



Secondary employment - collective agreement and legal regulations

The freedom of occupation guaranteed by the Basic Law allows for secondary employment in addition to a full-time job. For academic tariff employees, secondary employment is regulated in the collective labour agreement of the federal states (TV-L) in § 3 (4) in conjunction with §40 No. 2. For academic staff employed as civil servants, secondary employment is governed by §§49 ff of the Landesbeamtengesetz (LBG NRW) (= State Civil Service Act) in conjunction with the Hochschulneben tätigkeitsverordnung (HNtV NRW (= University Secondary Employment Regulation)). **The civil service regulations (TV-Ä §5 (1)) apply to employees of the university hospitals under the TV-Ä.**

Secondary employment - notification and authorisation requirement

Academic tariff employees are obliged to notify their department in writing of any **paid or unpaid secondary employment**, e.g. including voluntary work, in good time before taking up such employment. There must be sufficient time for enquiries or examination of conditions, e.g. whether there is an obligation to submit income (TV-L §3 (4)). If the university does not respond within a reasonable period of time, the job can be taken up.

For **civil servants**, the main criterion for secondary employment is the payment of remuneration or the granting of a non-cash benefit. **Each individual secondary employment must be notified to and authorised by the department in advance.** Only in very few cases a simple notification to the university is sufficient (HNtV §5).

Secondary employment - restrictions and reasons for refusal

Employees covered by collective agreements may not exceed the maximum weekly working time of 48 hours with their main and secondary employment combined (ArbZG §2 (1)). In the case of civil servants, all secondary activities together may not exceed one fifth of the weekly working time. (LBG §49 (2)). Secondary employment must not interfere with contractual obligations. It may not be carried out during working hours, on holiday or in the event of illness. A conflict of interest with the university must be ruled out. In the case of civil servants, other criteria such as impartiality and unbiasedness play a role. Authorisation that has already been granted can be subsequently revoked.

Both the prohibition and the revocation of secondary employment require the co-determination of the staff council (Landespersonalvertretungsgesetz LPVG (= Federal State Staff Representation Act) §72 (1) 12.).

For further reading:

TV-L & TV-Ä

<https://www.tdl-online.de/tarifvertraege/tv-l>

<https://www.tdl-online.de/tarifvertraege/tv-aerzte>

Landesbeamtengesetz - LBG NRW

https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=61020160704140450650

Hochschulneben tätigkeitsverordnung - HNtV

https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000272

Arbeitszeitgesetz – ArbZG (Working Time Act)

<https://www.gesetze-im-internet.de/arbzg/>

Landespersonalvertretungsgesetz-LPVG NRW

https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=720031009101436847

Info page UoC & UCC

https://verwaltung.uni-koeln.de/abteilung41/content/themen_von_a_z/nebentaetigkeiten/index_ger.html

<https://intranet.uni-koeln.de/unternehmensbereiche/geschaeftsbereiche/beschaefigungsverhaeltnis/nebentaetigkeiten>

Sie haben noch Fragen? Sprechen Sie uns gerne an!

Universitätsstraße 16 (Geb. 331), 50923 Köln
Geschäftszimmer: Fr. Breuer, Fr. Walther

0221-470-76151 (Mo-Do, 9:00-14:00)

personalrat-wiss@uni-koeln.de
prwiss.uni-koeln.de