

Information on secondary employment for doctors (employed under the TV-Ä collective agreement) and officials and employees on individually negotiated contracts

This information sheet gives a comprehensive overview of the rules governing secondary employment. The provisions of German law and collective wage agreements apply, as do the University Medical Center's internal regulations. Further information on your rights relating to secondary employment can be obtained from the personnel department. Contact details are given at the end of this information sheet.

1. Definition

Secondary employment is any employment within or outside of the public sector which does not form part of the principal employment of the doctor or official. This does not include unpaid activities which are generally considered to form part of an individual's personal life.

2. Defining principal employment and secondary employment

The tasks which form part of the employee's official duties may not be performed as secondary employment. The performance of additional tasks within the Medical Center does not constitute secondary employment. In principle, secondary employment may only be undertaken outside of the employee's working hours.

3. Procedure/Authorisation/Approval

In principle, any secondary employment requires prior written authorisation/approval. Undertaking secondary employment without authorisation or without having declared this employment constitutes a disciplinary offence and a breach of employment contract.

The employee must obtain authorisation/approval using the forms provided for this purpose. The following forms can be retrieved in the intranet:

- Declaration / Request for authorisation of secondary employment in the field of medical devices and medications
- Declaration / Request for authorisation of secondary employment (general)

The form should be submitted to the personnel department, completed in full and signed by the employee's superior, at least four weeks before the beginning of the planned secondary employment. A copy of the speaker's contract or consulting agreement must be attached. Authorisation of secondary employment can be granted for a fixed duration of up to five years. The employee must report any change immediately in writing.

4. Essential criteria for authorisation/approval

The secondary employment may not be detrimental to the interests of the principal employer. The provisions of the German Working Hours Act (ArbZG) must be observed when undertaking secondary employment. If work is undertaken for multiple employers, the working hours for all employers must be added together. This is important to ensure compliance with rest periods and maximum working hours, among other provisions. For employees with a customary working week of 42 hours, a maximum limit of 48 working hours per week applies. For professors not subject to working time regulations, the total duration of the secondary employment may not exceed one individual working day per week. These maximum limits also apply to part-time employees.

For the purposes of preventing corruption, the board of directors has established the following limits:

- The hourly remuneration may not exceed € 250 gross.
- The remuneration for an individual job may not exceed € 5,000 gross.
- The total remuneration per employer per calendar year may not exceed € 20,000 gross.

Travel expenses paid by the employer must be reasonable and proportionate.

5. Advertising

The secondary employment may not involve any advertising activity in the field of medical devices, medications or remedies and health aids.

The Board of Directors of the University Medical Center ruled on 24th November 2015 that it is possible for employees to provide their expert opinion on certain specialist subjects to the general and specialist press and to make reference to their employment at the Medical Center in doing so. Quotes on web pages and in video clips, articles or company magazines, flyers etc. which make reference to a product or company are not permitted.



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6. No secondary employment during duty travel

Secondary employment during duty travel is not permitted. It is only possible when the fee paid is credited to the Medical Center's budget as third-party reimbursement of costs. Alternatively, travel can be undertaken entirely within the scope of secondary employment. In this case it cannot be funded by the budget or by third-party funding, and holiday or time off in lieu must be taken for the duration of the absence (see minutes from the meeting of the Board of Directors dated 19th July 2016).

7. Documenting absences

If secondary employment is undertaken during regular working hours, the employee must take holiday or time off in lieu for this purpose. This must be documented via submission of a notice of absence to the administrative department or the time administrator responsible.

8. Use of Medical Center or University resources

Resources belonging to the Medical Center and the University may only be used if there is a public or scientific interest in the secondary employment. If authorisation of use is granted, compensation for this use must be paid in accordance with the applicable provisions. This does not apply to secondary employment at training and educational institutions within the Medical Center or the University.

9. Employment as an expert consultant

Doctors are not required to declare secondary employment as an expert consultant that is undertaken on the instructions of a head of department within or outside of working hours (Section 5 Para. 2 of the TV-Ä collective agreement).

If employment as an expert consultant is undertaken independently, this employment must be declared. Please note that the University Medical Center's business liability insurance does not cover activities which are undertaken outside the scope of employees' official duties. Employees are responsible for paying compensation, or taking out insurance, for damages caused to third parties as a result of secondary employment. If Medical Center resources are to be used in the course of independent employment as an expert consultant, approval must be requested at the time the secondary employment is declared.

Employees in non-scientific roles who collaborate on expert reports on the instructions of their superior outside of regular working hours must declare this as secondary employment.

10. Secondary employment statement

In accordance with Section 8 of the secondary employment regulations of the state of Baden-Württemberg (LNTVO), employees must submit an annual statement, by 1st July each year at the latest, detailing all secondary employment undertaken in the previous calendar year for which declaration/authorisation is required.

If you have any questions concerning secondary employment, please contact:

Abt. Personalbetreuung (staff support division)
Team 3
Breisacher Str. 153

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