****

**Information and Declaration   
(for Student Assistants with a Degree)**

|  |  |
| --- | --- |
| Last name, first name | |
| born on: | in |

declares the following:

|  |  |
| --- | --- |
| 1. | I hereby declare that my financial situation is in order and that I do not have any debts. |
| 2. | I hereby affirm that I am not convicted of a crime / I have been convicted of a crime and that a / no penal proceedings or preliminary investigation are pending.  (Please cross out as appropriate, cf. information sheet on the reverse) |
| 3. | I shall inform the Human Resources division of the University of Mannheim in due time and in writing of any additional employment or self-employment that I might take up. I have received the Information on Secondary Employment of Civil Servants and Public Employees. |
| 4. | I assure that I will notify the Human Resources division without delay and in writing about any changes regarding my personal situation (e.g. change of address, change of bank details, etc.). |
| 5. | I have been informed that I can object to an inspection of my personal data in electronic files or physical records through the commissioner of data protection of the Land at the university or directly with the commissioner of data protection of the Land. |
| 6. | I have been informed that data regarding my employment has been saved in the university's information system, Portal2, and will be published for work-related purposes in the course catalog and on the websites of the University of Mannheim. |
| 7. | I have taken note of my obligation to register as job-seeking at the job center (Arbeitsamt) three months before the end of my employment in order to be eligible for full unemployment benefits according to the Third Book of the Social Code (SGB III). Moreover, I am obliged to independently to seek employment prior to the termination of my contract (section 2 subsection 5 no. 2 SGB III). |
| 8. | According to section 17 of the Minimum Wage Act (MiLoG), records are to be kept which detail the start, end and duration of the daily working time for marginal or temporary employment as defined by section 8 subsection 1, Fourth Book of the Social Code. I assure that I will comply with the obligatory documentation and storage requirements to prove my working time. |

I am aware that I can be terminated without notice if I have given any inaccurate statements.

|  |
| --- |
| Mannheim, (date) |
|  |
| (Signature of student assistant) |

**Information Sheet**

(For authorities with limited rights to provide information)

In answering the question "Have you ever been convicted of a crime?" you do not have to provide the following information:

**I.**

Verurteilungen, die nicht in das Bundeszentralregister eingetragen werden.

That is:

1. Fines (including court imposed fines) due to misdemeanors, penalties to enforce a court order, penalties for violation of rules of clubs and contractual penalties.
2. Educational measures (instructions, supervision, official welfare education), disciplinary measures and any additional penalties and side-effects that were imposed under juvenile law (section 5 subsection 2 of the Law on the Federal Central Criminal Register (BZRG)).
3. Fines imposed due to offenses prior to 1 January 1975.
4. Foreign criminal convictions if the deed would not have been punishable under criminal law of the Federal Republic of Germany (section 54 of the Law on the Federal Central Criminal register (BZRG)).
5. Records of the former criminal register that have not been transferred to the Federal Central Criminal Register.

These are convictions regarding

1. fines imposed more than two years before the Federal Central Criminal Register was instituted (1 January 1972) if the imprisonment as a substitute for a non-collectible fine does not exceed three months and no further record is held in the register.
2. fines that do not qualify for exemption under a), terms of imprisonment and juvenile sentences of less than nine months and arrest if it was imposed more than five years prior to the institution of the Federal Central Criminal Register.
3. terms of imprisonment and juvenile sentences of more than nine months but less than three years that have been imposed more than ten years prior to the institution of the Federal Central Criminal Register.
4. terms of imprisonment and juvenile sentences of more than three but less than five years that have been imposed more than 15 years prior to the institution of the Federal Central Criminal Register.

However, as an exception, all records have been transferred to the Federal Central Criminal Register if

1. the person in question was sentenced as a serious habitual offender or was sentenced to a term of imprisonment or juvenile sentence of more than nine months within the last ten years before the institution of the Federal Central Criminal Register.
2. the person in question was sentenced to stay in a psychiatric hospital or if he or she was forbidden to ever obtain a driver's license.

**II.**

Convictions which do not have to be included in the certificate of good conduct (section 53 subsection 1(1) of the Law on the Federal Central Criminal Register).

That is:

1. Convictions listed in section 32 subsection 2 of the Law on the Federal Central Criminal Register.

In the relevant parts the law reads:

"Not to be recorded are

1. warnings with punishment reserved according to section 59 of the German Criminal Code.
2. guilty verdicts according to section 27 of the Juvenile Court Act.
3. convictions of less than two years for juvenile offenders if the sentence or the remainder of the sentence has been suspended in full on probation by a court or by a pardon according to section 35 of the Narcotics Act and this decision was not revoked.
4. convictions of juvenile offenders if the conviction has been expunged from the record by a court or by a pardon and the expungement has not been revoked.
5. sentences of
6. daily fines in lieu of jail time of no more than ninety days.
7. imprisonment or arrest of less than three months if there are no further deeds in the record.

6. sentences of less than two years of imprisonment if the the enforcement of the sentence or the remainder of the sentence

1. has been deferred or suspended on probation according to section 35 or 36 of the Narcotics Act or
2. has been suspended on probation according to section 56 or 57 of the German Criminal Code and the record in the criminal register shows that the convict has committed the offenses or the predominant parts of the offenses due to his or her addiction to narcotics,

and these decisions have not been revoked and there are no further offenses recorded in the criminal register.

1. convictions that included, in addition to a juvenile sentence or a term of imprisonment of no more than two years, a placement in a detoxification institution if the enforcement of the sentence, the remainder of the sentence or the detention order have been deferred according to section 35 of the Narcotics Act and all preconditions of numbers 3 or 6 have been fulfilled.
2. convictions that included detention orders, alternative punishment or side-effects, individually or not or in conjunction with disciplinary or educational measures,
3. convictions that include a note about the reopening of the entire case..."

**Exception**

(i.e. cases to be included in the certificate of good conduct):

Convictions that include a detention order involving deprivation of liberty, that is:

Placement in a psychiatric hospital, a detoxification institution or preventive detention.

Convictions listed under section 34 subsection 1(1) of the Law on the Federal Central Criminal Register (BZRG) if more than three years have elapsed since the day of the pronouncement of the judgment in the first instance (for orders of punishment the day of the signature of by the judge applies).

Section 34 subsection 1(1) of the Law on the Federal Central Criminal Register reads:

"The period of time after which a conviction is no longer included in the certificate of good conduct is three years

for convictions regarding

1. fines, terms of imprisonment or detention of less than three months if the conditions of section 32 subsection 2 are not fulfilled.
2. terms of imprisonment or detention of more than three months but less than one year if the enforcement of the sentence or of a criminal law has been suspended on probation by a court or by a pardon and this decision has not been revoked and there are no further records of terms of imprisonment, detention or juvenile sentences in the register.
3. juvenile sentences of no more than one year if the conditions of section 32 subsection 2 are not fulfilled.
4. juvenile sentences of more than two years if the remainder of the sentence after the probation period has been waived by a court or by a pardon."

**Caution**

The period of time as stated in d) extends to the length of the original juvenile sentence (not only by the period of time served under this sentence)!

1. Other convictions if more than five years have elapsed since the day of the pronouncement of the judgment in the first instance. The time of the term of imprisonment, detention or juvenile sentence is to be added to the five-year period. In case of a life sentence, the period of time between the day of pronouncement of the sentence in the first instance and the end of the period of suspension on probation, a period of at least twenty years, must be added to the five-year period.

(Example:

A term of imprisonment of five years no longer needs to be mentioned after eight years have passed).

**Exceptions to 2 and 3:**

1. The aforementioned periods do not expire as long as
2. a person is no longer allowed to assume public offices or has lost active or passive electoral rights due to the conviction or
3. the term of imprisonment or the detention order (except the ban on a driver's license) has not been carried out yet.
4. Convictions that included preventive detention or placement in a psychiatric hospital always need to be included.

**III.**

In case there are several convictions recorded in the register, all of them have to be listed in the certificate of good conduct as long as one of them must be listed (cf. items under II).

**To be disregarded are:**

1. Convictions listed in section 32 subsections 1-4 of the Law on the Federal Central Criminal Register (cf. 1.1 above).
2. Sentences to terms of imprisonment or detention of less than three months or daily fines in lieu of jail time of no more than ninety days.

**Merkblatt zum Nebentätigkeitsrecht von Beamten und Beschäftigten - *Information on Secondary Employment of Civil Servants and Public Employees***

**I.** **Policy**  
  
Any form of activity undertaken in addition to the main employment within or outside of the civil service is considered secondary employment.

For civil servants, sections 60 et. seqq. of the Civil Service Act of the Land of Baden-Württemberg (LBG) in conjunction with the regulations of the Secondary Employment Act of the Land of Baden-Württemberg (LNTVO) apply. For academic staff members, the Act on Secondary Employment at Higher Education Institutions (Hochschulnebentätigkeitsverordnung) applies.

For employees without civil servant status, additionally the collective bargaining agreement of the Länder (TV-L) applies.

1. **Secondary Employment of Civil Servants**
2. **Types of Secondary Employment**  
   The following types of secondary employment are to be distinguished:secondary employment subject to approval, generally approved secondary employment and secondary employment not subject to approval.

**Generally, all secondary employments should be reported as to assess whether there are any reasons for refusal.**

* 1. **Secondary Employment Subject to Approval  
     As a rule, civil servants require approval before taking up any type of secondary employment. Exceptions are listed in 1.2 and 1.3.**

The following does not count as secondary employment:

* unpaid work which is generally accepted to be part of the personal lifestyle (housework, gardening, family care, neighborly help, hobbies, exercising, etc.),
* volunteer work,
* unpaid guardianship, care or fosterage.

Examples of secondary employment subject to approval (paid or unpaid):

* **teaching outside of the higher education institution that is the main employer,**
* **administration of academic institutions outside of the higher education institution that is the main employer,**
* **consulting activities,**
* **taking on an additional office, paid guardianship, fosterage, care or the like,**
* **freelancing evaluator activities that are not connected to the specific teaching and research responsibilities.**

**1.2 Generally Approved Secondary Employment**  
**A secondary employment is generally approved if**

* **the remuneration of the requested secondary employments altogether does not exceed 1,200 euros per calendar year,**
* **the working time of the secondary employments altogether does not exceed a fifth of the regular weekly working time,**
* **the secondary employments are pursued during leisure time,**
* **no reason for refusal (as explained in no. 3) exists,**
* **academic staff members undertake one of the following activities:**
  + **publishing or editing of academic or artistic magazines, collected editions and similar publications if this is not part of the main employment,**
  + **working as a defense attorney or prosecutor in court in the case of university teachers of the Department of Law,**
  + **working as a juror, referee or official expert in court,**
  + **developing, correcting or overseeing public or academic examinations if this is not part of the main employment.**

**Generally approved secondary employments have to be reported with the exception of**

* **a onetime secondary employment in the calendar year**
* **of which the remuneration does not exceed 200 euros.**

**1.3 Secondary Employments Not Subject to Approval**

**Not subject to approval are**

* **unpaid secondary employments with the exception of**
  + **commercial work, a freelancing profession or the assistance to one of these activities,**
  + **becoming a member of a company body with the exception of a cooperative and the holding of a trusteeship,**
* **the administration of own assets,**
* **authorial, academic, artistic or lecture activities,**
* **self-employed evaluator activities in connection with specific teaching and research responsibilities,**
* **activities for the protection of professional interests in trade unions, professional associations**

**The activities mentioned in no. 1.3 have to be reported if they are paid**

* **authorial, academic, artistic or lecture activities,**
* **self-employed evaluator activities in connection with specific teaching and research responsibilities,**
* **activities for self-help organizations.**

**2.**  **Granting of Approval**

For an approval, the form "Request for Approval of Secondary Employment" ("Ausübung von Nebentätigkeiten") has to be filled in. You will need to provide information on the type, extent, employer and remuneration of the secondary employment.

Before submitting the request to the Human Resources division, it has to be presented to the superior for a statement. He or she has to consider whether the secondary employment would in any way compromise the official responsibilities, the impartiality and the objectivity of the employee or the public interest of the main employer.

The approval may be granted with restrictions and conditions and is restricted to a maximum duration of 5 years.

**Changes** concerning the type, extent, employer and remuneration of the secondary employment subject to approval or report or undertaken by request of the employer are to be **reported immediately** to the superior.

Please use the form "Request for Approval of Secondary Employment" to report changes.

**3. Reasons for Refusal**

The approval is refused if the secondary employment would compromise official responsibilities. Reasons for refusal are given if the secondary employment

* could cause conflicts with official duties of a civil servant,
* could compromise the impartiality and the objectivity of a civil servant,
* could cause a substantial limitation of the availability of a civil servant,
* could have negative consequences for the reputation of the public administration,
* would take up the resources of a civil servant to such an extent that the proper fulfillment of official responsibilities could be compromised (generally if a fifth of the regular weekly working time is exceeded). University professors may only take up secondary employments if the weekly working time of the secondary employments does not exceed the working time of an individual workday.

The approval of generally approved secondary employments may also be refused or revoked if it is apparent that official responsibilities would be compromised. This also applies to secondary employments not subject to approval if the civil servant neglects official duties because of the secondary employments.

**4. Remuneration Restrictions**

For the **maximum amount** of allowed remuneration for secondary employments please consult sections 5 and 6 LNTVO. Surplus amounts have to be given to the main employer. This applies to secondary employments pursued in the public service, on request of the employer or secondary employments assigned to a civil servant with regard to his or her position.

Once a year, at the latest by 1 July, civil servants have to report on the type, extent, duration, employer and remuneration of the secondary employments pursued within the previous calendar year to their superior. This applies to secondary employments subject to approval or report or secondary employments pursued upon request of the superior.

Please use the form "List of Secondary Employments in the Calendar Year \_\_\_\_\_\_".

**5. Consequences of Disregard**

Disregarding the obligation of approval and/or report is considered official misconduct and has disciplinary consequences.

**III.** **Secondary Employment of Public Employees**

**1. Policy**  
For public employees of higher education institutions without civil servant status, secondary employments outside of their regular working time are generally **not subject to approval**. However, **every secondary employment** has to be **reported** to the employer **in advance**.

**2. Reasons for Refusal**  
The employer may refuse the secondary employment if it could

* compromise the fulfillment of contractual duties of the employee or
* the legitimate interests of the employer.

**3. Remuneration Restrictions**

Secondary employments in the public service may be subject to remuneration restrictions.