



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY
UNIT 29351
APO AE 09014-9351

AEAGA-CL

28 DEC 2004

CPD Policy Memorandum LN-GE-EMP 4

SUBJECT: Part-Time Employment Pursuant to Section 8, German Part-Time and Temporary Employment Act (PT&TEA)

1. Reference Appendix C, Army in Europe Regulation 690-70, Recruitment and Staffing for Local National Employees in Germany, 23 Apr 03 (Temporary and Part-Time Employment).
2. In accordance with Section 8, PT&TEA, individual employees may request a reduction of their weekly working time and become part-time employees. Management must approve such requests unless they can be rejected based on valid organizational reasons.
3. In its decision of 9 Dec 03, case file number 9 AZR 16/03, the German Federal Labor Court (GFLC) adjudicated that such organizational reasons exist if the employer is unable to make up for the loss in working time by hiring a part-time employee. Furthermore, the GFLC elaborated on the role that the employee's reasons play in connection with the desire to reduce the working time.
4. The case concerned an employee who proposed to reduce his weekly working time from 35 to 21 hours to have more time for his children and to allow his spouse to work part-time. The employer rejected the request claiming to be unable to hire another part-time employee to make up for the loss in working time.
5. In addition, the GFLC concluded that should a part-time employee not be available to offset the loss in working time, the employer is not obligated to hire a full-time employee either. Therefore, if, after due efforts, no part-time employee can be found, then valid organizational reasons exist to disapprove the employee's entitlement to part-time employment. In this connection, the GFLC concluded that the employee's reasons for seeking a reduction in the weekly working time are irrelevant for assessing the entitlement to part-time work.
6. Request addressees consider the above in connection with employee requests for part-time employment.
7. USAREUR/7A POC is Mr. Wolfgang Trum, 375-2522, fax 375-2511, email wolfgang.trum@us.army.mil.

A handwritten signature in black ink that reads "Jeannie A. Davis".

JEANNIE A. DAVIS
Assistant Deputy Chief of Staff, G1
(Civilian Personnel)