

The employment reference - one of the most important application documents

For employees covered by collective agreements, the right to a written reference is regulated in § 35 TV-L. Upon termination of the employment relationship, the employer must issue a **final reference** in the form of a qualified reference which, in addition to information on the type and duration of employment, contains statements on performance and social conduct at the workplace. An **interim reference** may be required for an important reason, e.g. in the case of a change of supervisor or to apply for another job. If the employment relationship is about to end, you are entitled to a **provisional reference**.

Special regulations apply to civil servants. They are assessed in the context of their career and are entitled to a reference at the end of their employment under section 92 of the LBG (Landesbeamtengesetz).

What principles are to be considered?

The reference must be **complete**, listing all essential areas of activity and including statements on performance, so that potential employers can form a picture. The reference must be **truthful** and **favourably worded**. Negative aspects must not be concealed, but criticism must not predominate. In order to fulfil these conditions, a special reference language has been established from which grades can be read.

What must be included in the employment reference?

Information on the length of employment (start and end dates of the employment contract) as well as a description of the activity performed are essential components. If the employee was able to carry out the activity independently in his/her own area of responsibility, if he/she had personnel responsibility or management authority, this must be mentioned, as well as any special knowledge. The certificate also evaluates performance and social competence in the workplace. The provisional certificate is limited to information on the activity and the duration of the activity.

Formalities and deadlines

The certificate must be issued immediately and is always issued in written form. The entitlement to the final certificate only arises after the end of the employment relationship.

For further reading:

§ 35 TV-L: Zeugnis und §37 TV-L
Ausschlussfrist (Reference and cut off
period)

https://www.tdl-online.de/fileadmin/downloads/rechte_Navigation/A_TV-L_2011_/01_Tarifvertrag/TV-L_i.d.F_des_%C3%84TV_Nr.12_VT.pdf

§ 92 Landesbeamtengesetz NRW: Dienstliche Beurteilung, Dienstzeugnis (State Civil Service Act):

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

„Zeugnissprache“ (reference language)

<https://www.staufenbiel.de/magazin/arbeitsrecht/arbeitszeugnis/zeugnissprache/formulierungen-im-klartext.html>

Website of the University:

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

Do you have any questions? Please feel free to contact us!