

In accordance with the interests of the Bundesgleichstellungsgesetztes BGleiG, the Interministerial working group of Equal Opportunity Officers is committed to ensure that the use of reconciliation measures (e.g. part-time work, parental leave, family-related leave of absence, etc.) does not have a negative impact on the professional development of those taking advantage of them. For this reason, parents and family caregivers should be allowed to continue working.

For this purpose, the legislator also offers the possibility of family-related leave of absence according to [§92 BBG](#), under the condition that "only such secondary activities [may be] approved that do not conflict with the purpose of the leave of absence" Abs (3). In [the brochure](#) of the BMI "Teilzeit und Beurlaubung im öffentlichen Dienst des Bundes" (Part-time and Leave of Absence in the Federal Civil Service) this paragraph is referenced on page 49 and it is stated that "for the periods of leave of absence the regulations of the law on secondary employment apply without restriction. According to these, paid employment is generally subject to approval and may not exceed eight hours per week."

[§91 \(1\) BBG](#) requires that the civil servant actually looks after or cares for at least one child under the age of 18 or other dependents. Taken up activities in this period may not stand in the way of this purpose. The civil servants must therefore, after taking up a secondary activity, still be in a position to sufficiently meet the legal requirement of actual care. The purpose of the leave is to allow actual caregiving to take the place of the normal working hours of a full-time job. In addition, (family-related) leaves of absence are not intended to allow civil servants to test themselves, beyond the purpose of the leave, in the private sector without risk.

The „Fünftelregelung“ under the law on part-time work therefore also forms a guideline in the case of family-related leave of absence, which can be deviated from in favor of the civil servants in justified cases.

The regulation of the time limit according to §7 of [the Maternity Protection and Parental Leave Ordinance \(MuSchEltZV\)](#) is not applicable, as it cannot be transferred to other circumstances beyond parental leave. The main reasons for this are that parental leave is limited to a maximum of three years, whereas family-related leave is possible for up to 15 years. In addition, it would not be compatible with the principles of the main occupation and the full service obligation if civil servants could set up a second occupation outside their civil service relationship for a period of their professional life during the family-related leave of absence and this while retaining their privilege.