

11 July 2018

Name, First name of the applicant
Organisational unit

Application for Issuing a Contract of Work and Labour or a Contract for Service with Individuals by the HR Department

Please note: To guarantee the processing and preparing of the contract, the application shall be submitted to the HR Department at least 4 weeks prior to the beginning of the activity.

Application for concluding a

- Contract for service
- Contract for work and labour

1. Subject to the contractual obligations

Content and scope of the service/performance

The assignment occurs within the scope of the research project/project:

The following service shall be performed:

- Work service (a work/certain achievement is due)
- Service (a service is due, e.g. consulting contract)

Details of the service or work service:

2. Necessity

The service / work is needed for

And cannot be conducted by own staff, because

The work shall have the following characteristics

Service period: **until** **(completion/delivery)**

No taking up of the activity without concluding the contract before.

3. Funding

Funding of the contract

- External funding: job number: _____ (period: _____ until _____)
- Budget: cost centre _____

Order total/payment

Total (net):
VAT (19 %):
Total (gross):

1.3.1 The order total/payment is a total set compensation. The prices are fixed.

- The order total is due by the time the work is delivered and accepted or the service due is completed.
- Partial deliveries (phases) of the work/service shall occur pursuant to, partial payments will be agreed upon the following for:

4. Performance

The service will be performed

- Outside the University
- At the University (only as an exception!)

In the following premises/rooms at the University of Göttingen
and/or with the following equipment/laboratory facilities

Due to (Please note: Particular reasons for using premises/rooms and equipment required!)

5. Compliance with regulations contract-award law

With an order total from EUR 500 (net) on:

At least three comparable offers were obtained and the contract award notice has been issued:

yes no

If not (reasons):

From an order total of EUR 25,000 (net) on, the participation of the Centralised Purchasing is required.

It is guaranteed that the General Terms and Conditions for awarding of services (VOL/A) complied in accordance with the Procedural Instructions Purchase (https://intern.uni-goettingen.de/infocenter/gm/Einkauf/Documents/Verfahrensanweisung%20Einkauf%2004_2018.pdf) (German version only).

Explanation of the applicant

Herewith, the correctness of the statements is confirmed. I assure that the contractor does not perform any task typical for employees within the scope of this contract, in that regard does not follow my instructions and is not incorporated into the labour organization.

Place, Date

Signature

Factually correct: _____
Signature

6. Personal data of the contractor

Name, First name:

Full address:

Phone (during the day):

Date of birth:

Social Security No.:

Tax no. / Finance Authority:

Currently I work as _____ in

civil servant employee free-lancer self-employed

With the following employer

Herewith I declare that within the University (incl. Medical Center)

No service or employment relationship existed, exists or is intended to (this also includes an employment as a student or research assistant).

A service or employment relationship with me as

With a working time of _____ hrs.

At the department / institution

existed from _____ until

exists

(If necessary, please enclose an additional occupation certificate or submit it later.)

is intended to exist from _____ on

(If necessary, please enclose an additional occupation certificate or submit it later.)

No contract for work and labour existed in the past two year neither exists now nor is intended to.

The following contracts for work and labour existed in the past two years, exist now or are intended to.

Department

Period from

until

Annex 1 (Test scheme for quasi-self-employment) is filled in and enclosed.

I bind myself to communicate alterations concerning the above-mentioned statements until the contract of work and labour or service contract is fulfilled.

The Finance Authority will be informed about the payments. The contractor is obliged to pay tax on such payments themselves.

Place, Date

Signature

Processing comment (only to be filled in by the HR Department)

1. Decision: contract for service or contract for work and labour
2. Prepare the contract
3. Decline the contract
4. Return contract

Test scheme for quasi-self-employment

Annex 1

Self-employment is defined by free design of the performance, self-determined working time, own labour force availability, autonomy of decision and own entrepreneurial risk.

In order to proof that no employment subject to social insurance contributions pursuant to section 7 para. 1 German Social Code IV exists, the following questions shall be answered carefully.

- 1.) I have at least one employee or apprentice with a monthly salary of more than EUR 400.00 (except family members) yes no
- 2.) I do not work for the University of Göttingen on a regular basis and do not draw the majority of my income (up to 5/6) from the University of Göttingen, but from other employers. yes no
- 3.) **Local freedom:** I do not perform the service in the premises of the University of Göttingen and without its equipment. yes no
- 4.) **Time flexibility:** I have no regular working or attendance time. yes no
- 5.) In the scope of this contract, I do not perform any activity, which the University of Göttingen has regularly performed by its own employees. yes no
- 6.) **Functional/technical freedom:** I do not underlie instructions of the University of Göttingen, the department or the institution as to the performance (manner and method) of my activity. yes no
- 7.) **Organisational freedom:** I am not affiliated to the labour organisation of the University of Göttingen. yes no
- 8.) My activity indicates typical characteristics of entrepreneurial behaviour, such as own entrepreneurial risk, use of own capital resources. yes no
- 9.) In the scope of this contract, I do not perform any activity, which is in its outward appearance equivalent to the activity, which I perform or have performed for the University of Göttingen in the scope of an employment. yes no
- 10.) I reported the self-employed activity to the Finance Authority and will also report the income from this self-employed activity to the Finance Authority. yes no
- 11.) I am obligated to transfer business tax and/or VAT and will account for it separately on my bill. yes no

Please note that self-employment is assumed, when answering three premises with „no“. If a social insurance carrier ascertains a quasi-self-employment, the obligation to subsequent payment of taxes and social insurance contributions must be expected.