

Information on part-time employment

TU Dortmund University pursues the concept of life-phase oriented working hours for all employees (including those in management positions). This concept includes the possibility of reducing and increasing working hours on request for a limited period of time. You can apply for part-time employment for family reasons in accordance with Section 11 (1) of the Collective Agreement for the Public Service of the Federal States (*Tarifvertrag für den öffentlichen Dienst der Länder*, TV-L) if your employment contract is based on the TV-L. Furthermore, you have the option of applying for part-time employment without preconditions in accordance with Section 8 or Section 9a of the Part-Time and Fixed-Term Employment Act (*Teilzeit - und Befristungsgesetz*, TzBfG). For this, it is irrelevant on which legal basis your employment contract is based. In accordance with Section 23 of the TzBfG, this does not apply to civil servants, who are subject to civil service law, and to trainees.

Part-time employment for family reasons in accordance with Section 11 of the TV-L has stricter eligibility requirements - urgent official or operational concerns must not conflict with the application - than the provisions of the Part-Time and Fixed-Term Employment Act. The latter requires that the application is not precluded by operational reasons. Both laws allow for different periods of fixed-term employment. The requirements for a return to the original working hours are also regulated differently.

Here you can find information on the individual legal regulations, which requirements have to be met for an application and which reductions are possible under the law. In your application, you should name the legal provision on which you base your application.

If you have any questions, please do not hesitate to contact the corresponding staff members in the Corporate Center Human Resources - Section Salaried and Other Employees and Section Professorships, Civil Servants, Ancillary Areas. They can also provide you with information on remuneration and salary issues related to part-time employment.

1. Part-time employment without preconditions

Section 8 and Section 9a of the Part-Time and Fixed-Term Employment Act (*Teilzeit- und Befristungsgesetz*, TzBfG) allow all employees, including those already working part-time, to apply for part-time employment without any preconditions. The prerequisite for the application is that your employment relationship has already existed for longer than six months. However, by agreement and in consultation with their immediate superiors, newly hired staff members also have the option of reducing their working hours.

Please send the request for a reduction in working hours in writing to the Corporate Center Human Resources, Section Salaried and Other Employees through official channels, i.e. via your superior. The request should include information on the extent of the reduction, the duration of the reduction, and the desired distribution of working hours among the days of the week. The application form for non-scientific employees and for scientific employees can be found in the ServicePortal.

If there are no operational reasons to the contrary, your employer is obliged to come to an agreement with you. The decision on this agreement must be communicated to you in writing no later than one month before the reduction begins. If no agreement has been reached and you have not received a notification from your employer in time, the working hours will automatically be reduced in accordance with your wishes.

Your employer has the right to change the agreed distribution of working hours again if the operational interest significantly outweighs your interest in maintaining the distribution of working hours. You must be notified of the change one month in advance.

If the legal basis of your employment contract is the TV-L, which in Section 11 (2) TV-L allows you to apply for part-time employment in cases other than those specified in Section 11 (1) TV-L, the more extensive statutory provisions of the Part-Time and Fixed-Term Employment Act (TzBfG) shall nevertheless be decisive and applicable here.

1.1 Fixed-term part-time employment

According to Section 9a TzBfG, you can apply for fixed-term part-time employment without any preconditions. To do so, your employment relationship must have already existed for more than six months. However, by agreement and in consultation with their immediate supervisors, newly hired employees also have the option of reducing their working hours. You may reduce your contractually agreed working hours for a minimum of one year and a maximum of five years. It is possible to deviate from the above-mentioned reduction period in favor of the employee. During the period of reduction of working hours, you cannot request any further reduction or extension of working hours. If a request has been rejected by your employer or a return to the original working hours has been made, you may submit a new request for a reduction in working hours at the earliest after one year has elapsed. After the expiry of the fixed term, the employment relationship is automatically continued with the originally specified working hours.

1.2 Permanent part-time employment

According to Section 8 TzBfG, you can apply for an unconditional unlimited reduction of working hours. Here, too, the prerequisite is that your employment relationship has existed for longer than six months and the application is submitted three months before the start of the planned reduction. However, after consultation and agreement with immediate superiors, newly hired employees also have the option of reducing their work. At the earliest two years after your employer has agreed to a reduction in working hours, you have the opportunity to request a reduction in working hours again. This means that from this point onwards, your employer has to consider a corresponding request. However, an earlier request is possible with the agreement of all involved parties.

If you wish to return to your original contractually agreed working hours and have informed your employer of this, the employer must, in accordance with Section 9 TzBfG, give you preferential consideration when filling a corresponding vacant position if you are equally qualified, unless there are urgent operational reasons or working time requests from other part-time employees that are in conflict with this.

2. Part-time employment for family reasons

2.1 TV-L

Pursuant to Section 11 (1) of the Collective Agreement for the Public Service of the Federal States (TV-L), employees who actually care for at least one child under the age of 18 or another relative in need of care according to a medical certificate, may request a reduction in their contractually agreed working hours. This option is also available to employees who are already working part-time.

Valid as other relatives are: Fiancés, spouses, registered civil partners, relatives and in-laws in the direct line*, siblings, children of siblings, spouses of siblings and siblings of spouses, registered civil partners of siblings and siblings of registered civil partners (footnote ¹), siblings of parents, foster parents and foster children (even if the domestic community no longer exists, provided that the persons continue to be related like parents and children).

Part-time employment in accordance with Section 11 TV-L can initially be applied for up to five years. If there are no urgent official or operational concerns to the contrary, your employer is obliged to agree to such an application and will conclude an agreement with you on the requested part-time employment. You may apply for an extension of the part-time employment no later than six months before the agreed part-time employment expires. The employer decides on the request for extension, up to the child's 18th birthday at the latest or up to 18 years for the care of dependents, at his discretion, i.e. there is no legal entitlement to the extension of part-time employment. Without any further request for extension, the employment relationship is automatically continued with the originally specified working hours.

Please send your application for a reduction in working hours through official channels, i.e. your superior, to the Corporate Center Human Resources, Section Salaried and Other Employees. The application form for non-scientific employees and for scientific employees can be found in the ServicePortal.

If you were previously employed full-time and an unlimited part-time contract was agreed with you, your employer is obliged under Section 11 (3) of the TV-L to give you preferential treatment when filling a full-time position at a later date if you are equally qualified and within the scope of the service or operational possibilities.

Section 11 (2) TV-L mentions the possibility of applying for part-time employment in cases other than those specified in Section 11 (1) TV-L. For these cases, the more extensive statutory provisions of the Part-Time and Fixed-Term Employment Act shall also be authoritative and applicable (see under point 1).

Part-time employment under Section 11 TV-L can be combined with periods of leave under the Care Time Act and Family Care Time Act. Ideally, an application in accordance with Section 11 TV-L should be submitted promptly following a period of leave in accordance with the Care

¹ (Even if the marriage or civil partnership on which the relationship is based no longer exists).

Time Act (*Pflegezeitgesetz*, PflegeZG) and Family Care Time Act (*Familienpflegezeitgesetz*, FPfZG).

2.2 Care Time Act

In contrast to part-time employment for family reasons in accordance with Section 11 of the TV-L, the general statutory regulations of the Care Time Act (PflegeZG), the Family Care Time Act (FPfZG) and the Federal Parental Allowance and Parental Leave Act (*Bundeselterngeld- und Elternzeitgesetz*, BEEG) allow all employees to reduce their working hours for a maximum of three years. Information on this can be found in the Guideline Leave of Absence for Caregiving Tasks on the website of the Family Portal.

Under the Care Time Act, employees have the option of taking up to six months off to care for a close relative in a home environment. The employer must be notified in writing of the care leave ten working days before it is taken. The notice must also specify the period and scope of the care leave. In the case of partial leave, the desired distribution of working time must also be specified. The employer must comply with the wishes if there are no urgent operational reasons in conflict with it.

2.3 Family Care Time Act

Apart from the leave under the Care Time Act, leave under the Family Care Time Act is also possible. Employees can take time off to care for a relative in a home environment for a period of up to 24 months with a minimum average working time of 15 hours per week. This leave of absence under the Family Care Time Act and the leave of absence under the Care Time Act can be combined, but the total duration must not exceed 24 months and the periods must be seamlessly in sequence.

2.4 Parental leave

The Federal Parental Allowance and Parental Leave Act (*Bundeselterngeld- und Elternzeitgesetz*, BEEG) gives both parents or beneficiaries under Section 1 or Section 15 BEEG the opportunity to apply for parental leave to care for and raise a child until the child reaches the age of 3. Periods of maternity leave count towards the mother's parental leave entitlement. A part of the leave of up to 24 months may be taken between the child's 3rd birthday and the child's 8th birthday. During parental leave, employment is permitted for up to 32 hours per week on a monthly average. Gainful employment with another employer or self-employment requires the consent of the employer, who may reject it in writing within 4 weeks for urgent operational reasons.

Parental leave can also be applied for to care for adopted children, foster children or grandchildren. The regulations on this can be found in the BEEG.

3. Part-time employment of civil servants

Civil servants can apply for part-time employment without preconditions, which is regulated in Section 63 of the State Civil Servants Act (*Landesbeamtengesetz*, LBG NRW). Furthermore, according to Section 64 of the State Civil Servants Act (LBG NRW), it is possible to apply for

part-time employment and leave for family reasons. Another special form is part-time employment in the block model, which is regulated by Section 65 of the State Civil Service Act (LBG NRW). In addition, there is the possibility of leave in accordance with the general statutory regulations of the Care Time Act, the Family Care Time Act and the Federal Parental Allowance and Parental Leave Act.

3.1 Part-time employment without preconditions

Civil servants may apply for part-time employment down to half of the regular working hours without any preconditions, provided that there are no compelling official interests in conflict with it.

Your employer may subsequently limit the duration of the part-time employment or increase the scope of the working time to be performed, insofar as compelling official interests require this. You must apply for the extension of part-time employment at least six months before the expiry of the approved leave of absence. Your employer must permit the transition to full-time employment or a change in the scope of part-time employment upon request if you can no longer reasonably be expected to continue the approved part-time employment and official interests do not conflict with this.

3.2 Part-time employment and leave for family reasons

Civil servants may apply for part-time employment for family reasons down to half the regular working hours or leave without pay if they have to care for or look after at least one child under the age of 18 or a close relative in need of care and there are no compelling official interests to the contrary. A leave due to family reasons may not exceed 15 years. This also applies to part-time employment during a family-related leave, which may then comprise less than half of the regular working hours. Periods of part-time employment at less than half-time during a parental leave or a leave of absence in accordance with the Care Time Act or Family Care Time Act shall not be counted for this purpose.

The child in care does not have to be a biological child. What is important is the actual personal relationship between the civil servant and the child. In addition to legitimate and illegitimate children, this may also include stepchildren, adopted children or foster children, for example.

Valid as close relatives are: Grandparents, parents, parents-in-law, step-parents, spouses, life partners; partners in a marriage-like community or a life partnership-like community, siblings, spouses of siblings, siblings of spouses, life partners of siblings, siblings of life partners, children, adopted or foster children (also of spouses or life partners), children-in-law and grandchildren.

You must apply for an extension of part-time employment no later than six months before the approved leave of absence expires. Your employer must permit the transition to full-time employment or a change in the scope of part-time employment upon request if you can no longer reasonably be expected to continue the approved part-time employment and if official interests are not in conflict with this. The condition "no longer reasonable" applies, for example, if the

leave of absence or part-time employment is no longer reasonable due to changed personal financial circumstances.

3.3 Part-time employment in block model

A special form of part-time employment is part-time employment in the block model according to Section 65 State Civil Service Act (*Landesbeamtengesetz*, LBG NRW), i.e. the so-called *sabbatical* year. If there are no conflicting official interests, part-time employment may be increased to the regular working hours for part of an approval period and then compensated for by a reduction in working hours or uninterrupted release from service. The total authorization period may not exceed seven years. In the context of part-time employment for family reasons, this model may be used for a reduction in working hours at the beginning of the approval period. The approval period is interrupted for the duration of a parental leave or a family care or other care leave.

3.4 Care time

Leave in accordance with the general statutory provisions of the Care Time Act (*PflegeZG*), the Family Care Time Act (*FPfZG*) and the Federal Parental Allowance and Parental Leave Act (*Bundeselterngeld- und Elternzeitgesetz*, *BEEG*) is possible in accordance with the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW*, *FrUrlV NRW*): Pursuant to Section 16, civil servants may a) be absent from duty for up to 10 working days for a short-term work prevention, b) apply for a care period of six months to care for minor relatives in need of care, or c) apply for a care period of three months to accompany the last phase of life. An application for part-time employment shall be granted if there are no compelling official interests in conflict with it. Please send the request for care time leave 10 days before the planned start of the care time through official channels, i.e. via your superior, to the Corporate Center Human Resources, Section Professorships, Civil Servants, Ancillary Areas. For more information on care time leave, please refer to the Guideline Leave of Absence for Caregiving Tasks on the pages of the Family Portal.

3.5 Family care time

Civil servants are entitled to family care leave in accordance with Section 16a of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW*, *FrUrlV NRW*) if they care for close relatives in need of care in a domestic environment or look after close relatives who are minors in need of care in a domestic or non-domestic environment. For each close relative in need of care, part-time employment may be permitted for a continuous care phase of a maximum of 24 months. The weekly working time must be at least 15 hours. The leave of absence must be applied for in writing at least eight weeks before the start.

If care time and family care time are combined, they must be consecutive and may also not exceed 24 months.

3.6 Parental leave

Civil servants are entitled to parental leave in accordance with Section 9 of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW*, FrUrlV NRW), applying Section 15 (1-3) and Section 16 of the BEEG.

The Federal Parental Allowance and Parental Leave Act (*Bundeselterngeld- und Elternzeitgesetz*, BEEG) gives both parents or beneficiaries the opportunity to apply for parental leave to care for and raise a child until the child reaches the age of 3. Periods of maternity leave count towards the mother's parental leave entitlement. A part of the leave of up to 24 months may be taken between the child's 3rd birthday and the child's 8th birthday.

Parental leave can also be applied for to care for adopted children, foster children or grandchildren. The regulations on this can be found in the BEEG.

Pursuant to Section 10 of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW*, FrUrlV NRW), civil servants may apply to their employer for part-time employment of up to 32 hours per week if there are no compelling official interests in conflict with it. With the approval of the accordingly responsible employing agency, part-time employment may also be exercised outside the civil service relationship to the extent stated.

4. Vacation entitlement in the event of a reduction in working hours

If you wish to reduce your working hours and deviate from the 5-day working week, this will affect the calculation of your annual vacation entitlement. This is regulated for employees covered by collective agreements in Section 26 of the Collective Agreement for the Public Service of the Federal States (TV-L) and for civil servants in Section 23 of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (FrUrlV NRW).

If the weekly working time is distributed over five days a week, the vacation entitlement in each calendar year is 30 working days, i.e. 6 weeks. If the weekly working time is distributed differently, the method of calculating the vacation entitlement changes, as no application is necessary for the additionally gained free days. If a decision is made to work a 4-day week, for example, the vacation entitlement is then only calculated for the 4 working days per week, but not for the 5th day off. Thus, the total vacation entitlement of 6 weeks per year is still maintained.

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