

Regulations Governing Annual Working Time

The University Board of Directors,

based on Article 1 para 3 of the Employment Regulations (*Anstellungsreglement*) of 18 December 2012 in conjunction with Article 52 para 4 of the University Ordinance (*Universitätsverordnung, UniV*) of 12 September 2012 and Article 2 para 4 of the Personnel Ordinance (*Personalverordnung, PV*) of 18 May 2005,

resolves the following:

I. Basics

Principles

Art. 1 ¹ With the annual working time, the period for settling the working time is constituted as one entire year.

² The intention of the annual working time is to achieve as much flexibility as possible in the organisation of working time. The aim is to adjust working time to possible fluctuations in work load requirements over the year, as well as to the different needs of the employees.

³ The annual working time strives to keep time credits in excess of the planned working time to a minimum.

⁴ A fair use of the flexibility afforded by the annual working time demands a high sense of responsibility and mutual trust of all parties concerned.

Scope¹

Art. 2 ¹ In principle, these Regulations shall be applicable to all employees.

² Separate regulations may be decreed for physicians and surgeons, particularly in the clinical field and in the field of services. Such separate regulations shall be subject to approval by the Rector.

¹ The non-highlighted articles correspond to the provisions of the regulations governing the annual working time of the Administration of the Canton of Bern (*Bestimmungen des Reglements über die Jahresarbeitszeit der Verwaltung des Kantons Bern*) (status 1.1.2013). The articles highlighted in grey are University-specific regulations.

³ Unless directed otherwise by the supervisors, student assistants (*Hilfsassistierende*) shall, as a general rule, record their working hours; however, given their fixed-term employment, they shall not keep a long-term account (*Langzeitkonto*) pursuant to Article 7.

⁴ Other exceptions of staff categories shall be defined by the institute heads and recorded in Appendix I.

No long-term account (*Langzeitkonto*) for lecturers and teaching and research assistants

Art. 3 ¹ Lecturers pursuant to Article 49 UniV, senior teaching and research assistants (*Oberassistierende*), staff physicians (*Oberärzteschaft*) and housemen (*Assistenzärzteschaft*) as well as doctoral students shall be exempt from the recording of working time and shall not keep a long-term account (*Langzeitkonto*) pursuant to Article 7.

² Teaching and research assistants shall only record the working time if such is exceptionally decreed; they shall not keep a long-term account (*Langzeitkonto*).

³ Individuals who do not keep a long-term account (*Langzeitkonto*) and who are themselves responsible for ensuring that they fulfil the normal working time of forty-two (42) hours per week for an employment level of one hundred (100) per cent (Art. 124 PV), shall also be responsible for ensuring that they take their holiday entitlement. They have no right to claim any unused holiday time.

Part-time Employment

Art. 4 ¹ The annual working time model shall be applicable to all full- and part-time employees.

² The parameters defined in Article 10 and 12 of these Regulations shall, in principle, also apply to part-time employees irrespective of the level of employment. However, with the consent of the employees, supervisors may determine regulations which deviate from the foregoing.

Duration and Allocation of Working Time

Art. 5 ¹ Based on a 42-hour work week the daily planned working time for full-time employees shall be eight (8) hours, twenty-four (24) minutes.

² Part-time employees shall work according to either fixed or variable part-time employment.

³ In the case of fixed part-time employment, the work assignment on the individual weekdays shall be fixed in consultation with the supervising body and, as a rule, shall remain unchanged throughout the year. In the case of variable part-time work, actual assignments shall vary by virtue of changing organisational/employer and/or personal requirements and needs while at the same time the level of employment shall remain constant.

⁴ Part-time employees, in consultation with their supervising body, must define which part-time work model shall be applicable to them.

⁵ The daily planned working time in the case of fixed part-time work shall correspond to the actual, agreed-upon working time on the respective weekday. The daily planned working time in the case of variable part-time work shall correspond to the daily planned working time pursuant to para 1, converted down to the level of employment.

⁶ The annual planned working time for full-time employees shall be obtained by multiplying the number of working days in a year with the daily planned working time, taking the non-working days pursuant to Article 151 PV into account. The annual planned working time for part-time employees shall correspond to the annual planned working time for full-time employees, converted down to the level of employment.

⁷ The planned working time for full-time employees is published every year by the cantonal Personnel Office (*kantonales Personalamt*).

Work Needs and Office Hours

Art. 6 ¹The needs and possibilities of work shall be decisive for applying the annual working time and shall have priority over individual employee wishes. However, the necessary organisational measures are to be taken so that as many employees as possible may take advantage of the opportunities afforded by the annual working time.

² The head of the institution shall define the office hours during which the institution must be reachable. The office hours shall not refer to individual persons, but to the institution. The provisions are defined in Appendix I.

Long-term Accounts (*Langzeitkonti, LZK*)

Art. 7 ¹ For the purpose of recording unused holidays, employees employed for an unlimited period may keep a long-term account (*Langzeitkonti, LZK*), i.e. an individual account set up exclusively in the form of time (working days). The details are governed by the provisions covering the long-term account (*Reglement über das Langzeitkonto*) of the working time regulations of the Administration of the Canton of Bern (*Arbeitszeit-Reglemente der Verwaltung des Kantons Bern*) of 17 December 2012.

² Employees pursuant to Article 3 and Article 2 para 3 of these Regulations shall not keep a long-term account (*Langzeitkonto*).

Work Time Management and Compensatory Time

Responsibilities

Art. 8 ¹ Questions concerning the interpretation of these Regulations are to be addressed to the Personnel Department; the ultimate decision shall reside with the University Board of Directors.

² The head of the institution shall be responsible for the legally correct implementation of these Regulations.

³ The head of the institution shall appoint a responsible contact person who, in consultation with the supervisors, shall carry out the necessary presence and absence checks. The provisions are defined in Appendix I.

⁴ Together with the contact persons, the head of the institution shall conduct periodic checks of all time recordings and absences and shall take the appropriate measures.

⁵ The employees shall be responsible for the correct entry of working time and shall coordinate their absences with supervisors and colleagues.

Responsibility of the Supervisors

Art. 9 The supervisors shall be responsible for a flawless application of the annual working time and for ensuring that the tasks and duties are fulfilled. In particular, they shall make sure that the staff capacities available are continually brought in line with the work requirements.

Signal Control (*Ampelsteuerung*)

Art. 10 ¹ The management of working time of the employees during the year shall be by way of the so-called signal control (*Ampelsteuerung*).

² With the signal control (*Ampelsteuerung*), warning limits shall be defined; if these warning limits are transgressed, the supervisors and employees must jointly discuss the working time situation.

³ Deviations from these warning limits shall be defined by the head of the institution.

⁴ Depending on the current time balance of the employees, different phases will appear in the signal control (*Ampelsteuerung*) that require different handling:

Phase	Positive balance / Plus hours	Negative balance / Minus hours
„green“	0 up to +60 hours → within the competence of the employees	0 to -60 hours → within the competence of the employees
„yellow“	over +60 up to +100 hours → plus hours only possible in consultation with the supervisor	over -60 up to -100 hours → minus hours only possible in consultation with the supervisor
„red“	Over +100 hours → measures required to reduce the number of plus hours in consultation with the supervisor	over -100 hours → measures required to reduce the number of minus hours in consultation with the supervisor

⁵ Throughout the year, fluctuations beyond the red limits are, in principle, also possible. However, in such cases, a conversation between supervisors and employees concerning the reduction of plus or minus hours is a mandatory requirement.

Organisation of Working Time

Art. 11 ¹ Employee presence and absence times are subject to agreement and/or planning between supervisors and employees.

² The time and scope of time off in lieu shall be preceded by consultation between supervisors and employees.

³ Free time may also be taken in the case of a negative balance on the time account. In such cases, the working time necessary to compensate may be performed at a later time.

Balance Brought Forward

Art. 12 ¹ The accounting period of the annual working time shall correspond to the calendar year.

² At the end of an accounting period of one year, a balance of maximum one hundred (100) plus or minus hours may be brought forward to the new accounting period.

³ This balance may be extended or limited by the head of the institution for operational reasons, individually and in writing, in each case for one year. Authorisations granted must be reported to the respective member of the Executive Council (*Regierungsrat*) via the Personnel Department of the University of Bern.

⁴ Time credits shall expire if and when they exceed the defined maximum number of plus hours and the application for extension was not submitted in writing to the competent authority before the end of the accounting period. Authorisation may be subject to conditions.

⁵ If, at the end of an accounting period, the balance exceeds the defined maximum number of minus hours, the excess negative balance may, by agreement between supervisors and employees, be offset by way of a salary deduction.

⁶ A positive or negative balance is to be offset to the maximum extent possible before the end of employment. A positive balance shall be compensated financially if a reduction of plus hours was not possible for work-related reasons, due to illness or accident before ending employment. In the event of a negative balance at the end of employment, the last salary shall be cut or, as the case may be, the salary paid in excess shall be reclaimed.

II. Recording Time Worked and Absences

Absences

Art. 13 ¹ In principle, tending to personal business shall not be regarded as working time.

² Generally, one hour per visit and working day shall be counted as working time for doctor and dental appointments and treatments irrespective of the level of employment of the employees concerned.

³ With the permission of the supervisor, the actual time required for longer medical and medically prescribed therapeutic treatments may be counted as working time.

⁴ The following absences shall be regarded as working time: holidays, paid leave, short leave pursuant to Article 156 PV, illness, accident, military service, civil protection and alternative civilian service. For these absences, working time is to be recorded based on the daily planned working time pursuant to Article 5. Holidays may only be taken in half or full days. If the level of employment is reduced as a result of a medical certificate, the total sum of the time credited for absences and for the work performed per week may not exceed the weekly planned working time pursuant to Article 5.

⁵ The regulations of the Personnel Ordinance (*Personalverordnung, PV*) shall apply for absences within the framework of personal education and personal further education.

⁶ Travel for work-related business as well as further education courses mandated by the employer are to be recorded with the working time actually performed. The travel time from the place of employment to the respective place of assignment, and back, shall be regarded as working time. This regulation shall also apply to part-time employees, irrespective of the level of employment and work assignment pursuant to Article 4.

⁷ Not more than one hour may be counted as working time for annual end-of-year events (e.g. Christmas / end-of-year celebration dinner) and for *Apéros* (snacks & drinks) and similar occasions within the scope of work.

Recording of Time and Individual Working Time Account (*Arbeitszeitkonto*)

Art. 14 ¹ An individual working time account (*Arbeitszeitkonto*) shall be kept for each employee. The responsibility to provide suitable methods for the entry/recording of time shall reside with the institution. The provision of information to the employees about the status of their working time accounts (*Arbeitszeitkonti*) must be ensured.

² The following must be entered/recorded: each start of work, each end of work and interruptions to work as well as absences pursuant to Article 13 para 4. The decision as to the recording of work-related absences (e.g. external meetings, viewings, travel for work-related purposes etc.) shall reside with the head of the institution.

³ The entry/recording of working time shall occur by way of technical means (EDP-supported or mechanical time recording devices) or manually (cards, forms, time-sheets etc.).

⁴ The head of the institution shall issue separate instructions for the entry/recording of working time and for operating the respective devices, if such devices are available. The provisions are defined in Appendix III.

Reporting of Working Time and Absences

Art. 15 ¹ Free days by virtue of unused holiday entitlement as well as absences due to military service, civil protection and alternative civilian service, due to illness and accident as well as due to leave must be recorded by all employees in writing or electronically.

² Free days by virtue of time balances within the scope of the annual working time must be recorded by all employees, except for those pursuant to Article 3 of these Regulations, in writing or electronically.

³ The time and absence balances per employee recorded pursuant to these Regulations must be reported once a year to the Personnel Department for the purpose of personnel management and accounting of the University as a whole.

III. Entry into Force

Art. 16 ¹ These Regulations shall enter into force retroactively as of 1 January 2013.

² They shall replace the regulations governing annual working time at the University of Bern (*Reglement über die Jahresarbeitszeit an der Universität Bern*) of 4 December 2007, which are hereby rescinded.

Bern, 14 May 2013

Prof. Dr. Martin Täuber, Rector

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Appendix I

→ to be completed and implemented by the Institute / Clinic.

Scope (Art. 2)

Exempt staff category/ies:

Unit (institute, clinic, section):

Head of Unit:

Office Hours (Art. 6 para 2)

Responsibilities (Art. 8 para 3)

Point of contact and checking of presence and absence:

Recording of Time and Individual Working Time Account (Art. 14)

Devices/technical aids etc.:

Locations/availability:

Head of Unit:

Appendix II

Legal Provisions

Excerpt from the University Ordinance (*Universitätsverordnung*) (status 1 May 2013):

Art. 53 Holidays and Time Credits

¹ In principle, the lecturers shall take their holidays during the lecture-free time.

² The decision over applications for exemption shall reside with the Rector at the request of the Faculty.

³ The lecturers shall be exempt from the provision concerning financial compensation of unused holiday entitlement and time credits pursuant to Article 129a and 129b as well as concerning long-term accounts pursuant to Article 160a et seqq. of the Personnel Ordinance (*Personalverordnung, PV*) of 18 May 2005.

Excerpt from the Personnel Ordinance (*Personalverordnung*) (status 1 May 2013):

Art. 125 Working Time Framework

[...]

⁴ If the daily working time exceeds seven hours, an unpaid break of at least thirty (30) minutes must be taken. If the daily working time exceeds ten (10) hours, a further unpaid break of at least thirty (30) minutes may be taken.

Art. 127 Break

There is an entitlement to a paid break of fifteen (15) minutes in the morning and in the afternoon respectively.

Art. 149 Taking Days Off

¹ Days off may discretionarily be taken by virtue of
a time balances within the framework of the annual working time,
b unused holiday entitlement or
c a positive long-term account balance.

² At least twenty (20) days off must be taken each calendar year.

³ Of these twenty (20) days off, at least ten (10) days must be taken each calendar year at the expense of the unused holiday entitlement.

Art. 149a Holiday Carry Over

¹ Subject to the provisions of Article 149 para 3, unused holiday entitlement at the end of the calendar year shall be carried forward to the long-term account pursuant to Article 160b para 1.

² Insofar as the requirement for taking days off pursuant to Article 149 para 2 has not been fully met, the insufficiently taken days off shall expire at the end of the respective calendar year, at the expense of the unused holiday entitlement without compensation.

³ Insofar as the requirement for taking days off pursuant to Article 149 para 3 has not been fully met, the insufficiently taken holidays shall expire at the end of the respective calendar year without compensation.

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Art. 150 Use of Holiday Entitlement

¹ Unused holiday entitlement is to be used up as much as possible before transferring to a different organisational unit or before termination of the employment relationship.

² If a reduction was not possible for work-related reasons, due to illness, accident or death before the transfer or before termination of employment, unused holiday entitlement shall be compensated on the basis of the current monthly gross salary, including the pro-rata amount for the thirteenth (13th) month pay and exclusive of any extra pay.

³ Holidays taken in excess of entitlement at the time of the transfer or at the time of termination of employment shall be deducted from the last salary on the basis of the monthly gross salary, including the pro-rata amount for the thirteenth (13th) month pay and exclusive of any extra pay.

Appendix III

Sample instructions for recording time with technical aids

→ to be adjusted and implemented by the Institute / Clinic as required.

1. Type of time recording

Time recording shall be carried out electronically using the time recording devices. All absences can be entered at the terminal as per the code list located next to the device. The responsible head of section may, for operational reasons, provide that certain areas of work (e.g. caretaking) record their time manually. All absences must be recorded.

2. Procedure for recording time

Time recording shall be carried out from Monday to Friday by means of a personal LEGIC and credited as actual working hours (*Ist-Arbeitszeit*). The start and finish of time worked, the start and end of lunch breaks, the start and end of authorised short absences during the core period (*Blockzeit*) as well as the start and finish of other absences must be entered/recorded.

Time recording by third parties is prohibited.

3. Place of time recording

In principle, time recording is to be carried out using the device closest to the work station.

4. Information available from the time recording device

The respective weekday and the precise time in hours and minutes will be displayed on the display panel of the time recording device. When using LEGIC for time recording, the flexitime balance will be displayed on the display panel. Additional information may be requested as per the code list located next to the device, e.g. holiday balance. The balances will be updated over night.

5. Corrections to working time

Corrections to working time shall be performed manually in the respective section by the staff member responsible for the annual working time (*Jahresarbeitszeit, JAZ*). It is the responsibility of each employee to ensure the correct status of his/her time account and to arrange for the respective corrections to be made immediately (e.g. using the reporting slip (*Meldezettel*)), however, at the latest by the end of the month in progress. Manual corrections can and may be checked on the monthly account.

6. How to record absences

The system shall automatically make a time credit for absences counted towards actual working time (minus a half (½) hour lunch break). The simultaneous entry/recording of different absence reasons (for instance, holiday / annual working time compensation) is not possible with the time recording device. The detailed over-

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view is to be submitted to the section staff member responsible for annual working time (JAZ) before the absence. Only days (as per the working time model) are to be listed, regardless of the working time.

7. Breakdown of the time recording system

If the terminal breaks down, the working time shall be recorded manually on the reporting slip (*Meldezettel*) and forwarded to the staff member responsible for annual working time (JAZ) for correcting.

8. Statement of working time

In the first seven (7) days of the month, each employee shall receive a personal statement from the section's staff member in charge of JAZ showing the working time of the previous month with the calculated annual working time (JAZ) balance, the current holiday and overtime balance. The statement shall be checked and forwarded to the supervising body for signing off. Any corrections shall be reported to the staff member responsible for JAZ by way of the reporting slip (*Meldezettel*). Submission deadlines shall be set by the staff members responsible for JAZ.

Head of Unit: