

GERMAN SOCIAL SECURITY CODE IX (REHABILITATION AND INTEGRATION OF HANDICAPPED PERSONS) (MODIFIED VERSION)

(NOTE: This document provides the modified text of the Social Security Code IX (SGB IX) (Rehabilitation and Integration of Handicapped Persons), which prescribes German law for the employment of local national severely handicapped employees by the U.S. Armed Forces in Germany (referred to in the SGB IX as Sending States Forces) under the authority of the Supplementary Agreement to the NATO Status of Forces Agreement (Article 56, paragraph 1a. Germany recognizes the Sending States Forces as extraterritorial and imposes only those provisions of the severely handicapped laws that regulate labor. The protection of severely handicapped personnel is provided under public law)

INDEX	<u>PAGE</u>
PART 1	
Regulations for Handicapped Persons or Persons Endangered to Become Handicapped	5
Chapter 1 General Provisions	5
Section 2 Handicap	5
PART 2	
Special Regulations for the Integration of Severely Handicapped Persons (Severely Handicapped Law)	5
Chapter 1	
Protected Category of Persons	5
Section 68 Scope of Application	5
Section 69 Determination of Handicap; Passes	5
Section 70 Authority to Issue Regulations	6
Chapter 2	
Employer's Compulsory Employment	7
Section 71 Employer's Duty to Employ Severely Handicapped Persons	7
Section 72 Employment of Special Severely Handicapped Groups	7
Section 73 Definition of Workplace	7
Section 74 Computation of Minimum Number of Workplaces and Compulsory Number	7
Section 75 Making Allowances for the Number of Compulsory Workplaces for Severely Handicapped Persons	7
Section 76 Multiple Allowances	7
Section 77 Countervailing Charges	8
Section 78 Compensation Fund	8
Section 79 Authority to Issue Regulations	8
Chapter 3	
Other Duties of the Employers; Rights of Severely Handicapped Persons	9
Section 80 Cooperation of Employers with the Federal Labor Agency and the Integration Offices	9
Section 81 Employer's Duties and Rights of the Severely Handicapped Persons	9
Section 82 Special Duties of the Public Employer	11

INDEX	PAGE
Section 83 Integration Agreement	11
Section 84 Prevention	12
Chapter 4	
Protection from Termination	13
Section 85 Requirement of Consent	13
Section 86 Notice Period	13
Section 87 Request Procedures	13
Section 88 Decisions of the Integration Office	13
Section 89 Limitations Imposed on Discretionary Decision	13
Section 90 Exceptions	14
Section 91 Extraordinary Termination	14
Section 92 Extended Protection from Termination	15
Chapter 5	
Works Council, Severely Handicapped Employee Representatives, Representative of Employer	16
Section 93 Duties of the Works Council	16
Section 94 Election and Term of Office of the Severely Handicapped Employee Representative	16
Section 95 Duties of the Severely Handicapped Employee Representative	17
Section 96 Personal Rights and Duties of the SHE Representatives	18
Section 97 Joint, District, and Head Severely Handicapped Employee Representatives	20
Section 98 Representative of the Employer	21
Section 99 Cooperation	21
Section 100 Authority to Issue Regulations	21
Chapter 6	
Implementation of the Special Regulations for Integrating Severely Handicapped Persons	22
Section 101 Cooperation of Integration Offices and the Federal Labor Agency	22
Section 102 Duties of the Integration Office	22
Section 103 Advisory Board for Handicapped Persons of the Integration Office	24
Section 104 Duties of the Federal Labor Agency	25
Section 105 Advisory Board for Handicapped Persons of the Federal Labor Agency	26
Section 106 Joint Regulations	27
Section 107 Assignment of Duties	27
Section 108 Authority to Issue Regulations	27
Chapter 7	
Special Integration Service Offices	28
Section 109 Definition of Term and Category of Persons	28
Section 110 Duties	28
Section 111 Commissioning and Responsibility	29
Section 112 Professional Requirements	30
Section 113 Financial Benefits	30
Section 114 Observation of Results	31
Section 115 Authority to Issue Regulations	31

INDEX	<u>PAGE</u>
Chapter 8	
Cessation of the Application of the Special Regulations for the Integration of Severely Handicapped Persons and Persons of Equal Status	32
Section 116 Cessation of the Application of the Regulations for the Integration of Severely Handicapped Persons	32
Section 117 Withdrawal of Special Benefits for Severely Handicapped Persons	32
Chapter 9	
Appeal Procedures	33
Section 118 Appeal	33
Section 119 Appeal Committee of the Integration Office	33
Section 120 Appeal Committee of the State Labor Agency	34
Section 121 Rules of Procedures	34
Chapter 10	
Other Regulations	35
Section 122 Priority of Severely Handicapped Persons	35
Section 123 Employment Remuneration	35
Section 124 Overtime	35
Section 125 Additional Leave	35
Section 126 Compensation of Disadvantages	35
Section 127 Homework Employment of Severely Handicapped Persons	36
Section 128 Severely Handicapped Public Officers, Judges, and Soldiers	36
Section 129 Independent Occupation	36
Section 130 Obligation to Maintain Secrecy	36
Section 131 Statistics	36
Chapter 11	
Integration Projects	37
Section 132 Definition of Term and Category of Personnel	37
Section 133 Duties	37
Section 134 Financial Benefits	37
Section 135 Authority to Issue Regulations	37
Chapter 12	
Craft Shops for Handicapped Persons	38
Section 136 Definition of Craft Shop for Handicapped Persons	38
Section 137 Admittance to the Craft Shop for Handicapped Persons	38
Section 138 Legal Status and Remuneration of Handicapped Persons	38
Section 139 Cooperation	38
Section 140 Making Allowances for Contracts on Countervailing Charges	38
Section 141 Awarding Contracts by the Offices of the Public Service	38
Section 142 Proceedings for Recognition	38
Section 143 Craft Shops for the Blind	38
Section 144 Authority to Issue Regulations	38
Chapter 13	
Free Transportation of Severely Handicapped Persons in Public Passenger Transportation	39
Section 145 Free Transportation, Entitlement to Refund of Transportation Costs	39
Section 146 Personal Prerequisites	39

INDEX	<u>PAGE</u>	
Section 147	Short and Long Distance Transports	39
Section 148	Reimbursement of Loss of Short Distance Transport Passage – Money	39
Section 149	Reimbursement of Loss of Long Distance Transport Passage – Money	39
Section 150	Reimbursement Proceedings	39
Section 151	Bearing of Costs	39
Section 152	Profit from Price Tickets	39
Section 153	Registration of Passes	39
Section 154	Authority to Issue Regulations	39
Chapter 14		
Penalty, Administrative Offenses, and Final Provisions		40
Section 155	Penalty Provisions	40
Section 156	Provisions on Administrative Offenses	40
Section 157	Clause for City States	41
Section 158	Special Provisions for Federal Intelligence Service	41
Section 159	Transitional Arrangement	41
Section 159a	Transitional Provision to the Third Law on Modern Services at the Labor Market	41
Section 160	Review Arrangement	41

PART 1 - REGULATIONS FOR HANDICAPPED PERSONS OR PERSONS ENDANGERED TO BECOME HANDICAPPED

Chapter 1 General Provisions

Section 2 - Handicap

(1) Persons are handicapped if their physical function, mental ability, or mental health deviate from the condition that is typical for their age for a period that will last longer than 6 months, and, if as a result, their participation in social life is impaired. They are endangered to become handicapped if the impairment is to be expected.

(2) Persons are severely handicapped within the meaning of part 2 if their handicap degree is at least 50 and if their place of residence, their habitual abode, is at a location within the scope of application of this legal code, or if they are employed in a workplace in the meaning of Section 73.

(3) Persons with a handicap degree of less than 50, but at least 30, who otherwise meet the requirements of Section 2, will be accorded the same status as severely handicapped persons if because of their handicap they cannot obtain or retain a suitable workplace in the meaning of Section 73 without being accorded the equal status (handicapped persons with equal status).

PART 2 SPECIAL REGULATIONS FOR THE INTEGRATION OF SEVERELY HANDICAPPED PERSONS (SEVERELY HANDICAPPED LAW)

Chapter 1 Protected Category of Persons

Section 68 - Scope of Application

(1) The regulations of this part are applicable to severely handicapped persons and handicapped persons with equal status.

(2) Equal status designation (section 2, paragraph 3) will be based on a determination in accordance with section 69 by the Labor Agency on request by the handicapped person. Equal status designation will be effective the day the request is received. It may be limited in time.

(3) Except for section 125 and chapter 13, the special regulations for severely handicapped persons are applicable to handicapped persons with equal status.

(4) The status of severely handicapped persons is accorded to juveniles and young adults (section 2, paragraph 1) during the period of vocational training in organizations even if the degree of handicap is less than 30 or no degree of handicap has been established. Evidence of the handicap will be provided by a statement of the labor agency or by office action attesting the receipt of benefits for the integration of handicapped persons into working life. Except for section 102, paragraph 3, number 2c, the special regulations for severely handicapped persons will not be applied.

Section 69, Determination of the Handicap; Passes

(1) On request by the severely handicapped person, the offices responsible for the execution of

the Federal Pension Law will determine the existence of a handicap and the handicap degree. If a gainfully employed person requests a determination on the status as severely handicapped person (section 2, paragraph 2), the deadlines listed in section 14, paragraph 2, sentence 2 and 4, section 14, paragraph 5, sentence 2 and 5 as well as section 60, paragraph 1 of the First Book apply similarly. The law concerning the administrative process of the pension scheme for war victims will apply similarly to the extent that SGB X is not applicable. The impairment of the capability to participate in social life will be determined as degree of handicap gradually arranged in degrees of 10. The standards established within the framework of section 30, paragraph 1 of the Federal Pension Law will apply similarly. A determination will be made only if there is a handicap degree of at least 20. By legislation of the states, the responsibility can be regulated in deviation from sentence 1.

(2) Determinations pursuant to paragraph 1 will not be made if a determination on the existence of a handicap and the degree of the impairment of earning capacity caused by it has already been made in the ruling on a pension application, in a corresponding administrative determination or court decision, or in a preliminary written confirmation of the responsible offices unless the handicapped person establishes preponderant evidence substantiating the interest in a different determination according to section 1. A determination according to sentence 1 will concurrently constitute a determination on the handicap degree

(3) If there are several impairments of the capability to participate in social life, the handicap degree will be determined in accordance with the effects of the impairments in their entirety under consideration of their reciprocal relations on each other. Paragraph 1 will be applicable for this determination unless an overall assessment has already been made in conjunction with a determination according to paragraph 2.

(4) If, in addition to the existence of the handicap, other physical characteristics are prerequisite for use of entitlements for compensation of disadvantages, the responsible offices will make the necessary determinations in proceedings according to paragraph 1.

(5) On request by the handicapped person, based on the determination that a handicap exists, the responsible offices will issue a pass on the status as severely handicapped person, the degree of handicap, and further physical characteristics in the case of paragraph 4. The pass produces evidence for the severely handicapped person to take advantage of rights and entitlements in compensation for disadvantages that are vested in part 2 or in other legal regulations. The period of validity of the pass should be limited in time. It will be withdrawn as soon as the legal protection of severely handicapped persons has expired. The pass will be corrected as soon as a re-determination has become incontestable.

Section 70 - Authority to Issue Regulations

The Federal Government will be authorized to issue more details concerning the design of the passes, their periods of validity, and the administrative proceedings by means of a legal ordinance, which is subject to the approval of the Upper House of Parliament (*Bundesrat*).

Chapter 2
Employer's Compulsory Employment

Section 71 - Employer's Duty to Employ Severely Handicapped Persons

Section 72 - Employment of Special Severely Handicapped Groups

(Sections 71 and 72 are not applicable to organizations of the Sending States Forces.)

Section 73 - Definition of Workplace

(1) Workplaces within the meaning of part 2 are positions in which male and female employees, apprentices, and other persons hired for the purpose of their vocational education are being employed.

(2) Positions in which the following persons are employed will not be considered as workplaces:

1. Handicapped persons participating in measures for their integration into vocational life in accordance with section 33, paragraph 3, number 3, held in companies or organizations.
2. Persons who are not primarily engaged in activities that serve the purpose of acquiring earnings, but who are preponderantly determined by motives of a charitable or religious nature and ministers of religious bodies under public law.
3. Persons who are not primarily engaged in activities that serve the purpose of acquiring earnings, but who are preponderantly employed for the purpose of their cure, re-familiarization, or education.
4. Persons who take part in job-creation programs or measures for adjustment of regional structures in accordance with SGB III.
5. Persons elected into their positions by standing practice.
6. Persons who are in employment under the provisions of section 19 of the Federal Public Assistance Act.
7. Persons whose employment has been suspended because of military or civilian service, parental leave, leave without pay, receipt of a temporary pension, or because of old-age part-time employment during the period of release from work (blocking model) as long as a substitute has been hired.

(3) In addition, positions encumbered only for a maximum of 8 weeks because of the nature of the work or agreements between parties and positions in which employees are being employed for less than 18 hours per week will not be considered as workplaces.

Section 74 - Computation of the Minimum Number of Workplaces and the Compulsory Number of Workplaces

Section 75 - Making Allowances for Compulsory Places for Severely Handicapped Persons

Section 76 - Multiple Allowances

Section 77 - Countervailing Charges

(Sections 74 to 77 are not applicable to organizations of the Sending States Forces.)

Section 78 - Compensation Fund

For the special promotion of appointments and employment of severely handicapped persons in workplaces and for the promotion of facilities and measures that serve the interest of several states in the area of promoting the severely handicapped person's participation in vocational life, a "Compensation Fund for Supra-Regional Measures for the Integration of Severely Handicapped Persons into Vocational Life" has been established at the Federal Ministry of Health and Social Protection as an appropriated asset. Federal Ministry of Health and Social Protection will administer the compensation fund.

Section 79 - Authority to Issue Regulations

By means of legal ordinances with the approval of the Upper House of Parliament (*Bundesrat*), the Federal Government will be authorized--

1. (Not applicable to organizations of the Sending States Forces.)
2. To issue more detailed regulations concerning the employment of the countervailing charges pursuant to section 77, paragraph 5, and the arrangement of the compensation fund under section 78, the use of the resources by the fund for promoting the severely handicapped person's participation in vocational life, and the procedures for the administration and allocation of the compensation fund.
3. To regulate according to the legal ordinance pursuant to number 2--
 - a. The portion of the revenue from the countervailing charges to be transmitted to the compensation fund in accordance with the expenditures necessary for the fulfillment of the duties of the compensation fund and the integration offices.
 - b. The compensation between the integration offices based on the proposal by the States or a majority of the States in deviation from section 77, paragraph 6, sentence 3.
 - c. The jurisdiction for the responsibility for the promotion of facilities pursuant to section 30 of the Severely Handicapped Countervailing Charges Ordinance in deviation to section 41, paragraph 2, number 1, and of integration companies and divisions in deviation to section 41, paragraph 2, number 13 of this ordinance
4. (Not applicable to organizations of the Sending States Forces.)

Chapter 3

Other Duties of the Employers; Rights of Severely Handicapped Persons

Section 80 - Cooperation of Employers with the Federal Labor Agency and the Integration Offices

(1) Separate for each company and organization, the employers have to maintain a register of employed severely handicapped persons and persons of equal status, and present it to the representatives of the Federal Labor Agency and the integration office responsible for the locality of the company or organization at their request.

(2) (Not applicable to organizations of the Sending States Forces.)

(3) (Not applicable to organizations of the Sending States Forces.)

(4) Employers who are not obligated to employ severely handicapped persons must provide the report only after being directed to do so by the Federal Labor Agency within the framework of a representative partial collection of data that is done every 5 years for the purpose of registering the groups of persons listed in subparagraph (1), broken down by the State Labor Agency regions.

(5) On their request, the employers will provide the Federal Labor Agency and the Integration Office with the information necessary for the execution of special regulations providing for the participation of severely handicapped persons and persons of equal status in vocational life.

(6) For the register and the employer's report, the printed forms of the Federal Labor Agency that have been reconciled with the Federal Working Group of the Integration and Main Welfare Offices will be used. In agreement with the joint workgroup, the Federal Labor Agency in coordination with the Federal Working Group will authorize an electronic transmittal procedure for executing the reporting proceedings.

(7) Employers will authorize the representatives of the Federal Labor Agency and the Integration Office to inspect their company or organization to the extent that this is necessary in the interest of the severely handicapped persons and company or organizational secrets will not be endangered.

(8) Immediately after the election of the severely handicapped employee representatives (section 94, paragraph 1, sentence 1 to 3 and section 97, paragraph 1 to 5), and immediately following the appointment as representative for matters of the severely handicapped persons (section 98 sentence 1), the employers will report their respective names to the labor agency responsible for the location of the company or organization and to the Integration Office.

(9) (Not applicable to organizations of the Sending States Forces.)

Section 81 - Employer's Duties and Rights of Severely Handicapped Persons

(1) Employers are obligated to examine whether or not vacant workplaces may be filled with severely handicapped persons, in particular with severely handicapped persons who are registered with the labor agency as being unemployed or seeking jobs. They must establish contacts with the labor agency in good time. The Federal Labor Agency or a special integration organization must nominate suitable severely handicapped persons to the employers. Immediately on receipt, the employers must inform the severely handicapped employee representatives and the representatives listed in section 93 about the proposals for placement by

the labor agency and applications from severely handicapped persons in hand. (Sentences 5 through 7 are not applicable to organizations of the Sending States Forces.) In case of applications of severely handicapped persons, the severely handicapped employee representatives will not be involved if the severely handicapped person explicitly declines the participation of the severely handicapped employee representatives.

(2) Employers may not place severely handicapped employees at a disadvantage because of their handicap. In detail, the following applies:

1. A severely handicapped employee may not be placed at a disadvantage because of the handicap in connection with an agreement or a measure, in particular in connection with the establishment of the work or other employment relationship, in connection with the occupational development, or in connection with a directive or termination. However, different treatment is permissible if the kind of duties to be performed by the severely handicapped employee are substantial to an agreement or a measure provided a specific physical function, mental ability, or mental health are essential and decisive requirements for the occupation. If in case of dispute, the severely handicapped employee establishes sufficient evidence based on discrimination because of the handicap may be presumed, the employer must prove that material reasons unrelated to the handicap justify different treatment and that specific physical function, physical ability, or mental health are essential and decisive requirements for the occupation.

2. In case of a violation of the ban on discriminatory treatment regulated by number 1 in connection with the establishment of a work or other relationship, the severely handicapped applicant who has been placed at a disadvantage may demand an appropriate monetary compensation; there will be no entitlement to the establishment of a work or other employment relationship.

3. If the severely handicapped applicant also would not have been appointed after a nondiscriminatory selection process, the employer will pay an appropriate compensation that will not exceed 3 monthly payments. A monthly payment is the pay or payment-in-kind to which the severely handicapped applicant would have been entitled if he or she had worked regular work hours during the month in which the work or other employment relationship was supposed to be established.

4. A claim for compensation pursuant to numbers 2 and 3 must be asserted in writing within 2 months after receipt of the refusal of the application.

5. The regulations on appropriate compensation will apply similarly to the occupational development if there is no entitlement to such development.

(3) By qualified measures, employers will take measures to ensure that severely handicapped persons may find employment in their companies and organizations that is indefinite if possible and meets the demands of the handicap. Paragraph 4, sentences 2 and 3, apply similarly.

(4) Vis-à-vis their employer, severely handicapped persons are entitled to the following:

1. Employment in a manner allowing them to use and develop their skills and knowledge as fully as possible.

2. Priority consideration in case of internal organizational measures of vocational education for the promotion of their occupational development.

3. Reasonable relief for participation in vocational development measures external to the organization.

4. Workplaces including the installations, machinery, and equipment facilities as well as the arrangement of the worksites, the work environment, the organization of work, and the work time that are established and maintained commensurate with the handicap under special consideration of the danger of accidents.

5. Workplaces that are equipped with the necessary work aids under consideration of the handicap and its effect on the employment. In connection with the implementation of the measures listed under numbers 1, 4 and 5, the labor agency and the integration offices must support the employer under consideration of the characteristics of the severely handicapped persons that are essential to the employment. The entitlement according to sentence 1 does not exist as far as its realization cannot reasonably be expected of the employer or would result in excessive expenditures or as far as this conflicts with applicable safety provisions by the German Government or trade associations.

(5) Employers will promote the establishment of part-time positions. In doing so, they will be supported by the integration offices. Severely handicapped persons will be entitled to part-time employment if the shorter work time is necessary because of the kind and gravity of the handicap; para 4, sentence 3 will apply similarly.

Section 82 - Special Duties of Public Employers at the Federal Level

(Not applicable to organizations of the Sending States Forces.)

Section 83 - Integration Agreement

(1) Employers will make a compulsory integration agreement with severely handicapped employee representatives and the boards of employee representatives listed in section 93, in cooperation with the representatives of the employer (section 98). On request by the severely handicapped employee representatives, negotiations on this subject will take place in cooperation with the works councils. If severely handicapped employee representatives have not been elected, the representatives listed in section 93 will request negotiations. The employer or the severely handicapped employee representatives may ask the integration office to take part in the negotiations about the integration agreement. The integration agreement will be submitted to the labor agency and the integration office responsible for the location of the employer.

(2) The agreement will list regulations that are connected with the integration of severely handicapped persons, in particular with personnel planning, arrangement of the workplaces, arrangement of the work environment, organization of work, work time, and regulations governing the implementation in the companies and organizations. In case of personnel planning, special regulations will provide for the proportionate employment of severely handicapped women.

(2a) In particular, arrangements can be made for

1. the adequate consideration of severely handicapped persons for positions that are vacant, due to become vacant, or newly established,
2. aiming at an employment rate, to include an appropriate quota for severely handicapped women,

3. part-time work,
4. vocational training of handicapped juveniles,
5. the implementation of organizational prevention (organizational integration management) and promotion of health,
6. the enlistment of the company physician for consultation also on integration services and special aids in working life.

(3) In assemblies of the severely handicapped persons, the employer will report on matters that are connected with the integration of severely handicapped persons.

Section 84 - Prevention

(1) In the event of difficulties in employment based on reasons personal to the employee, conduct, or organization that could jeopardize work or other employment relationships, the employer will bring in the severely handicapped employee representatives, the boards of representatives listed in section 93, and the integration office as early as possible to discuss the possibilities and help for counseling and potential financial benefits that could eliminate the difficulties and continue employment indefinitely, if possible.

(2) If, within a year, employees are unfit for work without interruption or repeatedly for more than six weeks, the employer along with responsible works council (sec 93) – in case of severely handicapped persons also along with the severely handicapped employee representative – will review, with the consent and in cooperation with the affected employee, how the unfitness for work can possibly be overcome, which benefits or aids might prevent renewed unfitness for work, and how the job can be safeguarded (organizational integration management). Where required, the company physician will be involved. Beforehand, the affected person or the person's statutory agent must be informed of the goals of organizational integration management as well as of the kind and the amount of collected and used data. If integration benefits or accompanying aids in working life come into consideration, the employer will involve the local joint service organizations, or – in case of severely handicapped employees – the integration office. They will work towards requesting and generating the necessary benefits and aids without delay or within the deadline of section 14, paragraph 2, sentence 2. The works council in the meaning of sec 93 – in case of severely handicapped persons also the severely handicapped employee representative – can demand the review. They monitor that the responsibilities under this law that are incumbent upon the employer are fulfilled.

(3) (Not used)

(4) The rehabilitation agencies and integration offices can assist employers that implement organizational integration management by means of awards or a bonus.

Chapter 4 Protection from Termination

Section 85 - Requirement of Consent

The termination of employment of a severely handicapped person by the employer requires the prior consent of the integration office.

Section 86 - Period of Notice

The period of notice amounts to at least 4 weeks.

Section 87 - Request Proceedings

(1) The employer will apply for the consent to the termination with the integration office responsible for the location of the organization. The term "organization" within the meaning of this law is governed by the German Personnel Representation Law (GPRL).

(2) The integration office will obtain a statement from the works council and the severely handicapped employee representatives, and hear the severely handicapped person.

(3) At each state of the proceedings, the integration office will work towards an amicable agreement.

Section 88 - Decisions of the Integration Office

(1) The integration office will render the decision within 1 month after the receipt of the request; if necessary, on the basis of oral hearings.

(2) The decision will be served on the employer and the severely handicapped person. A copy of the decision will be submitted to the labor agency.

(3) If their integration office concurs with the termination, the employer may give notice of termination within 1 month after the decision was served on the employer ((2) above).

(4) Protest and action for annulment against the integration office's concurrence with the termination will have no suspending effect.

(5) In the cases of section 89, paragraph 1, sentence 1 and paragraph 3, paragraph 1 applies with the proviso that the decision must be made within one month from the day of receipt of the request. If a decision is not made within this time limit, the approval is considered granted. Paragraphs 3 and 4 apply similarly.

Section 89 - Limitations Imposed on Discretionary Decision

(1) The integration office will approve terminations in organizations that are deactivated or dissolved not only for a temporary period if there are at least 3 months between the day of the termination and the day until which salary or wages are being paid. Under the same precondition, it will also grant terminations in organizations that are considerably reduced not only for a temporary period. (The subordinate clause reading "provided that the total number of severely handicapped persons who will continue to be employed suffices to fulfill the duty of compulsory employment vested in section 71," is not applicable to organizations of the Sending States Forces.) Sentences 1 and 2 are not applicable if continued employment is possible in

another position of the same organization with the consent of the severely handicapped persons and if this may be reasonably expected from the employer.

(2) The integration office will grant the consent if another suitable and reasonable position has been secured for the severely handicapped person.

(3) (Not applicable to organizations of the Sending States Forces.)

Section 90 - Exceptions

(1) The regulations of this part are not applicable to severely handicapped persons, who will--

1. Not be employed for more than 6 months without interruption at the time of receipt of the declaration of notice.

2. (Not applicable to organizations of the Sending States Forces.)

3. Be terminated from employment by notice of termination if they--

a. Have completed the 58th year of age and are entitled to severance pay, a compensation, or a similar benefit pursuant to a social plan.

b. (Not applicable to organizations of the Sending States Forces.)

c. Have been notified by the employer in a timely manner about an intended notice of termination and they have not objected to the proposed notice of termination until its declaration.

(2) (Not applicable to organizations of the Sending States Forces.)

(2a) Moreover, the provisions of this chapter are not applicable if, at the time of the termination, the status as severely handicapped person has not been verified, or if – after expiration of the time limit of sec 69, para 1, sentence 2 - the pension office could not make a determination due to the lack of cooperation.

(3) Within 4 days, separate from the obligation to inform the authorities vested in other laws, the employer has to report the appointments on probation and the terminations of employment of severely handicapped persons in the cases of paragraph 1, number 1, to the integration office.

Section 91 - Extraordinary Termination

(1) Except for section 86, the regulations of this part are also applicable to extraordinary terminations unless the following provisions do not provide for a deviation.

(2) The consent to the termination only may be requested within 2 weeks; crucial is the receipt of the request by the integration office. The period starts when the employer obtains knowledge of the facts relevant to the notice of termination.

(3) The integration office will render the decision within 2 weeks after receipt of the request. If no decision is rendered within this period, the consent is considered as granted.

(4) The integration office will grant the consent if the termination ensues from a reason that is not related to the handicap.

(5) The notice of termination may also be affected after the end of the period provided for in section 626, paragraph 2, first sentence of the Civil Code if it is pronounced immediately after the granting of consent.

(6) Severely handicapped persons who have been terminated by extraordinary notice merely because of a strike or a lockout will be reappointed after the strike or lockout is over.

Section 92 - Extended Protection from Termination

The ending of employment of a severely handicapped person also requires the prior consent of the integration office even if it is effected without notice of termination as in the case of the employee's partial reduction in earning capacity, the employee's full reduction in earning capacity for a limited period, the employee's occupational disability, or the employee's total earning incapacity for a limited period. The provisions of this chapter regulating the consent to ordinary terminations will apply similarly.

Chapter 5 Works Council, Severely Handicapped Employee Representatives, Representative of Employer

Section 93 - Duties of the Works Council

Works councils will promote the integration of severely handicapped persons. In particular, they will take care that the obligations listed in sections 81 through 84 that are incumbent on the employer are fulfilled; they will work towards the election of the severely handicapped employee representative.

Section 94 - Election and Term of Office of the Severely Handicapped Employee Representatives

(1) In organizations employing at least five severely handicapped persons who are not only employed temporarily, a person enjoying their confidence (reliable person) and at least one alternate member who acts for the reliable person in case of inability to attend or exercise other functions will be elected. For the election, organizations that do not meet these requirements may be combined with organizations of the same employer located nearby. The employer will decide on the combination in consultation with the integration office responsible for the domicile of the organizations.

(2) Entitled to vote will be severely handicapped persons employed in the organization.

(3) Eligible for election will be employees in the organization who are not only employed temporarily, but on the day of election have also completed their 18th year of age and belonged to the organization for at least 6 months. If the organization has existed less than 1 year, the 6-month affiliation is not required for the eligibility for election. Whoever may not belong to the works council by virtue of law is not eligible for election.

(4) (Not applicable to organizations of the Sending States Forces.)

(5) Regular elections will take place every 4 years between 1 October and 30 November. Outside this period, elections will take place when--

1. The office of the severely handicapped employee representatives expires prematurely and no alternate member moves up into office.

2. The election has been challenged successfully.

3. No severely handicapped employee representative has been elected. If the election of the severely handicapped employee representative was held outside the time period for regular elections, the next election of the severely handicapped employee representative will be held during the next time period for regular elections that follows the election of that representative. If, at the beginning of regular elections, the term of office of the severely handicapped employee representatives has been less than 1 year, the new election of the severely handicapped employee representatives will be held during the next succeeding period for regular elections.

(6) The SHE representative and the deputy SHE representative will be elected by secret and direct ballot according to the principles of majority vote. For the rest, the regulations about the challenge of the election, the protection of the election, and the costs of the election governing the election of the works council apply similarly. In organizations with less than 50 severely

handicapped persons who are entitled to vote, the SHE representative and the deputy SHE representative will be elected by the simplistic election procedure provided that the organization is not geographically dispersed. If no severely handicapped employee representative has been elected in a company or organization, the integration office responsible for the organization may convene an assembly of the severely handicapped persons for the election of an election committee.

(7) The term of office of the severely handicapped employee representatives will be 4 years. It will begin with the announcement of the election results or, if the term of office of the present severely handicapped employee representatives has not expired, on the expiration of that term of office. The office expires prematurely if the SHE representative resigns from office, leaves employment, or loses eligibility for election. If the SHE representative leaves office prematurely, the alternate member elected with the highest number of votes moves up for the remaining term of office; this applies similarly to the alternate member. On request of 1/4 of the severely handicapped persons entitled to vote, the integration office's interference committee (section 119) may decide on the termination of office of the SHE representative because of gross violation of obligations.

Section 95 - Duties of the Severely Handicapped Employee Representatives

(1) SHE representatives will promote the integration of severely handicapped persons into the organization, represent their interests, and provide advice and help when needed. Above all, representatives will--

1. Ensure that the applicable laws, legal ordinances and regulations, collective tariff agreements, shop agreements, and administrative instructions that are for the benefit of the severely handicapped persons are executed; and, in particular, monitor whether or not the employer fulfills his or her obligations pursuant to sections 81 through 84.
2. Submit requests for measures that are for the benefit of severely handicapped persons to the appropriate offices. This applies in particular to preventive measures.
3. Receive proposals and grievances from severely handicapped persons and, if they appear justified, work for their redress through negotiations with the employer. The representative will inform the severely handicapped persons about the status and the result of the negotiations.

Also, the severely handicapped employee representatives will help employees with requests to the responsible authorities pursuant to section 69, paragraph 1, for determination of the existence of a handicap, the handicap degree and the status as a severely handicapped person as well as with requests for equal status to the labor agency. In organizations employing, as a rule, more than 100 severely handicapped persons, the representative may involve, after the employer has been informed accordingly, the services of the alternate member with the highest number of votes for specific functions, and in organizations with more than 200 severely handicapped employees also the next alternate member with the second highest number of votes. Involving alternate members for specific functions implicates their coordination with each other.

(2) In matters that are of concern to individual severely handicapped persons or of concern to the severely handicapped persons as a group, the employer will provide immediate and complete information to the severely handicapped employee representatives without delay, and hear the severely handicapped employee representatives before a decision is rendered. The employer will inform the severely handicapped employee representatives of the decision without delay. The

implementation or execution of a decision lacking participation pursuant to sentence 1 will be suspended; participation will be made up for within 7 days; after that, a final decision will be rendered. The severely handicapped employee representatives will be entitled to participate in the proceedings following section 81, paragraph 1. In case of proposals for placement by the labor agency according to section 81, paragraph 1, or applications of severely handicapped persons, the severely handicapped employee representatives will be entitled to inspect those parts of the application documentation that are relevant to the issue and to take part in the employment interviews.

(3) When inspecting his or her personal files or personal data, the severely handicapped person will be entitled to call in the severely handicapped employee representative. The severely handicapped employee representative will preserve silence about the contents of the data to the extent that no release from this obligation has been granted by the severely handicapped person.

(4) The severely handicapped employee representatives will be entitled to participate in meetings of the works council and its committees as well as in the meetings of the work safety committee in an advisory capacity. The representatives may request that matters that particularly concern individual severely handicapped persons or severely handicapped persons as a group are placed on the agenda for the next meeting. If the representatives deem a decision of the works council to constitute a considerable impairment of important interests of severely handicapped persons, or if, contrary to paragraph 2, sentence 1, the representatives have not been given the opportunity to participate, on the representatives' request, the decision will be suspended for 1 week after the time the decision was rendered. The regulations of the GPRL (modified version) governing the suspension of decisions apply similarly. The suspension will not result in the extension of time limits. (The last sentence is not applicable to organizations of the Sending States Forces.)

(5) The severely handicapped employee representatives will be called into the meetings held between the employer and the works councils according to section 66, paragraph 1, of the GPRL (modified version).

(6) At least once in every calendar year, the severely handicapped employee representatives will be entitled to conduct an assembly of the severely handicapped persons in the organization. The regulations governing personnel assemblies apply similarly.

(7) (Not applicable to organizations of the Sending States Forces.)

(8) The severely handicapped employee representatives can participate in personnel assemblies of organizations for which it is responsible and has the right to speak even if the members of the group are not members of the organization.

Section 96 - Personal Rights and Duties of the SHE Representatives

(1) SHE representatives will perform the functions of their office without remuneration in an honorary capacity.

(2) SHE representatives may not be hindered in performing the functions of their office or be discriminated against or be given preferential treatment because of their office; this applies also to their professional development.

(3) Vis-à-vis the employer, SHE representatives have the same personal legal status as a member of the works council, in particular the same protection from termination, transfer, and detail. For

the duration of the substitution and enlistment pursuant to section 95, paragraph 1, sentence 4, the alternate member has the same personal legal status as the SHE representatives. For the rest, they have the same legal status as alternate members of the works council (sentence 1).

(4) To the extent necessary for the performance of their functions, SHE representatives will be released from their regular duties without reduction of salaries and wages. If the organizations regularly employ at least 200 severely handicapped persons, the SHE representative will be released full-time if he or she so desires; agreements over and above that are authorized. Sentence 1 applies similarly for attendance at training or educational courses to the extent they impart knowledge that is necessary for the performance of the functions of the severely handicapped employee representatives. Sentence 3 also applies to the alternate member who has been elected with the highest number of votes if his or her attendance at training or educational courses is necessary because of--

1. The permanent enlistment of his or her services pursuant to section 95.
2. The frequent representation of the holder of the office for a longer period of time.
3. The expected moving up to the office of the severely handicapped employee representative on short notice.

(5) Full-time released reliable persons must not be excluded from internal or external measures of vocational development. Within 1 year after the end of their full-time release, within the organization's scope of possibilities, they will be given the opportunity to make up the vocational development in the organization that was left undone because of the release. For reliable persons who had been released for three full consecutive terms of office, the stated period will be increased to 2 years.

(6) If for duty reasons, in the performance of their functions, they are kept occupied beyond regular work hours, SHE representatives will be given an equivalent amount of time off with continuation of payment of wages and salaries.

(7) Reliable persons will be obligated—

1. To preserve silence about knowledge obtained in office relative to personal circumstances and employee matters referred to in section 73, which because of its significance or subject matter must be treated confidentially.
2. Not to communicate to anyone or make use of information obtained in office on work or business secrets that were explicitly requested by the employer to be kept secret.
NOTE: These obligations will also stay in force after the resignation from office. These obligations will not be applicable vis-à-vis the Federal Labor Agency, integration offices, and organizations providing rehabilitation to the extent that this is necessary for their duties vis-à-vis the severely handicapped persons, vis-à-vis the reliable persons at the intermediate level (section 97), as well as vis-à-vis the works councils, persons, and offices named in the GPRL (modified version), section 10.

(8) Costs arising from the activities of the severely handicapped employee representatives will be borne by the employer. The same holds true for the costs arising from the attendance at training and educational courses of the alternate member with the highest number of votes according to paragraph 4, sentence 3.

(9) Office space and supplies that the employer has provided to the works council for its

meetings, office hours, and the conduct of routine business will also be made available to the severely handicapped employee representatives for the same purpose to the extent that no office space or supplies have been provided.

Section 97 - Joint, District, and Head Severely Handicapped Employee Representatives

(1) If a joint works council has been elected for the scope of business of several organizations, the severely handicapped employee representatives of the individual organizations will elect a joint severely handicapped employee representatives group. If severely handicapped employee representatives have been elected in only one of the organizations, they will exercise the functions of the joint severely handicapped employee representatives.

(2) (Not applicable to the organizations of the Sending States Forces.)

(3) Paragraph 1 applies similarly to the area of business of multilevel administrations where a district and works council has been established subject to the proviso that a district severely handicapped representatives group of the intermediate-level administrations will be elected by their severely handicapped employee representatives and the severely handicapped employee representatives of the subordinate organizations. A head severely handicapped employee representatives group at the highest service authority will be elected by the severely handicapped employee representatives and the district severely handicapped employee representatives of this area of business; if the number of district severely handicapped employee representatives is lower than 10, the severely handicapped employee representatives of the subordinate organizations are also eligible to vote.

(4) (Not applicable to organizations of the Sending States Forces.)

(5) At least one alternate member will be elected for each SHE representative who has been newly elected according to paragraphs 1 and 3.

(6) The joint severely handicapped employee representatives represent the interests of severely handicapped persons in matters that are of concern to the entire organization or several organizations of the employer and cannot be handled by the severely handicapped employee representatives of the individual organizations as well as the interests of severely handicapped persons employed in organizations for which no severely handicapped employee representatives have been elected; this also includes negotiations and the conclusion of integration agreements. Sentence 1 applies similarly to the district and head severely handicapped representatives as well as for the severely handicapped employee representatives of the highest service authority if no district works councils have been elected in a multistage organization. The severely handicapped employee representatives who are competent according to sentence 2 are also responsible for personal matters of severely handicapped persons that are decided by a superior organization; they will give the severely handicapped employee representatives of the organization employing the severely handicapped person an opportunity to comment. Sentence 3 does not apply to cases in which the works council of the employing organization must be involved.

(7) Section 94, paragraphs 3 to 7, section 95, paragraph 1, sentence 4, paragraphs 2, 4, 5, and 7, and section 96 apply similarly. Section 94, paragraph 5, applies with the proviso that the election of the joint and district severely handicapped representatives will take place between 1 December and 31 January, and the election of the head severely handicapped employee representative between 1 February and 31 March.

(8) Section 95, paragraph 6, applies similarly for the conduct of assemblies of severely

handicapped representatives and district severely handicapped employee representatives by the joint, district, and head severely handicapped employee representatives.

Section 98 - Representative of the Employer

The employer will appoint a representative who has entrusted superintendence for representing the employer in matters of severely handicapped persons; if necessary, several representatives may be appointed. When possible, the representative should be a severely handicapped person. Above all, the representative will ensure that the obligations under this law that are incumbent on the employer are met.

Section 99 - Cooperation

(1) The employer, the employer's representative, the severely handicapped employee representatives, and the works council will work together closely for the integration of severely handicapped persons into the organization's vocational life.

(2) The persons and boards referred to in sentence 1, the offices commissioned to execute part 2, and the organizations responsible for rehabilitation will provide support to each other in the fulfillment of their duties. The SHE representative and the employer's representative are liaison officers to the Federal Labor Agency and the Integration Office.

Section 100 - Authority to Issue Regulations

By means of a legal ordinance, which is subject to the approval of the Upper House of Parliament (*Bundesrat*), the Federal Government is authorized to issue detailed regulations for the preparation and conduct of the election of a severely handicapped employee representatives and representatives at higher levels.

Chapter 6

Implementation of the Special Regulations for Integrating Severely Handicapped Persons

Section 101 - Cooperation of the Integration Offices and the Federal Labor Agency

(1) Inasmuch as the special regulations for the integration of severely handicapped persons into vocational life are not met by the employer's free resolution, this law will be executed in close cooperation—

1. In the states (*Länder*) by the integration offices.
2. By the Federal Labor Agency.

(2) Nothing in this law will affect the duties that are incumbent on the organizations responsible for rehabilitation according to applicable regulations.

Section 102 - Integration Office Duties

(1) The integration office is responsible for--

1. The collection and use of the countervailing charge.
2. The protection from termination.
3. The accompanying aid in vocational life.
4. The temporary repeal of the special aids for severely handicapped persons (section 117).

The integration offices will be equipped for comprehensive and qualified performance of responsibilities. For this purpose, personnel with special training and specialized knowledge on severely handicapped law will be employed.

(2) The accompanying aid in vocational life will be executed in close cooperation with the Federal Labor Agency and other organizations responsible for rehabilitation. It will work to prevent a drop in the severely handicapped person's social status, ensure that they are employed in positions in which they may fully use and develop skills and knowledge, and with the help of services of the organizations responsible for rehabilitation and measures of the employer, are enabled to stand their ground at the workplace and in competition with non-handicapped persons. Workplaces in this sense are also positions in which employees are employed temporarily or as part-time employees for at least 15 hours per week. Depending on the circumstances in the individual case, the accompanying aid in vocational life also includes the psychological and social care of severely handicapped persons. In case of executing the accompanying aids, the integration office may involve the services of special integration service agencies, including psychological and social services of independent nonprofit institutions and organizations. The integration office will exercise an influence on the avoidance or elimination of difficulties in employment, and conduct training and educational measures for reliable persons, employer's representatives, and works councils. The integration office, in close coordination with the parties of the local labor market, will select points of contact who will be available for employers at the trade chambers and chambers of industry and commerce in order to inform them on the role and responsibilities of the special integration services and on possibilities for accompanying aids in working life as well as to establish contacts to the special integration service.

(3) Within the scope of its responsibility for accompanying aid in vocational life, the integration office also may produce monetary benefits from the funds that are at its disposition, in particular-

1. To severely handicapped persons for--

- a. Technical work aids.
- b. Reaching the workplace.
- c. The establishment and preservation of an independent vocational existence.
- d. The acquisition, furnishing, and preservation of an apartment that meets the conditions of the handicap.
- e. The attendance at measures for the preservation and extension of vocational knowledge and skills.
- f. In special-life situations.

2. To employers for--

- a. The arrangement of workplaces for severely handicapped persons to meet the conditions of the handicap
- b. fee subsidies, in particular for examination fees, for severely handicapped juveniles and young adults who are particularly affected during vocational training,
- c. for premiums and subsidies to the costs for vocational training for handicapped juveniles and young adults who have been granted equal status with severely handicapped persons in accordance with section 68, paragraph 4, for the time of vocational training,
- d. premiums for the implementation of organizational integration management, and
- e. extraordinary expenses associated with the employment of severely handicapped persons in the meaning of section 72, paragraph 1, sentence 1, letters a through d, of severely handicapped persons following employment with an acknowledged craft shop for severely handicapped persons, or in the meaning of section 75, paragraph 2, especially if employment would be in jeopardy without these benefits.

3. (Not applicable to organizations of the Sending States Forces.)

NOTE: The integration office may also provide benefits for carrying out measures of instruction, training, and education.

(4) Within the framework of the integration office's scope of responsibility for accompanying aid in vocational life, from the available countervailing charges fund, severely handicapped employees are entitled to reimbursement of costs for a work assistant.

(5) The obligations of others will not be affected by paragraphs 3 and 4. Whether or not there is

a legal entitlement, services of the organizations responsible for rehabilitation (section 6, paragraph 1, numbers 1 through 5) will not be denied because the pertinent benefits are provided for by the special regulations for severely handicapped persons; there will be no accumulation through benefits by the integration office.

(6) Section 14 will apply similarly when a benefit for the integration into the work environment is requested by the integration office. This also applies if a request is submitted to an organization responsible for rehabilitation and if the request has been passed on to the integration office according to section 16, paragraph 2, of SGB I. If immediate provision of benefits for participation in working life is required, the integration office may provide the benefits for an interim period. If the integration office provided benefits that are the responsibility of another body, the latter will repay the expenses accounted for the benefits.

(7) The integration office may also administrate its benefits for special aids in working life as a personal budget. Sec 17 will apply similarly.

Section 103 - Advisory Board for Handicapped Persons of the Integration Office

(1) An advisory board for handicapped persons will be established at each integration office that promotes the participation of handicapped persons in vocational life, helps the integration office in the execution of the special regulations for the severely handicapped persons participation in vocational life, and cooperates in the allocation of funds from countervailing charges. Inasmuch as the funds from countervailing charges are used for institutional aid schemes, the advisory board makes proposals for decisions of the integration office.

(2) The board is composed of ten members, that is--

1. Two members representing the employees.
2. Two members representing the private and public employers.
3. Four members representing the organizations of handicapped employees.
4. One member representing the respective state (*Land*).
5. One member representing the State Labor Agency.

(3) For each member, a deputy will be appointed. Members and deputies should have their place of domicile within the district of the integration office.

(4) The integration office will appoint (on the proposal of)--

1. Two members (the trade unions of the respective state).
2. One member (the employer's associations of the respective state).
3. One member (the appropriate highest authority of the state or authority it has designated).
4. Four members (the organizations of handicapped employees of the respective state that are competent to represent the handicapped persons in their entirety based on the composition of their members) of the state labor agency.

NOTE: The appropriate highest authority of the state or authority it has designated and the President of the State Labor Agency will appoint one member each.

Section 104 - Duties of the Federal Labor Agency

(1) The Federal Labor Agency has the following duties:

1. Job counseling, referral for vocational training, and employment of severely handicapped persons, including the referral of handicapped persons for employment at craft shops and handicapped persons into the general labor market.
2. Counseling of employers in connection with the filling of positions for apprentices and employment with severely handicapped persons.
3. Promoting the integration of handicapped persons into vocational life on the general labor market, in particular severely handicapped persons, who are--
 - a. Specifically affected because of the kind and gravity of their handicap or other circumstances in vocational life (sec 72, para 1).
 - b. Long-term unemployed persons in the meaning of section 18 of the Third Book.
 - c. Appointed subsequent to the employment in a recognized craft shop for handicapped persons or the completion of an integration project.
 - d. Appointed as part-time employees.
 - e. Appointed for measures of training or continued education.
4. The particular development of severely handicapped persons within the framework of job-creating programs or measures for the adjustments of economical structures.
5. The assignment of the equal status, its repeal, and withdrawal.
6. Reporting procedures (sec 80, paras 2 and 4).
7. (Not applicable to organizations of the Sending States Forces.)
8. (Not applicable to organizations of the Sending States Forces.)
9. The registration of the craft shops for the handicapped persons, their acknowledgement, and the withdrawal of the acknowledgement.

(2) Once a year, the Federal Labor Agency will submit the results of its promotion of the integration of severely handicapped persons into vocational life on the general labor market to the Ministry of Labor and Social Affairs subject to the specific rules and technical guidance of the latter. Belonging to the results are the data concerning the number of subsidized employers and severely handicapped persons, the total amount of expended funds, and the average amount of the subsidies. The Federal Labor Agency will publish results.

(3) The Federal Labor Agency will conduct regional and above regional employment programs that are limited in time to reduce the unemployment of severely handicapped persons, special

groups of severely handicapped persons, in particular of severely handicapped women as well as to increase the number of positions for severely handicapped apprentices. For these programs, it has the assigned responsibility by interdepartmental agreement pursuant to section 370, paragraph 2, sentence 2, and paragraph 3 of SGB III, and has been assigned the pertinent funds.

(4) For executing the duties to integrate handicapped and severely handicapped persons into vocational life it has been assigned by part 2 and SGB III, the Federal Labor Agency will establish special positions in the labor agencies. When filling these positions, allowances will be made for the extraordinary effort required in connection with the consultation and referral of this special category of serviced personnel and the accomplishment of the other duties according to paragraph 1. As far as such special positions cannot be established in the offices, special sectors of priority will be established for consultation and referral.

(5) Within the framework of consultation services to the employer according to paragraph 1, number 2, the Federal Labor Agency must--

1. Recommend suitable severely handicapped persons who are unemployed or looking for employment to the employer for filling positions by setting forth the work capacity and the effect of the respective handicap on the position that is being offered.
2. Set forth its abilities to provide developmental measures, and, as far as this is possible and necessary, the corresponding aids available from the organizations providing rehabilitation and the accompanying aid in vocational life by the integration offices.

Section 105 - Advisory Board for Handicapped Persons of the Federal Labor Agency

(1) An advisory board for handicapped persons will be established at the head office of the Federal Labor Agency that promotes the participation of handicapped persons in vocational life by making recommendations and helps the Federal Labor Agency in the execution of its duties for the integration of handicapped and severely handicapped persons into vocational life that have been assigned by part 2 and SGB III.

(2) The board is composed of eleven members, that is--

1. Two members representing the employees.
2. Two members representing the private and public employers.
3. Five members representing the organizations of handicapped employees.
4. One member representing the integration offices.
5. One member representing the Federal Ministry of Health and Social Security.

(3) For each member, an alternate member will be appointed.

(4) The executive board of the Federal Labor Agency appoints the members representing the employees and the employers on the proposal of their group representatives in the board of directors of the Federal Labor Agency. On the proposal of the organizations of the handicapped persons, that based on the composition of their members are competent to represent the handicapped persons in their entirety, it appoints the members representing the organizations of the handicapped persons. On the proposal of the Federal Working Group of the Integration Offices and Main Welfare Offices, it appoints the member representing the integration offices

and, on the proposal of the Federal Ministry of Health and Social Security, the member representing this ministry.

Section 106 - Joint Regulations

(1) For the duration of 1 year each, the advisory boards for handicapped persons (section 103 and section 105) will elect a chairperson and a deputy from among its members from the side of the employees, the employers, or the organizations of the handicapped persons. The elected persons may not belong to the same group. In regularly changing annual sequences, the groups will make available the chairperson or the deputy. The sequence will not be interrupted by the member's termination of office. If the chairperson or deputy ceases to be a member, they will be newly elected.

(2) The advisory boards for handicapped persons are qualified to decide by vote if at least half of the members are present. Resolutions and decisions will be made by simple majority vote.

(3) The members of the advisory boards for handicapped persons perform their duties in an honorary capacity. Their term of office is 4 years.

Section 107 - Assignment of Duties

(1) The State Government, or the organization it has designated to act on its behalf, may delegate the authority for extending the duration of the passes according to section 69, paragraph 5, for which no determination must be made according to section 69, paragraph 1, to another organization. The State Government may make other agencies take part in handing out passes.

(2) The State Government, or the organization it has designated to act on its behalf, may delegate duties and authorities of the integration office under part 2 to the local welfare offices or decide on enlisting the local welfare offices for the accomplishment of the duties that are incumbent on the integration offices.

(3) Except for the duties provided for in section 156, the Federal Labor Agency may assign the duties to be performed by the state labor agencies by virtue of part 2, in total or in part, to the labor agencies.

Section 108 - Authority to Issue Regulation

By means of a legal ordinance, which is subject to the approval of the Upper House of Parliament (*Bundesrat*), the Federal Government is authorized to issue more detailed regulations concerning the prerequisites for the entitlements pursuant to section 33, paragraph 8, number 3, and section 102, paragraph 4, as well as concerning the amount, duration, and performance of the benefits.

Chapter 7

Special Integration Services

Section 109 - Definition of Term and Category of Persons

(1) Special integration services are third parties who are involved in the accomplishment of measures for the integration of severely handicapped persons into vocational life by the organizations responsible for rehabilitation and the integration offices.

(2) Severely handicapped employees within the meaning of paragraph 1 are in particular severely handicapped persons--

1. With a special need for accompanying care while at work.
2. Who are supposed to be integrated into vocational life at the general labor market after having been prepared to do so by the craft shop for handicapped persons and are dependent on individual accompanying care while at work that is comprehensive and requires intensive manpower support.
3. Leaving school and who are dependent on the support by a special integration service office for starting employment on the general labor market.

(3) A special need for accompanying care while at work or in employment exists in particular in case of severely handicapped persons with a psychological or mental handicap, with a severe handicap of the body or senses, or with a multiple handicap that has particularly adverse impacts on vocational life and, by itself or coupled with other circumstances impeding on employment (for example, age, long-term unemployment, insufficient qualifications, impairment), complicates the integration into vocational life on the general labor market.

(4) Within the framework of its duties under paragraph 1, the special integration service may also work for the vocational integration of handicapped persons who are not severely handicapped. In this connection, the special needs of persons who are mentally disordered or threatened to become mentally disordered will be accommodated.

Section 110 - Duties

(1) The special integration services may be involved in the integration of severely handicapped persons into vocational life (starting, performing, and maintaining continuous employment, if possible) in that they--

1. Counsel severely handicapped employees, provide support, and refer them to suitable workplaces.
2. Inform the employers, counsel them, and provide help.

(2) It is part of the duties of the special integration services to--

1. Evaluate and assess the skills of severely handicapped persons referred to them and, by doing so, in order to prepare the person for the general labor market, to elaborate a profile of the individual person's ability, capability, and interest in close cooperation with the severely handicapped persons, the customer, and the referring institutions of school, vocational education, or rehabilitation.

- 1a. provide support to the Federal Labor Agency, on its own demand, in connection with vocational guidance and counseling in schools, to include the documentation of the results for every single juvenile.
- 1b. monitor in-service vocational training of severely handicapped juveniles, in particular mentally disordered juveniles and juveniles with learning disabilities.
2. Exploit suitable workplaces (sec 73) on the general labor market.
3. Prepare severely handicapped persons for the envisioned workplaces.
4. Accompany severely handicapped persons as long as necessary at the worksite or in training for practical vocational skills at the worksite.
5. Inform and advise the employees in the organization with the severely handicapped person's consent about the kind and effects of the handicap and adequate rules of behavior.
6. Provide subsequent care, intervention during crisis, or psychological and social care.
7. Be available as point of contact for the employers, to provide information on benefits for the employers, and to clarify issues regarding these benefits for the employers.
8. clarify the benefits required by the severely handicapped persons in cooperation with carriers of rehabilitation and the integration offices, and to assist in the application process.

Section 111 - Commissioning and Responsibility

(1) The special integration services will act by order of the Federal Labor Agency, the integration offices, or the organizations responsible for rehabilitation. These will continue to be responsible for the performance of the service.

(2) In the award, in coordination with the special integration services, the customer will determine the kind and duration of the performance of the special integration services in the individual case as well as the remuneration.

(3) In particular, the special integration services closely cooperates with--

1. The responsible authorities in the labor agency.
2. The integration office.
3. The appropriate organization responsible for rehabilitation, in particular the professional aids (*Berufshelfern*) of the statutory public accident insurance (*gesetzliche Unfallversicherung*).
4. The employers, the severely handicapped representatives, and other organizational representatives groups.
5. The referring institutions of school or vocational education, or rehabilitation together with their accompanying services (*begleitenden Diensten*), and internal integration

specialists or services supporting those who participate in services for the integration into vocational life.

5a. The chambers of trade, industry, and commerce as well as the organizations of the individual professions.

6. Other authorities and persons, if necessary.

(4) More details concerning the award, cooperation, technical supervision, quality assurance, and observation of results will be regulated by contract between the customer and the organization responsible for the special integration services. In the interest of financial planning security, the agreements will be concluded for a period of at least 3 years.

(5) The integration offices will use their influence to ensure that the accompanying vocational aid and psychological and social services are concentrated at the special integration service companies under contract.

Section 112 - Professional Requirements

(1) The special integration services will--

1. Be able to fulfill their legal duties on the basis of their staffing, office space, supply, and equipment.
2. Have experience with the category of persons to be supported (section 109, paragraph 2).
3. Be staffed with specialists who possess the appropriate professional qualifications, including additional qualifications in social psychology, vocational education, and adequate professional experience.
4. Be legally or organizationally and economically independent.

(2) The staffing requirement of an organization providing special integration services will be determined by the actual requirements under consideration of the number of cases of support and counseling, the average expenditure per case of support and consultation, the size of the regional area of responsibility, and the number of employers to be consulted. The peculiar needs of special groups of severely handicapped persons, in particular the needs of severely handicapped women, and the necessity of providing psychological and social care will be taken into account by a differentiation within the special integration services.

(3) In case of filling of positions of the special integration services, priority consideration will be accorded to severely handicapped persons. This will result in the filling of an adequate portion of the positions with severely handicapped women.

Section 113 - Financial Benefits

(1) Requisitioning of special integration services will be reimbursed by the customer. In case of commissioning by the integration office, reimbursement for requisitioning the special integration services may be made from funds derived from countervailing charges.

(2) The Federal Working Group of Integration Offices and Main Welfare Offices, together with the carriers of rehabilitation pursuant to section 6, paragraph 1, numbers 2 to 5, and in

cooperation with the relevant associations (to include the federal working group of the special integration services) arranges for a joint recommendation for the use of the special integration services by the carriers of rehabilitation for the purpose of cooperation and funding for costs that are accrued by the special integration services in connection with the performance of the duties of the carriers of rehabilitation. Section 13, paragraphs 7 and 8 apply similarly.

Section 114 - Observation of Results

(1) The special integration service documents the progress and results of the respective endeavors towards promoting the integration into vocational life. Once a year, it will prepare an executive summary presentation of the results and present them to the customers according to their joint detailed guidance. In particular, this executive summary should make a distinction between the genders and provide information concerning--

1. The accessions and deletions in the number of cases of caretaking within the calendar year.
2. An inventory of cases of caretaking.
3. The number of completed cases, broken down by starting an apprenticeship, commencement of limited or unlimited employment, employment in an integration project, or in a craft shop for handicapped persons.

(2) The special integration service also documents the results of its endeavors towards supporting the Federal Labor Agency and monitoring in-service vocational training pursuant to section 110, paragraphs 2, no 1a and 1b by inclusion of gender-related data and specifics as well as data on the nature of the handicap. By September 30, 2006, it will have compiled a comprising report of the results for presentation to the responsible integration office. The Federal Working Group of the Integration Offices and Main Welfare Offices will edit the results and provide them to the Federal Ministry for Health and Social Security by no later than December 31, 2006, for the preparation of the report in accordance with section 160, paragraph 2.

Section 115 - Authority to Issue Regulations

(1) By means of a legal ordinance subject to the approval of the Upper House of Parliament (*Bundesrat*), the Federal Ministry of Health and Social Security is authorized to issue more details concerning the definition and duties of the special integration service, the applicable professional prerequisites, and the financial benefits.

(2) If, within six months after being told to do so by the Federal Ministry of Health and Social Security, the Federal Working Group of the Integration Offices and Main Welfare Offices and the carriers of rehabilitation do not agree on a joint recommendation in accordance with sec 113, para 2, or do not change the recommendation, which has become insufficient, the Federal Ministry of Health and Social Security is authorized to issue regulations by means of a legal ordinance subject to the approval of the Upper House of Parliament (*Bundesrat*).

Chapter 8

Cessation of the Application of the Special Regulations for the Integration of Severely Handicapped Persons and Persons of Equal Status

Section 116 - Cessation of the Application of the Special Regulations for the Integration of Severely Handicapped Persons

(1) After cessation of the prerequisites under section 2, paragraph 2, the special regulations for severely handicapped persons will not be applied; if the degree of the handicap is reduced to less than 50, however, not until the end of the third calendar month following the nonappealability of the administrative decision by which the reduction has been established.

(2) The special regulations for handicapped persons with equal status will not be applied following the revocation or withdrawal of the equal status. The revocation of the equal status is authorized in case the prerequisites according to section 2, paragraph 3, in conjunction with section 68, paragraph 2, have ceased to exist. It will become effective not until the end of 3 calendar months following its nonappealability.

(3) (Not applicable to organizations of the Sending States Forces.)

Section 117 - Withdrawal of Special Benefits for Severely Handicapped Persons

(1) In coordination with the State Labor Agency, the integration office may temporarily withdraw the special benefits for severely handicapped persons from a severely handicapped person who rejects or gives up a reasonable workplace without justified reason, or refuses to participate in measures for integration into vocational life without justified reason, or who for behavioral reasons is otherwise guilty for thwarting the integration into vocational life.

(2) The severely handicapped person will be heard before a decision is made on the withdrawal. The applicable deadline will also be determined in the decision. The time starts on the day of the decision and will not exceed 6 months. The decision will be announced to the severely handicapped person.

Chapter 9 Appeal Procedures

Section 118 - Appeal

(1) In case of administrative determinations (*Verwaltungsakten*) of the integration offices and local welfare offices (*Fürsorgestellen*) (section 107, paragraph 2), the ruling on the appeal (*Widerspruchsbescheid*) according to section 73 of the regulations governing the Code of Procedure before the Administrative Court (*Verwaltungsgerichtsordnung*) will be rendered by the appeal committee of the Integration Office (section 119). Preliminary proceedings will be required even if the administrative determination was made by an integration office at the level of the highest state authority.

(2) In case of administrative determinations of the labor agencies and state labor agencies based on part 2, the ruling on the appeal according to section 85 of the Social Court Law (*Sozialgerichtsgesetz*) and their proceedings will be rendered by the appeal committee of the State Labor Agency.

Section 119 - Appeal Committee of the Integration Office

(1) At each integration office, an appeal committee will exist with seven members:

1. Two members who are severely handicapped employees.
2. Two members who are employers.
3. One member representing the integration office.
4. One member representing the State Labor Agency.
5. One reliable person of the severely handicapped persons.

(2) For each member, an alternate member will be appointed.

(3) The integration office will appoint on the proposal of the organizations of severely handicapped persons of the respective state those members who are employees, on the proposal of the employer's associations of the respective state those members who are employers, and the reliable person. The appropriate highest authority of the state or authority it has designated will appoint the member representing the integration office. The President of the State Labor Agency will appoint the member representing the State Labor Agency. The same applies similarly for the appointment of the alternate members.

(4) In the case of termination actions of severely handicapped persons who are employed by an organization or unit belonging to the scope of business of the Federal Ministry of Defense, the members who are employers will be replaced by members of the public service. The Federal Government will designate Federal agencies that will nominate one member and an alternate to the integration office. One of the members who are severely handicapped employees will belong to the public service.

(5) The term of office of the members of the interference committees will be 4 years. The members of the committees perform their duties without remuneration.

Section 120 - Appeal Committee of the State Labor Agency

(1) At each State Labor Agency, an appeal committee will exist with seven members:

1. Two members who are severely handicapped employees.
2. Two members who are employers.
3. One member representing the integration office.
4. One member representing the State Labor Agency.
5. One reliable person of severely handicapped persons.

(2) For each member, an alternate member will be appointed.

(3) The President of the State Labor Agency will appoint the following members:

1. Employees on the proposal of the respective State Labor Agency district. The organizations will make the proposal in agreement with unions that are responsible in the State Labor Agency district for representing interests of employees.
2. Employers on the proposal of the of the employer's associations that are responsible in the State Labor Agency district and for representing interests of employers.
3. A State Labor Agency representative.
4. The reliable person.
5. The appropriate highest authority of the state or authority it has designated will appoint the member representing the integration office.
6. The same applies similarly for the appointment of the alternate members.

(4) Section 119, paragraph 4, will apply similarly.

Section 121 - Rules of Procedure

(1) Section 106, paragraphs 1 and 2, applies similarly to the appeal committee of the integration office (sec 119) and the appeal committee of the State Labor Agency (sec 120).

(2) In the proceedings of appeal (*Widerspruchsverfahren*) part 2, chapter 4, the employer and the severely handicapped person will be heard before the decision; in the remaining cases, only the person filing the interference will be heard.

(3) The members of the committees may be refused on reasonable grounds for partiality. The committee to which the member belongs will decide on the refusal.

Chapter 10 Other Regulations

Section 122 - Priority of Severely Handicapped Persons

The obligation to preferably appoint and employ specific categories of persons according to other laws does not release the employer from the obligation to employ severely handicapped persons according to the special regulations for severely handicapped persons.

Section 123 - Employment Remuneration

(1) When determining the remuneration resulting from existing employment, pensions or comparable benefits being drawn because of the handicap will not be considered.

(2) Paragraph 1 will not apply to those periods of time when employment is not exercised and the regulations on the payment of the pension or comparable benefit provide for an allowance or suspension in case employment remuneration is paid.

Section 124 - Overtime

On their request, severely handicapped persons will be released from overtime performance.

Section 125 - Additional Leave

(1) Severely handicapped persons are entitled to paid additional leave of 5 workdays within the leave year. If the regular work time of the severely handicapped person is distributed to 5 workdays, more or less, in the calendar week, the additional leave is reduced or increased accordingly. Nothing in this act will affect tariff, organizational, or other provisions on annual leave that provide for longer periods of additional leave for severely handicapped persons.

(2) If the severe handicap does not exist throughout the entire calendar year, the severely handicapped person is entitled to one twelfth of the additional leave in accordance with para 1, sentence 1, for each full month in which the severe handicap exists during employment. Fractions of leave days of at least half a day will be rounded up. The additional leave that has thus been determined shall be added to the annual leave, and cannot be reduced again if employment does not exist throughout the entire calendar year.

(3) If the status as severely handicapped person in accordance with sec 69, paragraphs 1 and 2, is determined retroactively, the legal provisions applicable to the transfer of leave into the next calendar year shall also be applicable to additional leave.

Section 126 - Compensation of Disadvantages

(1) The regulations concerning aid to handicapped persons to compensate for disadvantages because of the handicap or extra expenses (compensation of disadvantages) will be formulated in a manner to ensure that they consider the kind and gravity of the handicap regardless of the reason of the handicap.

(2) Nothing in this act will affect the compensation of disadvantages that are based on previous legislative provisions.

Section 127- Homework Employment of Severely Handicapped Persons

Section 128 - Severely Handicapped Public Officers, Judges, and Soldiers

Section 129 - Independent Occupations

(Sections 127 to 129 are not applicable to organizations of the Sending States Forces.)

Section 130 - Obligation to Maintain Secrecy

(1) The employees of the integration offices, the Federal Labor Agency, the organizations responsible for rehabilitation including their employees in the joint service units, as well as the special integration services that they have commissioned and the members of the committees and of the advisory board for the integration of handicapped persons (sec 64) and their deputies, as well as experts that have been consulted for the accomplishment of their duties are obligated-

1. To preserve silence on personal relationships and matters of concern to employees at workplaces for severely handicapped persons that have become known to them because of their office or commission and should be treated as confidential because of their significance and content.
2. Not to disclose and not to use any business or industrial secrets that have become known to them in office or in the performance of their duties and that specifically been declared to be in need to be kept confidential by the employer.

(2) These obligations will also apply after resignation from office or after completion of the commission. They will not be applicable vis-à-vis the Federal Labor Agency, the integration offices, and the organizations responsible for rehabilitation as far as this is required for the performance of their duties vis-à-vis the severely handicapped persons. They are also not applicable vis-à-vis the severely handicapped employee representatives as well as vis-à-vis the boards, persons, and agencies listed in section 79, paragraph 1, of the Works Council Constitution Act (*Betriebsverfassungsgesetz*) and the corresponding regulations of the German Personnel Representation Law.

Section 131- Statistics

(1) Every second year, a federal-wide official statistical summary covering severely handicapped persons will be developed. It will encompass the following summary of facts:

1. The number of severely handicapped persons with valid passes.
2. Personal characteristics of severely handicapped persons (for example, age, gender, citizenship, place of domicile).
3. Type, reason, and degree of handicap.

(2) The official collection of data is subject to the duty to provide information. The official authorities under section 69, paragraphs 1 and 5, are liable to provide the information.

Chapter 11
Integration Projects

Section 132 - Definition of Terms and Category of Personnel

Section 133 - Duties

Section 134 - Financial Benefits

Section 135 - Authority to Issue Regulations

(Sections 132 to 135 are not applicable to organizations of the Sending States Forces and of no significance to the employment of severely handicapped persons by the Allied Forces.)

Chapter 12
Craft Shops for Handicapped Persons

Section 136 - Definition of Craft Shop for Handicapped Persons

Section 137 - Admittance to the Craft Shop for Handicapped Persons

Section 138 - Legal Status and Remuneration of Handicapped Persons

Section 139 - Cooperation

Section 140 - Making Allowances for Contracts on Countervailing Charges

Section 141- Awarding Contracts by the Offices of Public Service

Section 142 - Proceedings for Recognition

Section 143 - Craft Shops for the Blind

Section 144 - Authority to Issue Regulations

(Sections 136 to 144 are not applicable to organizations of the Sending States Forces and of no significance to the employment of severely handicapped persons by the Allied Forces.)

Chapter 13

Free Transportation of Severely Handicapped Persons in Public Passenger Transportation

Section 145 - Free Transportation, Entitlement to Refund of Transportation Costs

Section 146 - Personal Prerequisites

Section 147 - Short and Long Distance Transports

Section 148 - Reimbursement of Loss of Short Distance Transport Passage - Money

Section 149 - Reimbursement of Loss of Long Distance Transport Passage - Money

Section 150 - Reimbursement Proceedings

Section 151 - Bearing of Costs

Section 152 - Profit from Price Tickets

Section 153 - Registration of Passes

Section 154 - Authority to Issue Regulations

(Sections 145 to 154 are not applicable to organizations of the Sending States Forces and of no significance to the employment of severely handicapped persons by the Allied Forces.)

Chapter 14
Penalty, Administrative Offenses, and Final Provisions

Section 155 - Penalty Provisions

(1) Whoever reveals a third-party secret (for example, a secret belonging to the personal sphere of life of an individual or a business or industrial secret that was committed to his or her custody in his or her capacity as a reliable person of severely handicapped persons or of which he or she gained knowledge by other means) will be sentenced to imprisonment not exceeding 1 year or to a fine.

(2) If the offender acts against payment or with the intent to enrich himself or herself or someone else or to inflict damage to someone else, the sentence will be imprisonment not exceeding 2 years or a fine. Whoever, without authority, makes use of a third-party secret, namely a business or industrial secret, about which he or she is obligated to maintain secrecy according to paragraph 1, will be equally sentenced.

(3) The offense will be prosecuted only on request.

Section 156 - Provisions on Administrative Offenses

(1) An administrative offense is committed when an individual willfully and knowingly or by negligence--

1. (Not applicable to organizations of the Sending States Forces and of no significance to the employment of severely handicapped persons by the Allied Forces.)
2. Contrary to section 80, paragraph 1, fails to maintain a register, maintains it improperly or incomplete, does not maintain it in the prescribed form, fails to submit it, or fails to submit it in a timely manner.
3. Contrary to section 80, paragraph 2, sentence 1, and paragraph 4, does not report an offense or does not report an offense correctly, completely, properly, or in a timely manner.
4. Contrary to section 80, paragraph 5, fails to provide the information or provides the information incorrectly, incomplete, or in an untimely manner.
5. Contrary to section 80, paragraph 7, fails to grant or untimely grants the authority to inspect the organization.
6. Contrary to section 80, paragraph 8, fails to nominate or does not nominate the listed persons in a timely manner.
7. Contrary to section 81, sentences 4 and 9, fails to provide information or provides incorrect, incomplete, or untimely information to a representative or a party involved.
8. Contrary to section 81, paragraph 1, sentence 7, fails to discuss a decision.
9. Contrary to section 95, paragraph 2, sentence 1, fails to inform the severely handicapped employee representatives, provides incorrect or incomplete information, or does not or delays a consultation with him or her.

(2) The punishment for the administrative offense may be a fine not exceeding 10.000 € .

(3) The administrative authority within the meaning of section 36, paragraph 1, number 1, of the Administrative Offense Act is the State Labor Agency.

(4) Section 66 of SGB X applies similarly.

(5) The fine will be transferred to the integration office. Section 77, paragraph 5, will be applicable for its use.

Section 157 - Clause for City States

Section 158 - Special Provisions for the Federal Intelligence Service

(Sections 157 and 158 are not applicable to organizations of the Sending States Forces and of no significance to the employment of severely handicapped persons by the Allied Forces.)

Section 159 - Transitional Arrangement

(1) (Not applicable to organizations of the Sending States Forces and of no significance to the employment of severely handicapped persons by the Allied Forces.)

(2) For benefits pursuant to section 33, paragraph 2, of the Severely Handicapped Persons Act, in conjunction with the first chapter of the Severely Handicapped Equalization of Burdens Ordinance (*Schwerbehinderten-Ausgleichsabgabeverordnung*) and legally valid until 30 September 2000, the legal provisions that were valid at that time will continue to be applicable if the decision on the requested benefit was rendered before 1 October 2000.

(3) A binding determination made on the basis of the Severely Handicapped Persons Act on the existence of a handicap, a handicap degree, and the existence of further health characteristics will constitute a determination according to this Book.

(4) The general regulations according to section 56, paragraph 2, of the Severely Handicapped Persons Act, will continue to be applicable until a general administrative regulation pursuant to section 141 has been provided.

Section 159a - Transitional Provision to the Third Law for Modern Services at the Labor Market

Section 73, paragraph 2, number 4 of the version applicable until December 31, 2003, shall continue to be applicable as long as persons take part in structural adjustment measures in accordance with the Third Book.

Section 160 -, Review Arrangement

(1) The Federal Government will report to the legislative bodies of the Federal Republic by 30 June 2005 about the employment situation of handicapped and severely handicapped women and men on the labor market for apprenticeship positions, and will recommend the actions to be taken thereafter.

(2) By June 30, 2007, it will have reported to the legislative body of the Federal Government on the effects of the instrumentalities for safeguarding employment and organizational prevention. At the same time, the level of the quota for compulsory employment shall be reviewed.