



## Fact Sheet

### Unpaid Leave (§ 92 VVO)

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

#### General Provisions

Subject to the agreement of their line manager, employees can take unpaid leave, operational interests permitting. In principle, before unpaid leave is taken, the vacation entitlement and the extra hours accrued up to the start of the leave must be taken. As a rule, the minimum duration of unpaid leave is one month; however, in individual cases, unpaid leave may also be taken for a period of a few weeks and up to two years. Unpaid leave of more than one year must be assessed by the employee's line managers in terms of planning difficulties and legal uncertainties. There is no entitlement to unpaid leave. Unpaid leave cannot be taken:

- at the end of an employment relationship,
- to bridge a gap between two periods of employment at UZH.<sup>1</sup>

Applications for unpaid leave must be submitted by means of an employment order (Verfügung) from the relevant HR representative to the Human Resources Department as early as possible and no later than one month before the commencement of the leave. Depending on the duration of the leave (see below), arrangements for insurance cover (accident insurance, OASI contributions and risk insurance for disability and death from the pension funds) must be finalized no later than one month before the start of the unpaid leave. If employees plan to engage in other gainful employment during their unpaid leave, a longer lead time is necessary (see below).

The precise start and end date of the period of unpaid leave must be provided. In the case of whole weeks, leave shall begin on a Monday and end on a Sunday. In the case of whole months, leave shall begin on the first day and end on the last day of the calendar month. The Human Resources Department will check the documents submitted and send the employees the required information for the OASI, the pension fund and the accident insurance.

#### Leave for the Purpose of Taking Up Other Gainful Employment

At UZH, the granting of unpaid leave for the purpose of temporarily taking up other gainful employment is possible if all of the following conditions are met<sup>2</sup>:

- Working for the other employer is also in the interest of UZH, namely in terms of internationalization, professional networking with other institutions and/or efficient administrative processing of personnel businesses. Conversely, as in the case of secondary employment of employees, there must be no conflict between the interests of UZH and those of the other employer. It is the responsibility of the relevant line managers to assess whether the criteria are met. Employees' duty of loyalty to UZH continues during unpaid leave. The UZH regulations regarding the obligation to report and obtain approval for secondary employment apply.

<sup>1</sup> Leave to temporarily take up other gainful employment: See below.

<sup>2</sup> Binding guideline according to the resolution of the Executive Board of the University of 6 July 2021.

- b. The temporary activity with the other employer has a close professional connection with the employees' activity at UZH.
- c. The activity with the other employer is conducive to personal development, in particular academic career development with a view to progression within and outside UZH.
- d. It is planned that after the external assignments, employees will resume their regular job at UZH for at least several months.

If necessary, an agreement between employees, UZH and the other employers regarding intellectual property will be drawn up prior to the decision to grant unpaid leave. The aim here is to regulate the possibility that employees make an invention, create a computer program or produce another copyrighted work during unpaid leave. Line managers are also responsible for regulating this situation. They may contact the Department of Legal Services and Data Protection for this purpose.

### **Effects on the BVK and VSAO Pension Funds**

The effects of unpaid leave on the employee's savings insurance and risk cover with the pension funds is based on the relevant provisions of the BVK pension fund (<https://bvk.ch/en/>) and the VSAO pension fund (<https://www.vorsorgestiftung-vsao.ch>).

The following benchmarks apply:

- Up to 14 calendar days: No effect.
- From 15 calendar days to one month: The obligation to pay contributions toward the retirement assets ceases from the first day of leave; risk insurance (disability and death) is maintained without any contributions having to be paid.
- From one month to two years: The obligation to pay contributions toward the retirement assets ceases from the first day of leave. Risk insurance (disability and death) is maintained for one month from the first day of unpaid leave and then also discontinued. However, employees can maintain the insurance cover for disability and death themselves, subject to advance payment of the risk premium. Maintaining insurance cover is not possible if the employee takes up gainful employment (in Switzerland or abroad) with a different employer. The application to continue risk insurance must reach the BVK pension fund no later than one month before the start of unpaid leave, or the VSAO pension fund before unpaid leave begins. Applications received after these dates cannot be processed by the pension funds anymore.
- An unpaid leave of more than two years is not possible; the employment must be terminated and consequently the employee withdraws from the pension fund.

### **Accident Insurance (Art. 3 para. 2 and 3 UVG in conjunction with Art. 8 UVV)**

Insurance cover for non-work-related accidents ends 31 days after the start of the unpaid leave. Employees must notify their health insurer of this promptly and before the start of their unpaid leave and extend the insurance for non-work-related accidents by taking out interim accident cover for a maximum of 180 days. Insurance cover must be purchased and the insurance premium paid before the period of additional coverage expires, i.e. no later than 31 days after the last working day. Interim insurance can be purchased online here: <https://www.axa.ch/de/privatkunden/angebote/wohnen-eigentum/abredeversicherung.html>

### **OASI contributions**

Extended unpaid leave can lead to gaps in contributions due to the loss of salary contributions to OASI, DI or IC. Employees can avoid this by paying the non-employed contributions for OASI/DI/IC and should contact the relevant cantonal OASI/DI information center to clarify their personal situation.

### **Reduction of Vacation Entitlement (§ 79 a para. 2 WVO)**

In the event of unpaid leave, the annual vacation entitlement will be reduced by a twelfth for each month of leave.

**Family Benefits**

In the event of unpaid leave, family benefits and/or differential payments will be continued for the current month and the following three months, provided that the annual salary still amounts to at least CHF 7,350.00 (as of 2023). This also applies to employees who extend their maternity leave with a period of unpaid leave.

**Notional Starting Date (§ 13 para. 3 PG and § 14 para. 2 VVO)**

The notional starting date will be adjusted in the event of unpaid leave of more than six months or multiple periods of unpaid leave whose total duration exceeds six months or 132 working days. Only the time in excess of this duration will be taken into account, however.