

Fixed-Term Employment for Scientists

Information based on the Act of Academic Fixed-Term Contract
(Wissenschaftszeitvertragsgesetz – WissZeitVG)
Last updated April 2016

Fixed-term employment can be based on two laws:

- the law regulating part-time and fixed-term employment (Teilzeit- und Befristungsgesetz/TzBfG)
- the Act of Academic Fixed-Term Contract (Wissenschaftszeitvertragsgesetz/WissZeitVG).

The latter one is more commonly applied.

Links to both Acts are provided on the webpage of Personalrat www.personalrat.uni-rostock.de »
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In this flyer we provide information about the relevant regulations of the Act of Academic Fixed-Term Contract.

Fixed-term employment for the purpose of acquiring an academic qualification according to art. 2, par. 1 (Qualifizierungsbefristung gemäß § 2 Absatz 1 WissZeitVG)

According to the above Act, fixed-term contracts are possible for the duration of six years prior to the completion of the doctorate (Art. 2, par. 1, cl. 1, WissZeitVG) and for the duration of another six years (up to nine years in the medical sector) upon the completion of the doctorate (Art. 2, par. 1, cl. 2, WissZeitVG).

In both cases, the purpose of the employment must include the achievement of some academic qualification and the term of the employment must be adequate for achieving the aspired goal.

If the fixed-term employment in the phase prior to the completion of the doctorate was less than the maximum permitted six years, the limitation period in the post-doctorate phase extends correspondingly by the time not used prior to the doctorate. Times of work on the Ph. D. thesis without any contract will, however, be considered (Art. 2, par. 1, cl. 1, WissZeitVG).

Employment periods to be considered

According to Art. 2, par. 3, WissZeitVG, the following employment periods are considered when determining the maximum possible fixed term:

- fixed-term contracts with more than one quarter of the regular working time with a German university or research institution and
- fixed-term employment under civil service and private service contracts.

The laws according to which the fixed-term contracts were concluded (Act of Academic Fixed-Term Contract or Act on Part-time and Fixed-term Contracts) are of no relevance.

Fixed-term contracts concluded prior to the completion of academic studies (e.g. student assistant contracts) are not considered.

Special circumstances leading to an extension of the contract of employment

Within the employment terms according to Art. 2, par. 1, special circumstances may result in an extension of employment in accordance with Art. 2, par. 5, WissZeitVG. These extension periods will not be set off against the term of six or twelve years.

These are:

- leave / reduction of working time for child care or care for a relative,
- leave for a scientific or artistic activity or for scientific, artistic or professional education, advanced training, or further qualification outside of universities or abroad,
- parental leave without employment/with part-time employment and prohibition of employment according to articles 3, 4, 6 and 8 of the Maternity Protection Act,
- basic military service or community service (Zivildienst),
- leave for executing a mandate or tasks of an equal opportunities commissioner or staff representative or representative of disabled employees,
- sick leave without entitlement to continued payment of wages.

According to Art. 2, par. 1, cl. 3, WissZeitVG, the maximum fixed term may be extended by two years per child in case of care for one or several children under 18 years of age (according to Art. 15 par. 1 cl. 1 of the law regulating parental allowance and parental leave) and in the case of disability (according to Social Code IX Art. 2 par. 1) or severe chronic illness.

Fixed-term employment for third-party funded projects according to Art. 2, par. 2

(Drittmittelbefristung gemäß § 2 Absatz 2 WissZeitVG)

Fixed-term contracts are also applicable for third-party-funded research staff provided that:

- the majority, i.e. more than half of the funding for the position in question comes from a third party,
- the third-party funding is made available for a specific research project and for a limited period of time,
- the duties of the fixed-term contract employee pertains to this research project,
- the term of the contract corresponds with the project schedule.

Assistants

Fixed-term employment is possible for student assistants /science assistants for an overall duration of six years provided that:

- they are employed for scientific or artistic support activities and
- they are enrolled students in a first or second degree course.

Further Hints

The Act of Academic Fixed-Term Contract applies to members of academic staff doing scientific work only. According to established law practice it does not apply to academic staff employed mainly for teaching or management duties. Please check your contract for the regulation on which the fixed term is based.

If you have questions of any kind pertaining to your contract and your job please contact your academic personnel committee (Personalrat für die wissenschaftlich Beschäftigten, contact details see below). **We'll be happy to help you.**

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