

Need for nursing care, what to do?

On the one hand, the overview on this information sheet provides you with general information on the subject of care. On the other hand, it provides information on which options you have for taking time off from work to care for relatives.

You can also find information on care benefits and the services of the TU Dortmund University Care Helpline on the webpage Care of the TU Dortmund University Family Portal or on the website of your health insurance provider.

I. Fundamentals about nursing care

If you wish to claim long-term/nursing care benefits, you need to have paid contributions to the long-term care insurance for at least two years within the last ten years or be insured as a family member.

A) Have the need for care assessed

If you yourself or someone for whom you are responsible needs support in everyday life, you can have it assessed whether there is a need for care within the meaning of Section 18 of the Social Security Code (*Sozialgesetzbuch*, SGB). To do this, you first submit an application for an assessment of the need for care to the nursing care insurance fund (*Pflegekasse*) affiliated with the relevant statutory or private health insurance provider (*gesetzliche oder private Krankenkasse*). You can submit the application in writing and by telephone. If you do not feel able to do so yourself, you can also authorize someone to submit the application. The nursing care insurance fund then commissions the medical service of the health insurance provider (*medizinischer Dienst der Krankenversicherung*, MDK) or other independent assessors with the examination. They determine with an assessment whether there is a need for care and which care level (*Pflegegrad*) results from this.

After receiving the application, the private health insurance providers commission the medical service of the private health insurances MEDICPROOF GmbH with an expert assessment. This assessment is then forwarded to the person who submitted the application.

The legal basis is Section 18 Social Security Code (*Sozialgesetzbuch*, SGB) - Eleventh Book (XI).

Please address the **application** to the nursing care insurance fund (*Pflegekasse*) of your health insurance provider.

You can also obtain **counselling** from your nursing care insurance fund.

B) Care counselling

On the basis of the medical assessment, your nursing care insurance fund will advise you on the general range of services and on the support and care services available in your specific situation. Persons in need of care and those providing care are entitled (with the consent of the person in need of care) to comprehensive care counselling free of charge. The nursing care insurance fund is legally obligated to inform you of this entitlement immediately after you apply for benefits and will also name nursing care support points and outpatient care services that can also provide this counselling. Privately insured persons are usually advised by the company *COMPASS Private Pflegeversicherung*. You can find information on the page of your private health insurance provider.

The **legal basis** are Sections 7 and 7a Social Security Code (*Sozialgesetzbuch*, SGB) - Eleventh Book (XI).

C) Information on care levels and benefits

Persons in need of care in care levels 1 to 5 in home care are entitled to a monthly relief amount of € 125.00, which is paid in addition to the other care allowance benefits. In addition to this, it is possible to apply for benefits for measures to improve the living environment, a residential group supplement or start-up financing for the barrier-free design of used living space. From care level 2 to 5, an additional care allowance is paid to caregivers and care benefits in kind for home care. In addition, persons in care groups of the levels 2 to 5 can apply for short-term care in a fully inpatient facility or day or night care, i.e. temporary care during the day in a care facility.

Caregivers who have already been caring for a person with at least care level 2 for six months can take advantage of a six-week replacement in their own case of illness or for their own leave of absence (preventative care). Furthermore, there are offers for preventive care and rehabilitation for caregivers, also with accompanying support for the person in need of care.

The **legal basis** is Section 28 ff. Social Security Code (*Sozialgesetzbuch*, SGB) - Eleventh Book (XI).

Application and financing: Whether the health insurance provider or the nursing care insurance fund pays for the benefits depends on whether or not the need for care is permanent or expected to last at least six months. The cost coverage also varies for the individual benefits. The nursing care insurance funds are affiliated with the health insurance providers. Applications for benefits should therefore be addressed to the health insurance provider.

Counselling: For professional care at home, caregivers can take advantage of courses and care training. If desired, these training courses can also take place in

the home environment of the person in need of care. Contact persons and information for caregiving relatives are also provided by the [Senior Citizens' Offices of the City of Dortmund](#) or the [Dementia Service Center Dortmund Region](#).

II. Possibilities of leave of absence at work

If you are caring for relatives in addition to your job, you have various options for taking time off from work. These differ according to the amount of time and the type of financial support.

The responsible personnel administrators of the Corporate Center Human Resources, in this case of the Sections Professorships, Civil Servants, Ancillary Areas and Salaried and Other Employees, will advise you on the following options for taking time off work.

Please note when submitting your application: Applications for leave of absence and teleworking must be sent to the personnel administrators in the Corporate Center Human Resources via official channels, i.e. via your superior. The postal address is: August-Schmidt-Str. 1, 44227 Dortmund.

A) Paid leave of absence for the short-term care of ill relatives

Employees are entitled to a short-term leave of absence from work paid by the employer in case of a serious illness

- of relatives, provided they live in the same household: one working day per calendar year.
- of your children who have not yet reached the age of 12, if there is or was no entitlement under Section 45 SGB V in the current calendar year: up to four working days per calendar year.
- of your child's caregiver if the child has not yet completed the age of 8 or is permanently in need of care and you therefore have to temporarily care for your child yourself: up to four working days per calendar year.

Legal basis: For salaried employees covered by collective bargaining agreements, the entitlement arises from Section 29 (1) lit e) ff. TV-L NRW, for civil servants from Section 33 (1) of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW, FrUrlV*).

You can **apply** for leave of absence using the form Leave of absence for nursing and care that is available in the ServicePortal. The information in letter a) on the form must be completed. Please attach a medical certificate to the application which substantiates the necessity of the leave of absence.

B) Leave of absence of up to ten days for care to be organized at short notice.

If family members (child, spouse, parents living in the household or stepparents) are ill and you need to organize care at short notice, you have the option of taking up to ten days off work. A legal distinction is made as to whether you need the leave of absence to care 1. for your own child under the age of 12 or 2. for close relatives.

1. Leave of absence to care for a child under the age of 12 years

Employees with statutory health insurance can take time off from work to care for their child who has not yet reached the age of 12 for ten days, or up to a maximum of 25 days per calendar year if there are several children. If you are a single parent, you are entitled to 20 working days for one child and a maximum of 50 working days per calendar year if you have several children.

Legal basis and financing:

The entitlement to leave of absence in the event of illness and to care for the child arises for employees with statutory health insurance from Section 45 (1) SGB V. The health insurance provider will grant you sick pay for the period of leave.

Before you submit the **application** for this leave of absence, you must first clarify with your health insurance provider whether you are entitled to sick pay. To apply for leave of absence, please use the form Leave of absence for nursing and care stored in the ServicePortal. You must fill in the information for letter b) on the form. Please attach the sick pay confirmation from the health insurance provider and a medical certificate substantiating the necessity of the leave of absence.

2. Leave of absence to care for close relatives

Statutorily insured persons may be absent from work for up to ten working days in order to organize care as needed for close relatives in need of care in an acute care situation or to ensure nursing care during this time. This entitlement is independent of the employer's consent and can only be claimed once per care case.

Section 7 of the Care Time Act (*Pflegezeitgesetz*, *PflegeZG*) regulates which persons are considered employees and close relatives. 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.

Legal basis and financing: Entitlement to leave of absence in the event of illness and to care for close relatives is based on Section 45 (1) SGB V and Section 2 Care Time Act (*Pflegezeitgesetz*, *PflegeZG*). No salary is paid for this period of leave, but

the nursing care insurance fund pays a nursing care support allowance for up to ten days. The application for a nursing care support allowance should be addressed to the nursing care insurance fund of the person in need of care. You can also obtain the application forms there.

If you are a **civil servant**, you have the option of taking a total of nine working days off to care for your children under the age of 12 and close relatives, with continued payment of your salary. This entitlement is set out in Section 16 (1 and 3) of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW, FrUrlV*) in conjunction with Section 2 of the Care Time Act (*Pflegezeitgesetz, PflegeZG*). For a paid leave of absence exceeding this, you can also use previously saved holiday entitlement for the care (as laid out in Section 20a of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW, FrUrlV*)).

In the **application**, you have to specify the period of time of the leave of absence and attach a medical certificate substantiating the necessity of the time off.

C) Leave of absence for up to six months under the Care Time Act

To care for ill close relatives (care level 1-5) in a home environment or to care for minor close relatives in need of care outside the home, you can apply to your employer for a socially insured but unpaid full or partial leave of absence from work for a period of up to 6 months.

Which persons are considered close relatives is regulated in Section 7 of the Care Time Act (*Pflegezeitgesetz, PflegeZG*): 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.

The **legal basis** for this entitlement arises from Section 3 of the Care Time Act (*Pflegezeitgesetz, PflegeZG*) for statutorily insured persons and additionally from Section 16 of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW, FrUrlV*) and Section 67 of the North Rhine-Westphalia State Civil Service Act (*Landesbeamtengesetz, LBG*) for civil servants.

Financing: To cushion any loss of income, you are entitled to financial support in accordance with Section 3 (7) of the Care Time Act (*Pflegezeitgesetz, PflegeZG*). You can apply for an interest-free loan from the Federal Office for Family and Civil Society Tasks (*Bundesamt für Familie und zivilgesellschaftliche Aufgaben, BAFzA*), Referat 504, 50964 Cologne. The loan is paid out and repaid in monthly installments.

You can submit an informal **application** for nursing care leave of absence. It must be submitted to the Corporate Center Human Resources no later than 10 days before the start of the leave of absence. You have to enclose a certificate from the nursing care insurance fund or the medical service of the health insurance provider on the existing care level of the person to be cared for. In addition, you must provide information on the duration of the leave of absence for the nursing care and, in the case of partial leave, on the desired distribution of working hours. If there are no urgent work-related reasons against the request, the employer must comply with your request for leave of absence and reaches a written agreement with you on the requested leave of absence for care.

You can only terminate the care period prematurely with the consent of your employer, TU Dortmund University: For example, if the person to be cared for dies, is admitted to an inpatient care facility, or care becomes impossible or unreasonable for you for other reasons. The care period then ends four weeks after the changed circumstances have occurred.

D) Leave under the Family Care Time Act (*Familienpflegezeitgesetz, FPfZG*)

Employees may take partial leave of absence for a period of up to 24 months and a minimum average working time of 15 hours per week to care for close relatives (care level 1-5) in a home environment or close relatives who are minors in need of care in a home or non-home environment. This leave of absence under the Family Care Time Act (*Familienpflegezeitgesetz, FPfZG*) can be combined with leave under the Care Time Act. A total period of 24 months per relative in need of care may not be exceeded, and the family care time must immediately follow the care time.

If the person to be cared for is no longer in need of care or if home care has become impossible or unreasonable for you, you can end the family care time early with the consent of your employer, TU Dortmund University. This will then end four weeks after the changed circumstances have occurred.

Which persons are regarded as close relatives is regulated in Section 2 (3) Family Care Time Act (*Familienpflegezeitgesetz, FPfZG*): 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.

The **legal basis** of this entitlement arises from Section 2 of the Family Care Time Act (*Familienpflegezeitgesetz, FPfZG*) for statutorily insured persons and for civil servants additionally from Section 16a of the North Rhine-Westphalia Leave of Absence and Vacation Ordinance (*Freistellungs- und Urlaubsverordnung NRW, FrUrlV*) and Section 67 of the North Rhine-Westphalia State Civil Service Act (*Landesbeamtengesetz, LBG*).

Financing: To cushion a loss of income, you can apply for an interest-free loan from the Federal Office for Family and Civil Society Tasks (*Bundesamt für Familie und zivilgesellschaftliche Aufgaben*, BAFzA), Referat 504, 50964 Köln. The entitlement exists for a minimum working time of 15 hours per week. This does not apply to reduced employment due to short-time work (*Kurzarbeit*) or a ban on employment (*Beschäftigungsverbot*). The loan is paid out in monthly installments and must be repaid in monthly installments within 48 months of the start of the leave of absence.

Application: You must apply for family care time no later than eight weeks before the desired start of the leave of absence. The application can be made informally and must contain information on the period, scope and distribution of the desired working time. The application must also be accompanied by a certificate from the nursing care insurance fund or the medical service of the health insurance provider confirming the existing level of the nursing care. The application must state that you wish to claim leave of absence as family care time. Without this information, the application will be treated as an application for care time leave. If there are no urgent work-related reasons in conflict with it, the employer must comply with your request for leave of absence and will reach a written agreement with you on the requested family care time.

E) Reduction of work through part-time work

In order to care for your child under the age of 18 or other relatives in need of care according to a medical certificate, you can apply for a reduction in your working hours for family reasons, initially for up to five years. If there are no compelling work-related or operational reasons for not doing so, the employer must comply with your request for part-time work. The advantage of this is that full-time employment is automatically reinstated once the part-time employment expires. A request for extension until the child's 18th birthday at the latest can be made, but there is no legal entitlement to this extension.

Civil servants may apply for a reduction in working hours for family reasons in order to care for a child under the age of 18 or a close relative (Section 7 of the Care Time Act), provided that this does not conflict with work-related reasons.

For more information, please check the [Information sheet on part-time employment](#), that is available in the ServicePortal.

The **legal basis** for this entitlement arises for employees from Section 11 (1) TV-L and for civil servants from Section 64 NRW State Civil Service Act (*Landesbeamtengesetz*, LBG).

Please make the **application** informally and attach a medical certificate substantiating the need for care.

F) Unpaid leave and special leave

Employees may be granted special leave with waiver of continued pay if there is good cause. The application form can be found in the [ServicePortal](#).

Civil servants may apply for unpaid family leave of up to 15 years to care for a child under the age of 18 or a close relative (Section 7 Care Time Act), provided that this does not conflict with work-related interests.

The **legal basis** for this entitlement arises for employees from Section 28 of the TV-L and for civil servants from Section 64 NRW State Civil Service Act (*Landesbeamtengesetz*, LBG).

Please make the **application** informally and attach a medical certificate substantiating the need for care.

G) Alternating home teleworking, mobile working and home office (internationally called: *working from home*, wfh)

1. Alternating home teleworking

In order to improve the compatibility of family and career, you have the option of applying for alternating teleworking. In 2011, the TU Dortmund University has concluded a framework agreement for all non-scientific employees of TU Dortmund University.

The employing agency shall decide on your **application** for alternating home teleworking, taking into account the work-related requirements. However, there is no entitlement to a teleworking workplace.

2. Mobile working and home office (internationally: *working from home*, wfh)

For a more flexible organization of working hours and in addition to the aforementioned framework agreement, the Service Agreement Mobile Working for Employees in Technology and Administration of TU Dortmund University was adopted for non-scientific employees of TU Dortmund University in November 2021.

Also in November 2021, the Service Agreement Mobile Working at TU Dortmund University for Scientific Employees was adopted.

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