

TRANSLATION / ÜBERSETZUNG

Employees' Obligations in Case of Sickness/Incapacity for Work

To prevent, respectively eliminate unclarities in relation to employees' obligations in case of incapacity for work the USAFE Command works Council and USAFE Personnel have coordinated on the below explanation on your legal / tariff obligations and remind you that it is in your own interest to strictly observe these requirements.

1. Notification Obligation (Art. 29 No. 4a, CTA II)

The employee is obliged to notify the employer on the incapacity for work and its anticipated duration without delay. On principle, the obligation for reporting any prevented work attendance, to include the notification obligation in case of sickness, applies to the employee personally. Without delay means without culpable hesitation, i.e. the employee may not wait for an arbitrary amount of time but has to inform the employer as soon as possible in consideration of the specific situation. (E.g. having a cold vs. being unconscious in the hospital.)

Generally, in case of absence due to sickness it is reasonably possible for the employee to do the notification at the start of the regular work time. In case of dispute the employee has to prove that he acted immediately.

The notification obligation applies primarily towards the supervisor. If the direct supervisor can not be reached, the supervisor's deputy as made known to the employee is to be contacted. The particular contact information will be provided by the supervisor.

The notification may be done orally or in writing. Due to the requirement for immediateness it is generally an oral notification (via telephone).

If the employee is not able to personally notify the employer he may be obliged to involve third parties – in this case the employee bears the responsibility for the transmission.

2. Certification Obligation (Art. 29 No. 4b, CTA II)

If the employee's incapacity for work lasts **longer than three calendar days** he has to provide at the latest on the next following workday a medical certificate (certification obligation) that confirms the incapacity for work and its anticipated duration.

Example:

Onset of the Sickness/Incapacity for Work

Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

Submission (no later than)

Wednesday
Thursday
Friday
Monday
Monday
Monday
Tuesday

The medical certificate on the incapacity for work has to be sent to the supervisor or to the address provided to the employee.

If the employee's incapacity for work lasts longer than stated in the first medical certificate he has to notify his employer immediately on each extension (notification obligation, para.1 above) and submit a subsequent medical certificate (certification obligation, para.2 above).

Attention: The notification and certification requirements remain effective even if the employee has been "put off the rolls" and is in receipt of sickness benefits from the health insurance carrier.

3. Reduced Certification Obligation (Art.29 No. 4c, CTA II)

In justified cases the employer is authorized to demand the submission of the medical certificate sooner (e.g. already on the first day of sickness). A pertinent order shall be reviewed after a period of one year.

4. Sicknesses while Abroad

If the employee gets sick while abroad he has to notify his supervisor and additionally his health insurance carrier similarly **as soon as possible** on his incapacity for work, **its duration**, and his **whereabouts** (address). "As soon as possible" means on the first day of sickness and on principle via telephone, e-mail, or other message transmission. The medical certificate on the incapacity for work by a foreign physician must meet the same requirements as a domestic certificate, i.e. it has to contain the statement of incapacity for work and its duration.

5. Consequences of a Violation of the Notification/ Certification Obligation

Violations of the notification and/or certification obligation may negatively affect the entitlement for continued remuneration and/or result in a written reprimand and in case of recurrence even in termination of employment.