

Leaflet on secondary employment

Secondary employment is any activity that is not part of the main office or is carried out outside the main employment relationship, with the exception of activities that are generally considered to be part of personal life, such as typical leisure activities.

Secondary employment may be self-employed or non-self-employed in the form of an employment relationship (e.g. work for another employer, secondary employment within the framework of a service contract or contract for work and services). Unpaid and voluntary activities are also secondary employment.

Tasks incumbent upon the university are to be performed within the scope of the employment/service relationship and may not be taken on as secondary employment.

The university management must be notified in writing of any secondary employment **one month prior** to commencement. The form **“Anzeige einer Nebentätigkeit”** (Notification of secondary employment) is to be used for the application.

Secondary employment may be prohibited or subject to conditions if it is to be feared that the duties under the employment contract or the interests of the employer/principal will be impaired.

This is the case, for example, if the main and secondary activities exceed the permissible (total) maximum working time of 48 hours per week. In the case of part-time employees, there is no question of excessive demands on their time as long as their main and sideline activities do not exceed the regular working hours of a full-time employee.

In principle, any secondary employment must be carried out outside working hours and a clear separation of duties from those of the university must be maintained.

If there is a public or scientific interest in the exercise of the secondary activity, **facilities, personnel or material of the BTU Cottbus-Senftenberg may be used after prior written approval**. A fee must be paid for this in accordance with the provisions of the Federal Ordinance on Secondary Employment. Accordingly, for secondary employment for which resources of the BTU Cottbus-Senftenberg may be used, there is an **obligation to settle accounts** immediately after the end of the secondary employment or the use of resources of the BTU Cottbus-Senftenberg, in the case of continuous secondary employment or use of resources of the BTU Cottbus-Senftenberg in each case by 31 January of the calendar year following the year of settlement. The form **“Abrechnung der Nebentätigkeit/en”** (Accounting of secondary employment) must be used for the accounting and sent to the administrative department Human Resources.

Civil servants are also obliged to pay remuneration for secondary employment in the public sector or equivalent service as soon as this exceeds the gross amounts prescribed by law (section 6, paragraph 2, sentence 1 BNV). This shall not apply in cases privileged under Section 7 BNV (e.g. teaching, lecturing or examination activities or activities in the field of scientific research).

The personnel administration department shall check whether there is an obligation to pay. For this purpose, the statement of account must be submitted after the end of the secondary employment or, in the case of continuous secondary employment, by 31 January of the calendar year following the accounting year. The form **“Abrechnung der Nebentätigkeit/en”** (Accounting of secondary employment) shall be used for the settlement.

Legal basis:

- § 3 Abs. 4 i.V.m. § 40 Nr. 2 Tarifvertrag für den Öffentlichen Dienst der Länder (TV-L) / § 3 para. 4 in conjunction with. § 40 No. 2 Collective Agreement for the Public Service of the Länder (TV-L)
- § 40 Beamtenstatusgesetz (BeamtStG) / § 40 Civil Servant Status Act (BeamtStG)
- §§ 83 ff. Beamtenengesetz für das Land Brandenburg (Landesbeamtenengesetz – LBG) / §§ 83 ff. Civil Service Act for the State of Brandenburg (Landesbeamtenengesetz - LBG)
- §§ 4,5 Abs. 3, §§ 6-13 Bundesneben tätigkeitsverordnung (BNV) in der am 08.04.2009 geltenden Fassung / Sections 4,5 sub-section 3, Sections 6-13 Federal Ordinance on Secondary Employment (Bundesneben tätigkeitsverordnung - BNV) in the version applicable on 08.04.2009

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