

Form for
Employee Categorization
 pursuant to § 4 No. 3 *TV-L Berliner Hochschulen*
 (Stipulations as to § 40 No. 5 TV-L as to § 16 Para. 2 TV-L)

1. **General remarks**

Pursuant to § 4 No. 3 *TV-L Berliner Hochschulen*, newly hired employees are assigned to grade 1 unless they have relevant professional experience (Einschlägige Berufserfahrung). If a newly hired employee has at least one year of relevant professional experience from previous employment, that employee is categorized according to the time during which such relevant professional experience was gained, provided that there is no interruption of more than 18 months in the employment in question. If the employee who is to be hired can prove that he or she has at least one year of relevant professional experience, that employee is assigned to grade 2; with at least three years of relevant professional experience, he or she is assigned to grade 3; with at least six years of relevant professional experience, he or she is assigned to grade 4; with at least ten years of relevant professional experience, he or she is assigned to grade 5; and with at least 15 years of relevant professional experience, he or she is assigned to grade 6 (grade 6 only for wage/salary groups (*Entgeltgruppen*) 2 through 8).

In certain exceptional cases, the employer is permitted, **to cover staffing needs**, to take periods of prior professional activities into account in whole or in part in categorizing a new employee, provided that the activity in question is beneficial to the duties for which the employee is to be hired (Förderliche Berufserfahrung).

As a basic principle, the employee's relevant and/or beneficial professional experience determines his or her assignment to a grade within the specific wage/salary group, so this factor is critical in determining the amount of the employee's pay.

As a result, for all new hires of employees subject to collective agreements following the time at which the *TV-L Berliner Hochschulen* took effect, on January 1, 2011, this form on employee categorization and the "Employment Questionnaire" must be enclosed with every hiring request (Einstellungsantrag). The applicant who is to be hired is required to fill out the Employment Questionnaire, attach relevant documentation (employment references, employment agreements, or similar materials), and submit the questionnaire and attachments to the hiring body (department, institute, etc.). The hiring body then enters the periods of the applicant's relevant or beneficial professional experience in this form and attaches it, with the appropriate documentation, to the hiring request. The categorization request must be signed by the department manager, head of the chair or the employee's supervisor. By signing, this person confirms that the periods in question are relevant or beneficial within the meaning of the collective agreement. The hiring body shares responsibility for accurately granting credit for any prior periods in categorizing the employee. As a result, statements must be made with care.

If no employee categorization request is attached to a hiring request for a new hire, the employee will be assigned to grade 1 in the pertinent wage/salary group. Please note that the employee representation (Personalvertretung) has a right to be involved/ right of co-determination in the categorization of employees. Special care should therefore be taken to ensure that the categorization request is submitted to the personnel office at the same time as the hiring request.

For credit to be granted for periods of previous employment, it required that there be no interruption, or at most an interruption that does not have adverse effects, between such “previous” employment and the new hire. An interruption is considered not to have adverse effects if it does not exceed 18 months.

Credit for pertinent professional experience can only be granted if the employee worked the equivalent of at least 25% of a full-time position during the employment in question.

After the employee has been assigned to an appropriate grade, there is generally some “remainder,” or periods of relevant professional experience that are left over. These periods cannot be counted toward the term of the employee’s employment at the assigned grade.

2. Relevant professional experience

As a basic principle, the only periods counted as “professional experience” are periods of employment. In particular, periods of professional or vocational training, including official traineeships, volunteer work, fellowships or scholarships, contracts for work and services or contracts on a fee basis, and teaching positions cannot be counted. Employment as a student assistant is not considered relevant professional experience.

“Relevant professional experience” means professional experience within the same field of duties to which the employee is to be assigned or within a related field. This type of experience is considered to exist if the employee’s previous experience is continued largely unchanged. However, the same activity or a similar activity may also be considered sufficient if *it is rated at the same level of the current activity*. The crucial factor in this regard is whether the level of knowledge and skill required for the previous activity and the knowledge and experience gained therein are typically specifically required for the new activity as well and are considered *characteristic* of the new activity; the prior activity and the new activity must be of the same type in terms of the duties involved and the level. The benchmark in this regard is the specific duties associated with the new activity. In the case of prior public service, the measure used to determine whether a prior activity and the activity to be performed in the future are rated at the same level is the employee’s assignment to a group.

If the employee changes positions within public service, relevant professional experience, or the same activity or a similar activity, is considered to exist in the following cases:

- 1 the previous activity and the new activity are rated in the same wage/salary group (e.g., E 13)
and
- 2 a the duties are primarily (at least 51%) the same (e.g., previous activity: financial representative – new activity: financial representative) => relevant professional experience
or
- 2 b the knowledge and skills gained in the previous activity are required for and characteristic of the new activity => same or similar activity (it is not required for the duties to have been the same; what is required is general subject-specific knowledge and skill that is required for and characteristic of the new activity)

Supporting documentation of the employee’s categorization and the nature of his/her activities must be attached to the request (e.g., detailed and relevant employment references, employment agreement, descriptions of activities, documentation of categorization).

If the employee is changing positions from the private sector, relevant professional experience is considered to exist if the duties are primarily (at least 51%) the same. An activity that is the same or similar is recognized as relevant professional experience if the general subject-specific knowledge and skill gained through such professional experience is required for and characteristic of the new activity.

Periods of freelance or independent activity can only be taken into account if the department manager or supervisor, as the case may be, credibly affirms, after evaluating the hiring documents, that the employee did in fact gain relevant professional experience during the period in question.









Documentation regarding the type of activity must be attached to the request (e.g., detailed and relevant employment references, descriptions of activities, employment agreements).

Statement of Position (Stufenzuordnung)

Concerning Categorization of Employees pursuant to TV-L, here

_____ Last name _____ First name _____ School / place of employment

Table 1 Periods of relevant experience

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------|--|--|------------------------------|--|-----------------------------------|---|--|
| Seri al No. | Start and end dates | Brief description of characteristic activities | Categori zation ¹ | Employer, freelance activity, military or civilian service, unemployment, etc. | Weekly working time (percenta ge) | Statement of position by hiring place of employment / institution as to the relevance thereof Reason(s): | Decision by personnel administration (personnel office use only) |
| | Start date  End date  | | | | | "Relevant because..." | <input type="checkbox"/> Yes – eligible <input type="checkbox"/> Entire period <input type="checkbox"/> Following period only Start:  End:  Eligible periods: Years: Days: <input type="checkbox"/> No, not eligible; reason(s): |
| | Start date  End date  | | | | | "Relevant because..." | <input type="checkbox"/> Yes – eligible <input type="checkbox"/> Entire period <input type="checkbox"/> Following period only Start:  End:  Eligible periods: Years: Days: <input type="checkbox"/> No, not eligible; reason(s): |

¹ In the case of public service, please state the wage, salary, or compensation group (*Vergütungsgruppe, Lohngruppe, Besoldungsgruppe* or *Entgeltgruppe*).

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|--|---|---|---|---|-----------------------|--|
| | Start date <input type="text"/> End date <input type="text"/> | | | | | “Relevant because...” | <input type="checkbox"/> Yes – eligible <input type="checkbox"/> Entire period <input type="checkbox"/> Following period only Start: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> End: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Eligible periods: Years: Days: <input type="checkbox"/> No, not eligible; reason(s): |
| | Start date <input type="text"/> End date <input type="text"/> | | | | | “Relevant because...” | <input type="checkbox"/> Yes – eligible <input type="checkbox"/> Entire period <input type="checkbox"/> Following period only Start: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> End: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Eligible periods: Years: Days: <input type="checkbox"/> No, not eligible; reason(s): |

Prepared by department manager / supervisor

_____ Date, signature

A. Beneficial professional experience

In certain isolated instances, the employer is permitted, **to cover staffing needs**, to take periods of prior professional activities into account in whole or in part in categorizing a new employee, provided that the activity in question is beneficial to the duties for which the employee is to be hired.

Only activities that are not already eligible for consideration as relevant professional experience can be considered beneficial in this way.

For periods of beneficial activity to be taken into account in categorizing employees, it is required, as a basic principle, that there be **an interest of recruiting staff (Personalgewinnungsinteresse)**, meaning that otherwise, it will not be possible to meet staffing needs adequately, whether in quantitative or qualitative terms. In terms of content, the primary activities that enter into consideration as periods of beneficial activity are the same or similar activities in which the applicant has engaged for another public or private employer. These activities are required to be beneficial (useful) to the duties that the employee is to perform in his or her new position. This may, in particular, be the case if the previous activity is factually related to the activity to be assumed and knowledge, skills, and experience gained therein are obviously useful in terms of fulfilling the activities that the employee is to perform. In connection with the requirement for coverage of staffing needs, these periods must, ultimately, have been a prerequisite in the decision to hire the applicant. This presupposes that if these periods are not recognized as beneficial professional experience, the hire cannot proceed (meaning that the applicant would not accept the job offered unless these periods were taken into consideration) and it would not otherwise be possible to fill the position adequately. If the position to be filled has not been posted beforehand, it is, as a basic principle, not possible to take periods of beneficial professional experience into consideration.

Please note that even if there are periods of beneficial professional experience, **there is no claim under the collective agreement** to these periods being taken into account for the applicant's benefit in categorizing that applicant.

Therefore, beneficial professional experience can be taken into account if the interest of recruiting staff applies.

- ⇒ This means that it is not possible to meet staffing needs, whether in quantitative or qualitative terms, and
the applicant's previous and new activities are factually connected and the knowledge, skills, and experience gained in the previous activity are beneficial to the new one.
- ⇒ As a basic principle, this is **not the case** if the job has not been posted before the prospective hiring process.

As a basic principle, the upper limit for acknowledging beneficial professional experience follows the principle of maintaining acquired rights (*Besitzstandswahrung*).

The applicant is required to present the pertinent documentation of his or her earnings.

The hiring body /place of employment of TU Berlin is required to provide detailed, plausible grounds for considering beneficial professional experience in order to recruit staff.

Statement of Position (Stufenzuordnung)









Concerning Categorization of Employees pursuant to TV-L, here

Last name

First name

School / place of employment

Table 2 Periods of beneficial experience

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------------|--|--|-----------------------------|--|----------------------------------|--|--|
| Serial No. | Start and end dates | Brief description of characteristic activities | Categorization ² | Employer, freelance activity, military or civilian service, unemployment, etc. | Weekly working time (percentage) | Statement of position by hiring place of employment / institution as to the beneficial nature thereof Reason(s): | Decision by personnel administration (personnel office use only) |
| | Start date  End date  | | | | | "Beneficial because..." | <input type="checkbox"/> Yes – eligible <input type="checkbox"/> Entire period <input type="checkbox"/> Following period only Start:  End:  Eligible periods: Years: Days: <input type="checkbox"/> No, not eligible; reason(s): |
| | Start date  End date  | | | | | "Beneficial because..." | <input type="checkbox"/> Yes – eligible <input type="checkbox"/> Entire period <input type="checkbox"/> Following period only Start:  End:  Eligible periods: Years: Days: <input type="checkbox"/> No, not eligible; reason(s): |

² In the case of public service, please state the wage, salary, or compensation group (*Vergütungsgruppe, Lohngruppe, Besoldungsgruppe* or *Entgeltgruppe*).

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|--|---|---|---|---|-------------------------|---|
| | Start date <input type="text"/> End date <input type="text"/> | | | | | "Beneficial because..." | <input type="checkbox"/> Yes – eligible <input type="checkbox"/> Entire period <input type="checkbox"/> Following period only Start: <input type="text"/> End: <input type="text"/> Eligible periods: Years: Days: <input type="checkbox"/> No, not eligible; reason(s): |
| | Start date <input type="text"/> End date <input type="text"/> | | | | | "Beneficial because..." | <input type="checkbox"/> Yes – eligible <input type="checkbox"/> Entire period <input type="checkbox"/> Following period only Start: <input type="text"/> End: <input type="text"/> Eligible periods: Years: Days: <input type="checkbox"/> No, not eligible; reason(s): |

Prepared by department manager / supervisor

Date, signature

via (in the case of funding through budgetary resources)

School / Institution / Department management (Central University Administration)

Personnel office decision:

In consideration of the abovementioned periods (periods of relevant experience pursuant to Table 1 and, where applicable, beneficial experience pursuant to Table 2), the employee is to be placed within

wage/salary group _____ at grade ____ .

Date and signature of personnel representative

Reviewed by:

Date and signature of personnel representative

über (bei Finanzierung aus Haushaltsmitteln)

Fakultät / Einrichtung / Abteilungsleitung ZUV

Entscheidung der Personalstelle:

Die / der Beschäftigte ist unter Berücksichtigung der o. g. Zeiten (Einschlägige Zeiten nach Tabelle 1 und ggf. Förderliche Zeiten nach Tabelle 2) innerhalb der

Entgeltgruppe _____ in Stufe ____ einzustufen.

Datum Unterschrift Personalbearbeiter/in

geprüft durch:

Datum Unterschrift Personalbearbeiter/in