

RUNDSCHREIBEN

<input checked="" type="checkbox"/> Prof, WM, PR, Fakultätsverwaltungen, Frauenbeauftragte		Schlagwort : family-policy component	Gruppe F
<input checked="" type="checkbox"/> ZUV			
Bearbeiter/in: Servicebereich Personal			
Datum:	14.06.2017	Dieses Rundschreiben ersetzt:	

Availment of the family-policy component pursuant to Section 2 (1), Sentence 1 of the Act on Temporary Employment Contracts in Science (WissZeitVG) at TU Berlin

Dear Sir or Madam,

Technische Universität Berlin has been certified as a family-friendly university. Against this background, TU Berlin aspires to pay due consideration to the many burdens that fall upon staff members as a result of their workloads, the ongoing requirements of academic qualification, and the demands of childcare by means of applying the family-policy component of the Act on Temporary Employment Contracts in Science (Wissenschaftszeitvertragsgesetz – WissZeitVG).

General Information

The administrative regulation “on the Temporary Employment of Research Assistants and Artistic Assistants at Technische Universität Berlin of 28 October 2008”, as agreed by the Board of Trustees, applies at TU Berlin, substantiating the provisions of the WissZeitVG. The regulation primarily governs the drafting of employment contracts concluded at TU Berlin. In particular, a contract term of five years and, where the need arises, potential deviations from this are specified in the regulation.

According to Section 2 (1), Sentences 1 and 2 of the WissZeitVG, research assistants and artistic assistants without a doctoral degree may be employed as part of their further qualification for a limited term of up to six years. Upon the successful completion of their doctoral studies, they may be given a further employment contract limited to no more than six years. In the latter case, the permissible period of limitation shall be extended by the degree to which the periods of limited-term employment prior to the completion of the doctorate, as well as the periods of doctoral studies without employment, amount to a joint period of less than six years.

What is the family-policy component?

Pursuant to Section 2 (1), Sentence 4 of the WissZeitVG, and if the employee is responsible for the care of one child or several children younger than 18 years, the permissible total limitation period of twelve years (six years each prior to and following the awarding of the doctoral degree) shall be extended by two years per child in order to compensate for the disadvantages that accrued on the path to achieving the qualification objective. The maximum term of limitation shall be extended irrespective of any leave of absence or reduction of the working hours. The family-policy component shall apply irrespective of any extension of a limited employment contract on the grounds of the employee taking parental leave in accordance with Section 2 (5) of the WissZeitVG. The two regulations may be applied cumulatively.

In the event that an employee's responsibility for the care of a second or further child begins during the extension period, this may induce a further extension of the total period of limitation. However, the family-policy component shall not apply to childcare responsibilities during periods other than those attributed to the qualification phase.

It should be noted that the family-policy component is an extension option, meaning that the limited employment contract **may** be extended within the scope of the admissible limitation period if and when TU Berlin has the funds available and no other reasons exclude such an extension. The consent of both contractual parties is required accordingly.

Who can apply for an extension of the limited employment contract on the grounds of the family-policy component?

All research assistants or artistic assistants employed for the purpose of their personal academic or artistic qualification who are responsible for the care of a child or several children younger than 18 years are entitled to file an application for the extension of their limited employment contract on the basis of Section 2 (1), Sentences 1 and 2 of the WissZeitVG. In the event that both parents are in their qualification phases and responsible for the care of the child, the family-policy component shall apply to both parents. An extension of the employment contract on the grounds of the family-policy component is possible either following the expiration of the first qualification phase – that is, after six years – or following the expiration of the second qualification phase – that is, after a total of twelve years. Thus, it is a prerequisite that the maximum limitation period has already been fully exploited. Furthermore, the employee may not already have reached the qualification objective, as this would contradict the spirit and purpose of the legal regulation.

Provided that the maximum limitation period for the application of the family-policy component has not yet been reached, the faculties are asked, in the interest of a reconciliation of professional and family life, to grant any extension options that still exist up to the maximum limitation period, **considering the requirements specified in this circular**. The possibility of applying for the sixth year on the grounds of other reasons shall thereby remain unaffected.

Can an employee apply for the sixth year up to the maximum limitation period and, at the same time, file a claim to avail of the family-policy component?

Employees may submit an application to have their contracts extended by a sixth year, or by the period remaining up to the full exploitation of the maximum limitation period, at the same time as they file a claim to avail of the family-policy component (see application form on Page 6).

Example: A research assistant is employed as a qualifying research assistant under Section 2 (1) of the WissZeitVG for a period of five years. For two years during the qualification phase, he/she was responsible for the care of his/her child with whom he/she shares the same household. For the purpose of completing his/her doctoral studies, he/she asks for the extension of his/her limited contract by two years.

The research assistant or artistic assistant may submit an application to have his/her employment contract extended by the sixth year up to the maximum limitation period and at the same time lodge a claim to avail of the family-policy component for the period of a year (see application form on Page 6).

In the case of an employment contract being limited on the grounds of third-party funding in accordance with Section 2 (2) of the WissZeitVG, the family-policy component cannot be invoked.

Which children are covered by the regulation? How is responsibility for the care of a child defined?

In addition to biological children, the family-policy component also applies to non-biological children, in particular, stepchildren and foster children.

As a rule, the responsibility for the care of a child is assumed if the child and caregiver live in a joint household. It is not necessary for the caregiver to look after the child in person or to have custody.

Procedure at TU Berlin

Provided that the criteria are met, an application must be filed in good time ([link to application form Subsequent Employment and Family-Policy Component](#)). If possible, applications must be submitted through official channels to the responsible HR team preferably six months, but no later than three months, before the end of the employment term, with the official channels being the head of the subject area, the department council, and the head of the faculty administration for the decision on resourcing. The faculties must be allowed sufficient time to process applications. Decisions are made on the basis of each individual case.

The employment contract will not be extended by two years without the necessary prerequisites. An extension will only be granted to the extent required for achieving the qualification objective. Considering the state of the qualification procedure (for instance, the level of progression in the doctoral studies), the extension period must provide an amount of time sufficient for achieving the desired qualification within the extension period. For this purpose, the applicant is required to submit, as part of the application, a realistic time schedule specifying the further steps required for the achievement of the qualification objective within the extension period. In addition, a statement from the responsible supervisor regarding the time schedule is to be submitted with the application. It must be in the interest of the responsible supervisor to accompany the applicant to the successful achievement of the qualification objective within the extension period.

When assessing the time frame of a potential extension period, the relation between the period of childcare and the envisaged extension of the employment contract must be considered too; meaning, in the case of three months of care for a child during the term of an ongoing employment contract, for instance, an extension of the contract by two years on the grounds of the family-policy component would be inappropriate.

Summary of the prerequisites for the approval of the family-policy component

- The employee has a limited employment contract in accordance with Section 2 (1) of the WissZeitVG.
- The regularly permissible maximum period of limitation has already been exploited. Alternatively, employees may submit an application for the extension of the employment contract up to the maximum limitation period at the same time as they file a claim to avail of the family-policy component (see application form on Page 6).
- The employee is responsible for the care of one child or several children.
- The employee shares/shared a joint household with the child/children.
- The child is/was, or the children are/were, younger than 18 years.
- The qualification objective has not yet been achieved.
- The time expenditure required for the care of a child is adequate in relation to the extension period.
- The extension period is necessary in order to reach the qualification objective.
- The faculty's approval has been obtained.

In cases of individual issues or doubt, please contact your [responsible HR team](#) or one of the following persons and divisions: [women's representatives of the faculties](#), [Doctoral and Postdoctoral Services](#), [Staff Council](#), [ombudspeople for doctoral candidates](#), [Family Services Office](#).

Yours sincerely
p.p.

Borchert
In charge of the Chancellor's affairs

Appendix: Application form for the Availment of the Family-Policy Component

Sender (research/artistic assistant)

Name:

First name:

Telephone:

Email:

Organizational assignment:

To

II T _____ via

Faculty Administration _____

Appendix to the Application for Subsequent Employment of Mr./Ms.

Availment of the family-policy component pursuant to Section 2 (1), Sentence 4 of the Wis-sZeitVG

Information on the qualification objective

- Doctoral degree
- Eligibility for appointment to the rank of university professor (habilitation or habilitation-equivalent achievements)
- Other (please specify: _____)

Non-achievement of the qualification objective during the permissible maximum employment period

- I hereby declare that I was unable to achieve the qualification objective due to the responsibility of care for my child/children.

Child/children

Name, first name: _____ Date of birth: _____

Name, first name: _____ Date of birth: _____

Information regarding the period of care for a child

I am looking after / I looked after my child/children within the meaning of the family-policy component in the period from _____ to _____.

Extension period**Family-policy component**

- An application is being filed for the extension of the limited employment contract in accordance with Section 2 (1), Sentence 4 of the WissZeitVG (family-policy component) for the period from _____ to _____.

Extension up to the maximum limitation period in conjunction with the family-policy component

- An application is being filed for the extension of the limited employment contract in accordance with Section 2 (1) of the WissZeitVG up to the maximum limitation period for the period from _____ to _____ as well as for the extension of the employment contract in accordance with Section 2 (1), Sentence 4 of the WissZeitVG (family-policy component) for the period from _____ to _____.

Berlin, _____ Signature: _____

Confirmation by the head of the subject area: (Name, first name _____)

(Please submit, as an appendix, further information on the current state of the qualification procedure, including a time schedule specifying the further steps required for the achievement of the qualification objective within the extension period.)

Berlin, _____ Signature: _____

Form sheet for the approval of the application for extension on the grounds of the family-policy component according to Section 2 (1), Sentence 4 of the WissZeitVG

Date: _____

To
II FB01

1. Family-policy component

The application for extension **in accordance with Section 2 (1), Sentence 4 of the WissZeitVG submitted by**

Mr./Ms.
Name (research/artistic assistant):
First name:
Organizational assignment:
Faculty:
Telephone:
Email:

was approved on _____.

The contract is extended by a total of _____ months until _____.

2. Extension up to the maximum limitation period in conjunction with the family-policy component

The application submitted by

Mr./Ms.
Name (research/artistic assistant):
First name:
Organizational assignment:
Faculty:

regarding an extension of the limited employment contract **in accordance with Section 2 (1) of the WissZeitVG** up to the maximum limitation period as well as an extension of the limited employment contract **in accordance with Section 2 (1), Sentence 4 of the WissZeitVG** was approved on _____.

The contract is extended until _____.

The maximum limitation period will be reached on _____.

The extension in accordance with the family-policy component encompasses a period of _____ months in total.

II T____

Form sheet for the rejection of the application for extension on the grounds of the family-policy component according to Section 2 (1), Sentence 4 of the WissZeitVG

Date: _____

To
II FB01

The application for extension **according to Section 2 (1) of the WissZeitVG** (up to the maximum limitation period) **and Section 2 (1), Sentence 4 of the WissZeitVG** (family-policy component) submitted by

Mr./Ms.
Name (research/artistic assistant):
First name:
Organizational assignment:
Faculty:
Telephone:
Email:

was rejected.

Reasons for the rejection:

II T____

Head of Faculty Administration
Faculty _____