

## Permanent Employment Concept of RWTH

**Dated March 4, 2016**

**Please note: This publication is an English translation. Only the German original of these regulations as published in the Official Announcements of RWTH Aachen University (“Amtliche Bekanntmachungen”) is legally binding.**

Based on § 2 (4) of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz; HG) in the version of Article 1 of the Future Higher Education Act of the state of North-Rhine Westphalia dated September 16, 2014 (Law and Official Gazette of the State of North-Rhine Westphalia p. 547) and the agreement concluded by the Ministry of Innovation, Science and Research of the State of North Rhine-Westphalia, the RWTH Staff Council, the Staff Council for Academic, Medical, and Artistic Staff, and the Rector of RWTH on good employment conditions for University staff, RWTH has issued the following regulations:

## Preamble

With its Permanent Employment Concept, RWTH aims to specify the prerequisites and framework conditions of permanent employment possibilities for academic staff and technical and administrative staff in Faculties 1 – 8; the central institutions; the Central University Administration; and academic staff in the Faculty of Medicine (Faculty 10).

With this concept, RWTH wants to ensure that sufficient permanent employees are available for the increased demands in teaching and research, so that the required high quality in the completion of tasks is guaranteed. This also applies to work areas of the University's technical and administrative staff.

In this way, RWTH also creates the opportunity to retain qualified personnel on a long-term basis and to give these employees reliable employment prospects.

In addition to structural aspects, financial aspects are of particular importance in the creation of permanent jobs, since permanent jobs generally give rise to an entitlement to employment until retirement.

However, it is extremely difficult to make long-term forecasts on staffing requirements, as various factors such as the development in student numbers, the future scope of private and public research projects, or the continuation of project funding cannot really be reliably calculated.

It should also be noted that the increase in tasks and responsibilities in recent years has only led to an increase in project funding and not to an increase in basic funding, which means that RWTH alone must bear the financial risk associated with an increase in permanent employment opportunities. As a responsible employer, RWTH can therefore create permanent jobs only to the extent that can be justified in terms of long-term financial planning.

## 1. Academic Staff in the Faculties

Academic members of staff have to fulfill scientific services in research and teaching. This also includes work in the administration of academic institutions or operating units, in the organization of studies and examinations, in student advising and in other tasks of the University.

Some of the academic staff are employed at RWTH for the purpose of obtaining a professional qualification, whereby the duration of employment depends on the qualification pursued. However, continuous promotion of early-career researchers in employment relationships can only be pursued if an appropriate proportion of positions available are filled on a temporary basis in order to use them for the qualification of new employees.

In addition, maintaining the University's ability to innovate requires a certain amount of fluctuation in staff, especially in research, which can be ensured through temporary employment, among other things.

On the other hand, it is necessary to provide permanent employment opportunities for permanent tasks in research, research management, and teaching in order to ensure continuity in research and teaching in the area in question.

Examples of permanent tasks and activities, in addition to the basic provision of teaching, are in particular:

- The supervision of large-scale equipment, including instruction of students in the operation and use of equipment, provided it is of particular importance to teaching or/and research.
- Coordination of interdisciplinary research priorities (considerations include participation, funding volume, duration, etc.).
- Coordination and supervision of third-party funded projects that are foreseeable to be of a permanent nature and that will lead to significant employment of additional staff.
- Supervision, scientific coordination and support of extensive experimental facilities and laboratories, provided they are of particular importance for teaching or/and research.
- Coordination and supervision of foundational courses that are the responsibility of multiple professors/departments.
- Scientific services addressing central departmental matters (computer and network administration, radiation protection, etc.).
- Specific tasks in research and teaching that are not covered by University professors and institutions.
- Organization and professional coordination of student exchanges.
- Subject-specific advising services, examination management, and course management.
- Departmental coordination and support, in particular in the area of research management, teaching and learning and its development, and similar activities.

The number of permanent positions in a specific area is based on the amount of duties that must be performed on an ongoing basis. Appropriate consideration shall be given to the overall situation in the particular University institution, department, or Faculty.

With regard to the number of permanent employees in budgetary positions, it should be noted that as many early-career researchers as possible should be given the opportunity to gain further scientific qualifications in an employment relationship.

Accordingly, care must be taken to ensure a balance between positions with a focus on further qualification and permanent positions.

Since the proportion of permanent budgetary positions in various University institutions is insufficient to ensure that appropriate infrastructures for research are in place, which is due to the large number of researchers funded through third-party funds, additional permanent employment opportunities for tasks in research will be created, provided that funding is secured.

This also applies to research management tasks.

The share of permanent employment in the Faculties on budgetary positions, from third-party funds, and in research management may not exceed a total of 50% of the allocated budgetary positions of the respective Faculty. Exceptions are only permitted with the approval of the Rectorate.

New permanent positions may be filled only up to 5 years prior to the scheduled retirement of the head of the respective University institution. Within this 5-year-period, permanent appointments can be made in special cases only and with the approval of the Faculty and the Rectorate.

## **1.1 Permanent Employment Opportunities From Budgetary Positions**

In the case of permanent employment opportunities provided through budgetary positions, the potential impact on the capacity calculation must always be taken into account.

### 1.1.1 Faculties 1 to 8

In order to ensure a sufficient infrastructure for teaching and research in the University institutions, one of the allocated budgetary positions can be filled as a permanent position for each W3 professorship.

In the case of W2 professorships, permanent positions can generally only be created at the departmental level (Fachgruppe) due to the low budget of the professorship, the more frequent reappointments following departures, and the often frequent changing research focus of the professorship. Exceptions are possible in justified individual cases with the approval of the Rectorate.

Additional permanent positions may be created if special teaching or research needs are demonstrated. The exact needs are to be reviewed as positions become vacant.

There is also the possibility of establishing permanent appointments for several professorships at the department level (Fachgruppe) or Faculties in order to ensure continuity of personnel in the foundational subjects, particularly in the area of teaching and learning.

The percentage of permanent appointments to budgetary positions shall not exceed 35% of the budgetary positions assigned to a department (Fachgruppe) or Faculty. This proportion, together with the permanent position for the management of the University institution, is usually considered sufficient to ensure an adequate infrastructure for research and teaching.

### 1.1.2 Faculty 10

The need for permanent positions is determined by the Faculty on a case-by-case basis after the chair/department has submitted the appropriate application.

The proportion of permanent appointments through budgetary positions should not exceed a proportion of 30% of the budgetary positions of Faculty 10, as this proportion, together with the permanent position for the management of the University institution, is considered sufficient to ensure an adequate infrastructure in research and teaching.

## 1.2 Permanent Employment Opportunities From Third-Party Funding

In principle, it is possible to employ academic staff for research tasks on a temporary basis. However, according to the provisions for reliable and transparent personnel planning and the employment models of RWTH, temporary employment is limited to a specific period of time. For this reason, University institutions are given the opportunity to employ experienced researchers for activities in third-party funded projects on a permanent basis.

A prerequisite for this is secure third-party funding and a high number of academic staff financed by third-party funds.

These employment opportunities must be financed from third-party funds in the long term and they can only be approved for University institutions that can prove third-party funding expenditures of 500,000 euros per annum for each of the last 3 years and that such a volume of external funding can realistically be expected for the future as well.

Responsibility for permanent funding rests primarily with the University institutions and then with the Faculty.

Individual Faculties are liable only for permanent funding of their own Faculty staff.

### 1.2.1 Faculty 1 – 8

In principle, any University institution that meets the above requirements has the opportunity to establish a permanent employment opportunity from external funding with the approval of the Faculty. Needs beyond this must be decided on a case-by-case basis with the Faculty and the Departments of Planning, Development and Controlling (6.0) and Finance (7.0).

It is recommended that Faculties implement risk protection for any permanent position from external funding, using a reserve model or an insurance model.

#### Reserve model:

The University institutions deposit a reserve of 200,000 euros with the Faculty for an additional permanent employment opportunity in order to secure any interim funding that may be required for the respective position. The allocation of the reserve is to be determined in the Faculties. The reserve will be returned to the University institution when the additional externally funded permanent position becomes vacant and is not to be permanently filled again.

#### Insurance Model:

Each year, 25% of the gross annual salary (incl. employer duties) is paid into an insurance fund of the respective Faculty, which can be used to secure necessary interim financing (until the next vacant budgetary position of the chair/institute) in the Faculty if a University institution can no longer secure the financing of permanent positions financed by third-party funds. A maximum limit for the sum insured may be provided for.

The details of the coverage models are regulated by the Faculties under their own responsibility. If the funds available for risk coverage are not sufficient to finance the third-party permanent position, funding must be secured by reducing the funding allocation in Title Group 94 or by blocking budgetary positions that become vacant.

### 1.2.2 Faculty 10

In principle, any University institution that meets the above requirements has the opportunity to establish a permanent employment opportunity from third-party funds. Any need beyond this must be decided with the Faculty on a case-by-case basis.

Due to the fact that funds cannot be saved over the years at the Faculty of Medicine, risk coverage is as follows:

The Dean's Office guarantees to take over necessary interim financing itself in the first step in case of emergency (e.g. via the so-called Dean's disposition fund), but will reclaim the money via funds available to the respective institution from the internal bonus programs I and II, TG 94, or similar funds. It is also possible to block budgetary positions that become vacant.

## 1.3 Permanent Employment Opportunities for Research Management Tasks

To provide additional permanent employment opportunities for research management duties, Faculties may create permanent, teaching capacity-neutral employment to the extent necessary at the expense of Title Group 94.

It is possible that other funds that are temporarily available (e.g. Quality Improvement Funds, QIF) are also used for financing, provided that they also do not count towards the institution's overall capacity for teaching

This is intended to improve cooperation between the various departments at the University and to improve teaching-related services in the long term, particularly with regard to teaching-related permanent tasks (exam and course management, QIF resource management, support for the Dean of Academic Affairs, etc.) and additional services for students (student, study abroad, and internship advising; coordination of e-learning, small groups, and excursions, etc.).

## **2. Academic Staff at the Central Institutions**

Employment based on budgetary positions is usually on a permanent basis, unless they are used in individual cases as qualification positions for early-career researchers.

Additional permanent employment opportunities are possible in principle if funding is secured; the requirements and general conditions must be coordinated with the Planning, Development and Controlling (6.0) and Finance and Purchasing (7.0) departments on a case-by-case basis.

Appropriate models for risk hedging must also be provided. The recommended models of risk coverage (insurance and reserve model) apply accordingly to the area of central institutions.

## **3. Technical and Administrative Staff in the University Institutions/Faculties, the Central Institutions, and Central University Administration**

Employment at the expense of budgetary positions is usually on a permanent basis.

In the case of employees who have been employed at RWTH for a total of 5 years in a fixed-term employment relationship, the possibility of permanent employment must be examined. Employees shall be informed accordingly by the management or the personnel officer of the University institution. Fixed-term employment of more than 8 years should generally be avoided; exceptions may be made in individual cases for longer-term research projects such as DFG Collaborative Research Centers.

Appropriate individual solutions are to be found for all employees who have already been employed at RWTH on a temporary basis for 5 years when the RWTH Guideline for Good Employment Conditions comes into force. The special needs of severely disabled persons must be appropriately taken into account.

The Faculties, the central institutions, and the Central University Administration ensure this as part of long-term personnel planning or can create additional permanent employment opportunities that are not made through budgetary positions.

The responsibility for permanent funding lies with the University institutions and Faculties or the central institutions and the Central University Administration.

The individual Faculties are liable only for permanent funding of their own personnel.

If there is an exceptional problem with third-party funding (e.g. complete loss of third-party funding), the Rectorate may decide, at the request of the respective Faculty, that positions to be filled (budgetary and project positions) may also be included outside the affected Faculty for alternative accommodation of the individuals concerned.

In this case, at least a trial implementation is to be carried out as a rule if a person fulfills the requirement profile of the position or could fulfill it in the short term if appropriately qualified. The process is managed by the HR department, which also ensures the involvement of the staff councils and, if necessary, the representatives for staff with disabilities .

It is recommended that for permanent research appointments, the Faculties determine the number of additional permanent employment opportunities from third-party funding in relation to external funding expenditure and allocated budgetary positions for technical and administrative staff.

This also applies to additional permanent employment opportunities at central facilities.

1. Third-party funding is to be based on the average third-party spending of the last 3 years, and it is recommended that a third-party expenditure of 300,000 euros be provided for an additional permanent position from third-party funding. If the option of permanent employment of a research assistant from third-party funding has already been used, the required average third-party expenditure is to be increased accordingly by 500,000 euros.
2. The number of additional permanent employment opportunities shall normally be limited to 50% of the allocated budgetary positions for technical and administrative staff.

There are two options for risk hedging.

Reserve model:

The University institutions deposit a reserve of 60,000 euros with the Faculty for an additional permanent employment opportunity to provide interim funding for the respective position, if needed. The reserve would be made available to the University institution again if the additional externally funded permanent position becomes vacant and is not to be re-filled on a permanent basis.

Insurance Model:

Each year, 25% of the gross annual salary (incl. employer duties) is paid into an insurance fund of the respective Faculty, which can be used to secure necessary interim financing (until the next vacant budgetary position of the chair/institute) in the Faculty if an University institution can no longer secure the financing of permanent positions financed by third-party funds. A maximum limit for the sum insured may be provided for.

Because University institutions share financial risk with the Faculties, they may also develop more extensive models for permanent employment opportunities. This may especially include providing for a situation where not all additional permanent employment opportunities will be subject to risk management. Mixed forms of different models are also possible.

Furthermore, risk hedging through a reserve or insurance model may be waived if, when needed, the Faculties secure the funds necessary to finance third-party tenure by reducing the appropriation in Title Group 94 or by using budgetary positions that become available.

The details of the coverage models are regulated by the Faculties under their own responsibility. They also regulate how existing permanent employment from third-party funding is to be taken into account.

Appropriate models for risk management must also be provided for additional permanent employment opportunities at the central facilities.

Additional permanent employment opportunities in Central University Administration (ZHV) can only occur if funding is secured.

#### **4. Process**

Each Faculty develops its own permanent employment concept based on this permanent employment concept with the participation of the Faculty committees and coordinates this with the Rectorate. The departments Planning, Development and Controlling (6.0) and Finance (7.0) are to be involved accordingly. The staff councils receive the permanent employment concepts for information purposes.

The same applies to Central Facilities and Central University Administration insofar as they wish to create permanent employment opportunities that exceed the allocated budgetary positions.

#### **5. Evaluation**

The permanent employment concept is to be evaluated 2 years after it comes into effect with the participation of the staff councils, the equal opportunity officers, the representatives for staff with disabilities, the Faculties, and the Senate.

#### **6. Entry Into Force**

The permanent employment concept of RWTH shall come into force on April 1, 2016.

Rector  
of RWTH  
Aachen University

Aachen, dated  
March 03, 2016

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