



UNIVERSITÄT
PADERBORN

PRINCIPLES FOR PROFESSORSHIP SUBSTITUTES

AT THE UNIVERSITY OF PADERBORN

As of: 06/2021



Subject area 4.2

General

The university may temporarily assign a substitute to perform the duties of a professorship until the position is filled (Section 39 of the Higher Education Act (HG)). During the assigned period, the substitute professor performs all the duties of the professorship to be substituted in the areas of research, teaching, and self-administration.

The following pages explain what this means in detail:

TOPIC	REGULATION
Requirements for appointment	The substitute professor must meet the employment requirements pursuant to Section 36 of the Higher Education Act (HG).
Legal relationship	<p>The professorship substitution is a legal relationship under public law of a special kind. It does not establish an employment relationship (Section 39 (2) HG) and is transferred by way of a substitution assignment. The assignment does not constitute an employment/service contract or establish a civil service relationship.</p> <p>The legal relationship ends at the time specified in the assignment without the need for revocation of the assignment; otherwise, the assignment may be revoked at any time by the president of the University of Paderborn.</p> <p>The assignment is generally subject to social security regulations in health, pension, and unemployment insurance.</p> <p>Professor representatives are usually appointed for a maximum of two semesters.</p>
Use of title	During the term of the professorship substitution, the professorship substitute is entitled to use the title "professorship substitute." The title "professor" may not be used during the professorship substitution.
Remuneration	<p>Remuneration is generally based on the salary characteristics of the professorship being substituted (salary grade W2 or W3). In addition, other remuneration components are paid in accordance with civil service remuneration, such as family allowances.</p> <p>Performance-related pay is not granted.</p>
Continued payment of remuneration in the event of illness	The Continued Remuneration Act applies to continued remuneration in the event of illness, unless the substitute professor is on leave from civil service at Paderborn University with a large extended guarantee notice.
Accident insurance	With regard to accident insurance, the legal relationship is subject to statutory accident insurance (Section 2 (1) No. 1 SGB VII). The State Civil Service Benefits Act does not apply.

TOPIC	REGULATION
Entitlements under unemployment insurance after the end of the substitution period	<p>Section 27 (1) No. 1 of the Social Security Code (SGB) III stipulates that substitute professors who are <u>not</u> civil servants on leave of absence with a broad extended guarantee notice are not exempt from insurance. These persons are therefore subject to compulsory unemployment insurance.</p> <p>In order to maintain full entitlement to unemployment benefits from the Employment Agency in accordance with Section 38 (1) of SGB III, a corresponding clause is included in the letter of appointment.</p>
Insurance in the supplementary pension scheme for the public sector (VBL)	<p>For the period of the professorship substitution, compulsory insurance with the VBL (insurance in the supplementary pension scheme for the public sector) may be established in accordance with Section 26 (2) of the statutes of the Federal and State Pension Institution. In particular, in the case of leave of absence from an employment relationship in which an obligation to insure with the VBL already existed (under a collective agreement or employment contract), compulsory insurance with the VBL is established in accordance with Section 26 (2) of the Statutes of the Federal and State Pension Institution. Further information and the VBL statutes can be found at: https://nrw.vblportal.de/</p>
Allowance	<p>The NRW Subsidy Regulation applies insofar as substitute professors are on leave from civil service employment at Paderborn University with a large extended guarantee notice.</p> <p>Questions relating to the allowance will be answered by the <u>allowance office</u>.</p>
Legal status of members	<p>Professor representatives (§ 39 (2) HG) who teach courses at the university with a proportion of their teaching obligations in accordance with § 35 (2) sentence 4 HG, shall exercise the rights and obligations of a member associated with the task. They shall not participate in elections.</p>
Committee work	<p>Professor representatives may participate in committee work, provided that this does not require election. For example, no committee work in the senate, faculty council, appointment committee, etc.</p>

TOPIC	REGULATION
Supervisory function	During their assignment, the professorial representatives exercise supervisory functions over the academic and non-academic staff in their area. Upon termination of the assignment, the authority to issue instructions to the staff ends. If personnel measures are requested within the scope of the professorship representation that extend beyond the assignment period, the dean must ensure that the positions and financing are secured in advance.
Third-party funded projects	University members engaged in research are entitled to carry out research projects within the scope of their official duties that are not financed from the university's budget but from third-party funds. Details are regulated in § 71 HG NRW. If research projects are applied for or approved within the scope of the professorship substitution that extend beyond the term of the assignment, prior consultation with the faculty, in particular the dean, must take place to determine how the respective research project is to be carried out after the end of the professorship substitution assignment.
Inventions and patents	Section 4 of the German Employee Inventions Act (ArbEG) defines employee inventions as inventions made during the term of employment that either arose from the employee's duties in the company or public administration or are based significantly on the experience or work of the company or public administration. Whether employee inventions are based significantly on the experience or work of the company or public administration must be examined on a case-by-case basis. The requirements are high, as there must be a direct connection with the activity.
Access to accounts (accounting objects), procurements	While acting as a substitute professor, access to accounts (accounting objects) is only possible after consultation with the dean. This access to accounts (accounting objects) ceases when the substitute professor leaves the position.
Secondary employment	Employment at Paderborn University is considered to be the main occupation. A secondary occupation is any activity that is carried out outside of the professorship substitution for remuneration. This includes any consideration in money or monetary benefits. Secondary occupations may not be carried out without prior notification. In the case of professorship substitutions, the civil service regulations applicable to professors essentially apply. Further information and forms for applying for/notifying secondary employment are also available at: https://www.uni-paderborn.de/zv/4-2/beamteprofessorinnenprofessoren/nebentaetigkeit .

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Provision of university resources	Resources that are generally accessible and available to all university members (e.g., academic libraries, archives, collections, etc.) may be used.
Business trips/travel	Business trips must be applied for in good time before departure using the appropriate forms (available on the Internet on the "Central University Administration" page, Forms (Thematic), General Personnel Matters; Link: http://www.uni-paderborn.de/zv/formulare-thematisch/) in consultation with the dean in good time before departure and may only be undertaken after approval (including for insurance reasons). The Travel Expenses Office of Paderborn University in Department 4.1 of the Human Resources Division is responsible for approving business trips. If you have any questions about business trips, please contact the <u>Human Resources Division – Department 4.1</u> .
Relocation costs / separation allowance	When commissioning, the promise of reimbursement of relocation costs is excluded. Separation allowance in accordance with Section 1 (2) No. 13 of the Separation Allowance Ordinance (TEVO) can be granted upon application in the form of a monthly lump sum payment if the requirements for this are met (usually presence at Paderborn University 4 days per week, separate household, etc.). The deadline for application is 6 months. The <u>Human Resources Department – Division 4.1</u> is responsible for this.
Vacation	Entitlement to recreational leave is based on the regulations for professors. However, academic staff who are required to teach as part of their duties must take their vacation during the lecture-free period (cf. Section 121 (2) of the North Rhine-Westphalia Civil Service Act). Vacation must be taken in consultation with the respective department. The <u>Human Resources Department – Division 4.3</u> is available to answer any questions regarding recreational leave.
Capital-forming benefits	Professor representatives receive capital-forming benefits in the same way as civil servants at Paderborn University.
Work-life balance	Offers for a better work-life balance are also available to substitute professors. Information on this can be found <u>here</u> .

If you have any questions about professorship representation, please contact the Human Resources Department – Division 4.2.