

## **Implementation of the minimum wage law (MiLoG) Documentation and control of the working hours of employees, in particular WHK and SHK**

Dear Ladies and Gentleman,

The regulations of the new minimum wage law (MiLoG) have been applicable since 01/01/2015.

This results in additional documentation and control obligations on the part of the employer, particularly regarding recording of working hours for student and academic assistants. For this purpose, a template for recording working hours was created and can be accessed on the website of department 4.3 under "Mindestlohngesetz-Arbeitszeiterfassung" ("Minimum Wage Act – Recording of Working Hours").

The following must be observed when documenting and checking working hours:

### **SHKs with a working time of no more than 9.5 hours / week (= mini-jobber):**

There is a general, statutory record-keeping obligation for this group of people. The working hours of the SHK are registered by a supervisor, e.g. Professors, who are responsible. A delegation of the registration is possible. For this purpose, the template must be used.

### **SHKs with a working time of more than 9.5 hours per week and all WHKs:**

SHKs with a working time of more than 9.5 hours per week and WHKs do not fall under the obligation to record according to MiLoG, provided that the working time per month corresponds exactly to the contractual relationship.

If the monthly working hours deviate from the contractually agreed working hours (weekly contract working hours x 4.348) (overtime hours), a time record must be kept. Within a month, no more than 50% of the contractual monthly working time may be accumulated as overtime and posted to this working time account. Compensation of overtime hours through leisure time compensation must take place within 12 months.

The working hours are registered by a supervisor, e.g. Professors, who are responsible. A delegation of the registration is possible. For this purpose, the template must be used.

### **Preparation of the Records:**

There is an obligation to record the start, end and duration of daily working hours no later than the end of the seventh calendar day following the day of work.

### **Record Keeping:**

The timesheets must be collected in the Dean's offices, academic organizational units, and operating units and kept for two years for auditing purposes.

**Organization of working hours:**

When organizing working hours, the occupational safety provisions of the Working Hours Act with regard to breaks, night and Sunday work and maximum working hours must always be observed.

**Taking vacation and sick days into account:**

The monthly contract working time (9.5 or 19 hours x 4.348) includes the entire working time obligation. Within this timeframe, every SHK and WHK obviously has a legal right to vacation, which is granted in whole working days (not in working hours!).

With a 5-day week, the duration of the vacation is 20 days per year. Partial entitlements may be viewed on the website of department 4.3.

For the calculation of working hours, therefore, average daily replacement times (number of hours per week / working days) must be used for granted vacation days as well as for proven sick days and deducted from the above-mentioned monthly contract working time.

**SHK employment contracts - forms:**

In the future, please use only the current SHK employment contract forms when submitting your application, which include the provision of a time-worked record in accordance with the MiLoG.

I ask you to please observe the above implementation rules for the Minimum Wage Act. Further information and explanations can be found on the website "Mindestlohngesetz-Arbeitszeiterfassung".

Sincerely yours

Simone Probst