

Information sheet: Secondary employment

Please note that this information sheet contains only an overview of the most important points concerning secondary employment. If you have any questions, please contact Division 4.2.

Requests for approval must be submitted via the official channels **in good time**, i.e. at least 4 weeks before commencement of the secondary employment. This time limit also applies for notifications.

Definition

Secondary employment is any activity that is carried out for remuneration outside the employment relationship. This includes any consideration in money or pecuniary benefits. Secondary employment may not be carried out without prior notification or approval.

Secondary employment of civil servants (Notes on pages 1-3)

Laws

- North Rhine-Westphalia State Law on Civil Servants (LBG NRW)
- North Rhine-Westphalia Ordinance on Secondary Employment (NtV)
- North Rhine-Westphalia Ordinance on Secondary Employment at Higher Education Institutions (HNtV)

a) General information/procedure:

- All submissions of requests for approval/notifications must include copies of contracts or similar (e.g. consultancy or employment contract), specifying the type, total duration and scope of the secondary employment.
Please note that any subsequent requests to provide contract documents or other documentation may considerably delay the timely processing of the request for approval/notification of secondary employment.
- All requests for approval of secondary employment or notifications of secondary employment not subject to approval/generally approved secondary employment must be submitted via the official channels, i.e. via the superior and dean, **in good time before commencement of the secondary employment**.
- Approval must be granted for **each individual secondary employment activity** and is limited to a **maximum period of five years**. Any subsequent changes must be reported immediately.
- Secondary employment may generally be carried out only **outside working hours** (§ 52, Para. 1 (1) of the LBG). In duly justified cases, an exception to this is possible in agreement with the superior (§ 52, Para. 1 (2) of the LBG). The prerequisite for this is that there are no official reasons to the contrary and that the missed working time will be verifiably made up for subsequently or in advance.
- For full-time employees, the duration of one or more secondary employment activities may not exceed **one fifth of the regular weekly working hours** (on average 8 hours/week for full-time employees). Different rules apply during parental leave.
- Secondary employment carried out during **holiday leave**, a **leave of absence** or **part-time employment** is also subject to approval and may be carried out only to a limited extent.
- Civil servants are generally responsible for declaring income from secondary employment for tax purposes.

Definition/Types of secondary employment

Secondary employment is defined as the performance of a **secondary position** or **secondary occupation**. A **secondary position** entails a scope of duties **that do not form part of the employee's principal position** and is

performed on the basis of an official public-law relationship. The principal position entails the scope of duties assigned specifically to the employee in question, as set out in the relevant job description or appointment agreement, for example. The activities of the employee's principal position cannot constitute a secondary employment.

A **secondary occupation** is any secondary employment activity within or outside the public sector that does not form part of an employee's principal or secondary position (§ 2, Para. 1 of the NtV). It is a private activity. The performance of public voluntary work and of unpaid guardianship, caregiving, fosterage or executorship is not regarded as secondary employment, but notification of the assumption these must be provided in writing before commencement (§ 49, Para. 1 (3) of the LBG).

b) Types of secondary employment:

There are three types of secondary employment: **secondary employment subject to approval**, **secondary employment not subject to approval** and **generally approved secondary employment**. Notification must be provided for all types of secondary employment. If you are unsure of the specific secondary employment type, please contact the relevant person responsible in Division 4.2.

Secondary employment subject to approval (§ 49 of the LBG)

Secondary employment subject to approval in particular includes:

- Taking on a secondary position
- Taking on a secondary occupation for remuneration
- Commercial work, work in a commercial enterprise, freelancing work
- Becoming a member of the executive board, supervisory board, administrative board or any other body of a company or of any enterprise operated in another legal form where it pursues an economic purpose, or holding a trusteeship

Secondary employment not subject to approval (§ 51 of the LBG) → Notification is obligatory

- A literary, scientific, artistic or lecturing activity for remuneration
- Independent reviewing activities in connection with teaching or research tasks
- Management of own assets or assets subject to usufruct
- Activities to protect the professional interests of civil servants in trade unions, professional associations, bodies of self-help institutions
- Unpaid work in bodies of co-operatives

Generally approved secondary employment (§ 7 of the NtV) → Notification is obligatory

Secondary employment is deemed as generally approved secondary employment if it is minor in scope, does not compromise the employer's interests, is carried out outside working hours and is not remunerated or is remunerated at less than €100/month.

In the HNtV, further generally approved secondary employment activities are regulated separately for academic civil servants:

- Publication and editing of academic publications
- Research and development work carried out on behalf of third parties, where the results are to be made publicly available
- Activities of university teachers in the field of law in the cases regulated in § 5, Para. 1 (3) of the HNtV
- Juror activities
- Teaching activities at other universities for a duration of up to four semester periods per week, as well as the elaboration of study materials for distance learning institutions and sandwich courses for a duration corresponding to four semester periods per week
- Part-time collaboration of academic staff in university teachers' generally approved secondary employment activities and secondary employment activities not subject to approval outside working hours

c) Reasons for refusal:

In principle, approval for secondary employment will be granted, provided there are no reasons for refusal pursuant to § 49, Para. 2 of the LBG. Approval will be refused in cases where the secondary employment activity may compromise the employer's interests. This is in particular the case where the secondary employment

- In terms of its type and scope, will take up the civil servant's resources to such an extent that the proper fulfilment of their official duties may be impeded. This is generally the case where the working time exceeds more than a **fifth** of the regular working hours; (this is also the limit set for professors).
- May cause conflicts with the civil servant's official duties
- Will be carried out on a matter in which the authority or institution to which the civil servant belongs is or may be active
- May affect the impartiality or objectivity of the civil servant
- May substantially limit the civil servant's future availability to perform their duties
- May be detrimental to the reputation of the public authority

Secondary employment not subject to approval is permissible where the performance of the activity in question will not comprise the employer's interests. Otherwise the secondary employment must be prohibited in whole or in part.

(d) Reporting of additional income:

At the end of each year, a statement of all additional income received or expected from secondary employment within and outside the public sector ("Reporting of additional income" form) must be submitted where

- Academic civil servants have received remuneration totalling more than €9,600.00 and
- Non-academic civil servants have received remuneration totalling more than €1,200.00

Providing information on additional income does not supersede the requirement to provide notification of or to submit a request for approval of secondary employment. Nor does it supersede the requirement to provide notification of the remuneration received for calculating user fees for the use of Paderborn University facilities, personnel and equipment.

Obligation to pay for secondary employment in the public sector

If the remuneration for one or more secondary employment activities in the public sector exceeds **€10,022.11 in the respective calendar year**, the civil servant must pay this to the employer for their principal position, unless an exception under § 14 of the NtV or § 8 of the HntV applies (e.g. for lecturing or reviewing activities or for the training and further training of civil servants).

(e) Use of the employer's facilities, personnel and equipment:

The use of Paderborn University facilities, personnel or equipment requires the **prior authorisation** of Paderborn University (§ 16, Para. 1 of the NtV in conjunction with § 10 of the HntV). This generally goes hand in hand with the approval to carry out the relevant secondary employment activity.

- Facilities are material resources, in particular offices/rooms and their amenities, including apparatus and instruments, with the exception of libraries.
- Equipment is all usable objects and energy.

User fees for the use of facilities, personnel and equipment

A user fee is payable for the use of Paderborn University facilities, personnel and equipment (§§ 10-13 of the HntV, §§ 16-20 of the NtV, § 54 of the LBG NRW).

The user fee is calculated as a lump sum on the basis of the (gross) remuneration received for the secondary employment and is generally

- 10% for the use of personnel and
- 5% in each case for the use facilities and equipment

Pursuant to § 16 (3) of the NtV, **the employer's personnel may be used by professors only within their working hours** and only within the scope of their usual official duties. Overtime work, on-call service or on-call duty may not be arranged, approved or remunerated on grounds of participation in secondary employment. Agreements on private work outside working hours remain unaffected. In this case, both the professor and the employee must provide notification of/submit a request for approval of a secondary employment activity.

Please use the "Settlement of user fees for secondary employment" form to settle any user fees.

Secondary employment for pay-scale employees

Laws

- § 3, Para. 4 of the German public servant remuneration grade table (TV-L) in conjunction with § 40 (2) of the TV-L

a) General information/procedure:

- Pursuant to § 3, Para. 4 of the TV-L in conjunction with § 40 (2) of the TV-L, the commencement of **any secondary employment** (even without remuneration – e.g. voluntary work) must be notified to the employer in writing **in good time in advance**. Permission for secondary employment is generally not required.
- Notification must be provided for **each individual secondary employment activity**. The validity may not exceed **five years or the end of the contract**. Any subsequent changes must be reported immediately.
- Secondary employment may generally be carried out only **outside working hours**. In duly justified cases, an exception to this is possible in agreement with the superior. The prerequisite for this is that there are no official reasons to the contrary and that the missed working time will be verifiably made up for subsequently or in advance.
- For full-time employees, the duration of one or more secondary employment activities may not exceed **one fifth of the regular weekly working hours** (on average 8 hours/week for full-time employees). Different rules apply during parental leave.
- In the case of part-time employment, additional activities are possible until the level of full-time employment is reached. If this limit is exceeded, the 'fifth' rule will apply.
- Secondary employment carried out during **holiday leave** or a **leave of absence** is also subject to notification and may be carried out only to a limited extent.
- Employees are generally responsible for declaring income from secondary employment for tax purposes.

c) Reasons for refusal:

The employer may prohibit or impose conditions on the secondary employment if it is likely to compromise

- Fulfilment of the employee's contractual obligations or
- The employer's legitimate interests

c) User fees for the use of facilities, personnel and equipment:

The provisions of civil service law apply mutatis mutandis for the use of Paderborn University facilities, personnel and equipment.

If you have any questions about secondary employment, please contact the relevant persons responsible in Division 4.2.

This information sheet and all related forms can be found on the Central University Administration's website under "Forms" - Secondary employment and on Division 4.2's web pages.

Forms:

[Secondary employment – Notification form for pay-scale employees](#)

Secondary employment – Notification form for civil servants

Secondary employment – Request for approval form for civil servants

Secondary employment – Reporting of additional income

Secondary employment – Settlement of user fees