

STATEMENT

about instructions provided in accordance with the decree of the Minister of Internal Affairs of Hesse
on 9 July 1979 (Hesse Official Journal (StAnz) 30/1979 p. 1544)

Mr./Ms. _____, born on _____,

employed at Philipps-Universität Marburg hereby confirms that he/she has received the following instructions:

Applicants for positions in the civil service must guarantee that they will uphold the free democratic basic order at all times. Through their oath, they affirm their duty to abide by the German constitution (§ 7 (1) of the Hessian Civil Service Law (HBG)¹) and to uphold the Basic Law of the Federal Republic of Germany, the constitution and all applicable laws of the German State of Hesse (Sect. II of the Principles and Procedure Regulations).

In accordance with § 67 (2) of the Hessian Civil Service Law (HBG)¹, public officials shall through their conduct show that they abide by and actively seek to defend the free democratic basic order within the context of the German Basic Law and the constitution of the State of Hesse. In accordance with § 7 (1) No. 2 HBG¹, it is, therefore, only possible to appoint civil service applicants who guarantee that they will abide by and actively seek to defend the free democratic basic order within the context of the German Basic Law and the constitution of the State of Hesse at all times. The duty to uphold the free democratic basic order for salaried employees results from § 8 (1) of the German Federal Statutory Pay Scale for Salaried Employees (BAT) and for wage-earning workers from § 9 (9) of the Framework Collective Agreement for Workers of the States (MTL II).²

According to previous rulings of the German Federal Constitutional Court (BVerfGE) (on 23 October 1952 - BVerfGE 2, p. 1 (12 f) and 17 August 1956 - BVerfGE 5, p. 85), the free democratic basic order within the context of the German Basic Law is an order which constitutes a rule of law based on the principles of freedom, equality and self-determination of the people according to the will of the majority at the time and excludes any rule of law based on violence or despotism. The basic principles of this order include in particular:

- Respect for the human rights set out in the Basic Law, especially the right to life, personality and to free self-development;
- The sovereignty of the people;
- The separation of powers;
- The responsibility of the government as representatives of the people;
- The lawfulness of public administration;
- Independent courts;
- The multiparty principle;
- Equal opportunities for all political parties;
- The right to establish an effective opposition in accordance with the constitution.

Participation in efforts directed against these principles is incompatible with a civil servant's duties. If an applicant omits their participation in such efforts, his/her appointment and/or the conclusion of his/her employment contract is considered to have been brought about through fraudulent deception, which will lead to his/her appointment being revoked or his/her employment contract being challenged.

Disciplinary measures to remove them from service will be taken against permanent or temporary civil servants who violate their duties in these ways, while civil servants on probation or candidate civil servants will be subject to dismissal proceedings.

Salaried employees and wage-earning workers must in such cases consider a termination of their employment contract with immediate effect in accordance with § 54 BAT or § 59 MTL II³, respectively.

The recipient of the above instructions hereby confirms that he/she has received a copy of the current statement.

On behalf of Philipps-Universität Marburg

Signature of the instructing person

Signature of the recipient

¹ Amendment, now § 8 (1) of the Hessian Public Service Act (HBG) in connection with § 7 (1) No. 2 and § 33 (1) of the German Public Official Status Act (BeamtStG)

² Amendment to the Collective Bargaining Law, now § 3 (1) applies in the version in accordance with § 40 No. 2 of the Hesse Collective Agreement (TV-H)

³ Amendment to the Collective Bargaining Law, now termination with immediate effect in accordance with § 626 of the German Civil Code (BGB)

**STATEMENT**

about the formal commitment to the conscientious performance of duties in accordance with the German Act on Obligations of Civil Servants (VerpflG)

negotiated in Marburg, Germany, [Datum] _____

Mr./Ms. _____, born on _____,

appeared today before the person authorized to accept the commitment for the formal commitment in accordance with § 1 VerpflG of 2 March 1974 (German Federal Official Journal (BGBl) I, p. 469, 547), as amended.

Said person formally commits to the conscientious performance of his/her obligations. He/she was informed of the following penal provisions of the German Penal Code (StGB) and was made aware of the fact that he/she bears special responsibility concerning the offences listed below:

§ 97b (2) in conjunction with §§ 94 – 97	Treason on the mistaken assumption of an illegal secret
§ 120 (2)	Freeing of prisoners
§ 133 (3)	Breach of custody
§ 201 (3)	Violation of confidentiality
§ 203 (2), (2)a, (4), (5)	Violation of private secrets
§ 204	Sale of foreign secrets
§ 331	Corruption
§ 332	Bribery
§ 353b	Violation of professional confidentiality
§ 355	Violation of tax secrecy
§ 358	Miscellaneous consequences

The person who appeared before me hereby declares that they he/she has been informed of the penal provisions above and the significance of his/her commitment. He/she has signed the current document after its reading as a sign of his/her approval and hereby simultaneously confirms that he/she has received a copy of the current statement as well as the penal provisions listed above.

On behalf of

Signature of the instructing person

Signature of the recipient



Declarations of acknowledgement

of

Mr./Ms. _____, born on _____.

Administrative rules and regulations for employees of the State of Hesse concerning the acceptance of rewards, gifts and other benefits

Decree of the Ministry of Internal Affairs and Sport of Hesse from 13 December 2017

The person named above has taken note of the provisions concerning the administrative rules and regulations of the State of Hesse on rewards, gifts and other benefits and has received a copy of the same.

AND

Transfer of senior-level duties to employees

Ruling of the Frankfurt State Labor Court on 16 December 1987

The person named above hereby declares that he/she is aware that a legally binding transfer of senior-level duties within the scope of Philipps-Universität Marburg can only be made by the president of the university and her authorized representatives (chancellor, head of HR and Legal Department, and manager of the HR Department). Immediate supervisors do not have the right to do so.

AND

Secondary employment

The person named above hereby declares that he/she is aware that for employees at higher education institutions of the State of Hesse, subsequent to § 40 No. 2 of the Hessian Collective Agreement for the Public Services (TV-H), § 3 (4) applies in the following version:

“(4) Employees must notify their employer in writing, in a timely manner and in advance of any secondary employment. The employer may forbid said secondary employment or impose conditions upon the same, if said secondary employment could affect the performance of the employee’s responsibilities as agreed in his/her employment contract or affect the justified interests of the employer. Any secondary employment in the civil service can be made contingent upon an obligation to deliver in accordance with the employer’s provisions.”

On behalf of

Signature of the instructing person

Signature of the employee



- 1) **Copy for the university recruitment service (BHF)**
- 2) **Copy for the employing entity**

**Notification of changes
in personal circumstances**

from

Mr./Ms. _____, born on _____

Office No.: 6576	Department No.:	Employee No.:	MWB
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Declaration

I hereby declare that I am aware of my obligation to notify the entity which employs me of any and all changes that may affect my remuneration, including child benefits, asset-creating payments by my employer as well as any employer's contributions to my health insurance premiums in accordance with § 257 of the German Social Security Code V (SGB) (e.g. changes in family status, start of employment in the civil service by my spouse).

I hereby declare that I am also aware that I must pay back any and all amounts I have received in excess due to failing or delaying to provide information or providing false information.

Signature of the employee