

Reporting of additional income (§ 53 LBG, § 15 NtV, § 9 HNtV)

First name and surname _____

Position/title _____

Faculty/department _____

In the calendar year **20**__, I have_

- performed the following secondary employment activities subject to approval and/or secondary employment activities not subject to approval pursuant to § 51, Para. 1 (2), (3) or (4b) of the LBG **within the public sector** (§ 3 of the NtV) for remuneration:

No.	Type of secondary employment	Duration from - to	Hours per week	Employer/client	Remuneration €	Secondary employment activity a) Approved on b) Reported on c) Request Suggestion Instigation

- performed the following secondary employment activities subject to approval and/or secondary employment activities not subject to approval pursuant to § 51, Para. 1 (2), (3) or (4b) of the LBG **outside the public sector** for remuneration:

No.	Type of secondary employment	Duration from - to	Hours per week	Employer/client	Remuneration €	Secondary employment activity a) Approved on b) Reported on

Date: _____

Signature: _____

Notes:

- The statement of additional income is required in accordance with § 53 of the LBG. It must include the (gross) remuneration paid (§ 11 of the NtV) for secondary employment activities subject to approval and/or secondary employment activities not subject to approval pursuant to § 51, Para. 1 (2), (3) or (4b) of the LBG performed within and outside the public sector.
- This statement does **not** supersede the requirement to provide notification of or to obtain approval for a secondary employment activity, **nor** does it supersede the requirement to provide notification of the remuneration received for calculating user fees for the use of the employer's facilities, personnel and equipment.
- A statement needs to be submitted only if the remuneration paid in the calendar year for secondary employment activities within and outside the public sector exceeds the maximum limit set out in § 15 of the NtV or § 9 of the HNtV:
 - For non-academic civil servants **€1,200**
 - For academic civil servants **€9,600**
 All remuneration that has already been paid or is still to be paid for secondary employment activities performed in the

calendar year in question must be reported (period or balance-sheet theory). When the remuneration was actually paid is irrelevant.

Submitting a statement does not release the employee from their obligation to, in certain cases, pay part of the remuneration they receive for their secondary employment activities to their employer without further request (§ 13 of the NtV).

READ ONLY VERSION

**LGB: North Rhine-Westphalia State
Law on Civil Servants NtV: North
Rhine-Westphalia Ordinance on
Secondary Employment
HNtV: North Rhine-Westphalia Ordinance on Secondary Employment at Higher Education Institutions**

§ 51 LBG

Secondary employment not subject to approval

(1) Not subject to approval is/are

1. Management of own assets or assets subject to the usufruct of the civil servant
2. Literary, scientific, artistic or lecturing activities
3. Independent reviewing activities performed in connection with teaching or research tasks by teachers at public universities who are, as such, appointed as civil servants and by civil servants at academic institutions and establishments outside public universities
4. Activities to protect the professional interests of civil servants in
 - a) Trade unions and professional associations or
 - b) Bodies of self-help institutions and
5. Unpaid work in bodies of co-operatives

(2) The secondary employment activity may not compromise the employer's interests. Where it does or will compromise the employer's interests, it must be prohibited in whole or in part.

§ 53 LBG

Reporting of additional income

At the end of each year, the civil servant must submit to their superior a statement listing each individual case of secondary employment, specifying the nature and extent of the activity, as well as the remuneration they have received for each secondary employment activity subject to approval or each secondary employment activity not subject to approval pursuant to § 51, Para. 1 (2), (3) and (4b) performed within or outside the public sector, where such remuneration in total exceeds the maximum limit to be determined in the statutory instrument under § 57.

§ 3 NtV

Secondary employment within the public sector

(1) Secondary employment within the public sector is any secondary employment activity performed in the service of the federal government, a state government, a local authority, a local authority association, a corporation, establishment or foundation under public law or the associations of such, with the exception of activities performed for churches and religious communities subject to public law or their associations. Such activities also include any work performed on a contractual basis, irrespective of whether the contracting party is the civil servant themselves or a natural or legal person under private law or a company for which the civil servant works or in which they have an interest.

(2) A secondary employment activity within the public sector is any secondary employment activity for

1. Organisations, institutions and companies whose capital (share capital, nominal capital) is directly or indirectly majority owned by the public sector or is continuously maintained as such through public funds
2. Intergovernmental or supranational institutions in which a legal person or an association within the meaning of Para. 1 (1), Clause 1 is involved through the payment of contributions or subsidies or in some other way
3. Natural or legal persons which serves to protect the interests of a legal person or association within the meaning of Para. 1 (1), Clause 1 or which the civil servant performs in relation to their official capacity

§ 11 NtV

Remuneration

(1) Remuneration for a secondary employment activity is any consideration in money or pecuniary benefits, even if there is no legal entitlement to it.

(2) "Remuneration" does not include the reimbursement of travel expenses and daily and accommodation allowances up to the amount specified for the full calendar day as set out in the State Law on Travel Expenses (LRKG).

(3) Flat-rate expense allowances are to be regarded as remuneration in their entirety, and daily and accommodation allowances where they exceed the amounts specified in Paragraph 2.

§ 15 NtV (for non-academic civil servants) Statement of additional income

At the end of each year, the civil servant must submit to their superior a statement listing all additional income they have received or are expected to receive for any secondary employment activities subject to approval or secondary employment activities not subject to approval pursuant to § 51, Para. 1 (2), (3) and (4b) of the LBG NRW performed within or outside the public sector during the calendar year in question, where such income in total exceeds **€1,200**. The statement must list each secondary employment activity by type, scope and amount of remuneration.

§ 9 HNtV (for academic civil servants) Reporting of additional income

The civil servant must submit to their superior a statement listing all remuneration received in the calendar year in question (§ 11 of the NtV) from

1. Secondary employment activities performed within the public sector and equivalent secondary employment activities, irrespective of whether they are subject to approval, and
2. Secondary employment activities performed outside the public sector, where these activities are subject to approval under § 49, Para. 1 (2) or (3) of the LBG

where such remuneration in total exceeds the maximum limit set out in § 13, Para. 1 (1) of the NtV in its current version. This statement is to be submitted to the relevant superior promptly after the end of the calendar year.

§ 13 NtV

Maximum limits; obligation to pay

(1) If remuneration is paid by one of the legal persons referred to in § 1, Para. 1 for one or more secondary employment activities within the public sector, this remuneration may not exceed a total of €10,022.11 for the activities performed in a given calendar year. For administrative civil servants who receive remuneration from secondary employment activities pursuant to § 18 (3) of the Savings Bank Acts (SpkG) dated 18 November 2008 (Official Gazette NRW (GV. NRW.), Page 696), in its current version, the following maximum limits apply by way of derogation from (1):

1. For the Chair of the Supervisory Board of savings banks €25,055.28
2. For the Vice Chair of the Supervisory Board of savings banks €20,044.22
3. For an ordinary member and advisory participant on the supervisory board of savings banks €15,033.17

If remuneration from secondary employment activities pursuant to (1) and (2) is received within a given calendar year, the respective maximum limit set out in (2) will apply; in this case, remuneration from secondary employment activities pursuant to (1) may not exceed the maximum limit of €10,022.11. Full-time complaints officers who also serve as a member of the supervisory board will be treated as a member of the supervisory board with respect to the maximum limit for their secondary employment activity. The amounts referred to in (1), (2) and (3) must be adjusted at two-year intervals from the effective date of the provision, in each case in accordance with the adjustment made during that period to the basic salary clauses for the final level in salary grade A 12 as laid down in State Pay Scale Regulation A (Annex 1 to the North Rhine-Westphalia Pay Scale Law (LBesG NRW) of 14 June 2016 (Official Gazette NRW (GV. NRW.), Page 310, amended Page 642)) in its current version.

(2) If a civil servant receives remuneration for one or more secondary employment activities within the public sector (§ 3) or for any other secondary employment activities which they perform at the suggestion or instigation of their superior, they are obliged to pay this remuneration to their principal employer, if the remuneration they receive for the performance of such activities in a given calendar year in total exceeds the respective maximum limit set out in Paragraph 1. In the cases set out in § 3, Para. 1 (2), all amounts received by the civil servant for their involvement in the fulfilment of the contractual relationship will be deemed as remuneration received in accordance with § 11.

(3) If the civil servant has not received special reimbursement of expenses incurred in connection with their secondary employment activity, they may, in addition to the amount referred to in Paragraph 1, retain from their remuneration any amounts they can prove to have spent on

1. Travel expenses, for use of their own car up to the maximum mileage/kilometre allowance amount set out in § 6, Para. 1 (2) of the State Law on Travel Expenses (LRKG)
2. Accommodation and meals up to the maximum amounts specified in § 11, Para. 2
3. Use of the employer's facilities, personnel and equipment
4. Other assistance and self-procured equipment

(4) The amounts payable will become due three months after the end of the respective calendar year; in the cases set out in § 19, Para. 2 (1), however, at the earliest one month after their determination.

(5) Paragraphs 1 to 4 do not apply to civil servants subject to revocation in the preparatory phase of teacher training.