

# **Internal Agreement Regarding the Procedure for Advertising Vacancies at Technische Universität Berlin**

between Technische Universität Berlin – represented by the President – and the  
Staff Council at Technische Universität Berlin – represented by the Chairwoman –  
and the Staff Council for Student Assistants at Technische Universität Berlin –  
represented by the Chairman

## **Preamble**

By mean of this Internal Agreement, the university, the staff councils, the Women's Representative and the Representative of Severely Disabled Employees aim to reach an agreement for the purpose of ensuring a standardized and expedited procedure for the advertisement of vacancies.

This Internal Agreement was drawn up with the collaboration of the Main Women's Representative, the Assembly of Women's Representatives and the Representative of Severely Disabled Employees at Technische Universität Berlin.

The advertisement of vacancies shall ensure that posts are filled on the basis of suitability, aptitude and professional performance. Furthermore, job advertisements shall take account of the divergent requirements of different disciplines.

When advertising vacancies, great value shall be attached to ensuring equal opportunities. Any disadvantage due to gender, age, cultural affiliation, disabilities, etc. must be counteracted. Allowances must be made for the promotion of severely disabled persons and those treated as such.

## Section 1 Subject and Scope

- (1) The subject of this Internal Agreement is the advertisement of vacancies, that is, the identification of applicants for a vacancy by means of publishing a job advertisement.
- (2) The scope of this Internal Agreement encompasses the implementation of all advertising procedures for posts at Technische Universität Berlin that are covered by Section 3 of the Act on Staff Representation in the State of Berlin (PersVG Berlin).

## Section 2 Principles

- (1) In principle, all vacancies to be filled at Technische Universität Berlin<sup>1</sup> shall be advertised.
- (2) The vacancies shall be advertised in sufficient time to ensure that an orderly advertisement and hiring procedure can be carried out by the scheduled date of employment. As a rule, the period for advertising a vacancy shall be at least two weeks from the publication date of the job advertisement. The Human Resources Department must publish job advertisements in an appropriate manner and, pursuant to Section 82 of Social Code IX (SGB), report them in good time to the employment agency.
- (3) In the event that qualification posts (doctoral and post-doctoral) funded by the university budget are advertised for research assistants, the provisions of the [“Revised Administrative Regulation on the Temporary Employment of Research Assistants and Artistic Assistants at Technische Universität Berlin”](#) of 28 October 2008 must be complied with.  
In temporary employment relationships the duration of contracts that are financed by means of externally secured funds shall correspond to the approved duration of the project.<sup>2</sup>
- (4) When advertising employment positions for student assistants, Section 121 (3) of the Act on Higher Education Institutions in the State of Berlin (BerlHG)<sup>3</sup> must be observed.
- (5) Applicants for student-assistant posts financed by means of the university budget or by externally secured funds and applicants for externally funded research-assistant posts may be sought by means of a continuous advertisement.

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<sup>1</sup> Within the scope of this Internal Agreement, vacancies are to be understood as all work positions that require filling.

<sup>2</sup> Section 2 (2) Sentence 1 of the Act on Temporary Employment Contracts in Science (WissZeitVG) in the version of the First Act on the Amendment of the Act on Temporary Employment Contracts in Science (WissZeitVG) of 11 March 2016 (Federal Law Gazette I p. 442 of 16 March 2016)

<sup>3</sup> Section 121 (3) of the Act on Higher Education Institutions in the State of Berlin (BerlHG): As a rule, employment contracts shall have a duration of four semesters. They may be extended in justifiable cases. The total working hours per week for student assistants may not exceed even one half of the regular working hours. Tasks usually carried out by full-time staff may be assigned to student assistants only by way of exception.

### **Section 3 Requirements for a Job Advertisement**

- (1) The text of the job advertisement shall contain the following information:
1. job title
  2. description of the most important work tasks
  3. working hours in the vacancy to be filled (for instance, full-time/part-time), duration of the employment contract, option of extension, if any, as well as the scheduled date of employment
  4. professional and personal requirements for the prospective job holder
  5. assessment of the post (pay grade / salary grade)
  6. closing date for applications
  7. reference to the principles regarding the promotion of women, as defined in the Federal State Law on Equality (Landesgleichstellungsgesetz), in the event that women are underrepresented in senior or leading positions or in respect of pay or salary grades
  8. note regarding the preferential employment of severely disabled persons with equal qualifications and suitability
  9. addressee of the application
  10. note regarding the option of part-time employment
- (2) In principle, the validity of continuous advertisements for student-assistant posts financed by means of the university budget or externally secured funds as well as for externally funded research-assistant posts shall be variable, but may not exceed two years. Continuous advertisements must contain a sufficiently specific description of the tasks to be performed and the requirements to be fulfilled by the prospective job holder.

The sample in Appendix 1 shall be used for continuous advertisements.

### **Section 4 Exemption from the Obligation to Advertise Vacancies**

- (1) As a matter of principle, all vacancies must be advertised. Exemptions to this obligation may be made in justifiable and comprehensible individual cases. In the following cases – divided into groups of employees – the obligation to advertise a vacancy may be disregarded:
- a) Non-scientific employees – technical and administrative staff, library staff (independent of pay grades):*
- aa) documented, unforeseen or sudden vacancies, for instance, due to parental leave, prohibitions preventing the continuation of a job, special leave, care of relatives, illness, etc., to ensure the completion of urgent work tasks
  - ab) short-term vacancies, for instance, stand-in due to maternity protection and prior to unscheduled parental leave, prohibitions preventing the continuation of a job, special leave, care of relatives, illness, etc.
  - ac) employment of former trainees following their training
  - ad) increase in the extent of employment (internal employees)
  - ae) employment contracts with a low number of working hours ( $\leq 25\%$ ) (external

employees required)

*b) Research assistants – qualification posts (doctoral and postdoctoral) (funded by the university budget):*

- ba) short-term vacancies, for instance, stand-in due to maternity protection and prior to unscheduled parental leave, prohibitions preventing the continuation of a job, special leave, care of relatives, illness, etc.
- bb) transfer of research assistants to TU Berlin due to appointments as part of which posts have been specifically confirmed for particular persons and stipulated in the appointment protocol
- bc) bridging of funding gaps by means of short-term employment contracts funded by the university budget (for instance, financing via remaining funds), provided that the temporary employment is linked to a qualification objective
- bd) personal start-up funding in preparation for a research project or comparable funds, provided that the temporary employment is linked to a qualification objective
- be) employment following the receipt of a special grant at TU Berlin, for instance, a doctoral scholarship or postdoctoral grant

*c) Research assistants (externally funded):*

- ca) short-term vacancies, for instance, stand-in due to maternity protection and prior to unscheduled parental leave, prohibitions preventing the continuation of a job, special leave, care of relatives, illness, etc.
- cb) transfer of research assistants to TU Berlin due to appointments as part of which posts are specifically confirmed for particular persons and stipulated in the appointment protocol
- cc) persons to be employed on the grounds of being specifically named in the contract or in the notice of grant or allocation
- cd) persons to be employed who, according to the opinion of the project manager, have significantly – that is, to a decisive degree – contributed to the preparatory work for an externally funded project

*d) Student assistants:*

- da) short-term vacancies, for instance, stand-in due to maternity protection and prior to unscheduled parental leave, prohibitions preventing the continuation of a job, special leave, care of relatives, illness, etc.
- db) sudden requirement for short-term employment in the event of the upcoming finalization of a project or in the case of an annulment contract or special leave
- dc) transfer of student assistants to TU Berlin due to appointments as part of which posts are specifically confirmed for particular persons and stipulated in the appointment protocol

(2) In cases other than those mentioned above, exemptions from the obligation to advertise vacancies shall only be possible in individual cases and with the consent of the Staff Council and the responsible women's representative. A corresponding application must be adequately justified and filed in sufficient time to allow for the advertising of the vacancy in the event of an unfavorable opinion by the women's

representative or a rejection by the Staff Council.

- (3) In the event of temporary extensions of limited employment contracts as well as temporary increases in working hours (increase in average working hours per week or month), an advertisement shall not be required.

#### Protocol explanation of the expression "short-term" in Section 4

Within this guidance framework the expression "short-term" should be taken to mean six months.

### **Section 5 Final Provisions**

- (1) The university shall make certain that the provisions of this Agreement are made public and their implementation is ensured.
- (2) The Internal Agreement shall enter into force on 1 February 2017. It may be terminated by either party with a period of three months to the end of a quarter. The Internal Agreement may be terminated for the first time to the end of 31 January 2019. In the event of termination, it shall remain effective until a new Internal Agreement has been concluded, and the parties undertake to enter into negotiations within the period of notice.

The following points shall be exempted from the repercussions:

Section 4 (1) letter b) Research assistants – qualification posts (doctoral and postdoctoral) (funded by the university budget)

*be) employment following the receipt of a special grant at TU Berlin, for instance, a doctoral scholarship or postdoctoral grant*

Section 4 (1) letter c) Research assistants (externally funded)

*cd) persons to be employed who, according to the opinion of the project manager, have significantly – that is, to a decisive degree – contributed to the preparatory work for an externally funded project*

- (3) This Internal Agreement shall be evaluated 24 months after its entry into force.
- (4) Consensual changes shall be possible at all times and require expression in written form.
- (5) Should one or several provisions of this Agreement be or become wholly or partially invalid, this shall not affect the validity of the remaining provisions. The contracting parties shall reformulate invalid provisions without delay and in such a manner that they conform with the law.

Berlin, 24 January 2017

Technische Universität Berlin  
The President

          *[Signature]*            
Professor Dr. Christian Thomsen

Staff Council at  
Technische Universität Berlin

          *[Signature]*            
The Chairwoman

Staff Council for Student Assistants  
at Technische Universität Berlin

          *[Signature]*            
The Chairman

## Appendix 1 – Sample Continuous Advertisement

### Continuous Advertisement\*

Vacancy reference number: *[Number]*; Valid until *[Validity date – Please note that the validity of a continuous advertisement may not exceed two years]*

Post: *[Please state job title including number of working hours, pay grade (where applicable) – student assistants or research assistants; in the case of advertising vacancies for student assistants, please indicate whether the position comes with or without teaching responsibilities]*

Tasks: *[Please state the concrete and specific tasks to be performed by the prospective job holder; in keywords]*

*[- Task 1*

*- Task 2*

*- ...]*

Requirements: *[Please state specifically and concretely both the specialized and general mandatory criteria (absolutely essential) and optional criteria (desirable) that the applicants are required to fulfill]*

*[- Text samples for mandatory criteria: "... is required ..."; "Prerequisites are ..."; "A requirement is ..."; "... absolutely necessary ..."; "You are ..."; "... is expected ..."*

*- Text samples for optional criteria: "Ideally, ..."; "... would be of advantage."; "Applicants with ... will be treated preferentially."; "...desirable."*

*- ...]*

Employment dates: *[Please state the employment dates, for instance, in the case of vacancies for tutors. Alternative information: current]*

Applications: Applications *[with CV, certificate of enrollment (where applicable), current overview of grades (where applicable)]* may be submitted at all times by *[email, mail]* to:

*[Please state subject area, institute/department, section, address, ...]*

TU Berlin is an equal opportunity employer. Applications from suitably qualified women are strongly encouraged.

Severely disabled applicants with equal qualifications and aptitudes will be given preferential consideration.

Part-time employment is possible if required

For reasons of cost, application documents submitted by mail cannot be returned. Please submit copies only.

Workplace: *[Please state faculty, institute/department, subject area, ...]*

Further information: *[Link of the homepage or project]*

\* Continuous advertisements are job advertisements that are valid for longer periods of time (see 'Valid until'). Applications may be submitted at all times until the end of the validity period. As soon as a definite date for the start of employment has been determined, you will be informed immediately about the further selection procedure.