

## Notification

- of a secondary employment activity not subject to approval pursuant to §§ 9 NtV, 125, Para. 2 LBG
- of any other secondary employment activity not subject to approval or generally approved secondary employment activity pursuant to §§ 7, 9 NtV, § 5 HntV

Surname	First name	Position/title
Faculty/department/tel.		Salary grade

I hereby notify you of my intention to take on the following secondary employment activity not subject to approval/generally approved secondary employment activity.

1. Type of secondary employment <b>(Please enclose copies of contracts etc.)</b>	
2. Employer/client, office etc. (Please specify exact name)	Is the employer/client in the public sector? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Expected total duration of the secondary employment from - to	
4. Number of hours per week (incl. preparation)	
5. Will the duties of the secondary employment be undertaken during your working hours, contrary to § 52, Para. 1 (1) of the LBG?  If applicable, indicate the relevant extent and explain the specific reasons for this.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Amount of intended remuneration (§ 11 NtV)	
7. Number and type of courses taught in the current and last semester in your principal position	
8. Other secondary employment activities (already approved, not subject to approval and generally approved), listed in acc. with No. 1 and 4 - attachment, if applicable -	
9. Is the use of facilities, personnel or equipment anticipated? - If yes, a separate application is required	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. There is a third-party funding agreement with the above employer/client	<input type="checkbox"/> Yes <input type="checkbox"/> No

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I am aware that the use of facilities, personnel and equipment is not permitted until explicit approval has been granted (§ 16, Para. 1 of the NtV).

I undertake to submit the statement under § 53 of the LBG or § 9 of the HNTV (Reporting of additional income) within the specified time limit and, where applicable, to pay a user fee for the above-mentioned use in accordance with the Ordinance on Secondary Employment at Higher Education Institutions (HNTV) in its current version in a timely manner and to provide all information required for calculating the user fee promptly and in full (§ 19 of the NtV) and to make any advance payments (§ 19, Para. 2 of the NtV). I am aware that non-payment of the user fee will lead to revocation of the relevant approval (§ 16, Para. 4 of the NtV).

Date	Signature
<b>Declaration of the superior and Dean:</b>	
Date	Signature

**§ 125, Para. 2 LBG**  
**Secondary employment**

(2) Academic staff (in both the sciences and the arts) (§ 120) must notify their superior prior to commencement of any secondary employment activities which are not subject to approval within the meaning of § 51, Para. 1 (2) and (3) and which are to be performed for remuneration, specifying the type and scope of the secondary employment, as well as the expected remuneration and pecuniary benefits. The highest administrative authority may in principle waive the notification requirement for secondary employment activities that are minor in scope.

**§ 10 NtV**  
**Obligation to notify**

(1) Prior to commencement, the civil servant must notify their superior in writing of any secondary employment activities within the meaning of § 51, Para. 1 (2), (3) and (4b) of the LBG NRW which are not subject to approval and which they wish to perform for remuneration; § 125, Para. 2 of the LBG NRW remains unaffected. The obligation exists regardless of whether the employer's facilities, personnel or equipment are to be used in the performance of the secondary employment activity.

(2) The notification must be submitted in writing and must include information about the

1. Type and duration of the secondary employment
2. Number of hours per week
3. Employer/client
4. Amount of expected remuneration (§ 11)

**§ 11**  
**The term "remuneration"**

(1) Remuneration for a secondary employment activity is any consideration in money or pecuniary benefits, even if there is no legal entitlement to it.

(2) "Remuneration" does not include the reimbursement of travel expenses and daily and accommodation allowances up to the amount specified for the full calendar day as set out in the State Law on Travel Expenses (LRKG).

(3) Flat-rate expense allowances are to be regarded as remuneration in their entirety, and daily and accommodation allowances where they exceed the amounts specified in Paragraph 2.

**§ 53 LBG**  
**Reporting of additional income**

At the end of each year, the civil servant must submit to their superior a statement listing each individual case of secondary employment, specifying the nature and extent of the activity, as well as the remuneration they have received for each secondary employment activity subject to approval or each secondary employment activity not subject to approval pursuant to § 51, Para. 1 (2), (3) and (4b) performed within or outside the public sector, where such remuneration in total exceeds the maximum limit to be determined in the statutory instrument under § 57.

**§ 15 NtV**  
**Statement of additional income (for non-academic civil servants)**

At the end of each year, the civil servant must submit to their superior a statement listing all additional income they have received or are expected to receive for any secondary employment activities subject to approval or secondary employment activities not subject to approval pursuant to § 51, Para. 1 (2), (3) and (4b) of the LBG NRW performed within or outside the public sector during the calendar year in question, where such income in total exceeds **€1,200**. The statement must list each secondary employment activity by type, scope and amount of remuneration.

#### **§ 9 HntV**

##### **Statement of additional income (for academic civil servants)**

The civil servant must submit to their superior a statement listing all remuneration received in the calendar year in question (§ 11 of the NtV) from

1. Secondary employment activities performed within the public sector and equivalent secondary employment activities, irrespective of whether they are subject to approval, and
2. Secondary employment activities performed outside the public sector, where these activities are subject to approval under § 49, Para. 1 (2) or (3) of the LBG where such remuneration in total exceeds **€9,600**. This statement is to be submitted to the relevant superior promptly after the end of the calendar year.

#### **§ 16 NtV**

##### **Approval**

- (1) The civil servant requires prior approval if they wish to use their employer's facilities, personnel or equipment in the performance of a secondary employment activity.
- (2) Facilities are material resources, in particular offices/rooms and their amenities, including apparatus and instruments, with the exception of libraries. Equipment includes all usable objects and energy.
- (3) The employer's personnel may be used only within their working hours and only within the scope of the usual duties of their job. Overtime work, on-call service or on-call duty may not be arranged, approved or remunerated on grounds of participation in secondary employment. Agreements on private work outside working hours remain unaffected.
- (4) Approval may be granted only if the employer's interests will not be compromised. It must specify the extent of the permitted use. Approval will be revoked in whole or in part if this use comprises the employer's interests. It will also be revoked if the user fee for the use is not paid. §§ 48 and 49 of the Administrative Procedure Act (VwVfG) remain unaffected.
- (5) Where approval for using the employer's facilities to perform secondary employment activities in them outside general working hours with the employer's personnel is subject to these personnel being paid an appropriate percentage of the remuneration for the secondary employment activity, this percentage must be calculated based on the value of the work carried out by the personnel in question. It shall not exceed 50 percent of the remuneration remaining after deduction of the fee paid by the civil servant (§ 17, Para. 1, § 19, Para. 3), unless the activity essentially depends on the assistance of the personnel involved. If a percentage of the remuneration is paid for work to be carried out during working hours, § 42 of the German Law on the Status of Civil Servants (BeamtStG) will apply, in conjunction with § 59 of the LBG NRW.

#### **§ 19 NtV**

##### **Procedure**

- (1) Civil servants are obliged to provide their superior with the information necessary for determining the user fee (§§ 17, 18) at the end of the period of use. In the case of on-going use, the information for calculating the material costs to be reimbursed as user fees must be provided quarterly, and the information for determining the user fee must otherwise be provided semi-annually. On request, civil servants must provide corresponding documents, in particular accounting records, bank statements and other documentation.
- (2) The user fee must be determined promptly ex officio. In the case of on-going use, quarterly advance payments to the amount of 50 percent of the last semi-annual user fee determined must be determined ex officio if the latter exceeds **€2,500**.
- (3) The user fee is payable within one month of being determined. Advance payments are payable at the end of each calendar quarter.
- (4) If the user fee or the advance payment thereon is not paid within one month of the due date, an annual surcharge of 2 percent above the respective interest rate for longer-term refinancing operations of the European Central Bank (LTRO rate) will be levied on the amount in arrears from the due date, without prejudice to the right of appeal. To calculate this surcharge, the amount in arrears will be rounded down to the nearest **€50**.