



# Baden-Württemberg

LANDESAMT FÜR BESOLDUNG UND VERSORGUNG

## Erklärung zur Sozialversicherung - Declaration regarding Social Security

### Please note:

1. The following information is necessary for the payment of your remuneration. Please visit <https://bv.landbw.de/das-lbv/kontakt/datenschutz> for information on data protection and the relevant legal provisions on the basis of which your data are collected. All questions must be answered, unless marked (optional).

2. Please also take note of the attached explanations which are referred to in the document by (\*).

### 1 Personal details / type of declaration

Please check  or fill in as appropriate

Last name	First name	Date of birth	Personnel number / area of work
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Address (street, zip code, city)

First declaration (Your last employment with the Land Baden-Württemberg ended at least three months ago.)  
Please answer **all** questions!

**Notice of change** (If your last employment with Land Baden-Württemberg ended less than 3 months ago.)  
Have there been any changes to your first declaration or to any subsequent notices of change?  
 No, please fill in number 2.4.  
 Yes, changes to number/s \_\_\_\_\_  
Please answer all questions in the relevant sections!

### 2 Details regarding social security

#### 2.1 Details regarding your social security number

Have you been assigned a (European) insurance number by the statutory pension insurance scheme?

- Yes, my insurance number is: \_\_\_\_\_
- No insurance number has been assigned to me so far.

#### 2.2 Details regarding your health insurance

I am currently / have recently been insured with the following statutory health insurance scheme, including family insurance, if relevant:

\_\_\_\_\_  
Name, place of business of health insurance provider

A certificate of membership or a certificate of membership with the family insurance

- is attached
- will be supplied without delay
- I am currently insured under statutory health insurance as a foreign citizen as part of an agreement with a foreign country:

\_\_\_\_\_  
Name, place of business of health insurance provider

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- I am currently **not** insured with any statutory health insurance scheme.

Were pension and/or unemployment insurance contributions paid to a statutory health insurance fund (AOK, Ersatzkasse, etc.) during your last employment? It is indicated on your last social security statement to which health insurance fund the contributions were paid.

- No  
 Yes

\_\_\_\_\_  
 Name, place of business of health insurance provider

**2.3 Details regarding your private health insurance**

- I am currently insured with a private health insurance provider.  
 Proof is attached.
- I am entitled to daily sickness allowance. Proof is attached.
- I am not entitled to daily sickness allowance.

**2.4 IMPORTANT! Please complete all of the information below to avoid possible disadvantages!**

**Details regarding your occupation**

**2.4.1\* In addition to this employment, I am**

- an employee (including marginal part-time employment ("Minijob") and short-term employment), a trainee

- No  
 Yes

I have an additional job:

No.	From - to	Legal relationship	Hours per week	Monthly remuneration (gross)	Amount of expected one-off payments, e. g. holiday allowance, benefits (gross)
1					
Employer and employer's address					
2					
Employer and employer's address					

For the abovementioned jobs, the following insurance scheme applies:

Please state the single-digit contribution category key (Beitragsgruppenschlüssel) and the person group key (Personengruppenschlüssel) as indicated on your social security registration confirmation (e. g. "DEÜV-Meldung").

No.	KV	RV	AV	PV	PGS	
1						KV = health insurance ( <b>K</b> rankenversicherung) RV = pension insurance ( <b>R</b> entenversicherung)
2						AV = unemployment insurance ( <b>A</b> rbeitslosenversicherung) PV = long-term care insurance ( <b>P</b> flegeversicherung) PGS = person group key ( <b>P</b> ersonengruppenschlüssel)

- self-employed / a freelancer

- No  
 Yes, I am working as \_\_\_\_\_

Hours per week: \_\_\_\_\_ hours.

Monthly income amounts to EUR \_\_\_\_\_ euros.

- a civil servant

- No  
 Yes

Employer: \_\_\_\_\_

Personnel number: \_\_\_\_\_

**2.4.2 In addition to this employment, I am**

- a pupil.  
A letter of confirmation is attached.
  - a college/university student.  
A current "detailed" enrollment certificate such as the one required for federal student aid (BAföG) is attached.  
It is a
    - first degree program which I have **not** yet completed.
    - postgraduate or second degree program which requires a college/university exam for completion.  
Proof is attached.
    - postgraduate or second degree program which **does not require** a college/university exam for completion.
    - doctoral program.
    - part-time degree program (e. g. distance learning).
  - in the voluntary military service.
  - completing a voluntary service such as a soziales Jahr, an ökologisches Jahr, federal volunteer service or another voluntary service. Proof is attached.
  - a housewife/househusband.
  - on maternity/paternity leave \_\_\_\_\_ until \_\_\_\_\_  
from \_\_\_\_\_
  - registered with the job center (Agentur für Arbeit).
    - I am entitled to unemployment benefits (section 27 subsection 5 Third Social Code (Drittes Sozialgesetzbuch, SGB III)).  
Proof is attached.
  - a recipient of widow's pension or orphan's pension.  
Paying office \_\_\_\_\_ Personnel number \_\_\_\_\_
- Proof is attached.
- a pensioner. I have attached a copy of my official pension approval certificate – without enclosures.

**2.4.3 Fill in this section only if the employment you just commenced with the Land of Baden-Württemberg is an internship.**

- Is the internship a mandatory internship in accordance with your respective vocational training / examination / study regulations?
- No
  - Yes, proof is attached.
- Is this your first mandatory internship?
- No
  - Yes

**2.5.\* Fill in this section only if the employment you just commenced with the Land of Baden-Württemberg is a short-term employment according to section 8 subsection 1 no. 2 Fourth Social Code (Viertes Sozialgesetzbuch, SGB IV), i. e.**

- is limited to a maximum term of three months or
- is limited to a maximum term of 70 working days (if you do not work at least five days per week).

I was employed during the calendar year prior to commencing my present employment.

- No
- Yes

Duration From - until	Hours per week	number of working days per week	Average monthly remuneration and/or income from self-employment
_____	_____	_____	_____

During the following periods, I received benefits under SGB III from the job center and/or was registered as job seeking or was available to the job center for work:

From \_\_\_\_\_ until \_\_\_\_\_

From \_\_\_\_\_ until \_\_\_\_\_

Relevant proof is attached (e. g. pay slips or confirmation from the job center).

Fill in this section only if you have just left school. (Proof of secondary education is attached.)

Once my current employment has ended, I intend to

- complete a voluntary service such as a soziales Jahr, an ökologisches Jahr, federal volunteer service or another voluntary service.
- continue to go to school, pursue a degree in higher education.

**2.6.\* Fill in this section only in case of marginal part-time employment according to section 8 subsection 1 no. 1 SGB IV.**

- I am making use of the possibility to be exempt from paying statutory pension insurance. This only applies for employment contracts that have entered into force after 1 January 2013 or contracts for which the remuneration has been raised to over EUR 400 since 1 January 2013. I have taken note of no. 3 of the explanatory notes and I will request the exemption with form LBV 45201.
- I filed a request for exemption from pension insurance during the course of the employment stated in 2.4.1.
  - No
  - Yes, a copy of the request is attached.
- I am making use of the possibility to pay pension insurance. This only applies to employment contracts that have entered into force before 31 December 2012. I have taken note of no. 4 of the explanatory notes and will waive my right to be exempt from the statutory pension insurance with form LBV 45202.

**Fill in numbers 2.7 to 2.14 only if your position is not a marginal employment according to section 8 SGB IV.**

**2.7 Fill in this section only if you were/are insured with a private insurance provider.**

Were you exempt from statutory health insurance on **31 December 2002** because your annual income exceeded the threshold and you had **your own** private health insurance with a private health insurance provider? Please note that this does not include **additional** private insurance.

- No
- Yes, relevant proof is attached.

**2.8\* Fill in this section only if you were born after 31 December 1939 and are at least 23 years old.**

- Proof of parenthood is attached (birth certificate of the child).
- I am not a parent.

**2.9 Fill in this section only if you receive or have applied for a pension under the statutory pension scheme.**

- I am already receiving a pension.  
I have attached a copy of my official pension approval certificate – without enclosures.
- I have applied for a pension.  
I will submit a copy of my official pension approval certificate as soon as possible.

**2.10\*** Fill in this section only if you receive a pension under civil servants pension regulations or if your entitlement to receive such a pension for the employment in question has been approved.

I receive a pension for civil servants

Paying office: \_\_\_\_\_

Personnel number: \_\_\_\_\_

I have attached a copy of the official notification.

My entitlement to receive such pension has been approved.

I have attached a copy of the official notification.

**2.11** Fill in this section only if you are entitled to receive continued payments and assistance ("Beihilfe") or medical care under civil servants regulations in case of illness.

Yes, relevant proof is attached.

**2.12** Fill in this section only if you have been exempted from statutory insurance upon your own application.

Upon application I was exempt from paying statutory insurance contributions for

health insurance

long-term care insurance

statutory pension insurance

I have attached a copy of the relevant official notifications of exemption.

**2.13\*** Fill in this section only if you are a member of an insurance or pension fund of your occupational group.

I have already been exempted from statutory pension insurance.

I have attached a copy of the official notification of exemption.

I have attached a membership certificate from my occupational pension fund.

I will apply for an exemption from statutory pension insurance.

I will submit a copy of the official notification of exemption as soon as possible.

I have attached a membership certificate from my occupational pension fund.

**2.14** Fill in this section only if you are not a national of an EU member state.

Does your current employment serve your occupational training or further training under a development aid program and is it funded from corresponding resources?

No

Yes, I have attached the relevant confirmation from the funding body, institution or organization.

#### Declaration

I am aware that the details I have provided in this form may influence the amount I am paid. I declare that the information provided above is both accurate and complete.

I oblige to inform the Landesamt für Besoldung und Versorgung without delay of any changes to the abovementioned statements, particularly of any additional employments.

Moreover, I am aware that I will have to pay social security contributions retroactively if I fail to provide the complete information.

\_\_\_\_\_  
Date, Signature

**Landesamt für Besoldung und  
Versorgung Baden-Württemberg  
70730 Fellbach**

## (\* Explanatory Notes to the Declaration regarding Social Security:

### Regarding numbers 2.4.1, 2.5 and 2.6

#### Marginal short-term employment according to section 8 SGB IV

##### 1. Content of the act

According to section 8 SGB IV – as amended on 1 April 2003 – marginal short-term employment is defined as follows:

- 1) The remuneration does not regularly exceed EUR 400 per month since 1 April 2003 and EUR 450 per month since 1 January 2013 (marginal short-term employment),
- 2) the employment within the calendar year is limited to a maximum of three months or 70 working days due to its nature or prior contractual agreement, unless the employment is carried out as a profession and the remuneration exceeds the limit stated in number 1 above (short-term employment).

##### 2. Scope

According to judgments by the Federal Social Court, an employment is carried out as a profession if it is the employee's main source of income or to such extent that his or her financial position depends to a large extent on the employment carried out. Therefore, the employment must make up a significant part of the relevant person's financial position, taking into account his or her entire income and assets.

According to judgments by the Federal Social Court, an employment is not considered short-term if the number of work-days exceeds 70 days within one calendar year **of permanent employment** or an employment relationship that is **recurring regularly**.

If a person has several marginal short-term employments according to section 1 number 1 **or** section 1 number 2, these must be **added up**. If, in addition to non-marginal short-term employment subject to statutory insurance (main employment), only one marginal short-term employment is carried out, these are not added together.

If, however, several marginal short-term employments are carried out in addition to non-marginal main employment subject to statutory insurance, the marginal short-term employment that was taken up first remains free of statutory insurance. The remaining marginal short-term employments must be added to the non-marginal employment, provided the latter is subject to statutory insurance.

The abovementioned provisions apply accordingly if the employment is carried out as self-employment. This does not apply to unemployment insurance.

##### 3. Exemption from statutory pension insurance

Since 1 January 2013, employees in marginal short-term employment (EUR 450 mini-job) are generally subject to statutory insurance and full payment of statutory pension insurance. The pension insurance share to be paid by the employee amounts to 3.6 percent of the remuneration (or 13.6 percent for employees in marginal short-term employment in private households). This amount is the difference between the employer's flat-rate share (15 percent for marginal short-term employment for commercial employers / 5 percent for employment in private households) and the full pension insurance contribution of 18.6 percent. Full pension insurance contributions have to be paid starting at a minimum remuneration of EUR 175.

##### Advantages of the full payment of pension insurance

Through payment of statutory insurance shares employees acquire contribution periods in the statutory pension insurance. This means that the period of employment will count fully towards the fulfillment of the different qualifying periods (minimum period of insurance). Compulsory contribution periods are for example preconditions for

- early retirement,
- entitlements to rehabilitation benefits (concerning medical care and your work life),
- the entitlement to transitional allowance in case of rehabilitation measures of the statutory pension insurance,
- the entitlement to a pension in case of reduced earning capacity,
- the entitlement to have part of the remuneration paid into a company pension plan and
- the fulfillment of the conditions for a private pension plan with state incentives (for example Riester pension plan) for the employee and, if applicable, also for the spouse.

Additionally, the remuneration will fully count towards a future pension.

### **Application for exemption from the obligation to pay statutory pension insurance shares**

If an employee does not want to pay his or her statutory insurance share, he or she can be exempted by the employer. In order to do so, the employee has to fill out form 45201 for the LBV, which states that he or she wants to be exempted from paying statutory pension insurance. If the employee has several marginal short-term employments, the application for exemption can only be made for all marginal short-term employments simultaneously. The employee has to inform all other and future employers who engage him or her in marginal short-term employment about the application for exemption. The exemption from statutory insurance is effective for the entire term of the marginal short-term employment and cannot be revoked.

The exemption is generally effective from the beginning of the calendar month in which it was received by the employer, at the earliest from the beginning of the employment. For the exemption to become effective the employer has to give notice of the exemption request to the mini-job center (Minijob-Zentrale) before the next remuneration payment, at the latest within 6 weeks after the receipt of the exemption request. Otherwise, the exemption will become effective one month later.

### **Consequences of the exemption from the obligation to pay pension insurance shares**

Marginal short-term employees who request the exemption from statutory pension insurance voluntarily waive the above-mentioned advantages. Through the exemption, only the employer has to pay the fixed payment of 15 percent (or 5 percent in case of employment in a private household) of the remuneration. The payment of the employee's share is canceled. As a consequence, the employee only acquires partial months for the fulfillment of the different qualification periods and the remuneration will only count partially in the pension calculation.

#### **Please note:**

Before the employee decides to be exempted from the statutory pension insurance scheme, it is advised to consult the Deutsche Rentenversicherung Advice Centre (Beratungsstelle): +49 (0) 800 10004800 (free of charge). Please have your pension insurance number at hand.

### **4. Waiving the right to be exempt from pension insurance**

Employees with marginal short-term employment lasting beyond 31 December 2012 are exempt from statutory pension insurance if their remuneration does not exceed EUR 400 per month. However, both they and employees engaged in marginal short-term employment since 1 January 2013 can become obliged to make statutory pension insurance payments if they waive their right to be exempt from it. In this case, the pension insurance share to be paid by the employee amounts to 3.6 percent (or 13.6 percent for employees in marginal short-term employment in private households) of the remuneration. This amount is the difference between the employer's flat-rate share (15 percent for marginal short-term employment for commercial employers / 5 percent for employment in private households) and the full pension insurance contribution of 18.6 percent. Full pension insurance contributions have to be paid starting at a minimum remuneration of EUR 175.

#### **Advantages of the full payment of pension insurance**

The advantages of the full payment of pension insurance are laid out in number 3.

#### **Waiving the right to be exempt from pension insurance**

If an employee with marginal short-term employment wants to acquire the same entitlements as employees subject to statutory pension insurance, he or she has to fill in form LBV 45202 for the LBV, which states that he or she wants to waive the right to be exempt from paying statutory pension insurance. If the employee has several marginal short-term employments, the declaration can only be made for all marginal short-term employments simultaneously. The employee has to inform all other and future employers who engage him or her in marginal short-term employment about the declaration. The declaration is effective for the entire duration of the marginal short-term employment and cannot be revoked.

Unless the employee wants to set a later date, the declaration is effective one day after it was received by the employer.

#### **Individual advice from Deutsche Rentenversicherung**

Before an employee decides to waive the right to be exempt from pension insurance, they can seek advice on the consequences of this for their individual situation from the Deutsche Rentenversicherung Advice Centre (Beratungsstelle): +49 (0) 800 10004800 (free of charge).

### Regarding number 2.8

As of 1 January 2005, the contributions to the statutory long-term insurance for childless members born after 31 December 1939 who are at least 23 years old are raised by 0.25 contribution points (according to the Kinder-Berücksichtigungsgesetz (KiBG), raising children is taken into account for the calculation of statutory long-term care insurance contributions, i. e. surcharge for childless persons).

The surcharge does not have to be paid if the fact that the member is a parent is proven to the employer by, for example, copies of a birth certificate, adoption certificate, or if the relevant entity knows from other sources that the person is a parent.

In addition to biological or adoptive parents, step parents and foster parents may also be considered parents.

If proof is provided within three months of the beginning of the employment or after the birth of the child, the proof is deemed provided as of the beginning of the employment or as of the birth of the child. Otherwise, the proof is only deemed effective from the month following the month in which the proof was provided.

### Regarding number 2.10

According to regulations and principles governing the civil service, pension benefits are, for example, retirement pensions or similar payments from the Bund, a Land, a local council or an association of local councils or any other body, foundation or institution under public law.

### Regarding number 2.13

Persons, who, due to a statutory obligation, are members of an insurance institution under public law set up specifically for a certain professional group, may be exempted from statutory pension insurance upon application.

According to the decision of the Federal Social Court from 31 October 2012, a new exemption request has to be submitted to the Deutsche Rentenversicherung Bund with **every change of employment**.

According to section 6 subsection 4 SGB IV, the request has to be submitted within a period of three months. Otherwise, the exemption can only become effective on the date of the request, regardless whether the material conditions for the exemption were effective beforehand.