

## Notes on fixed-term employment of research associates

(additional documents are available in German at

<https://www.verwaltung.zuv.fau.de/personalhandbuch/befristete-arbeitsverhaeltnisse/>)

(1) The options available for employing researchers on a fixed-term basis set out in the Fixed-Term Research Contracts Act (WissZeitVG) are incredibly important for helping to ensure that universities remain competitive. They aim to ensure that young researchers are given sufficient time to complete academic qualifications, while also ensuring that the limited number of positions available for researchers working towards qualifications are subsequently made available for the next generation of young researchers.

In addition to the regulations in WissZeitVG, the Bavarian Ministry of Education, Science and the Arts and the universities in Bavaria have agreed upon principles for handling fixed term contracts according to WissZeitVG which must also be adhered to when concluding fixed-term employment contracts.

The most important aspects that need to be observed to ensure that WissZeitVG and the principles are adhered to are explained below. The full German texts are available on the web page given above.

(2) The options available for employing researcher assistants on a fixed-term basis are regulated by Section 2 WissZeitVG, which distinguishes between two fundamental options:

### (2a) A fixed-term contract for an employee working towards an academic qualification

[Section 2 (1)]

- An employee without a doctoral degree may be employed on a fixed-term basis for a maximum of 6 years; after completing a doctoral degree they may be employed on a fixed-term basis for a further 6 years (9 years for medicine).
- The **length of a fixed-term contract** must be **appropriate for the qualification being worked towards** (irrespective of the amount of funding available).
- Half (or a reasonable proportion) of the working hours are to be devoted to working towards the qualification.
- The working hours are usually 50 percent of a full-time position.
- The qualification goal (see no. 3) and the amount of time required to complete the qualification are documented by the manager and the employee in the **supervision agreement**.
- The contract may be financed from any sources (FAU budget, third-party funding, funding left over from projects, etc.), partial funding from several different sources may be combined and, if necessary, the source of the funding may be changed during the term of the contract.
- The amount of financing available may **not** be used to as a basis for determining the length of the contract. The law only leaves room for flexibility in terms of the qualification goal and the interpretation of what constitutes an appropriate length of time for completing it.

### (2b) A fixed-term contract due to third-party financing [Section 2 (2)]

- A research associate position may be financed by third-party funding that has been allocated for a specific task and for a specific period of time. The **length of the fixed-term contract** usually corresponds to the **length of the project** being financed through third-party funding. In exceptional cases an employee may be employed only until a specific milestone is completed or only for one part of a longer project.
- The position must fulfil the purpose for which the funding has been allocated and must be financed through the third-party funding assigned to the project. The possibilities of using positions financed by the FAU budget or remaining funds from other projects or of changing the source of financing during the term of the contract are very limited – in such cases the majority of the financing must still come from the third-party funding.

- It is not a legal requirement for the employee to complete an academic qualification during the period of employment (they may of course still do so, but it is not a contractual requirement in contrast to the case in 2a).
- Such fixed-term contracts may have a duration of more than 6 (+6 or 9) years.
- However, as the aim of employing research associates is generally for them to complete further academic qualifications, this type of fixed-term contract may only be used in **justified exceptional cases**.

(3) The standard academic qualifications that may be worked towards are a doctoral degree or habilitation. However, the law specifies that other qualification goals may also be permitted, such as 'acquiring research competences' (e.g. knowledge of project management). The appropriate length of the contract in each individual case is not specified by law.

Certain standard qualification goals are described below to make it easier for institutes and the University Administration to handle the most common cases. In other situations the qualification being worked towards and the appropriate length of the contract must be described in more detail in the supervision agreement with more detailed reasons given.

(3a) Qualification goals for employees **without a doctoral degree** [Section 2 (1) (1)]

- **Preparing to start work on a doctoral degree**

Appropriate contract length: 1 to 2 years; may only be used for an employee's first fixed-term contract.

If the topic of the doctoral degree has not yet been determined at the time when an employee's first contract is concluded and if the employee must familiarise themselves with the research topic first, a preparatory period may be completed before the employee starts work on the doctoral degree.

However, this qualification goal should not be used as standard for employees' first fixed-term contracts and should only be used when genuinely necessary.

- **Doctoral degree**

Appropriate contract length: generally at least 3 to 4 years if it is the employee's first fixed-term contract.

Together with the first fixed-term, the term of a follow-up contract should correspond to the average time required to complete a doctoral degree in the subject or be based on an individual schedule that has been drawn up. The same principles should be applied in cases where the employee has already started working on the doctoral degree in a different context (e.g. while receiving a scholarship). If an employee is unable to complete their doctoral degree within the time predicted, the contract may be extended on the basis of a new schedule (up to a maximum of 6 years). The length of such extensions may not be unrealistically short and the number of extensions must be reasonable.

- **Acquiring academic skills**

Appropriate contract length: should be based on a reasonable period with regard to the skills to be acquired (e.g. the duration of a project). Terms of less than one year are only possible in exceptional cases and detailed reasons must be provided in such cases.

A variety of different goals, including some subject-specific qualifications, fall into this very general category. Examples include:

- Acquiring academic skills in the research project ... (specify).
- Acquiring a teaching qualification through ... (specify).
- Acquiring a qualification agreed upon in a qualification agreement or target agreement (provide copy of agreement).
- Other academic qualification (describe).

Within this framework it is also permissible to define an additional interim goal before the goal of completing a doctoral degree if, for example, the situation at an institute with regard to the availability of positions or projects means that it is initially not possible to finance a contract for the length of time required to complete a doctoral degree. However, as this could be interpreted as contradicting the aims of WissZeitVG, a precise description of the goal and an explanation of the appropriate length of the contract must always be provided for general qualification goals.

(3b) Qualification goals for employees **with a doctoral degree** [Section 2 (1) (2)]

The main focus of the postdoctoral phase is to gain qualifications for an advanced academic career. This entails a fundamental decision regarding the employee's further career path. For this reason, when a supervision agreement is concluded with an employee who aims to acquire postdoctoral qualifications, their supervisor should discuss with them their suitability for an academic career and their perspectives for further employment. In addition to acquiring qualifications for an academic career, goals related to acquiring qualifications for position in companies (e.g. in industrial research or project management) are also permissible. This type of goal may also be used as a preliminary stage before making a decision on whether to continue with an academic career (e.g. by completing a habilitation). However, in all cases clear reasons must be provided for qualification goals with multiple stages and it must be ensured that this situation does not constitute misuse of multiple short fixed-term contracts.

- **Preparing to start on a habilitation/to become a junior professor/for a postdoctoral research stay abroad**

Appropriate contract length: usually 2 years, at least 1 year

Building a profile as an independent researcher, developing a research agenda.

- **Habilitation or equivalent qualification**

Appropriate contract length: based on the predicted date of completion of the habilitation or equivalent qualification – usually at least 3 years.

In exceptional cases a different length may be determined on the basis of an individual prognosis. In such cases the amount of time already spent working on the qualification (e.g. during previous employment or while receiving a scholarship) must be considered. If an employee is unable to complete their habilitation within the time predicted, the contract may be extended on the basis of a new schedule (up to a maximum of 6 years or 9 years for medicine).

- **Acquiring academic skills after completing a doctoral degree**

This goal is equivalent to the goal described under 3a but at the postdoctoral level. Examples include:

- Gaining experience managing projects and staff (e.g. leading a group of young researchers).
- Acquiring skills by securing third-party projects.
- Developing an academic profile through publications, organising academic conferences, working in programme committees, etc. in the area of ... (specify).
- Acquiring additional/specific teaching qualifications (specify).
- Acquiring a qualification agreed upon in a qualification agreement or target agreement (provide copy of agreement).
- Other postdoctoral academic qualification (specify).