

Extract from the Collective Agreement for Public Employees of the German Länder (TVL) and the special regulations for employees at higher education institutions

Section 1 TVL Scope

This collective agreement does not apply to

- Employees who receive a regular remuneration that exceeds the remuneration in pay group 15 or Ä 4; the allowance pursuant to section 16 subsection 5 remains unaffected.
- Trainees
- Interns
- Employees who carry out work in accordance with sections 260 ff. of the German Social Code (SGB) III
- Marginally employed persons within the meaning of section 8 subsection 1 no. 2 SGB IV
- University teachers,
- Research and artistic assistants,
- Student assistants,
- Adjunct lecturers at higher education institutions

Section 3 TVL in conjunction with no. 2 of the special regulations General working conditions

- (1) The performance owed under the employment contract must be carried out conscientiously and properly in accordance with the objectives of the institution, in particular the specific tasks in research, teaching and continuing education. Employees must **acknowledge the free democratic constitutional order within the meaning of the Basic Law of the Federal Republic of Germany (GG)** in their entire behaviour.
- (2) Employees must maintain **confidentiality** regarding matters that are required to be kept secret by law or that have been classified as confidential by the employer; this also applies beyond the termination of the employment relationship.
- (3) Employees must not accept any **rewards, gifts, commissions or other benefits** relating to their work from third parties. Exceptions are only possible with the consent of the employer. If employees are offered such benefits, they must notify the employer immediately.
- (4) Employees must notify their employer in writing of any **secondary employment** in advance and in good time. The employer may prohibit the secondary employment or impose conditions if it is likely to impair the fulfilment of the employee's contractual obligations or the employer's legitimate interests. Secondary employment in the public service may be subject to remuneration restrictions in accordance with the employer's effective provisions.
- (5) In justified cases, the employer is entitled to oblige employees to provide **medical certification** proving that they are able to perform the work owed under the employment contract. The doctor appointed may be a public medical officer, unless the parties have agreed on a different doctor. The employer bears the costs of this examination.
- (6) Employees have the **right to access their complete personnel files**. You may also exercise your right of access through a representative authorized to do so in writing. You may receive extracts or copies of your personnel files. Employees must be consulted about factual complaints and allegations that are unfavourable or could be detrimental to them before they are included in the personnel files. Your statement must be included in the personnel files.
- (7) The provisions applying to civil servants of the respective state apply accordingly to the employee's liability for damages.
- (8) When exercising the **right to give instructions**, the employer must observe the basic rights of **academic freedom** and artistic freedom as well as the basic right of **freedom of conscience** ...
- (9) Insofar as employees with fixed-term contracts referred to in section 53 subsection 2 of the Higher Education Framework Act (HRG) are assigned tasks that are also conducive to the **preparation of a doctorate** or the **provision of additional academic services**, they must be given sufficient opportunity to carry out their own academic work as part of their official duties.

Section 6 TVL Regular working hours

The average regular working hours per week, excluding breaks, amount to **39.5 hours**.

- (1) It is 38.5 hours for ... employees who are permanently doing rotating or shift work.
- (5) If necessary due to justified operational/official reasons, employees are obliged to work on Sundays, on public holidays, at night, in alternating or rotating shifts and – in case of part-time employment based on an employment contract or with their consent – to be available for stand-by and on-call duty, overtime and overtime exceeding the maximum working hours.

Section 15 TVL

Remuneration according to the remuneration table

- (1) Employees receive a monthly remuneration according to the remuneration table. The amount is determined by the pay group assigned to them and by the applicable pay step.

Section 23 TVL

Special payments

- (1) Employees whose employment relationship is expected to last at least 6 months are entitled to **capital-forming payments** in accordance with the Capital Formation Act (VermBG) as amended from time to time. For full-time employees, the capital-forming payments amount to 6.65 euros for each complete calendar month. The entitlement arises at the earliest for the calendar month in which the employee provides the employer with the required information in writing and for the two preceding months of the same calendar year; payment is not due until eight weeks after the employer received the respective notification ...
- (2) Employees receive an **anniversary bonus** on completion of a period of employment (section 34 subsection 3 TV-L)
 - a) of 25 years in the amount of 350 euros,
 - a) of 40 years in the amount of 500 euros.Part-time employees receive the anniversary bonus in full.

Section 24 TVL

Calculation and payment of remuneration

- (1) ... Payment is rendered on the last day of the month (payday) for the current calendar month into an account designated by the employee within a member state of the European Union. If the payday is a Saturday or a public holiday on a weekday, the preceding working day is the payday; if it is a Sunday, the second preceding working day is the payday ...
- (2) Unless otherwise expressly stipulated in the collective agreement, part-time employees receive the remuneration according to the remuneration table (section 15 TVL) and all other remuneration components to the extent corresponding to the proportion of their individually agreed average working hours to the regular working hours of comparable full-time employees.

Section 25 TVL

Occupational pension scheme

Employees are entitled to a supplementary pension scheme with a personal contribution. Details are set out in the collective agreement on the occupational pension scheme for employees in the public service – Collective Agreement on Pensions (ATV) – as amended from time to time.

Section 26 TVL

Vacation days

- (1) Employees are entitled to vacation days each calendar year with continued payment of remuneration (section 21 TVL). If the weekly working time is distributed across five days in a calendar week, the holiday entitlement amounts to 30 working days in each calendar year.
- (2) Otherwise, the Federal Holiday Act (BUrlG) applies with the following provisions:
 - a) If you transfer vacation days, they must be taken by 30 September of the following year ...

Section 37

Term of preclusion

- (1) Claims arising from the employment relationship expire if they are not asserted in writing by the employee or the employer within a term of preclusion of six months after the due date. For the same circumstances, a one-off assertion of the claim is also sufficient for benefits due at a later date.

You can download the full text of the TVL and the special regulations for employees at higher education institutions here: www.tdl-online.de