



## FAQ

### Secondary Occupation and Public Office

*This English translation is provided for convenience purposes only. The original German text fully prevails.*

**I already reported my secondary occupation some time ago. Do I have to report it again?**

No, you do not need to report it again unless something has changed.

**What do I have to do if my secondary occupation changes or comes to an end?**

Please inform your line manager and send an e-mail to the Human Resources (HR) Department.

**I'm a professor. Do I have to fill in the reporting form for the HR Department?**

No, the Professorships Department is responsible for secondary occupation of professorial staff<sup>1</sup>. This process has not changed. <https://www.uzh.ch/prof/apps/nebenbeschaeftigungen/frontend/>

**I have various roles at UZH. Do they have to be reported?**

All positions at UZH for which you have an employment order (“Verfügung”) from UZH don't count as secondary occupation.

**I work 40% for UZH and 60% for a different organization. Which job is my main employment and which my secondary occupation?**

From UZH's perspective, the employment at UZH is always the main employment and other positions are always regarded as secondary occupation – regardless of employment degree.

**Do employees who are paid an hourly wage and part-time employees have to fill in the form?**

Yes, the reporting obligation also applies to part-time employees and employees paid an hourly wage.

**Do I have to report voluntary or low-paid secondary occupation?**

Yes, you have to report secondary occupation regardless of how much you are paid, as voluntary work can also contravene the duty of loyalty or be in competition with UZH.

**I am a member of a private or charitable association and regularly attend its meetings. Does this count as secondary occupation?**

Activities that can be classed as a hobby do not have to be declared.

**Do I have to report the remuneration I receive for the secondary occupation?**

You only have to indicate the amount of remuneration you receive for secondary occupation that requires permission. In the event of uncertainty, you can omit this information. The HR Department will obtain it if necessary following a check.

<sup>1</sup> Except adjunct professors, § 14 para. 3 of the University Statutes.

### **What is the definition of secondary occupation from an employment law perspective?**

From the perspective of UZH, secondary occupation is every activity carried out by UZH employees in their own name for remuneration that is not part of their duties for the University. It includes all work performed for third parties in return for remuneration on the basis of an employment relationship or a mandate. The definition can also include low-paid and voluntary activities.<sup>2</sup>

### **What is the definition of a public office from an employment law perspective?**

Public offices are offices in which the holder is elected by the people, the Federal Council, a cantonal government, parliament, or court, a communal executive, or the legislature.<sup>3</sup>

### **Which types of secondary occupation are not permitted?**

The following types of secondary occupation are prohibited: Secondary occupation which

- interferes with the fulfillment of University duties
- is incompatible with the staff member's role at UZH
- is in direct competition with UZH
- compromises the interests of UZH and/or UZH members
- exceeds one day per calendar week on average for employees with full-time positions

### **What is the difference between the reporting obligation and the obligation to obtain permission?**

The reporting obligation always applies<sup>4</sup>, whereas the obligation to obtain permission only applies if certain criteria are met (see next question). In the event of doubt about whether a secondary occupation position is allowed, the employee in question may request permission. As the body responsible for appointments, the HR Department decides whether permission must be obtained. The decision as to whether to grant or refuse permission is taken by the Executive Board of the University.<sup>5</sup>

### **When is it necessary to obtain permission?**

The obligation to obtain permission applies in particular in the following situations:

- if the secondary occupation is conducted during agreed working hours or involves UZH staff or infrastructure
- for Board of Directors and Executive Board mandate
- for academic staff in full-time positions whose secondary occupation takes up more than one day per calendar week on average over the course of the year.
- Please note that the HR Department may require the employee to obtain permission at any time if there are doubts about whether or not the secondary occupation is permitted. As the body responsible for appointments, the HR Department decides whether permission must be obtained. The decision as to whether to grant or refuse permission is taken by the Executive Board of the University.

### **Do I have to pass on any remuneration from secondary occupation?**

All employees have to pay to use UZH infrastructure and staff. Full-time academic staff must also pass on a certain percentage of income that exceeds the exempt amount.<sup>6</sup>

<sup>2</sup> § 54 of the employment ordinance of the University of Zurich (PVO-UZH).

<sup>3</sup> § 1 para. 3 of the regulations on the holding of public offices by members of UZH.

<sup>4</sup> § 144 para. 2 of the implementation ordinance to the employment act of the Canton of Zurich (VO).

<sup>5</sup> § 144 para. 1 (a) VVO, § 3 para. 1 PVO-UZH.

<sup>6</sup> § 60 PVO-UZH, exempt amount: CHF 50,000.00 per year.

**I do charity work. Can I use my working hours for this?**

Charity work can be carried out during working hours under certain circumstances, up to an amount of half a day per week.<sup>7</sup> Employees must obtain permission for this. UZH may require that part of any remuneration received is passed on to the University.

**When might permission be refused for secondary occupation?**

Permission can be refused if the secondary occupation is prohibited (see above) or it appears that it might be prohibited. Permission may be granted subject to certain conditions, such as a reduction in the employment degree at UZH.

**Is it necessary to declare secondary occupation even if it only takes place during a very short and limited time period (e.g. a few hours during one month)?**

As a rule, all secondary occupation – even if it only takes up a small amount of time – is reportable if it occurs with a certain degree of regularity. For reasons of practicality, however, secondary occupation lasting less than a month does not have to be reported. Employees should inform their line managers.

**When/for which groups of people does a reporting form not have to be submitted?**

Student assistants do not have to report secondary occupation unless they are known to be employed for an extended period of time at a higher employment degree. Board of Directors mandates and Executive Board positions must always be reported, however.

**Am I allowed to do paid work for a third party during my vacation?**

This is a sensitive issue, as the purpose of vacation is recovery and additional work could prevent an employee from recovering properly. By working during their vacation, employees may contravene the duty of loyalty. Employees are recommended to discuss this with their line manager.

**Is it possible to include the reporting obligation in the performance appraisal form in order to institutionalize the process?**

Employees who reported secondary occupation when they took up their positions should be asked about changes in their situation systematically. However, a section on this topic will not be included in the performance appraisal form, as secondary occupation has little to do with the content of the performance appraisal.

*Please contact the responsible HR consultant in the HR Department if you have any further questions or are unsure about anything.*

<sup>7</sup> § 144 para. 4 WVO.