Guide to fixed duration employment funded externally

If all of the following conditions are met, academic staff may be employed for a fixed period (as per § 2 para. 2 Wissenschaftszeitvertragsgesetz WissZeitVG (German law on fixed-term contracts in academia)):

- The position is funded primarily externally.
- The funding is tied to a specific task and period of time.
- The staff member mainly performs the task for which funding is provided.
- The fixed period of employment corresponds to the period for which the project will receive funding.
- These employment contracts may be for a fixed term as per § 2 para. 2 WissZeitVG as long as they do not exceed the maximum length of fixed-term employment during the qualification phase (the “6+6 year rule” as stated in § 2 para. 1 WissZeitVG). However, these externally funded employment contracts – as other fixed-term contracts – will count toward the maximum length of fixed-term employment allowed in § 2 para. 1 WissZeitVG.

Detailed description of each of the requirements:

A project is considered externally funded if it is not funded by the usual budget available to the respective university or research institution, but instead by other sources, e.g. the German Research Foundation (DFG), the EU, the Federal Ministry of Education and Research (BMBF) or the VolkswagenStiftung. Tuition fees are not considered external funding.

The position must be funded primarily externally. This condition is met as long as more than 50% of the funding for the position is external. It is perfectly acceptable to either increase the working hours or extend the length of a contract using university budget funds.

The requirement that a position be funded “primarily externally” only applies to the position and not to the total project costs.
The external funding must be tied to a specific task and period of time. The approval of the external funding must indicate a plausible and specific connection to the tasks to be performed by this employee during the project period. It is not enough to state a funding amount without tying it to plausible and specific goals. Both the employer and the institution providing external funding must have considered the specific position and its responsibilities in relation to the limited project period and the goals the project intends to reach.

The staff member mainly performs the task for which funding is provided. The staff member’s work for the externally-funded project must be his/her main task. Other responsibilities, such as tasks unrelated to the project or other administrative tasks, may not prevail.

The allowed length of a fixed-term employment contract depends on the reason for limiting the contract length. The employment contract may therefore only last as long as the project that funds it. This period is based primarily on the agreement between the funding institution and the university or research institution which accounts for the differentiated approval of the funding in which the funding institution has divided the project into various work packages. Especially in cases where the project is to be funded over a longer period of time it can be appropriate to tie the length of an employment contract to pre-defined project phases.

For this reason, we recommend including a detailed description of the sub-projects and work packages belonging to the overall project in the application for external funding. This then makes it possible to justify a fixed-term employment contract without the legal restriction for the maximum length of fixed-term employment applying.

Please contact Human Resources if you have any questions.