO **2009** 809). Repealed by No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022, with effect from 1 August 2022 (RO **2022** 398).

⁶⁰ Inserted by No III of the O of the ETH Board of 11 Dec. 2008, approved by the Federal Council on 18 Feb. 2009 and in force since 1 Jan. 2009 (RO **2009** 809).

⁶¹ RS **172.222.1**

⁶² Expression in accordance with No I of the O of the ETH Board of 2 Oct. 2007, approved by the Federal Council on 14 May 2008 and in force since 1 July 2008 (RO **2008** 2291).

⁶³ RS **831.411**

⁶⁴ RS **831.42**

⁶⁵ Expression in accordance with No I of the O of the ETH Board of 2 Oct. 2007, approved by the Federal Council on 14 May 2008 and in force since 1 July 2008 (RO **2008** 2291).

⁴ Otherwise, the provisions of RP-EPF 2/VR-ETH 2⁶⁶ apply.⁶⁷

⁵ Articles 42a and 47a OPers-EPF/PVO-ETH⁶⁸ apply *mutatis mutandis*. The amount of the employer's contribution to the bridging pension pursuant to Annex 5 OPers-EPF/PVO-ETH corresponds to the percentage applicable to management plan 2.⁶⁹

⁶ The two ETH may take out insurance against the risks of death and disability for professors to whom Article 60b of the *Ordonnance sur la prévoyance professionnelle vieillesse, survivants et invalidité du 18 avril 1984 / Verordnung über die berufliche Alters-, Hinterlassenen- und Invalidenvorsorge vom 18. April 1984* [Ordinance on occupational pension schemes and the relevant old age, survivors' and disability benefits of 18 April 1984]⁷⁰ is applicable. They shall regulate any participation by professors in the costs of the insurance.⁷¹

Section 8 Protection of Personal and Health Data

Art. 33⁷²

The protection of personal and health data is governed by the *Ordonnance sur la protection des données personnelles dans le domaine des EPF* du 8 décembre 2022 / Personendatenschutzverordnung ETH-Bereich vom 8. Dezember 2022 [Personal Data Protection Ordinance of the ETH Domain of 8 December 2022]⁷³.

Section 9 Procedural Provisions

Art. 34 Statute of limitations

The limitation periods for claims arising from the employment relationship are governed by Article 127 and 128 of the *Code of Obligations*.⁷⁴

⁶⁶ RS **172.220.142.2**

⁶⁷ Expression in accordance with No I of the O of the ETH Board of 2 Oct. 2007, approved by the Federal Council on 14 May 2008 and in force since 1 July 2008 (RO **2008** 2291).

⁶⁸ RS **172.220.113**

⁶⁹ Inserted by No I of the O of the ETH Board of 2 Oct. 2007, approved by the Federal Council on 14 May 2008 (RO **2008** 2291). Expression in accordance with No I of the O of the ETH Board of 10 March 2022, approved by the Federal Council on 29 June 2022 and in force since 1 August 2022 (RO **2022** 398).

⁷⁰ RS **831.441.1**

⁷¹ Inserted by No III of the O of the ETH Board of 11 Dec. 2008, approved by the Federal Council on 18 Feb. 2009 and in force since 1 Jan. 2009 (RO **2009** 809).

⁷² Expression in accordance with Art. 49 No. 2 of the *Ordonnance sur la protection des données personnelles dans le domaine des EPF* of 8 Dec. 2022 / *Personendatenschutzverordnung ETH-Bereich* vom 8. Dez. 2022, approved by the Federal Council on 22 Feb. 2023 and in force since 1 Sept. 2023 (RO **2023** 124).

⁷³ RS **172.220.113.42**

⁷⁴ RS **220**

Art. 35 Internal appeal

¹ Decisions of ETH bodies are subject to appeal to the ETH Appeals Commission.

² Rulings of the ETH Board and decisions of the ETH Appeals Commission may be appealed against at the Federal Administrative Court.⁷⁵

³ The procedure shall be governed by the *Loi fédérale du 20 décembre 1968 sur la procédure administrative / Verwaltungsverfahrensgesetz vom 20. Dezember 1968* [Federal Act on Administrative Procedure of 20 December 1968].⁷⁶

Art. 36⁷⁷ Breach of obligations under employment law

Articles 58–58b OPers-EPF/PVO-ETH⁷⁸ shall apply in the event of breach of obligations under employment law.

Section 10 Transitional Provisions

Art. 37 Transition to the new law

¹ The term of office of appointed full and associate professors and assistant professors shall end on 31 December 2003; from 1 January 2004 all employment relationships shall be subject to the new law. Article 38 remains reserved.

² At the request of the President of the ETH, the ETH Board shall submit a written employment contract to the full and associate professors as well as to the assistant professors by 15 January 2004 in accordance with Article 8 LPers/BPG and set a deadline of at least two months for their signature.

³ If no written employment contract in accordance with Article 7 is concluded by 30 June 2004, the ETH Board shall terminate the employment relationship before 31 December 2004, at the latest on 30 June 2005 by means of a written termination agreement or by a decree. Article 13 shall not apply.⁷⁹

Art. 38 Continued application of the old law

For full and associate professors who retire on 31 March 2004, the employment relationship under the old law shall continue to apply unchanged until the date of retirement.

⁷⁵ Expression in accordance with No III of the O of the ETH Board of 11 Dec. 2008, approved by the Federal Council on 18 Feb. 2009 and in force since 1 Jan. 2009 (RO **2009** 809).

⁷⁶ RS **172.021**

⁷⁷ Expression in accordance with No I of the O of the ETH Board of 29 June 2005, approved by the Federal Council on 23 Sept. 2005 and in force since 1 Jan. 2006 (RO **2005** 4811).

⁷⁸ RS **172.220.113**

⁷⁹ RO **2004** 725

Art. 39 Claims and measures under the old law

- 1 Entitlements and measures under the old law that are no longer provided for under the new law shall cease to apply as of 1 January 2004 for all persons whose employment is subject to the new law from that date.
- 2 They apply to all persons whose employment relationship continues under the old law, until its expiry.
- 3 The relevant years of service for measures and entitlements under the old law are taken into account when determining new-law measures and entitlements, provided that the existing employment relationship under the old law continues without interruption or is transferred into an employment relationship under the new law according to LPers/BPG without interruption.

Art. 40 Recognition of the duration of the previous employment for Assistant professors

When calculating the maximum permitted duration of employment for assistant professors, the duration of the previous employment is taken into account.

Art. 40a⁸⁰ Transitional provisions to the amendment of 29 June 2005

- 1 The President of the ETH shall determine the date of application of Articles 4a and 17. The latest date shall be 1 January 2008.
- 2 Until the application of Articles 4a and 17, the salary of professors shall be increased annually by 2 percent of the maximum salary pursuant to Article 16 paragraph 2 letter a until the maximum salary applicable to the relevant category of the professor is reached.

Section 11 Entry into Force

Art. 41

This Ordinance comes into force on 1 January 2004.

⁸⁰ Inserted by No I of the O of the ETH Board of 29 June 2005, approved by the Federal Council on 23 Sept. 2005 and in force since 1 Jan. 2006 (RO 2005 4811).