

Additional information on application of the German Academic Fixed-Term Contract Act (WissZeitVG)

The German Academic Fixed-Term Contract Act (WissZeitVG) came into force on 18 April 2007 and was amended by the First Law amending the WissZeitVG, effective from 17 March 2016 (German Federal Law Gazette (BGBl.) I 2016, 442-443). The WissZeitVG contains regulations for the conclusion of fixed-term employment contracts with academic staff (in both the sciences and the arts) at universities.

General information on the WissZeitVG

Fixed-term employment contracts before and after completion of a doctorate (§ 2, Para. 1 WissZeitVG)

Fixed-term employment contracts for a period of up to six years may be concluded with academic staff (in both the sciences and the arts) who do not hold a doctorate (§ 2, Para. 1 (1) of the WissZeitVG). After completion of their doctorate, their employment contracts may be extended for a further six years of fixed-term employment (§ 2, Para. 1 (2) of the WissZeitVG). This fixed-term employment must promote and help fund the relevant academic qualification pursued (in either the sciences or the arts).

Crediting of previous periods of employment (§ 2, Para. 3 WissZeitVG)

All fixed-term employment relationships pursuant to § 2, Para. 3 of the WissZeitVG exceeding one fourth of a regular employment contract at a German university or research institution within the meaning of § 5 of the WissZeitVG, as well as corresponding employment relationships for civil servants with fixed-term contracts and private employment contracts pursuant to § 3 of the WissZeitVG must be taken into account in the permissible duration for fixed-term employment contracts in the pre-doctoral and post-doctoral phases (Phase I and Phase II). Fixed-term employment contracts concluded under other laws will also be taken into account (e.g. the German Law on Part-Time Work and Fixed-Term Contracts (TzBfG)). Pursuant to § 2, Para. 3 (3) of the WissZeitVG, periods of fixed-term employment prior to the completion of a degree do not count towards the maximum employment contract term of six years before and after the doctorate.

Count	Do not count
All fixed-term employment/private employment contracts exceeding 25% of weekly working hours at a German university or research institution (within the meaning of § 5 of the WissZeitVG)	Scholarship periods
Employment relationships for civil servants with fixed-term contracts (including junior professors)	Employment contract periods prior to the completion of a degree (Master, diploma, state examination)
Fixed-term contracts under other laws, e.g. TzBfG	Employment contract periods with foreign institutions

Bonus periods (§ 2, Para. 2 (2), Clause 2 of the WissZeitVG)

The permissible duration of fixed-term employment contracts in the post-doctoral phase (Phase II) will be extended to the extent in which the time periods of fixed-term employment in accordance with § 2, Para. 1 (1) of the WissZeitVG in the pre-doctoral phase (Phase I) and doctoral degree studies without employment (e.g. scholarship periods) together total less than six years ("bonus period"). Pursuant to § 2, Para. 1 (2) of the WissZeitVG, the duration of fixed-term employment contracts in the post-doctoral phase (Phase II) may be extended by the "saved periods" pursuant to § 2, Para. 1 (1) of the WissZeitVG in the pre-doctoral phase (Phase I). Conversely, however, the duration under § 2, Para. 1 (2) of the WissZeitVG will not be shortened if more than six years have been spent at a university prior to completion of the doctorate.

Employment to promote and help fund academic qualifications (§ 2, Para. 1 (3) WissZeitVG)

In line with the amendment of the WissZeitVG in March 2016, the following legal basis was added for the conclusion of fixed-term employment contracts: Employment must be for the purpose of promoting and helping to fund the relevant academic qualification sought and the employment contract term must befit the desired qualification. In addition to the formal qualification objectives of the doctorate or in the post-doctoral phase (Phase II), e.g. post doctorate degree, a variety of other individual qualifications may be considered in individual cases. In addition to the academic qualification in general, this includes the acquisition of skills that enable a career in and outside of academia. The appropriateness of the respective duration of fixed-term employment for the academic qualification sought must be justified in each individual case.

Extension of the fixed-term employment relationship on grounds of childcare (§ 2, Para. 1 (4) WissZeitVG)

Where one or more children under the age of 18 are being cared for, the total duration of fixed-term employment contracts of 12 years (six years before and six years after the doctorate) permissible under § 2, Para. 1 of the WissZeitVG will be extended by up to two years per child. This provision is intended to help fixed-term academic staff balance their multiple responsibilities (performance of academic duties, pursuance of qualification sought, childcare). This "family policy component" offers an option for extending the fixed-term employment relationship; the contract is not automatically extended.

Extension of the fixed-term employment relationship on grounds of disability/chronic illness (§ 2, Para. 1 (6) WissZeitVG)

§ 2, Para. 1 (6) of the WissZeitVG stipulates that the total permissible duration of fixed-term employment contracts will also be extended by two years in the case of a disability pursuant to § 2, Para. 1 of the German Social Code (SGB) IX or serious chronic illness. This opens up a further contract extension option.

Statutory extension options (§ 2, Para. 5 WissZeitVG)

The respective duration of a fixed-term employment contract under § 2, Para. 1 of the WissZeitVG will be extended in agreement with the employee by

1. Periods of leaves of absence or a reduction in working hours of at least one fifth of the regular working hours for the purpose of providing care for one or more children under the age of 18, even if the requirements of § 15, Para. 1 (1) of the German Parental Allowances and Parental Leave Act (BEEG) apply to the child, or for other relatives in need of care
2. Periods of leaves of absence for a scientific or artistic activity or for scientific, artistic or professional training or further training undertaken outside the higher education sector or abroad

3. Periods of parental leave taken pursuant to the BEEG and periods of employment prohibitions pursuant to §§ 3, 4, 6 and 8 of the German Maternity Protection Act (MuSchG) to the extent to which no gainful employment has taken place
4. Periods of basic military service and civilian service
5. Periods of leaves of absence amounting to at least one fifth of the regular working hours for the performance of tasks in a representative body for staff or disabled persons or of tasks of a Women's Officer or Equal Opportunities Officer or for the exercise of an office to be agreed upon with the employer and
6. Periods of incapacity to work due to illness during which there is no legal or collective agreement entitlement to continued remuneration

In the cases of (1) numbers 1, 2 and 5, extensions to employment contracts should not exceed two years, respectively. Periods under (1) numbers 1 to 6 will not be counted towards the fixed-term period permitted under Para. 1 if they may lead to an extension of a fixed-term employment contract.

The list in § 2, Para. 5 of the WissZeitVG is exhaustive. Employees are legally entitled to this contract extension, provided the relevant requirements are met. For further information, in particular about the procedure, please contact the Human Resources department - Division 4.2.

Fixed-term employment for third-party funded projects (§ 2, Para. 2 WissZeitVG)

The conclusion of fixed-term employment contracts with academic staff (in both the sciences and the arts) is also permitted if the employment is predominantly financed by external funds, if the funding is approved for a certain task and period of time and if the employee is predominantly employed to serve the intended purpose of the funds (§ 2, Para. 2 of the WissZeitVG). This constitutes fixed-term employment for the specific purpose of participation in a third-party-funded project. A prerequisite for this type of employment contract is that the contract term matches the approved project period. Such fixed-term contracts can also be concluded after the maximum time limit for fixed-term employment contracts under § 2, Para. 1 (1) and (2) of the WissZeitVG (twelve-year limit) has been reached. However, where such fixed-term contracts are entered into before this time, they will also be counted towards the maximum time limit for fixed-term employment contracts under § 2, Para. 1 of the WissZeitVG (see § 2, Para. 3 of the WissZeitVG). As a rule, the maximum time limit for fixed-term employment contracts under § 2, Para. 1 (1) and (2) of the WissZeitVG will first be used up in full.

If you have any questions regarding individual employment contract term limits, please contact the Human Resources department - [Division 4.2](#).

You can also find more information on the [Human Resources department](#) and [German Federal Ministry of Education and Research \(BMBF\)](#) websites.