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**Ordinance of the ETH Board  
concerning personnel in the Swiss Federal Institutes of Technology Domain  
(Personnel Ordinance for the ETH Domain, ETH PO)**

**Amendment of 22 September 2021**

approved by the Federal Council on 3 December 2021

*The ETH Board  
decrees:*

I

The Personnel Ordinance for the ETH Domain of 15 March 2001<sup>1</sup> is amended as follows:

*Art. 20c* Employment beyond the normal retirement age  
(Art. 10 clause 2 Swiss Federal Personnel Law, FPL)

<sup>1</sup> Upon termination of the employment relationship because the employee has reached the age limit specified in Article 21 of the Federal Law on old age and survivors' insurance (AHVG) [Bundesgesetz über die Alters- und Hinterlassenenversicherung]<sup>2</sup>, the competent body as per Article 2 may continue the employment relationship with the agreement of the person concerned.

<sup>2</sup> Upon termination of the employment relationship because the employee has reached the age limit specified in Article 21 AHVG, female employees are entitled to continue the employment relationship on the same terms of employment until the 65th birthday at the latest. The request to assert this entitlement must be submitted to the competent body at least six months before the 64th birthday.

<sup>3</sup> Employment relationships pursuant to clause 1 end without notice at the end of the month in which the employee reaches the age of 70, at the latest.

*Art. 22* Early retirement in consequence of restructurings  
(Art. 31 clause 5 FPL)

<sup>1</sup> In the event of restructurings, employees may take full or partial early retirement under the following conditions:

- a. The employee is at least 60 years of age.
- b. They have been continuously employed by an ETH Domain institution for at least ten years.
- c. They cannot continue to be employed in a reasonable position at their previous activity rate.
- d. They have not declined a reasonable position.
- e. They are not ill, a disability assessment process is not being conducted and no such process is about to be conducted.

<sup>2</sup> In addition, at least one of the following conditions must be met:

- a. The position is being abolished.
- b. The scope of the employee's tasks is being significantly modified and for material or personal reasons it no longer appears cost-effective to introduce the employee to new technology, a new organisation or a new process.
- c. The early retirement does not result in the position of a younger person having to be abolished.
- d. A sustainable succession planning arrangement is to be implemented.

<sup>1</sup> SR 172.220.113  
<sup>2</sup> SR 831.10

**Art. 22a** Benefits in the case of early retirement in consequence of restructurings

(Art. 31 clause 5 FPL)

<sup>1</sup> If the employee is aged 60 to 62 at the time of their early retirement, they receive the retirement pension to which they would be entitled if they retired on reaching the age of 63, together with a bridging pension fully financed by the employer in accordance with Article 64 of the ETH Pension Plan Regulations for employees in the ETH Domain dated 3 December 2007<sup>3</sup> (VR-ETH 1).

<sup>2</sup> If the employee is at least 63 years of age at that time, they receive in addition to their statutory retirement pension the bridging pension fully financed by the employer in accordance with Article 64 VR-ETH 1.

<sup>3</sup> The competent body as per Article 2 may for justifiable reasons also provide the following benefits in addition to partial or full early retirement:

- a. a maximum contribution of half the cost of continuing to insure the previously insured earnings in accordance with Art. 33a of the Federal Act of 25 June 1982 on Occupational Old Age, Survivors' and Invalidity Pension Provision (BVG) [Bundesgesetz über die berufliche Alters-, Hinterlassenen- und Invalidenvorsorge];
- b. a contribution to the purchase made in order to increase the retirement pension in accordance with Article 33 VR-ETH 1;
- c. full or partial payment of the contributions payable on the pension income in accordance with Article 28 of the Ordinance of 31 October 1947<sup>4</sup> on old age and survivors' insurance, but for no longer than the date on which the employee reaches the age limit specified in Article 21 AHVG<sup>5</sup>.

**Art. 22b** Benefits if the employment relationship is terminated by mutual agreement

(Art. 19 clause 4 FPL)

<sup>1</sup> The employer may also provide an employee who has reached the age of 60 with the benefits specified in Article 22a paragraph 3 and make a higher contribution to the financing of the bridging pension than that specified in Appendix 5 if:

- a. the employment relationship is terminated by mutual agreement for operational or human resources policy reasons; and
- b. there are no grounds for termination of employment in accordance with Article 10 paragraph 3 letters a–d and f or paragraph 4 FPL.

<sup>2</sup> Operational or human resources policy reasons exist notably when:

- a. there is an intention to abolish the post;
- b. a sustainable succession planning arrangement is to be implemented;
- c. introducing the employee to new technology, a new organisation or a new process no longer appears cost-effective for material or personal reasons.

<sup>3</sup> The total benefits may not exceed the annual salary.

**Art. 28** Adjusting the salary scale

(Art. 16 FPL)

<sup>1</sup> Following negotiations with the social partners, the ETH Board decides annually, within the scope of the available resources, whether and how to adjust the salary scale shown in Appendix 2 in order to compensate for inflation or grant an increase in real earnings.

<sup>2</sup> Particular attention is paid to the employment market and inflation when adjusting the salary scale.

<sup>3</sup> If the salary measures decided by the ETH Board are at most the same as those taken by the Federal Council for federal staff, a partial revision of this ordinance may be waived.

**Art. 28a** Adjustments for inflation

(Art. 16 FPL)

<sup>1</sup> The inflation adjustment is applied to:

- a. the salary;
- b. the benefits paid in addition to the family allowance.

<sup>3</sup> SR 172.220.142.1

<sup>4</sup> SR 831.101

<sup>5</sup> SR 831.10

<sup>2</sup> The institutions adjust the following allowances if the inflation recorded since the last adjustment justifies this:

- a. payments for Sunday and night work;
- b. payments for on-call duty;
- c. functional allowances;
- d. special bonuses.

*Art. 37a* Paternity leave, registered partner's leave and adoption leave  
(Art. 17a FPL)

<sup>1</sup> There is an entitlement to paid leave of twenty working days on full salary:

- a. for the legal father on the birth of one or more of their own children;
- b. in the case of a registered partnership, for the partner on the birth of one or more children of the other partner;
- c. for the adoptive father on the adoption of one or more children in accordance with Article 37 paragraph 4.

<sup>2</sup> Ten days of the leave must be taken in the first six months after the birth or adoption, and the remaining ten days within twelve months. The leave may be taken one day at a time or in blocks.

*Art. 37b* Leave to care for a child with severely impaired health  
(Art. 17a FPL)

<sup>1</sup> When taking time off work in order to look after a child whose health is severely impaired because of illness or accident, the employee receives the full salary and social allowances for a maximum of 14 weeks.

<sup>2</sup> A child has severely impaired health if:

- a. a major change in their physical or mental condition has occurred;
- b. the course or outcome of this change is difficult to predict, or there is reason to expect lasting or increasing impairment or death;
- c. there is an increased need for care by the parents; and
- d. at least one parent must interrupt their career in order to care for the child.

<sup>3</sup> The care leave must be taken within 18 months of the first day of taking time off work as per paragraph 1.

<sup>4</sup> Only one entitlement exists per case of illness or accident. A relapse that occurs after a period of at least 12 months without symptoms counts as a new event.

*Art. 39a*

*Abrogated*

*Art. 41* Entitlement to family allowance  
(Art. 31 para. 1–3 FPL)

Entitlement to family allowance is governed by Article 3 of the Swiss Federal Legislation on family allowances [Familienzulagengesetz] dated 24 March 2006<sup>6</sup> (FamZG).

*Art. 41a* Benefits paid in addition to family allowances  
(Art. 31 para. 1 – 3 FPL)

<sup>1</sup> The competent body as per Article 2 pays benefits to employees over and above family allowances. The total amount from the family allowances specified in FamZG<sup>7</sup>, cantonal family allowances and the supplementary benefit comes to a maximum per year of:

<sup>6</sup> SR 836.2

<sup>7</sup> SR 836.2

- a. 4519 Swiss francs for the first eligible child;
- b. 2919 Swiss francs for each additional eligible child for whom an entitlement exists under Article 3 para. 1 letter a FamZG.
- b. 3298 Swiss francs for each additional eligible child for whom an entitlement exists under Article 3 para. 1 letter b FamZG.

<sup>2</sup> If the family allowances under FamZG combined with the cantonal family allowances come to more than the amount specified in paragraph 1 letters a, b and c, there is no entitlement to a supplementary benefit.

<sup>3</sup> The following family allowances are deducted from the supplementary benefit:

- a. family allowances claimed by other people for the same child under FamZG and the cantonal regulations on family allowances;
- b. mandatory and extra-mandatory family, child, training or care allowances claimed by the employee or by other persons for the same child from other employers or another office.

<sup>4</sup> Employees with an activity rate of less than 50 percent or who receive less than the minimum salary for child allowances (Art. 13 para. 3 FamZG) only receive the supplementary benefits in cases of hardship. If several employees are entitled to family allowances for the same child, the supplementary benefits are paid to them if the total activity rate comes to at least 50 percent.

<sup>5</sup> Benefits paid in addition to family allowances are adjusted for inflation.

*Art. 42a* Employer's contribution to financing the bridging pension  
(Art. 32k para. 2 FPL)

<sup>1</sup> Persons who retire before the retirement age specified in Article 21 AHVG<sup>8</sup> may draw a statutory bridging pension.

<sup>2</sup> The employer contributes to financing the bridging pension if the employee:

- a. is voluntarily taking full or partial retirement;
- b. has reached the age of 62;
- c. has worked for an ETH Domain institution for at least five years immediately prior to retirement;
- d. has been active in a post associated with high and lasting physical or mental stress for at least five years; and
- e. requests payment of a full or half bridging pension.

<sup>3</sup> Activities in accordance with paragraph 2 letter d exist in the following cases in particular:

- a. activities with physical, chemical or biological influences that could lead to a health risk;
- b. activities in a difficult work environment, particularly in extreme temperatures, harsh climatic conditions or poor lighting;
- c. activities that place increased strain on the musculoskeletal system;
- d. activities with an increased risk of accident;
- e. activities that are strongly repetitive, monotonous or emotionally demanding, and could lead to a high level of mental stress;
- f. activities that are by their nature associated with substantial mental stress due to high expectations or high pressure to perform or innovate, or the need to keep adapting to the latest, barely tested technologies and procedures;
- g. activities with stressful working hours, such as assignments to fixed duty rosters or night work.

<sup>4</sup> With the agreement of both ETHs and the research institutes, the ETH Board specifies the functions that qualify for a contribution from the employer to the financing of the bridging pension.

<sup>5</sup> The employer's percentage contribution to the financing of the bridging pension is set forth in Appendix 5.

<sup>6</sup> The competent body responsible for the employment relationship as per Article 2 checks the eligibility requirements and calculates the average activity rate of the person in question.

<sup>8</sup> SR 831.10

*Art. 45 para. 2*

*Abrogated*

*Art. 52 para. 2 letter c*

*Abrogated*

*Art. 54 para. 2<sup>bis</sup>*

<sup>2bis</sup> In consultation with the competent body, flexible forms of working, such as working outside the workplace, may be agreed, provided that the nature of the activity and the operational requirements so permit. Both ETHs, the research institutes and the ETH Board may regulate flexible forms of working for their own staff; where applicable, they reach agreement with their employees regarding the location at which the work is performed.

*Art. 55 paras. 4<sup>bis</sup> and 7*

<sup>4bis</sup> Compensation and remuneration for overtime is subject to the provisions of the Employment Act of 13 March 1964<sup>9</sup> for employees that fall within its scope. Where possible, agreement may be sought on allowing time off as compensation for overtime.

<sup>7</sup> If an employee has worked certain hours without the direction or knowledge of the competent body as per Article 2, these hours may only be recognised as extra hours or overtime if the employee claims for them within six months and provides evidence.

*Art. 65b* Transitional provision on the amendment of 22 September 2021

Employees who reach the age of 59 before 1 January 2022 and take early retirement by 1 January 2025 at the latest may claim the bridging pension under the previous rules.

II

Appendix 5 contains the revised version, as appended.

This Ordinance shall come into force on 1 January 2022.

22 September 2021

On behalf of the ETH Board

President: Michael O. Hengartner

**Employer's contribution to the financing of the Bridging Pension**

Age on retirement	Standard plan (function levels)			Executive Plan 1 (Function levels)	Executive Plan 2 (Function levels)
	1 to 3	4 to 6	7 to 9	10 to 12	13 to 15