

Act of Academic Fixed-Term Contract (in German: Wissenschaftszeitvertragsgesetz)

Section 1: Fixed-term employment contracts

(1) Sections 2 and 3 apply to the conclusion of employment contracts for a limited period of time (fixed-term employment contracts) with scientific and artistic staff excluding higher education teachers at institutions of education that are state higher education institutions in accordance with state law. There is no deviation from these provisions by agreement. Particular subjects and research areas may, by dint of collective agreement, diverge from the intended periods in Section 2 paragraph 1 and define the number of permitted extensions of fixed-term employment contracts. Within the scope of such a collective agreement, parties to the contract that are not bound by collective agreement may agree to apply the regulations of the collective agreement. The employment law regulations and principles in respect of fixed-term employment contracts and their termination must be applied, so they do not contradict the regulations set in Sections 2 to 6.

(2) This does not affect the right of institutions of higher education to employ the staff designated in paragraph 1 sentence 1 also in permanent employment relationships or in limited one in accordance with the Act on Part-Time Work and Fixed-Term Employment Contracts (in German: Teilzeit- und Befristungsgesetz).

Section 2: Duration of the fixed-term contract; fixed-term contract due to external funding

(1) Fixed-term employment contracts for the staff designated in Section 1 paragraph 1 sentence 1 who have not been awarded a doctorate are permissible for a limitation period of six years. Following completion of a doctorate, fixed-term contracts up to a limitation period of six years are permissible, such period being extended to nine years in case of medicine; the permissible fixed-term duration can be extended in case that periods of fixed-term employment pursuant to sentence 1 and doctoral periods without employment pursuant to sentence 1 have together amounted to less than six years. If the aforementioned staff cares for one or more children under the age of 18, the total permissible duration pursuant to sentences 1 and 2 can be extended by two years for each child. Extensions of a fixed-term contract are also possible within the permissible fixed-term period.

(2) Fixed-term employment contracts for the staff designated in Section 1 paragraph 1 sentence 1 are also permissible in case the employment is mainly financed by external funds, the funding has been approved for a particular function and limited period and the employee is employed predominantly in accordance with the purpose of these funds. Under the conditions set out in sentence 1, fixed-term contracts for non-scientific and non-artistic staff are also permitted.

(3) All fixed-term employment relationships with more than a quarter of the regular working time which have been entered into with a German institution of higher education or a research facility pursuant to Section 5, as well as corresponding fixed-term civil servant relationships and private service contracts pursuant to Section 3, must be counted to the permissible fixed-term period regulated in paragraph 1. This also applies to fixed-term employment relationships that have been entered into in accordance with other regulations. Periods of a fixed-term employment as a research or scientific student shall not be counted to the permissible fixed-term period pursuant to paragraph 1.

(4) The employment contract must indicate that the fixed-term contract is based on the regulations of this Act. If this indication is missing, the fixed-term contract cannot be based on regulations of this law. In the case of employment contracts pursuant to paragraph 1, the duration of the fixed-term contract must be, or be able to be, determined on a calendar basis.

(5) With the consent of the employee, the duration of a fixed-term employment contract pursuant to paragraph 1 can be extended by

1. periods of leave or of reduction in regular working time by at least a fifth that have been granted for looking after or caring for one or more children under the age of 18 or other dependants requiring care,
2. periods of leave for a scientific or artistic activity, or scientific, artistic or professional training, continuing training or further training carried outside the higher education sector or in foreign countries,
3. periods of parental leave that was claimed pursuant to the Federal Parental Allowance and Parental Leave Act (in German: Bundeselterngeld- und Elternzeitgesetz) and periods of a prohibition of employment pursuant to Sections 3, 4, 6 and 8 of the Maternity Protection Act (in German: Mutterschutzgesetz) to the extent that no gainful employment has taken place,
4. periods of military service and alternative civilian service and
5. periods of a exemption at least one fifth of regular working time for the performance of functions as a personnel or disabled staff representative, the functions of a women's representative or equal opportunities officer or for exercising an office compatible with the employment relationship.

An extension pursuant to sentence 1 is not counted to the fixed-term period permissible in accordance with paragraph 1. In case of sentence 1 numbers 1, 2 and 5, the extension should not exceed two years at any one time.

TRANSLATION : NOT LEGALLY BINDING