

Regulations in the event of incapacity for work or service due to illness, as well as for vacation and leave from work or service, notice periods

Dear Sir or Madam,

The following regulations apply to employees of the University of Kassel in the event of incapacity for work or service due to illness, as well as for vacation and leave from work or service. These regulations apply to all employees covered by collective bargaining agreements, including trainees, and to civil servants, including candidates. For better readability, only the masculine form is used in the following statements. The statements also apply to the female form unless this is expressly excluded.

I. Incapacity for service or work due to illness

1. Notification requirements

Employees shall immediately notify the organizational unit in which they work of any incapacity for work or service due to illness and its expected duration. This shall be done in such a way that on the first day of illness a corresponding notification is made by 8:30 a.m. at the latest. Taking into account the requirements of the business (e.g. scheduled courses, meetings), the notification of illness should be made as early as possible so that appropriate arrangements can be made.

Staff members of the central administration shall report incapacity to work due to illness to the secretariat of their department or staff unit. Staff members of the central institutions shall contact their management secretariat. Staff members of the departments inform their dean's office, unless the department has made other arrangements; these require the approval of the staff council and must be brought to the attention of the staff members.

The restoration of fitness for duty or work must be communicated in a corresponding manner.

Staff members shall promptly notify the Human Resources Department of accidents at work or on duty by submitting a written accident report through official channels.

2. Obligation to provide evidence

If the illness lasts longer than three calendar days, the staff member shall submit a medical certificate stating the existence of the incapacity to work due to illness and its expected duration no later than on the fourth day of illness or on the following general working day. Calendar days are days from Monday to Sunday.

In justified individual cases, particularly in the case of frequent short-term illnesses, the department shall be entitled to require the staff member to treat illnesses already diagnosed by the

first day of illness by means of a private or official medical certificate. This requires a written order from the Human Resources Department.

If the illness lasts longer than stated in the medical certificate, the employee must notify his or her organizational unit immediately and submit a corresponding follow-up medical certificate. This obligation also extends beyond the period of continued remuneration.

3. Special duties

If the staff member is abroad at the onset of the illness, he/she is obliged to report the incapacity for work or service due to illness, its expected duration and the address at the place of stay in the fastest possible manner of transmission.

If the employee intends to take a vacation during an illness, he/she must notify the head of the organizational unit in which he/she works prior to departure. In addition, he/she must submit a medical certificate stating that the planned vacation trip will not impair the restoration of his/her ability to work or perform his/her duties. This certificate must be forwarded to the Human Resources Department through official channels.

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4. Documentation

Due to the relevance to pay of employees covered by collective agreements, the periods of illness are recorded in the SAP HCM system and in tisoware® when participating in electronic time recording. The relevant documents, which include in particular medical certificates and the "sick/health notification" forms, are to be forwarded promptly to the HR department for inclusion in the "illnesses" personnel sub-file.

5. Other

The other relevant provisions of the Act on the Payment of Remuneration on Public Holidays and in the Event of Sickness (Continuation of Remuneration Act) and relevant provisions of collective bargaining and civil service law (e.g. Section 51 of the Hessian Civil Service Act (HBG)) remain unaffected by these instructions. If staff members violate duties incumbent upon them under these instructions, this constitutes a breach of official or work duties, which may result in measures under official or labor law.

Within an organizational unit, information about an employee's incapacity to work or work due to illness may only be passed on to the extent that this is necessary for the maintenance of the service (performance of the substitution).

II. Vacation

1. Definition

Vacation includes recreational leave in accordance with Section 26 of the Collective Agreement for the Public Service of the State of Hesse (TV-H), Section 5 (1) of the Vacation Ordinance for Civil Servants in the State of Hesse (HUrIVO) and any additional vacation, for example, due to severe disability (GdB of 50 or more) in accordance with Section 125 of the Social Code IX (SGB IX) or disability (GdB of 25 to 49) in accordance with Section 13 HUrIVO. Via § 27 para. 1 sentence 1 TV-H, § 13 HUrIVO is also applicable mutatis mutandis to employees who fall under the scope of application of the TV-H.

The determination of leave (recreational and additional leave) is the responsibility of the Human Resources Department.

2. Application procedure and responsibility for leave approval, notification procedure for professors.

Applications for leave must be submitted to the authorized person in good time via official channels. For this purpose, the form "Request for vacation and leave of absence" is to be used or, if the electronic time recording system is used, the request can be submitted via workflow using tisoware®. The following general rules apply to the approval of leave: The leave of the heads of the departments and staff units of the central administration as well as the heads of the central institutions is approved by the chancellor. The respective head of the department/head of the staff unit or head of the central institution is responsible for approving the leave of the other staff members of the central administration and the central institutions. The head of the department decides on vacation requests of employees of the departments; the dean is responsible for the vacation approval of the other employees of the department. Any deviations from these rules require the approval of the Staff Council and must be communicated to the staff members.

Due to their special legal status, professors are only required to notify the dean of the intended leave period in a timely manner and may take the leave as approved, provided there is no objection from the dean.

3. Staff members serving in derogation of the 5-day week

In the case of employees whose weekly working time is distributed differently from the 5-day week, an adjustment of the vacation entitlement must be made (§ 26 para. 1 sentences 4 and 5 TV-H, § 5 para. 2 HUrIVO). In this case, the working time is distributed evenly over the working days. This calculation is carried out by the personnel department and the employee is informed of this in writing. If the distribution of the weekdays changes during the current employment relationship, the personnel department must be notified in writing through official channels.

4. Illness during vacation or a floating day

In the event of illness during vacation or a flexitime day, the employee must immediately notify his/her organizational unit and provide proof of this by means of a doctor's certificate from the first day of illness, as only in this case is it possible to credit vacation days or flexitime hours.

5. Vacation year and transfer

In principle, vacation should be granted and taken in the current calendar year (= vacation year). Vacation that has not been taken within the first nine months of the following calendar year is forfeited. This means that the remaining vacation must be taken no later than September 30 of the following year, otherwise it will be forfeited (§ 26 Para. 1 Sentence 8 TV-H, § 9 Para. 2 Sentence 2 HUrIVO). In the case of technical, administrative, scientific and artistic staff, care must be taken to ensure that the main leave is taken during the lecture-free period.

6. Special types of vacation

The Human Resources Department shall decide on applications for educational leave in accordance with the Hessian Law on the Entitlement to Educational Leave Hessisches Bildungsurlaubsgesetz (BiUrIG HE), for special leave for good cause in accordance with § 28 TV-H or § 15 HUrIVO or for the implementation of a cure for a civil servant in accordance with § 12 HUrIVO. Corresponding applications must be submitted to the Human Resources Department in good time, at least six weeks before the start of the leave of absence, through official channels, if necessary enclosing a statement from the superior with a vote. Applications for educational leave must be accompanied by proof of recognition of the educational event as well as the program of the educational event, from which the target group, learning line and learning content as well as the time schedule of the event can be seen. Upon completion of the educational leave, the employees shall submit a certificate of attendance to the Human Resources Department.

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7. Documentation

The approved vacation requests must be forwarded to the HR department for inclusion in the personnel sub-file "Vacation/time off"; this does not apply if the departments maintain the vacation periods in the SAP HCM system or the departments participating in electronic time recording maintain them themselves in tisoware® via workflow. In this case, the leave requests can be stored on site in accordance with the regulations relevant to personnel files. According to this, the documents must be kept sealed for a period of 3 years and then destroyed.

8. Other

In all other respects, the provisions of civil service law and collective bargaining law applicable to vacation shall apply. In addition to these instructions, please refer to the circular on the main new regulations and transitional provisions relating to working hours and vacation on the occasion of the entry into force of the TV-H dated December 23, 2009 - Ref.: III A - 3.20.002 - which is attached as Annex 1.

III. Duty or work release

1. Definition

Duty or work release is the approved short-term release from the duty or work obligation for a special reason with continued payment of the salary or remuneration.

Only staff members who are actually on duty on the day or during the period in question may be released from duty or work. In the case of absences such as vacation or illness, or if the circumstances of the service do not permit the granting of leave from duty or work, no time credit may be taken into account.

2. Time off from work or duty for personal reasons

In the interest of equal treatment, leave from work for personal reasons is granted to all employees of the University of Kassel, including civil servants in accordance with § 16 No. 2 letter c HUrlVO, according to the principles of § 29 Para. 1 TV-H (see attachment).

In the event of serious illness of a relative, leave from work or duty in accordance with Section 29, Paragraph 1, Letter e of the TV-H requires that another person is not immediately available to provide care or assistance and that the physician certifies the necessity of the employee's presence. A medical certificate to this effect must be submitted together with the application for leave from work or duty. In cases of serious illness, the total leave of absence may not exceed 5 working days per calendar year.

In addition to the occasions specified in Section 29 (1) of the TV-H, leave of absence from work or duty may be granted for up to 4 hours in cases of urgent personal reasons.

3. Compensatory time off for voluntary work

An honorary commitment that derives an entitlement to one day off work in accordance with § 29a TV-H must be submitted to the Human Resources Department by means of an application together with the honorary commitment card (E-Card) issued or a youth leader card (Juleica). The employee must be in employment on January 1 of a calendar year in order to be entitled to one day off work.

4. Other duty or work leave

Time off from work and duty for reasons other than those specified in Section III, No. 2 of these Service Regulations (e.g., to fulfill general civic duties, to exercise a mandate, to participate in events serving trade union interests) shall be granted in accordance with the relevant provisions of civil service and collective bargaining law.

On the day of their birthday, staff members shall be granted time off from work or from work at the rate of half of their scheduled working time on that day, provided that the circumstances of the service so permit.

In order to participate in one of the two traditional festivals "Zissel" in Kassel or "Erntefest/Heimatfest" in Witzenhausen, leave from work or duty will be granted from 12:00 noon on the day of the respective event, provided that the circumstances in the respective areas of work permit this and the employees have agreed the intended leave from work or duty with their superiors. The duty/work release for the home festivals can only be used for the festival at the respective place of work. For this day, the respective end of the applicable regular working hours thus applies. "Zisselfrei" is only granted to those who are on duty as scheduled on that day.

5. Application Procedure and Responsibility for Granting Duty or Work Release

Applications for leave of absence or leave from work must be submitted in good time to the Human Resources Department, which generally decides on such applications, using the form "Application for Leave of Absence and Leave of Absence from Work" and enclosing supporting documents (e.g. invitations to events). Such an application is not necessary in the case of leave on the occasion of birthdays and traditional festivities in accordance with Section III, No. 4 of these Regulations and in the case of leave generally granted by circular letter by the Chancellor or the Human Resources Department. In this case, the staff member shall inform his/her superior that he/she wishes to take the leave. The granting of leave of up to 4 hours is the responsibility of the supervisor responsible for approving leave in accordance with Section II, No. 2 of these Regulations.

6. Documentation

Full-day leaves of absence from work or duty are recorded in the SAP HCM system or in tisoware® via workflow if electronic time recording is used. The corresponding documents (applications, etc.) are entered in the personnel sub-file "Vacation/time off/work release".

Please ensure that all employees in your area of responsibility are made aware of these instructions, which are available on the intranet on the pages of the Human Resources Department and in the newsletter. I recommend that this information be repeated annually. From now on, new employees will be issued with the Service Instructions by the Human Resources Department as part of the recruitment process.

Entry into force of the Collective Agreement for Employees of the State of Hesse (TV-H) as of January 1, 2010; Significant new provisions and transitional provisions on working hours and vacations

1. Average regular weekly working hours

Pursuant to § 6 (1) sentence 1 letter a of the TV-H, the average regular weekly working time excluding breaks from January 1, 2010 onwards shall in principle be **40 hours for fulltime employees**; for part-time employees this shall apply in accordance with the respective agreed scope of working time. The employees with whom a higher regular weekly working time has currently been agreed have already been notified separately through official channels and informed of the more favorable working time regulations for them.

There are the following deviations from the 40-hour week:

- a. For full-time employees who constantly work shifts, the average regular weekly working time, excluding breaks, shall be 38.5 hours as of January 1, 2010; for part-time employees who constantly work shifts, this shall apply in accordance with the respective agreed working hours (§ 6 para. 1 sentence 1 letter b, double letter aa TV-H). At the University of Kassel, shift work is practiced in the janitorial and supervisory services of the library.
- a) For employees transferred to the TV-H whose average regular weekly working time on **December 31, 2009 is 38.5 hours and who** have reached **the age of 58 on December 31, 2009**, this working time shall remain the same (Section 28a (1) of the Collective Agreement on the Transfer of Employees of the State of Hesse to the TV-H and on the Regulation of Transitional Rights - TVÜ-H); for part-time employees, this shall apply in accordance with the respective agreed scope of working time.
- b) For transferred employees who are in an old-age part-time employment relationship or whose old-age part-time employment relationship began in December 2009 at the latest, the agreed working hours shall remain in effect (§ 28a para. 3 TVÜ-H).

2. Vacation

Pursuant to Section 26 (1) Sentence 2 of the TV-H, the entitlement to **vacation for** employees whose weekly working time is distributed over 5 days in the calendar week is 30 days in each calendar year.

Employees who have **acquired an entitlement to 33 working days of vacation in the 2009 calendar year shall** retain this entitlement, as the provisions applicable to civil servants with regard to the scope of vacation shall apply to this group of persons (Section 15 (5) TVÜ-H). From the year in which the 50th year of age is reached, these provide for an entitlement to recreational leave of 33 working days if the regular weekly working time is distributed over 5 working days in the calendar week; if there is a deviation from the 5-day week, the leave is also adjusted here.

This regulation also applies accordingly to employees **born in 1969**; this means that for this group of people, from the year in which they reach the age of 50, the civil servant leave entitlement of currently 33 working days with a 5-day week applies.

Employees transferred from remuneration groups I and Ia BAT who have acquired an entitlement to 30 working days of vacation leave for the 2009 vacation year shall retain this vacation entitlement in the case of a 5-day week; in the case of a different distribution of working hours, the vacation leave shall be adjusted accordingly (§ 15 para. 2 TVÜ-H).

Via Section 27 (1) sentence 1 of the TV-H, Section 13 of the Vacation Ordinance for Civil Servants in the State of Hesse (Hessische Urlaubsverordnung - HurlVO) is also applicable mutatis mutandis to employees who fall under the scope of the TV-H. This means that employees with a proven, not merely temporary degree of disability (GdB) of at least 25 and at most 49 (disabled persons) may be granted **additional leave of** up to 3 working days per calendar year.

The **maximum limit for recreational leave and additional leave according to the TV-H** - this does not include additional leave for **severely disabled persons** (GdB from 50) according to § 125 SGB IX - is generally 35 working days per calendar year and 36 working days for employees who have reached the age of 50.

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The relevant provisions of the TV-H and TVÜ-H are attached to this letter. Please make this circular known in your organizational unit.

For questions about working hours and vacation are available:

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Attachments

Excerpts from TV-Hessen

Attachments

TV Hesse Excerpts

§ 6 Regular working time

(1) 1The average regular weekly working time excluding breaks is as follows

a)40 hours,

b)38.5 hours for the employees listed below: aa)Employees who work continuous rotating shifts or continuous shift work,

bb)Employees in road maintenance depots and highway maintenance depots, motor vehicle workshops and theaters, with the exception of artistic personnel and employees in administration,

cc)Employees in facilities for severely disabled persons (schools, homes) and curative education facilities.

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2In the case of alternating shift work, the legally prescribed breaks shall be included in the working time. 3The regular working time may be spread over five days or, for urgent operational/official reasons, over six days. 4The difference in the average regular weekly working time in accordance with sentence 1 letters a and b shall have no effect on the table remuneration and the remuneration components defined in monthly amounts.

(2) 1For the calculation of the average of the regular weekly working time, a period of up to one year shall be taken as a basis. 2Departing from sentence 1, a longer period may be taken as a basis for employees who are constantly required to work alternating shifts or shiftwork and for the implementation of so-called sabbatical year models.

(3) 1 Insofar as company/office circumstances permit, the employee shall be released from work on December 24 and December 31 with continued payment of the table remuneration and other remuneration components defined in monthly amounts. 2If the leave of absence pursuant to sentence 1 cannot be granted for operational/official reasons, corresponding compensatory time off shall be granted within three months. 3The regular working hours shall be reduced for each public holiday and for December 24 and December 31, provided they fall on a working day, by the number of hours lost in accordance with the schedule.

Protocol Declaration on Section 6 Paragraph 3 Sentence 3:

The reduction in regular working hours affects employees who have the day off on a holiday due to the duty roster and who would therefore have to work off the holiday without this regulation.

(4) For urgent operational/service reasons, the provisions of the Working Hours Act may be deviated from on the basis of a company/service agreement within the framework of Section 7 (1), (2) and Section 12 of the Working Hours Act.

Protocol Declaration on Section 6(4):

In fully continuous shift operations, the daily working time may be extended to up to twelve hours on Sundays and public holidays if this results in additional free shifts on Sundays and public holidays.

(5) Employees are obliged to work on Sundays, public holidays, nights, alternating shifts, shifts and - in the case of part-time employment on the basis of an employment contract or with their consent - on-call duty, on-call standby, overtime and extra work.

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(6) 1A weekly working time corridor of up to 45 hours may be established by company/service agreement. 2The additional hours worked within a working time corridor shall be compensated within the period specified in accordance with paragraph 2 sentence 1.

(7) 1A daily framework time of up to twelve hours may be introduced in the period from 6 a.m. to 8 p.m. by company/service agreement. 2The additional hours worked within the daily framework time shall be compensated within the period specified in subparagraph 2 sentence 1.

(8) Paragraphs 6 and 7 apply only alternatively and not in the case of alternating shift and shift work.

(9) For a company/administration in which the Staff Representation Act applies, a regulation in accordance with paragraphs 4, 6 and 7 may be made in a collective agreement if a service agreement cannot be reached by mutual agreement and the employer has the right of final decision.

(10) 1In administrations and establishments in which considerably increased activities are required due to special tasks (e.g. excavations, expeditions, shipping) or for seasonal reasons, the regular working time may be extended for these activities to up to 60 hours in a period of up to seven days. 2In this case, the regular weekly working time must be reduced until the end of the compensation period in accordance with paragraph 2 sentence 1. 3Sentences 1 and 2 shall not apply to employees pursuant to Sections 42 and 43.

(11) 1In the case of business trips, only the time spent at the business location away from home shall be considered working time. 2 However, for each day, including the days of travel, the following shall be deducted

The employee shall be credited with at least the regular, average or scheduled working time attributable to him or her if this would not be achieved if the travel time were not taken into account. 3If non-creditable travel time exceeds a total of 15 hours per month, 25 percent of this excess time shall be granted upon request as compensatory time off in the case of fixed working hours and shall be credited to working hours in the case of flexible working hours within the framework of the applicable regulations. 4The special situation of part-time employees shall be taken into account. 5 Insofar as institutions in private legal form or other employers operate according to their own principles, these shall apply in derogation of sentences 1 to 4.

§ 26 Vacation leave

(1) 1Employees shall be entitled to vacation with continued payment in each calendar year (Section 21). 2If the weekly working time is divided into five days per calendar week, the vacation entitlement shall be 30 working days in each calendar year. 3Working days shall be all calendar days on which employees are required to work or would be required to work in accordance with their work schedule or as is customary in the company, with the exception of public holidays which fall on working days and for which no time off in lieu is granted. 4If the weekly working time is distributed over a period other than five days a week, the vacation entitlement shall be increased or reduced accordingly. 5If, when calculating the vacation, a fraction remains which gives at least half a vacation day, it shall be rounded up to a full vacation day; fractions of less than half a vacation day shall not be taken into account. 6Recreational leave shall in principle be granted and taken in the current calendar year. 7 It may also be taken in parts. 8Vacation leave not taken within the first nine months of the following calendar year shall be forfeited.

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Protocol Declaration on Section 26, Paragraph 1, Sentences 6 to 8:

As a rule, vacation should be granted consecutively; the aim should be to have a vacation part of two weeks duration.

(2) In all other respects, the Federal Vacation Act shall apply with the following provisos:

a) [unoccupied]

b) If the employment relationship begins or ends during the course of a year, one twelfth of the vacation entitlement pursuant to paragraph 1 shall be entitled as vacation entitlement for each full month of the employment relationship; Section 5 of the Federal Vacation Act shall remain unaffected.

c) If the employment relationship is suspended, the duration of the recuperation leave, including any additional leave under the collective agreement, shall be reduced by one-twelfth for each full calendar month.

d) The remuneration pursuant to paragraph 1 sentence 1 shall be paid at the time specified in § 24.

§ 27 Additional leave

(1) The provisions governing the reason for and duration of additional leave for civil servants of the Land shall apply mutatis mutandis to the granting of such leave. The provisions of civil service law shall not apply to additional leave for alternating shift work, shift work and night work.

(2) Employees who continuously perform alternating shift work pursuant to Section 7 (1) or continuously perform shift work pursuant to Section 7 (2) and who are entitled to the allowance pursuant to Section 8 (7) sentence 1 or (8) sentence 1 shall receive one additional working day of leave

a) in the case of alternating shift work for two consecutive months each, and

b) in the case of shift work, for four consecutive months each.

(3) In the case of non-permanent rotating shift or shift work (for example, permanent substitutes), employees who are entitled to the allowance pursuant to Section 8 (7) sentence 2 or (8) sentence 2 shall receive one working day of additional leave for

a) three months in each year in which they have worked predominantly alternating shifts, and

b) five months each in the year in which they performed predominantly shift work.

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Protocol Statement on Section 27(2) and (3):

1 Entitlement to additional leave shall be calculated on the basis of the shift or alternating shift work performed and shall accrue in the current year as soon as the requirements set out in subsection 2 or 3 have been met. 2 For the purpose of determining whether continuous alternating shift work or continuous shift work has been performed, an interruption due to time off, time off in lieu, paid leave or incapacity for work within the limits of Section 22 shall be irrelevant.

(4) 1 Additional leave in accordance with this collective agreement and other provisions with the exception of Section 125 SGB IX shall only be granted up to a total of six working days per calendar year. 2 Recreational leave and additional leave (total leave) may not exceed a total of 35 working days in a calendar year. 3 Sentence 2 shall not apply to additional leave in accordance with subparagraphs 2 and 3 above. 4 By way of derogation from sentence 2, a maximum of 36 working days shall apply to employees who have reached the age of 50; the age reached in the course of the calendar year shall be decisive for calculating the duration of the total leave.

(5) In all other respects, Section 26 shall apply mutatis mutandis with the exception of paragraph 2 letter b.

§ 28 Special leave

Employees may be granted special leave for good cause, waiving continuation of pay.

§ 29 Exemption from work

(1) Only the occasions listed below shall be deemed to be cases under Section 616 of the German Civil Code (BGB) in which employees are released from work with continued payment of remuneration to the extent specified:

a)	Birth of the wife/life partner within the meaning of the Civil Partnership Act (Lebenspartnerschaftsgesetz)	a working day,
b)	Death of spouse, civil partner within the meaning of the Civil Partnership Act, child or parent	two working days,
c)	Relocation to another location for business/office reasons	a working day,
d)	25- and 40-year work anniversary	a working day,
e)	severe illness	
aa)	of a relative, provided that he/she lives in the same household,	one working day in the calendar year,
bb)	of a child who has not yet reached the age of 12, if in the current calendar year there is no entitlement under § 45 SGB V exists or has existed,	up to four working days in the calendar year,
cc)	of a caregiver if employees must therefore take over the care of their child who has not yet reached the age of 8 or is permanently in need of care due to a physical, mental or emotional disability,	up to four working days in the calendar year.

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2Release from work in accordance with letter e shall only be granted if another person is not immediately available for nursing or care and the doctor certifies the necessity of the employee's presence for temporary care in the cases of double letters aa and bb. 3The leave of absence may not exceed a total of five working days in a calendar year.

f)	Medical treatment of employees if this has to take place during working hours,	required documented absence time including required travel time.
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Protocol Statement on Section 29(1)(d):

Time off on the occasion of a 25th or 40th anniversary is only granted once.

(2) 1When performing general civic duties under German law, the employee shall be entitled to continued payment of wages if the time off work is granted by law.

and insofar as the duties cannot be performed outside working hours, if necessary after they have been transferred; insofar as the employees can claim compensation for the remuneration, there shall be no entitlement to continued payment of remuneration. 2The continued payment of remuneration shall be deemed to be an advance on the benefits payable by the cost bearers to the extent of the claim for compensation. 3Employees shall assert the claim for compensation and pay the amounts received to the employer.

(3) 1 In other urgent cases, the employer may grant leave from work with continued payment of remuneration for up to three working days. 2In justified cases, short-term leave from work may be granted upon waiver of pay if the operational/official circumstances permit.

Protocol Declaration on Section 29 Paragraph 3 Sentence 2:

Justified cases" may also include occasions for which there is no entitlement to time off work (for example, relocation for personal reasons).

(4) 1Upon request, the elected representatives of the district executive committees, the state district executive committees, the state departmental executive committees, the federal departmental executive committees, the federal departmental group executive committees as well as the trade union council or corresponding bodies of other contracting trade unions may be granted leave from work for up to eight working days per year to attend meetings with continued payment of remuneration; urgent operational/service interests may not prevent the release from work. 2 For the purpose of participating in collective bargaining with the State of Hesse, leave from work with continued payment of remuneration may be granted without time limit at the request of one of the contracting trade unions.

(5) Members may be granted leave from work with continued payment to attend meetings of examination committees and vocational training committees in accordance with the Vocational Training Act (Berufsbildungsgesetz) and for activities on the bodies of social insurance institutions, provided that there are no urgent operational/official interests to the contrary.

(6) In the cases of paragraphs 1 to 5, the table remuneration and the other remuneration components, which are defined in monthly amounts, shall continue to be paid.

§ Section 29a Compensatory time off for voluntary work

1Employees who are in employment on January 1 of a calendar year and who at that time are holders of a Ehrenamts-Card (E-Card) or a Jugendleiterin/ Ju- gendleiter-Card (Juleica) issued by a Hessian district or a Hessian city shall receive compensatory time off with continued payment in that calendar year. 2The compensatory time off shall amount to one working day. 3Compensatory time off not taken in this calendar year shall be forfeited. 4Financial compensation for the entitlement to compensatory time off shall be excluded. 5In the event of compensatory time off, the table remuneration and other remuneration components defined in monthly amounts shall continue to be paid.

Protocol statements on § 29a:

1. Sentence 1 also applies to holders of a certificate of voluntary work that meets the minimum requirements of the Hessian Volunteer Card. The minimum requirement for the issuance of the Hessian Volunteer Card is a voluntary commitment of five hours per week.

2. The number of weekdays over which the weekly working time is distributed - in deviation from the five-day week - does not lead to an increase or decrease in the entitlement to compensatory time off.

§ 30 Fixed-term employment contracts

(1) 1Fix-term employment contracts are permissible on the basis of the Part-Time and Fixed-term Employment Act and other statutory provisions on the limitation of employment contracts. 2For employees whose activities would have been subject to the pension insurance of salaried employees prior to January 1, 2005, the special features in paragraphs 3 to 5 shall apply; this shall not apply to employment relationships to which the fixed-term regulations of §§ 77 et seq. Hessesches Hochschulgesetz (Higher Education Act) in the version of November 5, 2007, or the Wissenschaftszeitvertragsgesetz (Academic Time Contract Act) apply.

Protocol Declaration on Section 30 Paragraph 1 Sentence 2:

Paragraphs 3 to 5 shall also not apply to employment relationships covered by the transitional provision of Section 6 of the Act on Temporary Scientific Contracts.

(2) [unstaffed]

(3) 1As a rule, a fixed-term employment contract without objective reason shall not be shorter than twelve months; the duration of the contract must be at least six months. 2Before the employment contract expires, the employer must check whether it is possible to continue employment for an indefinite or fixed-term period.

(4) 1In the case of fixed-term employment contracts, the first six months shall be deemed to be a probationary period. 2During the probationary period, the employment contract may be terminated with two weeks' notice to the end of the month.

(5) 1Ordinary notice of termination after expiry of the probationary period shall only be permissible if the term of the contract is at least twelve months. 2After expiry of the probationary period, the period of notice in one or more employment relationships in succession with the same employer shall be

of more than six months in total	four weeks,
of more than one year in total	Six weeks
at the end of a calendar month,	
of more than two years in total	three months,
of more than three years in total	four months
at the end of a calendar quarter.	

3An interruption of up to three months shall not be considered harmful, unless the employee was responsible for or caused the interruption. 4The interruption period shall not be taken into account.

Protocol Statement on Section 30(5):

In the case of several successive employment relationships, further agreed probationary periods do not lead to a reduction of the notice period.

(6) Sections 31 and 32 shall remain unaffected by the provisions of paragraphs 3 to 5.

§ Section 34 Termination of Employment (applies to scientific employees)

(1) The period of notice shall be two weeks to the end of the month up to the end of the sixth month since the beginning of the employment relationship. 2 Otherwise, the period of notice for a period of employment (paragraph 3, sentences 1 and 2) shall be as follows

up to one year	one month to the end of the month,
of more than one year	6 weeks,
of at least 5 years	3 months,
from at least 8 years	4 months,
of at least 10 years	5 months,
of at least 12 years	6 months

to the end of a calendar quarter.

(2) Employment relationships of employees who have reached the age of 40 may be terminated by the employer after a period of employment (paragraph 3, sentences 1 and 2) of more than 15 years.

The employees may only be dismissed for good cause. Employees who were not subject to termination under the collective bargaining agreements in force until December 31, 2009 remain so.

(3) The period of employment is the period of employment with the same employer, even if interrupted. The period of special leave pursuant to Section 28 shall not be taken into account unless the employer has given written notice prior to the commencement of the special leave.

The period of employment with the other employer is recognized as a period of employment. If employees transfer between employers who are covered by this collective agreement, the periods of service with the other employer shall be recognized as periods of employment. Sentence 3 shall apply accordingly in the event of a transfer from another employer under public law.