



## Information on secondary employment of tariff employees

Please note that this information sheet is merely an overview of the most important points regarding secondary employment law. If you have any questions, please contact [department 4.2](#) (academic pay-scale employees) or [department 4.3](#) (non-academic pay-scale employees).

Notifications must be submitted **in good time**, i.e. at least **4 weeks** before taking up the secondary employment through official channels.

Please note that employees **in most cases do not** receive any feedback on the notification of secondary employment.

### Definition

A secondary activity is any activity within or outside the public service that is not part of the main office. Secondary employment may not be pursued without prior notification or approval.

### Legislation

- § 3 para 4 TV-L i.V.m. § 40 Nr. 2 TV-L

### 1. General / Procedure:

- The following applies to **academic employees**: The employer must be notified in writing in good time before taking up any secondary employment (even without remuneration, e.g. voluntary work)

The following applies to **non-academic employees**: The employer must be notified in writing **in good time** before taking up **secondary employment for remuneration**.

- **Each individual secondary employment** must be reported. The duration of secondary employment may not exceed the end of the contract in the case of fixed-term employees. Subsequent changes must be reported immediately.
- Secondary employment may only be carried out **outside of working hours**. In particularly justified cases, an exception to this is possible in consultation with the supervisor. The prerequisite is that there are no official reasons to the contrary and that the missed working time is/was demonstrably made up for.
- The provisions of the Working Hours Act must be observed. The time spent on one or more part-time jobs may not exceed **one fifth of the regular weekly working hours** for full-time employees (on average 8 hours/week for full-time employees). Other regulations apply during parental leave.
- Additional activities are possible in the case of part-time employment. As with full-time employees, working hours may not exceed a total of 48 hours per week.
- Secondary employment carried out during **vacation or leave of absence** is also subject to the obligation to notify and may only be carried out to a limited extent.



- Employees are generally responsible for the tax declaration of income from secondary employment.

## 2. Reasons for refusal

The employer may prohibit or impose conditions on the secondary employment if it is suitable,

- the fulfillment of the employee's contractual obligations or
- prejudice the legitimate interests of the employer.

## 3. Special features of secondary employment in the public sector

For secondary employment in the public sector, an obligation to pay remuneration may be imposed in accordance with the provisions applicable to the employer (Section 3 para 4 sentence 3 TV-L). The provisions applicable to the employer within the meaning of the TV-L are the provisions of civil service law on secondary employment.

### **Obligation to make payments for secondary employment in the public sector**

If the remuneration for one or more secondary activities in the public sector exceeds the maximum limit specified in [Section 13 para 1 sentence 1 of the Secondary Employment Ordinance \(NtV\)](#) in a **calendar year**, the employee must pay this to his/her employer in the main office, unless an exception applies.

## 4. Use of the employer's facilities, personnel and equipment

The provisions of civil service law apply mutatis mutandis to the use of Paderborn University facilities, personnel and equipment.

The use of Paderborn University facilities, personnel or material requires the prior approval of Paderborn University.

- Facilities are the material resources, in particular the offices and their equipment, including apparatus and instruments, with the exception of libraries.
- Materials are all consumable items and energy.
- Employer's staff; in accordance with Section 16 para 3 NtV, **professors may only make use of the employer's staff within their working hours** and only within the scope of their normal official duties. Overtime, on-call duty or on-call duty may not be ordered, approved or remunerated for participation in secondary employment. Agreements on private collaboration outside of working hours remain unaffected. In this case, both the professor and the employee must submit a notification/application for approval of secondary employment.

### 4.1 Utilisation fee for the use of facilities, personnel and materials

If Paderborn University facilities, personnel and materials are utilised, a usage fee must be paid. The usage fee is calculated as a lump sum based on the (gross) remuneration received for the secondary employment and usually amounts to

- 10 % for the utilisation of personnel and



- each 5 % for the utilisation of facilities and materials.

Please use the form '[Statement of usage fee for ancillary activities](#)' to settle the usage fee.

**These instructions and all forms and forms can be found on the administration's website under '[Forms](#)' - Secondary employment and on the pages of [Department 4.2](#) and [Department 4.3](#).**