

Temporary contracts – the „12-year-rule“

by the Young Investigator Network (YIN) committee for public relations from 02|2021
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During their qualification phase, young scientists in the German academic system usually work on temporary contracts. The Federal Law (on fixed-term contracts) grants them a maximum of 6 years to get their doctorate and another 6 years afterwards. For the straightforward career, it sounds simple enough. Life, however, seldom moves in a straight line. There might be detours abroad or side trips to industry, parental leave or part-time work disagreeing with tightly scheduled careers. And right there, it gets tricky. The possibility of exemptions and extensions vary strongly depending on the type of contract and the underlying set of laws and regulations. The corona pandemic and the corresponding restrictions have hindered scientific progress and made the diversity and incongruity within the jungle of regulations once again painfully apparent.

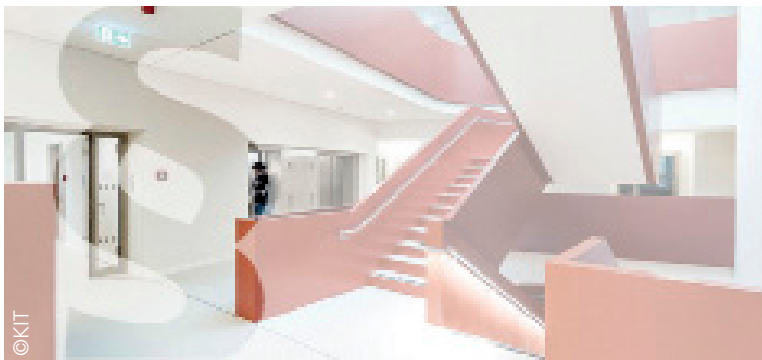
span attributed for further qualification after the doctorate: e.g. if doctoral researchers get their degree in 4 years, they may work up to 8 years (6+2 years) on fixed-term contracts afterwards.

The State University Law in Baden-Württemberg correlates with the federal law in restricting the career path for junior professors likewise to 12 years: it states that to qualify for a junior professorship, the phase of academic employment prior to and after the dissertation may not exceed six years overall. Thus, before reaching the 12-year-mark, there is enough time left for the 6-year-term of a junior professorship. With a temporary position as "Akademischer Rat", it is a different story. So long as it still serves the purpose of further qualification towards a habilitation or an equivalent, it may be set on top of any previous employment as academic employee – even if the 12 years are exhausted. Following a junior professorship, however, such an argumentation proves to be problematic: as a positive end evaluation already qualifies for a full professorship.

Doctorates spent abroad or on a scholarship

What about doctoral researchers whose studies were funded by a scholarship or accomplished abroad? Do they get the full 6 years on top, as they have not spent any time working at an academic institution of higher education in Germany, yet? Not generally. The time spent on the doctorate counts whether doctoral researchers are employed or not, whether they study in Germany or abroad. Added is the time spent working on a fixed-term contract as an academic employee at a German university or research institution that does not overlap with the doctoral phase and amounts to more than 25% part-time work. Here now, the phrasing is quite specific. Thus, temporary work at a research institution abroad or in industry will *not* count towards the 12 years. This is true, not only for academic employees, but also for public officials.

Doctoral studies always count towards the 12 years



The 12-year-rule

At an academic institution of higher education in Germany, you basically either work as an academic employee under the federal law or as a public official ("Beamter") under the respective state law. The latter mainly comprises professors and academic officers ("Akademische Räte"). As mentioned above, the federal law allows working on temporary contracts up to 12 years in total. Most doctoral researchers also work as academic employees on temporary contracts. If they don't need the full 6 years allowed for this career step, the difference in time is added to the 6 year

12+ years: extra time for child care

On average, academics get their first position as full professors in Germany at the age of 42. Hence, the qualification phase often coincides with starting a family. The most prominent reason for extension, therefore, is child care. The federal law for scientific employees allows up to two years extra for the supervision of each child under the age of 18 living in one household with the parent – adding up to a maximum of 4 years. For public officials, it is 2 years for each child under the age of 14. These years, however, only come on top of the 12 years allowed to work in temporary positions. It does not mean that the employer has to extend the work contract.

In contrast, the time that is actually spent on parental leave has to be added to the duration of a fixed-term contract. This includes phases of part-time work reduced by at least a fifth. How does this work out in practice? The possible scenarios are quite flexible as long as the working hours add up. Let's assume that work hours are reduced by one fourth over a year. The contract, then, may be extended by one year working 25%, three months working full-time, or anything in between like working 50% for half a year. Universities and funding agencies are generally quite willing to accommodate the parents' needs.

12+ years: extra months for corona standstill

No one was prepared to deal with the corona pandemic, when it first hit society in March 2020. Laboratories were closed, conferences canceled, application processes halted, and child care has almost completely broken down. Thus, junior professors and junior group leaders all over Germany – all over the world really – experienced difficulties to achieve the goals set for their evaluations in time. In Germany, the federal government addressed the issue by passing a new law on May 25th.¹ Together with the amendment² from September 23rd, it now allows an extension of the 12-year-limit up to 12 months for academic employees who have been working on tem-

Field report: German rules shrouded in mystery

The 12 year rule affects most PhDs and Postdocs working in Germany, yet to many it remains shrouded in mystery. Particularly if you come from abroad, there is a chance you have never even heard of it. Unfortunately, the 12 year rule doesn't care if you have heard about it or not, it still lies in wait, ready to crush your dreams of taking a junior professor position (if you are lucky enough to find one), disrupt your postdoc career, or force you to change jobs or cities even if you don't want to. What valuable lesson can we draw from this confusion? Stay on top of your career planning, especially if transitioning to a new role or new country where rules can be different. Always have a thought for the next steps, get in touch with the career service, and talk to supervisor or colleagues. Use the information sources available to you. Particularly brave individuals could try to get to grips with the German bureaucratic system by themselves, but some would say: life is too short for that.

porary contracts between March 2020 and April 2021. Shortly afterwards respectively, the State of Baden-Württemberg adapted the regulation for academic officials accordingly.³ It is, however, in both cases up to the universities on which premise they grant an extension and how they finance it. This is quite unfortunate. Young academics, especially those with children, are severely afflicted by the pandemic and need immediate support and planning security. The German Association of University Professors and Lecturers (DHV), besides others, has published a statement asking for scientists with child care responsibilities to get an extension without the burden of further proof.⁴

Last resort: work on third party funding

When everything else fails, there is in some cases still the option to work on third-party funded projects: However, not only has the own position to be financed by such a project, but also the major tasks need to be directly related to it. Thus, there is a specific scientific goal to be achieved in a certain time which justifies temporary employment. Accordingly, there are quite a number of academic employees well beyond the 12-year-limit who continue working on one third-party funded project after the other.

¹ Cf. Gesetz zur Unterstützung von Wissenschaft und Studierenden aufgrund der COVID-19-Pandemie, Artikel 1

² Cf. Bundesgesetzblatt Jahrgang 2020 Teil I Nr. 43, ausgegeben zu Bonn am 30. September 2020, p. 2039

³ Cf. Landeshochschulgesetz Baden-Württemberg §45 (6a) and Gesetzblatt Nr. 46 vom 30. Dezember 2020 des Landes Baden-Württembergs

⁴ Cf. www.hochschulverband.de/fileadmin/redaktion/download/pdf/resolutionen/Forderungen_Corona-bedingt_11.05.2020.pdf
www.forschung-und-lehre.de/recht/die-zehn-haeufigsten-irrtuemer-ueber-das-wisszeitvg-677/
www.forschung-und-lehre.de/das-andere-befristungsrecht-258/

Working on temporary contracts at KIT

KIT as a state university and a federal research center also has its own set of regulations

KIT was founded in 2009 as the first and until this day the only fusion of a state university and a federal research center in Germany. Based on this distinction and in addition to it, KIT has a unique set of prescribed and self-determined regulations defining temporary work contracts.

3-year postdoc phase

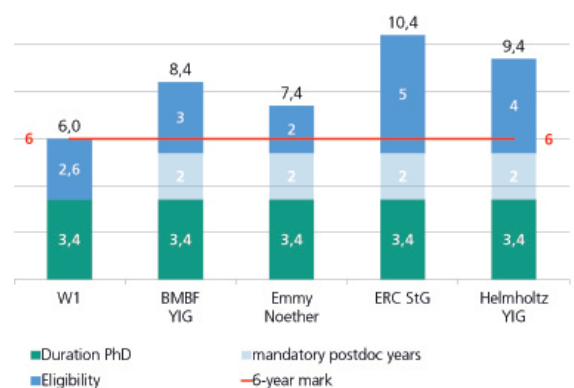
The definition of postdocs varies throughout the academic system. At KIT, a postdoc has earned a PhD, obviously, but has not yet continued to the next career step which might be a junior professorship, a junior research group leadership, the registration of a habilitation, a project-related activity, or a permanent position as scientist.¹ While this postdoc phase should not exceed 3 years at KIT itself, it may be in line with postdoc stays at other universities before or afterwards.

Dr. Britta Trautwein, head of the Karlsruhe House of Young Scientists (KHYS) at KIT describes the idea behind this concept: "For young academics, it is very easy to get lost in the daily work routine. During their 3 years at KIT, we want postdocs to actively think about their future career and take the appropriate steps towards this goal. To stay in science, they have to become more independent, write their own papers and proposals, and take on leadership responsibilities."

W1 position for externally evaluated group leaders – until half of the group's duration

Universities throughout Germany compete in attracting awardees of prestigious external funding schemes such as ERC grants, Emmy-Noether groups, BMBF or Helmholtz young investigator groups. Important assets to win these excellent young scientists are the status and the future perspectives associated with a junior professorship – especially with tenure option. Most funding agencies welcome the idea of their grantees being appointed as junior professors.²

There is, however, the tiny problem of compatibility: the State University Laws asks of junior professors that their phase of academic employment prior to and after the dissertation may not exceed six years in total. Even excellent PhD students that acquire an Emmy Noether group later, need on average 3.4 years to get their degree.³ Thus, they can only afford a relatively short postdoc phase before reaching the 6-year-limit for junior professorship. To become eligible for a prestigious junior research group, however, the funding agencies generally ask for a postdoc phase of at least two years to develop scientific independence and gain substantial international research experience. Since the external evaluation process and the appointment also take their time, it is almost impossible to stay below the 6-year-limit.



Duration in years between start of doctoral studies and end of eligibility phase for respective funding schemes.

KIT has successfully tackled the issue to combine an externally awarded group leadership with a junior professorship: As the quality assurance concept for junior professorships with tenure track at KIT states, excellent, externally evaluated group leaders just have to be in the first half of their funding period to still qualify for a junior professorship. For them, the 6-year-limit is successfully rescinded.⁴

¹ Cf. KIT 2025 https://intranet.kit.edu/downloads/kit_2025_strategiepapier.pdf (p 32)

² Cf. Hot Topic – Interviews with the main funding agencies. In: YIN Insight 2017/18, p. 8-13.

³ Cf. http://www.forschungsinfo.de/publikationen/download/working_paper_3_2008.pdf (Tab. 5) and

⁴ Cf. §1 (6) www.sle.kit.edu/downloads/AmtlicheBekanntmachungen/2019_AB_001.pdf