

Academic Fixed-Term Contract Act

(*Wissenschaftszeitvertragsgesetz, WissZeitVG*)

(including First Act Amending the WissZeitVG of 11 March 2016)

Section 1 Fixed-term employment contracts

(1)¹ Sections 2, 3 and 6 shall apply to the conclusion of employment contracts for a fixed period (fixed-term employment contracts) with scientific and artistic staff, with the exception of university teachers, at educational institutions which are state universities under Land law. ²These provisions may not be deviated from by agreement. ³A collective agreement may deviate from the periods provided for in Section 2(1) for certain disciplines and research areas and specify the number of permissible extensions of fixed-term employment contracts. ⁴Within the scope of such a collective agreement, parties not bound by the collective agreement may agree to apply the provisions of the collective agreement. ⁵The provisions and principles of labor law relating to fixed-term employment contracts and their termination shall apply insofar as they do not conflict with the provisions of Sections 2 to 6.

(2)¹This shall be without prejudice to the right of the universities to employ the personnel referred to in subsection 1, sentence 1, also on permanent contracts or on contracts of limited duration in accordance with the Part-Time and Fixed-Term Employment Act (*Teilzeit - und Befristungsgesetz, TzBfG*).

Section 2 Duration of fixed term; fixed-term due to third-party funding

(1)¹The fixed-term employment contracts of the staff referred to in Section 1 (1) sentence 1 who do not have a doctoral qualification, shall be permissible for a period of up to six years if the fixed-term employment is for the advancement of the staff member's own scientific or artistic qualification. ²After completion of the doctoral qualification procedure, a fixed-term is permissible for a period of up to six years, in the field of medicine for a period of up to nine years, if the fixed-term employment is for the advancement of the individual's own scientific or artistic qualification; the permissible fixed-term period shall be extended to the extent that periods of fixed-term employment pursuant to sentence 1 and periods of doctoral employment without employment pursuant to sentence 1 together have amounted to less than six years. ³The agreed fixed-term period shall in each case be calculated in such a way that it is appropriate to the intended qualification. ⁴The total permissible fixed-term period under sentences 1 and 2 shall be extended by two years per child if one or more children under the age of 18 are being cared for. ⁵Sentence 4 shall also apply if the requirements of Section 15 (1) sentence 1 of the Federal Parental Allowance and Parental Leave Act (*Bundeselterngeld- und Elternzeitgesetz, BEEG*) are met with regard to the child. ⁶The permissible fixed-term period pursuant to sentences 1 and 2 shall be extended by two years in the event of a disability pursuant to Section 2 (1) of the Ninth Book of the German Social Code (*Neuntes Buch Sozialgesetzbuch*) or a serious chronic illness. ⁷Within the respective permissible fixed-term period, extensions of a fixed-term employment contract are also possible.

(2)¹The fixed-term nature of employment contracts of the staff referred to in Section 1 (1), sentence 1, is also permissible if the employment is predominantly financed by third-party funds, the financing is approved for a specific task and period of time and the staff member is predominantly employed in accordance with the purpose of these funds; the agreed fixed-term period should correspond to the approved project period.

(3)¹ All fixed-term employment contracts with more than one quarter of the regular working hours concluded with a German institution of higher education or a research institution within the meaning of Section 5, as well as corresponding temporary civil service contracts and private service contracts pursuant to Section 3, shall be counted towards the permissible fixed-term period stipulated in subsection 1.

²Fixed-term employment contracts concluded in accordance with other legal regulations shall also be taken into account. ³Sentences 1 and 2 shall not apply to employment relationships pursuant to Section 6 and comparable study-related employment based on other legal regulations.

(4) ¹The employment contract shall state whether the fixed term is based on the provisions of this Act. ²If this information is missing, the fixed term cannot be based on the provisions of this Act. ³In the case of employment contracts pursuant to subsection 1, the duration of the fixed term must be determined or determinable in terms of the calendar.

(5) ¹The respective duration of a fixed-term employment contract pursuant to subsection 1 shall be extended, with the consent of the employee, by

1. periods of leave or reduction of working time by at least one-fifth of the regular working time taken to care for one or more children under the age of 18, even if the requirements of Section 15 (1) sentence 1 of the Federal Parental Allowance and Parental Leave Act (*Bundeselterngehalt- und Elternzeitgesetz*, BEEG) are met with regard to the child, or other relatives in need of care,
2. periods of leave of absence for a scientific or artistic activity or for an scientific, artistic or professional training, further education or continuing education conducted outside the university sector or abroad,
3. periods of parental leave in accordance with the Federal Parental Allowance and Parental Leave Act (*Bundeselterngehalt- und Elternzeitgesetz*, BEEG) and periods of a ban on employment in accordance with Sections 3, 4, 6 and 8 of the Maternity Protection Act (*Mutterschutzgesetz*, MSchG), to the extent that no gainful employment has taken place,
4. periods of basic military and civilian service,
5. periods of leave amounting to at least one fifth of the regular working time for the performance of duties in a personnel or severely disabled persons' representative body, for the performance of duties of a women's or equal opportunity officer or for the exercise of a mandate which is compatible with the employment relationship, and
6. periods of incapacity for work due to illness during which there is no statutory or collectively agreed entitlement to continued payment of remuneration.

²In the cases of sentence 1 numbers 1, 2 and 5, the extension shall not exceed the duration of two years in each case. ³Periods pursuant to sentence 1 numbers 1 to 6 shall not be counted towards the permissible fixed-term period pursuant to subsection 1 to the extent that they may lead to an extension of a fixed-term employment contract.

Section 3 Private service contract

¹The provisions of Sections 1, 2 and 6 shall apply mutatis mutandis to a fixed-term employment contract concluded by a member of an institution of higher education who independently performs tasks of his or her institution of higher education for the purpose of assisting in the performance of such tasks with staff remunerated predominantly from third-party funds within the meaning of Section 1 (1), sentence 1.

Section 4 Scientific staff at state-recognized universities

¹ For the conclusion of fixed-term employment contracts with scientific and artistic staff at state-recognized institutions of higher education under state law, the provisions of the Sections 1 to 3 and 6 apply accordingly.

This is a translation of the original German document for explanatory purposes only. For all legal purposes, solely the German version of the document shall be considered binding.

Section 5 Scientific staff at research institutions

¹The provisions of Sections 1 to 3 and 6 shall apply mutatis mutandis to the conclusion of fixed-term employment contracts with scientific staff at state research institutions and at research institutions which are predominantly state-funded, institutionally predominantly state-funded or funded on the basis of Article 91b of the Basic Law.

Section 6 Scientific and artistic auxiliary activities

¹ Fixed-term employment contracts for the provision of scientific or artistic auxiliary activities to students who are enrolled at a German institution of higher education for a degree program leading to a first or further professional qualification are permissible for a total period of up to six years. ²Within this permissible period, extensions of a fixed-term employment contract are also possible.

Section 7 Legal basis for contracts already concluded; transitional provision

(1) ¹Sections 57a to 57f of the Framework Act for Higher Education (*Hochschulrahmengesetz*, HRG) in the version applicable as of 31 December 2004 shall continue to apply to employment contracts concluded between 23 February 2002 and 17 April 2007 at state and state-recognized universities and at research institutions within the meaning of Section 5. ²Sections 57a to 57e of the Framework Act for Higher Education in the version applicable prior to 23 February 2002 shall continue to apply to employment contracts concluded prior to 23 February 2002 at state and state-recognized universities and at research institutions within the meaning of Section 5. ³Sentence 2 shall apply mutatis mutandis to employment contracts concluded between 27 July 2004 and 31 December 2004.

(2) ¹The conclusion of fixed-term employment contracts in accordance with Section 2 (1), sentences 1 and 2, with persons who were already in a fixed-term employment relationship with a university, a university member within the meaning of Section 3 or a research institution within the meaning of Section 5 prior to 23 February 2002, shall also be permissible after the expiry of the respective permissible fixed-term period stipulated in Section 2 (1), sentences 1 and 2, with a term ending on 29 February 2008. ²Sentence 1 shall apply mutatis mutandis to persons who were employed as scientific or artistic assistants prior to 23 February 2002. ³Section 2 (5) shall apply accordingly.

Section 8 Evaluation

The impact of this law shall be evaluated in 2020.

Article 2

This Act enters into force on 17 March 2016.

The constitutional rights of the Federal Council are preserved.
The above Act is hereby executed. It shall be promulgated in the Federal Law Gazette.

Berlin, 11 March 2016

The Federal President - Joachim Gauck

The Federal Chancellor - Dr. Angela Merkel

The Federal Minister of Education and Research - Johanna Wanka