

Guidelines

**for the Employment and Remuneration of Graduate, Postgraduate,
and Student Assistants,**

Originally Published March 12, 2008,

Now Issued in Their Seventh Revised Version,

Dated March 1, 2023,

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) and 46 of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz; HG) in the version of the announcement dated September 16, 2014 (Law and Official Gazette of the State of North Rhine-Westphalia p. 547), most recently amended by Article 1 of the Act on the Membership of University Hospitals in the Employers’ Association of North Rhine-Westphalia, dated June 30, 2022 (GV. NRW p.780b), RWTH Aachen University (RWTH) has issued the following guidelines:

§ 1 Scope of Application

These guidelines apply to all student, graduate, and postgraduate assistants at RWTH Aachen University (RWTH).

§ 2 Hiring Conditions, Tasks, and Remuneration for Student Assistants

- (1) An individual can be hired as a student assistant (SHK) if, in addition to meeting the general employment law requirements, they are enrolled as a student at a university or state-recognized university and have not yet completed a university degree relevant to their work as an assistant.
- (2) Student assistants shall mainly provide course-related support for research and teaching activities under an instructor's guidance and complete related administrative activities. Student assistants provide support for research projects and activities related to research and teaching, for example, by assisting with the organization of courses, colloquia, conferences, tutorials, excursions, and specialist internships. They also help supervise student working groups and select and compile material for courses. The duties of student assistants in detail are determined by the university professors, independent instructors, or academic staff to whom the research assistants are assigned.
- (3) The monthly flat-rate payment 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, onward. The wages are paid in a lump sum at the end of the month. No further 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 student assistant's employment contract.

- (4) Open positions for student assistants shall generally be publicized throughout the university; this does not apply to continued employment.

§ 3 Hiring Conditions, Tasks, and Remuneration for Graduate Assistants

- (1) An individual can be hired as a graduate assistant (WHB) if they hold a bachelor's degree or equivalent, are enrolled in a consecutive course of study at a university or state-recognized university, and their university degree qualifies them for a profession in the discipline they will be working in. They may not be hired as a student assistant anymore.
- (2) On the basis of their university degree, graduate assistants shall mainly provide course-related support for research and teaching activities under an instructor's guidance and complete related administrative activities. In all other respects, § 2 (2) shall apply analogously.
- (3) The monthly flat-rate payment for graduate assistants is 14 euros per hour of average weekly working time. The wages are paid in a lump sum at the end of the month. No further 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) Open positions for graduate assistants shall generally be publicized throughout the University; this does not apply to continued employment.

§ 4

Hiring Conditions, Tasks, and Remuneration for Postgraduate Assistants

- (1) An individual can be hired as a postgraduate assistant (WHK) if they have a relevant master's degree (or comparable university degree) qualifying them for the tasks to be performed and they also meet the general requirements under employment law.
- (2) Postgraduate assistants can be employed in the RWTH faculties or central academic institutions. On the basis of their university degree and under an instructor's guidance, they shall predominantly provide scientific support for research and teaching activities that also serve to boost their own academic profile. Their tasks and responsibilities shall differ from those assigned to academic staff.

Postgraduate 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.

Postgraduate assistants can also be tasked, among others, with the following in the area of instruction: Assisting in the preparation of course materials, assisting in the delivery and supervision of courses, mentoring, supervising exams, taking minutes of oral exams, and conducting field trips.

They shall not be assigned to teach on their own, substitute for instructors in their courses, or supervise or correct term papers, exams, etc. In all other respects, § 2 (2) shall apply analogously.

- (3) The monthly flat-rate payment for post-graduate assistants is 18.20 euros per hour of average weekly work hours. The wages are paid in a lump sum at the end of the month. No further 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 average weekly work hours specified in the post-graduate assistant's employment contract.

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

§ 5

Work Hours

- (1) Student, graduate, and postgraduate assistants may be employed for no more than an average of 19 hours per week; employment of fewer than 3 hours per week is not permissible.
- (2) In order to make work more flexible, it is possible to set up a record of hours worked per § 2 (2) of the Mindestlohngesetz – MiLoG (German Minimum Wage Act. Assistants have a period of up to one year to fulfill the contractually agreed work hours after monthly work hours are logged (compensatory time balancing period). Within the balancing period and within the framework of the statutory provisions, RWTH may vary the allocated work hours to better

meet the needs at the assistant's place of work. Deviations between the contractually agreed average work hours and the actual work hours are continuously logged as overtime and undertime in the record of hours worked. The credit hours logged in the record of hours worked may not exceed 50 percent of the contractually agreed work hours for each month.

- (3) If a flextime arrangement has been agreed upon for the assistant's work, a record of hours worked is mandatory under the MiLoG. Time sheets shall be kept in the suitable form at the assistant's place of work and shall be available at all times for auditing purposes.
- (4) Assistants must log the beginning, end, and duration of daily work hours no later than the end of the seventh calendar day following the day the work is performed and submit this record to their immediate supervisor every month.
- (5) The provision of § 6 (11) of the Collective Agreement for the Public Service of the Federal States (TV-L) shall apply analogously.

§ 6

§ 6 General Regulations

- (1) A written employment contract must be concluded with an assistant before they start work. They can only be hired as an assistant if the same employer does not otherwise employ them. Contracts may not be concluded for fixed-term employment of less than one month. Contracts should have a term of at least 3 months; terms of 6 months and longer are desirable. Contracts should be renewed as early as possible but no later than 4 weeks before the contract expires.
- (2) Before the specified employment period ends, an employment contract may be terminated by either party in accordance with the statutory basis under § 622 (1) of the German Civil Code (BGB). The option to end the employment relationship for a good cause without notice remains unaffected. Employment may be terminated early by mutual consent through a termination agreement.
- (3) Secondary employment must be reported in accordance with the provisions of the Tarifvertrag für den öffentlichen Dienst der Länder (TV-L – Collective Agreement for the Public Service of the German Federal States).
- (4) The maximum duration of fixed-term employment is governed by the relevant provisions of fixed-term employment law, in particular § 6 of the Wissenschaftszeitvertragsgesetz (WissZeitVG – German Academic Fixed-Term Contract Act) for SHK and WHB and § 2 (1) WissZeitVG for WHK.
- (5) For business trips approved by RWTH, travel expenses are reimbursed on the basis of the Landesreisekostengesetz NRW (NRW State Travel Expenses Act).
- (6) The provisions of § 3 (2, 3, 5 - 7) of the valid version of the Tarifvertrag für den öffentlichen Dienst der Länder (TV-L) shall apply analogously.
- (7) Vacation is granted in accordance with the Bundesurlaubsgesetz (German Vacation Act). Vacation shall be granted during the contractual period of employment. Further details are regulated by RWTH's Vacation Handbook.
- (8) In the event of illness, the Entgeltfortzahlungsgesetz (Continued Remuneration Act) applies.

- (9) If the assistant is entitled by law to claim compensation from a third party for loss of earnings due to incapacity for work, they shall cede their claims for compensation to the employer to the extent that the employer has continued to pay the assistant's wages, including other benefits.
- (10) As a rule, Aachen is considered the place of employment. With the approval of their supervisor and provided that the tasks are suited to this, assistants may participate in the work-from-home option with a maximum of 60% of their respective work hours. In special exceptional cases – which must be documented – assistants may be allowed to deviate from this amount. The provisions on data protection and confidentiality must be observed. Mobile work from abroad is not permitted. If assistants wish to participate in the work-from-home scheme, a written agreement must be concluded between the supervisor and assistant. The form that must be used for this purpose is provided on the RWTH Intranet. The agreement shall be filed at the respective University institution.

§ 7 Transitional Provisions

Employment contracts concluded before these guidelines entered into force shall remain valid. The guidelines that were in effect at the time the contract was concluded apply in such cases.

§ 8 Entry Into Force

These guidelines shall be published in the official announcements of RWTH Aachen University (“Amtliche Bekanntmachungen”) and shall enter into force upon publication. The Guidelines for Employment and Remuneration of Graduate, Postgraduate, and Student Assistants in their sixth revised version, dated August 2, 2022, are hereby repealed.

Issued based on the decision of the Rectorate from January 24, 2023.

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, March 1, 2023

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