



Infosheet Outside Jobs

Concept of “outside job”

Outside jobs are all professional and professional-type work activities carried out outside of the Vienna University of Technology’s business operations regardless of their legal basis as well as non-remunerated work (performed without compensation). This refers to both regularly occurring, more protracted jobs as well as work not repeatedly performed. It does not depend upon there being an additional employment relationship in the terms of employment law. The gainful nature of the work is not an essential criterion of an outside job.

Obligation to report an outside job

Regulations on the obligation to report outside jobs are for one thing found in the Civil Service Employment Law Act (BDG) as well as in the Contract Work Act (VBG) and additionally in the Collective Bargaining Agreement for Employees of Universities (§ 56 BDG, § 5 VBG in conjunction with § 56 BDG as well as § 12 Collective Agreement).

The employee or civil servant must report any intended gainful outside job as well as any significant changes to it to Vienna University of Technology. An outside job is gainful if it is for the purpose of generating any considerable revenues in the form of money or kind. “Considerable” according to established case law means revenues in an amount currently set at €730 per year.

Work as a member of the board of directors, supervisory board or management board of a for-profit legal entity must likewise be reported, regardless of whether they are performed gainfully or not.

Reporting an outside job

Reporting of an outside job must include information on the nature, amount of time (number and location of working hours), extent (frequency and duration), location (headquarters, travel times) and any eventual points of contact with the employee’s or civil servant’s official job.

Any (significant) changes and the cessation of any already reported outside job must likewise be reported.

Significant changes are all changes to the amount, nature, extent and/or location of the outside job (e.g. increase in time devoted, switching from a non-remunerated to a gainful outside job).

Reporting must occur PRIOR to commencement or change of the outside job.

The outside job as well as changes to it must be reported on the form provided for that purpose (cf. personnel administration homepage).

Obligation to forgo an outside job

The employee or civil servant may not perform an outside job which prevents him/her from fulfilling his/her official job duties, which creates the assumption of partiality or impairs other essential work interests.

The employee or civil servant must therefore on his/her own initiative forgo any outside job that is incompatible with his/her official job obligations.

If the inadmissible outside job is continued, a breach of official job obligations obtains. Breach of the obligation to forgo, in other words performance of a detrimental outside job, likewise constitutes a breach of employment law obligations which in serious cases may even entail grounds for termination or dismissal.

The risk of any incorrect assessment is borne by the employee or civil servant.

Vienna University of Technology may by written instruction prohibit any reported outside job that breaches official job obligations.

Approval of an outside job?

Performance of an outside job or any changes to it are not subject to any consent (approval). Therefore, commencement of an outside job is admissible immediately upon reporting it.

In civil service law there are, however, reservations on approval (reduction of the extent of employment, parental leave, parental leave for care of a handicapped child or care for relatives requiring care).

Outside jobs and working hours

Any outside job may in principle only be performed outside of regular working hours.

In the performance of the outside job, however, admissible maximum limits on working hours must be taken into account. Work for more than one employer may, when taken together, not exceed the statutory maximum limits of daily or weekly working hours.

For academic personnel the admissible weekly limit on working hours is 48 hours on average (calculated over a period of one year). Daily working hours may in this context not exceed 13 hours.

For general service personnel the admissible limit on working hours in a calculation period of 17 weeks is also 48 hours. The daily limit on working hours is 9 hours or, if flex-time is applied, 10 hours.

Incompatibility of the outside job

Any outside job is incompatible if its performance impairs the performance of employment law or official job obligations or other essential work interests of the University.

Incompatibility of an outside job may in particular obtain in the following cases:

Time conflict: There is incompatibility if the outside job is performed wholly or partially during working hours (which also include travel time).

Impairment of official work availability: There is incompatibility if the extent or location of the outside job makes proper fulfilment of official work duties more difficult or impossible.

Work intensity: There is incompatibility if, due to the outside job, the physical or psychological ability of the employee or civil servant to perform his/her job suffers due to strains linked to the outside job or lack of sufficient rest periods or due to the amount of time devoted to it.

Risk of errors: There is incompatibility if as the result of double work strain significant flaws or errors occur in the course of work which at least to some extent could have been avoided.

Limited ability to work: An outside job is in any case inadmissible in case of sick leave if accompanied by deterioration in the state of health, impairment of chances of healing or at least significant delays in the recovery process.

Competitive encroachment: There may be incompatibility if the outside job is performed in a field that is part of the University's functions.

Assumption of partiality: An outside job is inadmissible if it gives rise to well-founded doubts as to the impartiality and objectivity of the work performed.

Conflict of interest: There is incompatibility if the employee or civil servant becomes involved in financial or personal conflicts of interest due to the outside job (e.g. with assignments for firms in which the employee or civil servant holds an interest).

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