
Handout – Employment Contract

The employment contract stipulates that the employment relationship is governed by the *Tarifvertrag für den öffentlichen Dienst der Länder (TV-L)* (collective bargaining agreement for the public service of the states) and the *Tarifvertrag zur Überleitung der Beschäftigten der Länder in den TV-L (TVÜ-Länder)* (collective bargaining agreement for transitioning employees into the TV-L).

1. Special regulations apply to employees at universities and research institutions in accordance with § 40 of the TV-L, in particular with regard to the following:

- general working conditions
- standard regular working hours
Extensive information on the topic of working hours is available in the Services Directory under the keywords “working hours” and “part-time” (<https://portal.mytum.de/kompass/>).
- pay grade level on pay scale
- fixed-term employment contracts
- Vacation days:

Employees whose weekly working hours are distributed over five days in a calendar week and whose employment is for a full year are entitled to 30 working days of paid leave each calendar year. Employees holding an ID card for severely disabled persons are entitled to an additional 5 working days of paid leave.

Annual paid leave must be granted and taken in the calendar year in which it falls.

Paid leave may be carried over to the next calendar year for urgent operational reasons pertaining to the university or for personal reasons pertaining to the employee. In this case, carried-over paid leave must be taken no later than 30 September of the following calendar year.

Any carried-over days of paid leave not begun or taken by 30 September of the following year will expire. Paid leave that can no longer be granted in whole or in part due to termination of the employment relationship must be compensated.

Employees should make every effort to take the paid leave to which they are entitled within the periods of validity specified above. Any paid leave not requested in good time and started or taken by 30 September of the following year will expire.

Further information is available at the office at which you are employed or in the TUM Services Directory at <https://portal.mytum.de/kompass/> (German only).

2. Calculation and transfer of payments by the *Landesamt für Finanzen (LfF)* - *Bezügestelle Arbeitnehmer* (employee payroll office of the state finance office):

The employee payroll office of the state finance office (*LfF*) is the sole body responsible for the calculation and transfer of payments (salaries), including matters relating to social security law.

Pay slips are issued exclusively in digital form to the employee's digital folder in the *Mitarbeiterservice Bayern* (Bavarian employee services) portal.

To access their digital folders, employees must register on the services portal at <https://www.mitarbeiterservice.bayern.de> (German only). A personnel number from the state finance office and an email address are required to activate the digital folder. Employees obtain their personnel number directly from the state finance office (*LfF*). A list of contact persons and their areas of responsibility at the employee payroll office and a handout with further information on how to use the digital folder in the Bavarian employee services portal can be found in the TUM Services Directory under “*Entgelt*” (<https://portal.mytum.de/kompass/>) (German only).

Further information (pay scales, forms, etc.) are available at www.lff.bayern.de (German only).

3. Key official duties and obligations under employment law:

The work that is stipulated in the employment contract is to be performed dutifully and in accordance with applicable regulations. In all their conduct, employees must acknowledge and uphold the free democratic basic order of the German state as described in the German Basic Law (*Grundgesetz*, GG).

Employees may only be absent from work with the prior consent of their employer. If circumstances prevent such consent from being obtained in advance, it must be requested without delay. Employees who are absent without prior consent are not entitled to continued payment of remuneration.

Absences due to illness or injury and their expected duration must be reported immediately. If an illness or accident causes an employee to be absent from work for more than three days, on the fourth day, employees with statutory health insurance must obtain verification of the illness from a physician, who will notify their health insurance provider of the absence and its expected duration (*elektronische Arbeitsunfähigkeitsbescheinigung (eAU)*).

Employees with private health insurance must submit a physician's verification of illness and its expected duration on the fourth day of absence from work. In individual cases, the employer has the right to request a physician's verification earlier than the fourth day of an employee's absence from work.

If there is justified doubt, the employer may require employees to submit a medical certificate stating that they are fit to carry out the work stipulated in the employment contract. If no other physician has been agreed upon by both parties, this certificate can be issued by a public health officer. The employer bears the costs for this examination.

Employees can be transferred to another unit within TUM for official or operational reasons within the terms of the employment contract.

Working remotely is permitted at the Technical University of Munich according to the stipulations of the Master Agreement on Alternating Remote and Mobile Working. Due to extensive labor, tax, and social security regulations, and, in some cases, extensive record-keeping obligations of the employee and of the employer (e.g. direct supervisor) as regards working hours and location, remote and mobile working are generally not permitted outside of Germany. In addition, remote and mobile working must not, as a rule, lead to a change in the place of jurisdiction (outside the jurisdiction of the Free State of Bavaria). In the event of legal disputes, the state finance office (*LfF*) is the representative authority.

The regulations concerning outside professional activities must be observed. Accordingly, outside professional activities may only be undertaken after prior written notification and, where applicable, approval. Employees intending to pursue such activities must submit the form "Application for Approval/Notification of Outside Professional Activities".

Scientists working at TUM are obliged to observe the principles described in the Statute of the Technical University of Munich on Safeguarding Good Academic Practice and Procedures in Cases of Academic Misconduct (*TUM-SGwP*) (see the TUM Services Directory at <https://portal.mytum.de/kompass/> under the keyword "Satzung...").

4. The obligation to return work equipment, delete the work e-mail address (§§ 861, 985 BGB) when leaving the company:

When the employment ends, the work equipment provided by the Technical University of Munich, including any employee ID cards and parking passes, keys and the canteen card must be returned to the direct supervisor or to the responsible institutions without requesting it and, if applicable, a hardware token for two-factor authentication must be returned to IT Support. In particular, the software approved by the employer for private use on a limited basis must be uninstalled. Access IDs to internal university IT systems obtained for official purposes may no longer be used after the employee leaves the university. The work mailbox using email addresses managed in TUMonline will be deleted by Corporate IT Systems and Services (ITSZ) upon termination of the employment contract. Furthermore, after termination of the contract of employment, any authorization to use other - locally managed - business e-mail addresses expires. Employees are obliged to coordinate the handling of any e-mails after leaving the company with their supervisor prior to leaving the organization.

5. Health insurance:

Employees whose remuneration exceeds the annual earnings limit for statutory health insurance can apply for a subsidy towards their voluntary/private health insurance contribution if they can prove that they meet the requirements of Section 257 of the German Social Code Book V (*SGB V*).

For this purpose, the declaration "Subsidy to health insurance contributions according to § 257 SGB V and to long-term care insurance contributions according to § 61 SGB XI" (see the forms archive at https://portal.mytum.de/archiv/form_personal) must be submitted to the *Landesamt für Finanzen (LfF) - Bezügestelle Arbeitnehmer* (employee payroll office of the state finance office) Please address any further questions on this matter to the *Landesamt für Finanzen*.

6. Certificate of conduct (criminal records check):

As part of the recruitment process at the Technical University of Munich, it is necessary to apply for a certificate of conduct (criminal records check) for submission to an authority in accordance with § 30(5) of the Federal Central Criminal Register Act (BZRG). Additional information is available in the Services Directory under the keyword "Führungszeugnis" (<https://portal.mytum.de/kompass/>) (German only).

7. Employee ID card/PersonalCard:

The PersonalCard is used as an employee ID card (with photo), library card and cash card of the *Studentenwerk* (for payment in canteens, cafeterias, etc.). The PersonalCard serves as confirmation to third parties that you are employed by the Technical University of Munich. It is the responsibility of each individual to apply for a PersonalCard. Further information, especially on how to apply, can be found in the TUM Services Directory (<https://portal.mytum.de/kompass/>) under the keyword "Personalcard" (German only).

8. Fixed-term employment contracts end on expiry without the need for a formal notice of termination.

In order to maintain your full entitlement to unemployment benefits, you are obliged to register in person as a jobseeker with the Federal Employment Agency (*Agentur für Arbeit*) three months before your contract expires. If the contract is for a period of less than three months, this obligation must be fulfilled immediately upon signing the contract. If you register later, your unemployment benefits will be reduced. Further information on the legal regulations can be obtained from the responsible Federal Employment Agency.

9. Residence permit:

As a rule, employment contracts with foreign nationals require the submission of a valid residence permit.

The residence permit will indicate whether the person is permitted to take up gainful employment.

EU citizens entitled to freedom of movement and citizens from EEA states are exempt from entry visa and residence permit requirements.

All other nationals may only be employed if the residence permit issued by the Citizenship and Immigration Services (*Ausländerbehörde*) expressly allows this.

Employees themselves are responsible for having the residence permit extended when necessary. Should they fail to extend the residence permit or it is revoked, the employment relationship will be terminated by the Technical University of Munich.

10. Housing for employees of the state:

The *Landesamt für Finanzen (LfF) - Dienststelle München, Wohnungsfürsorgestelle* (state finance office, housing and welfare unit) is responsible for allocating housing for employees of the state.

11. Information and communication technology:

Employees may use the telephone system free of charge for private purposes in urgent cases and to a minor extent. Private calls using the landline to special numbers that are subject to charges or to foreign numbers are not permitted. Private calls using the work telephone system will be identified as such. Please ask your supervisor for the respective code number.

The private use of services for electronic information processing and telecommunications (I & T services) is also only accepted to a marginal extent, as long as it does not interfere with the official usage.

For further information, please refer to the relevant employment agreements on information and communication technology in the Services Directory under the keyword "Dienstvereinbarungen" (<https://portal.mytum.de/kompass/>) (German only).

For responsible use of social networks and social media, please refer to the Bavarian Government's guidelines, which can be found in the Services Directory under the keyword "Internetnutzung" in the "IT Service/EDP" section (German only). Social media are not suitable for the exchange of business data.

In particular, it is important to ensure that personal data of third parties (personal data of private individuals) that has become known during business activities may not be discussed or exchanged via social networks. When making private statements on social networks, it must always be made clear that these are personal opinions and do not represent the employer's views. The general obligation to maintain confidentiality about matters that have become known to you during or in the course of your official duties applies in particular when using social networks.

12. Employee pension scheme (VBL)

a) Collective agreement pension scheme (ATV)

For the duration of your employment, you are also insured with the *Versorgungsanstalt des Bundes und der Länder (VBL)*, 76128 Karlsruhe, Germany (statutory insurance). The Technical University of Munich pays contributions for this purpose. Since January 1, 1999, you have also been paying your own contributions to the VBL in addition to these levies. Registration with the VBL is handled by the *Landesamt für Finanzen (LfF) - Bezügestelle Arbeitnehmer* (employee payroll office of the state finance office). They also have information on the current contribution rates.

An entitlement to company pension (§§ 33-37 of the VBL Statutes) arises when the insured person who has fulfilled the waiting period (§ 34 of the VBL Statutes) suffers an insured event. The insured event (§ 33 of the VBL Statutes) occurs for an insured person who is insured under the statutory pension insurance scheme on the first of the month from which there is an entitlement to retirement pension as a full retirement or to a retirement due to partial or full reduction in earning capacity based on the decision of the pension scheme provider. The application for company pension can be made directly to the VBL (by submitting the pension statement from the statutory pension scheme) from the time retirement is granted by the statutory pension scheme provider.

The employee contributions are refundable on request upon termination of the employment, but there is no right to interest. An insured person who is not subject to contributions and who has not fulfilled the waiting period (§ 34 VBL Statutes) is entitled to a refund of contributions (§ 44 VBL Statutes). The contributions paid by the employer are non-refundable. Refund claims can only be submitted up to the age of 69.

Further information on pensions provision can also be found on the website of the *Versorgungsanstalt des Bundes und der Länder* at <http://www.vbl.de> or by calling the VBL service number, phone: 0180/5006229.

For additional information on exemption from statutory insurance for academic staff, please refer to the information sheet "Hinweise und Erläuterungen zur Befreiung von der Pflichtversicherung in der Zusatzversorgung des öffentlichen Dienstes" (information on and explanations of exemption from statutory insurance in the supplementary public service pension scheme; see Appendix Einstellungsvorschlag).

b) Collective agreement for deferred compensation (*TV-EngeltU-B/L*)

You can find the wording of the collective agreement *EntgeltU-B/L* and the instructions for implementing the collective agreement in the TUM Services Directory under the keyword "Entgeltumwandlung" (German only).

Further information and detailed advice on deferred compensation and application forms can be found on the website of the *Versorgungsanstalt des Bundes und der Länder* at <https://www.vbl.de/en/homepage>. The application for deferred compensation must be submitted to the human resources department named below.

13. Child Benefits:

The Family Benefits Office of the **Federal Employment Agency** (*Familienkasse der Bundesagentur für Arbeit, BA*) is responsible for processing child benefit applications.

At www.familienkasse.de new applications and documentation can be submitted and changes can be reported.

The *Landesamt für Finanzen (LfF) - Bezügestelle Arbeitnehmer* (employee payroll office of the state finance office) decides on the salary components subject to child benefits. Changes to personal circumstances relating to child benefits are sent automatically by the Family Benefits Office of the Federal Employment Agency to the *Landesamt für Finanzen* (state finance office).

14. Information on data protection, data collection and data maintenance

The data protection information in accordance with Art. 13 of the General Data Protection Regulation (GDPR) on the collection and processing of personal data in the context of recruitment and employment at the Technical University of Munich can be found in the Services Directory under the keyword "Datenschutz - Personalverhältnisse" (<https://portal.mytum.de/kompass/>) (German only).

The Human Resources Department (ZA2) of the Technical University of Munich handles the tasks assigned to it with the support of the system "DV-Personal- und Stellenverwaltungssysteme SAP/R3 – Modul HR". Your data required for human resources management is therefore recorded and stored in the SAP/R3 IT system. Internal departments of the university administration also receive selected

personal data insofar as this is necessary for the processing of tasks (e.g. for the creation of employee lists, university statistics, etc.).

You can request the personnel data stored in SAP/R3 - HR module at any time by emailing personalauskunft@zv.tum.de.

If you have any questions about your employment contract, please contact the Central Department 2 - Human Resources, Unit [...] of the Technical University of Munich for further information.

Your responsible official:

[...]

Phone: [...]

Email: [...]

By signing the employment contract, the applicant confirms that he/she has read this handout.