



REPLY TO  
ATTENTION OF:

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

AEAGA-CL

17 SEP 2004

**SUBJECT: CPD Policy Memorandum, LN-GE-EMP 2 , Part-Time Employment Pursuant to Section 8, German Part-Time and Temporary Employment Act (PT&TEA) –German Federal Labor Court (GFLC) Decision on Rejection of Request for Reduced Working Time based on Organizational Reasons**

1. Reference Appendix C, Army Europe Regulation 690-70, Recruitment and Staffing for Local National Employees in Germany, 23 Apr 03 (Temporary and Part-Time Employment).
2. According to subject law, an individual may request a reduction of the weekly working time and become a part-time employee. Management must approve such requests unless they can be rejected based on adverse organizational reasons. Such reason exists if the reduction in work time substantially interferes with the organizational set-up, flow of work, or industrial safety of the organization, or if it results in excessive cost.
3. On 30 Sep 03 (case file number 9 AZR 665/02), the GFLC decided that organizational concepts or organizational decisions of management could constitute adverse organizational reasons that outweigh the employee's entitlement to part-time work. Prerequisite is that the employee's desire to work part-time cannot be reconciled with the organizational decisions of management and would substantially impair management's organizational concepts.
4. This case concerned a carpet store that stays open for at least 60 hours per week. On an average, its full-time employees have a workweek of 37.5 hours. One employee requested a reduction in average weekly work hours to 25. The employer rejected the request claiming the reduction would substantially impair the store's organizational concept, which is to ensure that, as much as possible, the same sales clerk would serve customers whenever they came to the store.
5. The GFLC judges concluded that the carpet store's organizational concept is both service-oriented and reasonable. They also argued that as a result of the employee's reduced work hours, there would indeed be an increased probability of customers not finding the same sales clerk for further inquiries. However, in consideration of the store's total opening time of 60 hours, the judges found the resulting impairment of the organizational concept not to be substantial. They reasoned that even by utilizing all full-time employees it would not be possible under any circumstances to attain this goal. Since management is obligated in any case to accommodate situations in which the customer is unable to meet with the original sales clerk, the judges decided in favor of the employee.

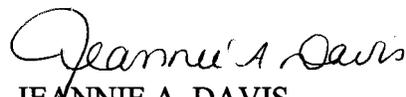
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6. Request addressees consider the above in connection with employee requests for part-time employment.

7. USAREUR/7A POC is Mr. Wolfgang Trum, 375-2522, fax 375-2511, email wolfgang.trum@us.army.mil.

Encl

  
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