

Guidelines

for the Employment and Remuneration of

Graduate and Student Assistants

Dated March 12, 2008,

In the Sixth Revised Version

Dated July 28, 2022,

Published as a Complete Version

Please note: This publication is an English translation of the Regulations Governing Doctoral Studies. 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, 46) of the law governing the Universities of the Federal State of North Rhine-Westphalia (Higher Education Act – HEA) in the version dated September 16, 2014 (GV. of the State of North Rhine-Westphalia p. 547), most recently amended by Article 1 of the Act to Further Amendments to the Higher Education Act and the Art School Act dated November 25, 2021 (Law and Official Gazette NRW p. 1210a), RWTH Aachen University has issued the following regulations:

§ 1 Scope of Application

These regulations apply to all student and academic assistants at RWTH Aachen University (RWTH).

§ 2 Recruitment Requirements, Tasks, Remuneration for Student Assistants

- (1) A student assistant can be hired if, in addition to the general labor law requirements, they are enrolled as a student at a university or state-recognized university and they do not yet have a university degree that is relevant to the assistant's work.
- (2) Student assistants predominantly provide instruction-based study-related services in research and teaching and related administrative activities. Student assistants provide support for research and for activities related to research and teaching, for example by assisting in the organization of courses, colloquia, conferences, exercises, excursions, and specialized internships, supervising student work groups, and selecting and compiling material for courses. In detail, the duties of the student assistants are determined by the university teachers, persons with independent teaching duties, or academic staff to whom the auxiliary staff are assigned.
- (3) The monthly flat-rate remuneration for student assistants is 11.80 euros per hour of average weekly working time until September 30, 2022 and 12.00 euros from October, 1 2022. The lump-sum payment is paid in arrears at the end of the month. No other payments (allowances, bonuses, special payments) are made.
- (4) The monthly lump-sum payment is calculated by multiplying the hourly rate by a factor of 4.348 and the number of hours of average weekly working time specified in the student assistant's employment contract.
- (5) Employment options for student assistants are generally subject to university public disclosure; this does not apply to continuing employment.

§ 3 Recruitment Requirements, Duties, Remuneration for Graduate Assistants

- (1) Graduates with a Bachelor's degree or equivalent (in German, "WHB") who are enrolled as students in a consecutive course of study at a university or state-recognized institution of higher education and who have obtained a university degree qualifying them for a profession in the area to which their assistant position is assigned may be employed as graduate assistants (Bachelor). In this case, employment as a student assistant is not possible.
- (2) Graduate assistants predominantly perform academic support activities in research and teaching and related administrative activities in accordance with their university degree. In all other respects, § 2 (2) shall apply accordingly.
- (3) The monthly flat-rate remuneration for graduate assistants is 14 euros per hour of average weekly working time. The lump-sum payment is paid in arrears at the end of the month. No other payments (allowances, bonuses, special payments) are made.

The monthly lump-sum payment is calculated by multiplying the hourly rate by a factor of 4.348 and the number of hours of average weekly working time specified in the graduate assistant's employment contract.

- (4) Employment options for graduate assistants are generally subject to university public disclosure; this does not apply to continuing employment.

§ 4

Recruitment Requirements, Tasks, Remuneration for Research Assistants

- (1) A person can be hired as a Master's graduate assistant (WHK) if they have a relevant Master's degree (or comparable university degree) in accordance with the tasks to be performed and meets the general requirements under employment law.

- (2) Graduate assistants (Master) can be employed in the faculties or in central scientific institutions. They predominantly provide academic services in research and teaching according to their university degree; these services benefit their own scientific qualification. They differ from academic employees in the scope of their duties.

In this context, graduate assistants may be assigned the following tasks in research, among others: Literature research, editing for publications, manuscript design, assistance with the publication of journals and specialized bibliographies, assistance with the organization and supervision of conferences and events, support for research projects, special subject-specific activities.

Graduate assistants can also be utilized in the area of teaching for the following tasks, among others: Assisting in the preparation of course materials, assisting in the delivery and supervision of courses, mentoring, proctoring exams, taking minutes for oral exams, and conducting field trips.

They shall not be employed in independent teaching, in substituting for teachers in their courses, in supervising or correcting coursework and exams, etc. In all other respects, § 2 (2) shall apply accordingly.

- (3) The monthly flat-rate remuneration for Master's graduate assistants is 18.20 euros per hour of average weekly working time. The lump-sum payment is paid in arrears at the end of the month. No other payments (allowances, bonuses, special payments) are made.

The monthly lump-sum payment is calculated by multiplying the hourly rate by a factor of 4.348 and the number of hours of average weekly working time specified in the research assistant's employment contract.

- (4) The special conditions in Article 6 of the Guideline for Good Employment Conditions remain unaffected.

§ 5

Working Hours

- (1) The student and graduate assistants may be employed for no more than an average of 19 hours per week; employment of less than 3 hours per week is not permitted.

- (2) In order to make working hours more flexible, it is possible to set up a working time account in accordance with Section 2 (2) of the German Minimum Wage Act (MiLoG). The period for carrying out the contractually agreed working time is up to one year (compensation period) after the monthly recording of working hours. Within the compensation period, RWTH may variably allocate working hours within the framework of the statutory provisions in accordance with the respective needs in the area of employment. Deviations between the agreed average working time and the actual working time are recorded continuously in the working time account as plus and minus hours. The plus hours placed in the working time account may not exceed 50 percent of the contractually agreed working time in each month.

- (3) If a flexible working time arrangement is agreed in the employment area, the working time account is mandatory under the MiLoG. Time sheets shall be kept in appropriate form in the employment area and shall be available at all times for auditing purposes.
- (4) Auxiliary employees are required to record the beginning, end, and duration of daily working hours no later than the end of the seventh calendar day following the day on which the work is performed and to submit the record to the direct line manager on a monthly basis.
- (5) Section 6 (11) of the Collective Agreement for the Public Service of the Federal States (TV-L) shall apply accordingly to business trips.

§ 6 General Regulations

- (1) With student and graduate assistants, a written employment contract must be concluded before the start of work. Employment as an assistant is only permitted if there is no other employment relationship with the same employer. The employment period shall not be less than one month. If possible, the fixed-term contracts should have a term of at least 3 months; terms of 6 months and longer are desirable. Renewals should be made as early as possible, but no later than 4 weeks before the contract expires.
- (2) Prior to the expiry of the intended employment period, the employment contract may be terminated by either party in accordance with the statutory basis pursuant to Section 622 (1) of the German Civil Code (BGB). The option to terminate the employment relationship for good cause without notice remains unaffected. The employment relationship may be terminated prematurely by mutual consent by means of a termination agreement.
- (3) Secondary employment must be reported in accordance with the provisions of the Collective Agreement for the Public Service of the Federal States (TV-L).
- (4) The maximum duration of fixed-term employment is governed by the relevant provisions of fixed-term employment law, in particular Section 6 of the Wissenschaftszeitvertragsgesetz (WissZeitVG - German Act on Fixed-Term Scientific Contracts) for student assistants and graduate assistants and Section 2 (1) WissZeitVG for research assistants.
- (5) For business trips approved by RWTH, travel expenses are reimbursed on the basis of the NRW State Travel Expenses Act.
- (6) The provisions of Section 3 (2), (3), (5) - (7) of the Collective Agreement for the Public Service of the Federal States (TV-L), as amended, shall apply by analogy.
- (7) Vacation is granted in accordance with the Federal Vacation Act. Vacation shall be granted for the duration of the employment relationship. Further details are regulated by the RWTH vacation handbook.
- (8) In the event of illness, the Continuation of Remuneration Act applies.
- (9) If the student and graduate assistant is entitled by law to claim compensation from a third party for loss of earnings due to incapacity for work, they shall assign their claims for compensation to the employer to the extent that the employer has continued to pay the auxiliary employee remuneration including other benefits.

§ 7 Transitional Arrangement

Employment contracts concluded prior to the entry into force of this Directive shall remain valid. The basis for the contracts remains the directive in force at the time the contract was concluded.

§ 8 Entry Into Effect

These regulations shall be published in the official announcements of RWTH Aachen University ("Amtliche Bekanntmachungen") and enter into effect on the day after publication. The Guideline for the Employment and Compensation of Academic and Student Assistants, as amended by the Fifth Order Amending Guideline dated Sept. 28, 2020, is repealed.

Issued based on the decision of the Rectorate from July 18, 2022.

It is pointed out that, in accordance with § 12 (5) NRW HG, any claims regarding a violation of procedural or formal requirements of the regulatory or other autonomous rights of the University may no longer be asserted after one year has elapsed since the official publication of this announcement unless:

- 1) the announcement has not been properly published,
- 2) the Rectorate has objected, prior to publication, to the decision of the committee adopting the regulations,
- 3) the University has been previously notified about the defect of form or of procedure in a complaint, specifying the infringed legal provision and the fact which gives rise to the defect, or
- 4) the legal consequence of the exclusion of complaints was not pointed out in the public announcement.

The Rector
of RWTH
Aachen University

Aachen,
dated

July 28, 2022

sgd. Rüdiger

Univ.-Prof. Dr. rer. nat. Dr. h. c. mult. Rüdiger