

FAQs - Frequently asked questions about the new § 109 University Law, of 1.10.2021

What does “change of use” mean in the working contract?

(referring to the "old" §109 UG and the transitional provisions of the "new" §109 UG in §143 para. 84).

Normally, a change of use is spoken of when, e.g. a qualification position is taken up (change from B1 to A scheme) or when there is a change from a predoc to a postdoc position.

Is a change of use already present when moving to another project?

We assume that if the extension is in the same department, there is no change of use.

Under what condition can I stay in the old legal framework?

If existing contracts have no change of use, then they can be renewed under "old" law.

Can periods of doctoral studies be deducted?

If it is a postdoc position and the doctorate was completed at BOKU (in an employment relationship), then 4 years can be deducted, regardless of how long the doctorate lasted. It is not sufficient to have completed the doctorate, but the doctorate must also have been part of the employment contract.

What happens to ongoing fixed-term employment contracts?

An ongoing chain contract can continue under the old law as long as there is no change of use in any extension.

In the case of short-term fixed-term contracts, could the end of a fixed-term employment contract also be reached after, say, 3 years?

This could be the case for a one-year fixed-term contract with two extensions - but only for positions financed by the global budget; for positions financed mainly by projects, there is no limit on the number of contracts, but there is a limit on the total duration of the chain.

Are parental leave and maternity leave periods excluded from the chain-contract?

Yes, this is regulated in §109 para. 8, namely in the reference to §20 para. 3 line 1 of the collective agreement - these periods have the effect of extending the contract.

How does teaching during the predoc phase affect the chain? Can I deduct the 4 years of the predoc phase in a subsequent postdoc appointment if teaching was also held within those 4 years?

If the teaching during the predoc phase was under an all-in contract, there is no impact and the time can be deducted. If the apprenticeship was paid extra, i.e. there was a separate apprenticeship contract for it, then this is a second employment relationship, which inhibits the crediting of these periods.

Are periods of educational leave considered?

These periods are considered for the length of the contract-chain because there is an ongoing employment relationship and they are not explicitly listed in the exceptions.

In the case of a 20 h contract on a third-party basis and the possibility as of October 1, 2021 of 8 h to increase as a replacement employee - would this be a new contract?

A replacement hire in addition to the position you have now would be a change of use and a new contract.

Are there any general criteria for a de-termination at BOKU?

There is currently no set list of criteria. Discussions are taking place with the rectorate to work out clear, comprehensible criteria.

Is it possible to be dismissed despite a permanent contract?

Yes, the employer can terminate an employee's contract at any time without giving reasons. Any extended protection against dismissal according to the collective agreement must be considered.

Can the last extension be made full-time instead of part-time?

The new §109 UG no longer distinguishes between VZ and TZ. The maximum contract duration is 6 years. The application must be submitted to the Human Resources Department.

Do global-budget-financed positions have a better chance of being made permanent than third-party funded positions?

In general, yes, because the positions are financially secured by the global budget within the framework of the university's performance agreements with the ministry.

How long can one stay if one has already been employed for 6 years as of 01.10.2021?

On a PostDoc position: then you have two more years on the maximum of 8 years from 01.10.2021. However, if the PreDoc rule applies to you, you can stay for another 6 years in total (the maximum 8 years plus 4 years from the PreDoc appointment).

What is the career model for externally funded employees?

Unfortunately, there is no such thing. In the BOKU performance-agreement, the Ministry has demanded that models for permanence of employment are to be developed. Whether and how the works council will be involved in the development of these models is currently the subject of discussions.

Do the deferrals, long-term career models, mean that there will be more positions?

§13 does not mean that there will be more global positions. The positions will continue to be third-party funded. However, BRwiss thinks that §13 will make it possible to approach other career models besides professorship.

If one had 8 years chain-contracts (4 of them as predoc via third-party-funding) the 8 years for postdoc start with 01.10.2021?

No, if one already has 8 years as a predoc before 01.10.2021, then there are highest 4 years left when one starts the postdoc position.

If one is employed 100% through external funding, where do working hours and funding for the acquisition of the next project come from if one is not at least partially funded from the global budget?

This question is often asked by external auditors of projects. Voluntary work (quasi global work for the university) should be compensated financially in some form for 100% third-party employees.

If one has been on maternity leave for 3 years, can one change to the new law and the years for the chain start counting again?

Yes, a new contract would be a possibility.

Change from third party to global position B1 scheme?

In the old law, the change was automatically de-funded (permanent position). In the new law, there are two-time extensions possible. In case of mixed employment, it becomes critical, each case has to be evaluated individually.

Who do I contact regarding my contract or employment?

BOKU Human Resources Management, Vienna Chamber of Labor, Public Service Union.

Should I become a GÖD union member?

Better yes. Membership in the Public Service Union assures you the full consulting and legal protection of the GÖD from six months after joining. The membership fee is tax deductible.

Disclaimer: As a works council, we make every effort to ensure that all information provided to our colleagues is correct and up-to-date. Nevertheless, we cannot guarantee its accuracy. If you have specific questions regarding labor law, please contact the office of the works council, the Chamber of Labor or the trade union.