# Annex to Contract from  10/11/2015     between RWTH Aachen University

Date

# and Mr / Mrs / Ms Kunuthur, Ajay Karthik

Name, First Name

**Remark:**

The amendment to the North Rhine-Westphalia State Employee Representation Law (Landes-personalvertretungsgesetz - LPVG) modifies the treatment of contracts concluded by RWTH Aachen University with natural persons. According to Section 5 Paragraph 1 of the new LPVG, “employee-like persons in the legal sense defined by Section 12 a of the “Collective Agreement Law” (Tarifvertragsgesetz - TVG) who work for RWTH Aachen University are henceforth covered by the TVG. According to this law, employee-like persons are “persons, who -

1. if they work for other persons on the basis of service or work contracts and
2. if they render the services as stipulated by the contract without the assistance of employees and
3. if they work primarily for one person or if their income from one person on average is more than half (for work contracts with artists: more than a third) of the sum total of income from gainful activity -

are economically dependent and comparable to employees and thus have a claim to social protection provisions. It is therefore necessary to determine whether persons under contract to RWTH Aachen University have employee-like status. If this is determined to be the case, they are covered by the regulations of the LVPG and thus may be represented by the relevant RWTH Employee Council (Personalrat).

The contractor hereby declares

1. I will render the services as stipulated by my contract primarily WITHOUT the x☐ ☐

assistance of employees in my service. Yes No

*Explanation:*

*This declaration is important with respect to Section 12 a, Paragraph 1, Number 1 of the TVG, because only persons who are economically dependent and (similar to an employee) have a claim to social protection provisions are covered by the regulations of the LPVG. Not covered are self-employed persons and contractors who continually employ their own workers. If you answer “no”, you will be considered to be self-employed and need not respond to the declarations in Nr. 2 and Nr. 3.*

2. I work primarily for RWTH Aachen University. x☐ Yes ☐ No

*Explanation:*

*If you answer “yes”, this means that more than 50% of your work is for RWTH Aachen University. You are thereby considered an economically dependent, employee-like person with a claim to social protection provisions.*

3. The payment I will derive from RWTH Aachen University is more than half (for work x☐ Yes ☐ No

contracts with artists: more than a third) of the entire remuneration I receive for my

gainful activity.

*Explanation:*

*The total payment for this work contract with RWTH Aachen University must be compared with the sum total of remuneration from your entire gainful activity you received during the same period. If this sum total cannot be predicted, then the total for the last six months (or shorter, if applicable) must be used. Remuneration from gainful activity includes only that which derives from active work; it does NOT include income from retirement pensions, supplementary company provisions and capital assets or from rental or leasing income. If, during the period of this contract with RWTH Aachen University, you derive more than 50% of your total income (33% for work contracts with artists) from gainful activity from the remuneration provided for in this contract, then you must answer Number 3 with “yes”. This means that you are considered an economically dependent, employee-like person with a claim to social protection provisions.*



Signature Contractor