

99006003017000, 99006003017000

# Working time Deviation from regulations Authorization

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/9889973/L100001>

| Modul                     | Sachverhalt  |
|---------------------------|--|
| Leistungsschlüssel        | 99006003017000, 99006003017000   |
| Leistungsbezeichnung I    | Working time Deviation from regulations Authorization  |
| Leistungsbezeichnung II   |  |
| Typisierung               | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug   |
| Quellredaktion            | Hessen   |
| Freigabestatus Katalog    | unbestimmter Freigabestatus  |
| Freigabestatus Bibliothek | fachlich freigegeben (gold)  |
| Begriffe im Kontext       |  |
| Leistungstyp              | Leistungsobjekt mit Verrichtung  |
| Leistungsgruppierung      | Arbeitsschutz (006)  |
| Verrichtungskennung       | Bewilligung (017)  |
| SDG-Informationsbereich   | Gesetzlich oder durch Rechtsverordnung geregelte Beschäftigungsbedingungen einschließlich Arbeitsstunden, bezahlter Urlaub, Urlaubsansprüche, Rechte und Pflichten in Bezug auf Überstunden, |

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|                               | Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)   |
| Lagen Portalverbund           | Sonderregelungen der Arbeitszeit (2030700)  |
| Einheitlicher Ansprechpartner | Nein  |
| Fachlich freigegeben am       | 01.07.2022  |
| Fachlich freigegeben durch    | Hessian Ministry for Social Affairs and Integration   |
| Handlungsgrundlage            | <a href="https://www.gesetze-im-internet.de/arbzbzg/_15.html">https://www.gesetze-im-internet.de/arbzbzg/_15.html</a><br><a href="https://www.rv.hessenrecht.hessen.de/bshe/search">https://www.rv.hessenrecht.hessen.de/bshe/search</a><br><a href="https://www.gesetze-im-internet.de/arbzbzg/_15.html">https://www.gesetze-im-internet.de/arbzbzg/_15.html</a><br><a href="https://www.rv.hessenrecht.hessen.de/bshe/search">https://www.rv.hessenrecht.hessen.de/bshe/search</a>  |
| Teaser                        | Under certain conditions, the responsible regional council can approve working hours that deviate from working time regulations, i.e. longer daily working hours, upon application.   |
| Volltext                      | <p>With the approval of the responsible regional council, you can deviate from the basic regulations on maximum working hours on working days to the extent permitted. A deviation is possible in accordance with § 15 Para. 1 No. 1 lit. a, No. 1 lit. b and No. 2 of the Working Hours Act (ArbZG) for continuous shift operations, construction and assembly sites as well as seasonal and campaign operations.</p> <p>For continuous shift operations, longer daily working hours may be approved in order to achieve additional shifts off. Additional shifts off are deemed to exist if the extension of working hours means that the employees concerned have more consecutive days off than before.</p> <p>In the case of seasonal and campaign businesses, longer daily working hours may also be approved for the duration of the season or campaign if the extension of working hours is offset by a corresponding reduction at other times.</p> <p>For health protection reasons, however, daily working hours of more than twelve hours are generally not permitted in continuous shift operations or in seasonal and campaign operations.</p> <p>The extension of daily working hours must be</p> |

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compensated for by a corresponding reduction in working hours at other times.  
Longer daily working hours in excess of eight hours may be approved for construction and assembly sites if these are located far away from the employee's place of residence and a daily return to the place of residence is not possible.  
Such an exceptional permit for longer daily working hours can be granted if the legal requirements are met and you submit a corresponding application.  
It is not necessary to appear in person to submit the application. You can submit the application in writing. You are not entitled to an exemption. The decision of the responsible regional council is made at its own discretion. As part of this decision, a balance is struck between the interests of protecting the health and safety of employees and the operational interests of the employer.  
The permit is usually issued for a limited period of time.

## Erforderliche Unterlagen

**\*\*For all companies:\*\***

- Details of the activity
- Number of employees for whom a permit is to be issued
- Contact person in the company with contact details
  - Risk assessment (especially with regard to mental stress caused by longer working hours)
  - Statement from the company doctor
  - Statement from the works council (if available)

**\*\*Additionally for continuous shift operations (§ 15 para. 1 no. 1 lit. a ArbZG):\*\***

- Duty/shift schedules showing that the extension of working hours will result in additional shifts off
  - Schedules for day and night shifts, showing in particular the opportunities for breaks

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**\*\*Additionally for construction and assembly sites (§ 15 para. 1 no. 1 lit. b ArbZG)\*\***

- Information on Type and severity of the work
- Organization of the working time
- Distance between place of work and place of residence
- Duration of the rest period at the place of residence

**\*\*Additionally for seasonal and campaign operations (Section 15 (1) No. 2 ArbZG)\*\***

- Information on Season or campaign
- Organization of working hours
- Period in which working hours are reduced

## Voraussetzungen

Upon application, an extension of the daily working hours can be granted under the following conditions:

- You can submit an application for approval of extended working hours for a continuous shift operation, i.e. an operation that works in several shifts around the clock, if this is intended to achieve additional free shifts (Section 15 (1) No. 1 lit. a ArbZG). In addition to companies that work continuously, this also applies to companies that work continuously. You must prove that, how and how many additional free shifts can be achieved in your company through the extended working hours. As the purpose of the approval of the deviation from the regulations on working hours in Section 15 para. 1 no. 1 lit. a ArbZG is to achieve additional shifts off, approval can only be granted if the individual employee has more days off than without the extension of the daily working hours.
- You can submit an application for approval of extended working hours for construction and assembly sites if, for example, the place of work is far away from the employees' place of residence and the employees are guaranteed a correspondingly longer rest period at their place of residence for the extended working

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hours on the construction or assembly site (Section 15 (1) No. 1 lit. B ArbZG). Construction sites are temporary or mobile workplaces where building or civil engineering work is carried out; this includes, in particular, excavation and earthworks, conversion, renovation and repair work, maintenance and refurbishment work, dismantling and demolition work, maintenance, painting and cleaning work, erection and dismantling of prefabricated components, etc. Assembly sites are workplaces where prefabricated parts or assemblies are usually assembled into a finished end result.

- You can submit an application for approval of extended working hours for your seasonal or campaign business if there is an exceptional workload due to the current season or campaign that cannot be absorbed by other organizational measures (Section 15 (1) No. 2 ArbZG). Seasonal businesses are businesses that operate all year round, but which by their nature require an exceptionally high level of activity at certain times of the year, e.g. chocolate, honey cake and toy factories, tourist businesses. Campaign businesses are businesses which, by their nature, are limited to certain times of the year, e.g. beet sugar and fruit canning factories, fish smokehouses. As a rule, they must be able to process the natural products produced at a certain time in the shortest possible time so that they do not spoil.

- In all cases, the extension of working hours depends on the circumstances of the individual case. The type and severity of the work, the extent to which the employee is willing to work, etc. play a role. The decisive factor is that the health of the employees is not impaired. An exemption can only be granted if the latter outweighs the interests of protecting the health and safety of employees and the operational interests of the employer.

- In addition, employees' working hours must be balanced out to the maximum permitted working time of 48 hours per week over an average of six calendar months or 24 weeks.

**Kosten**

Gebühr: 150€ - 4.700€  
 Administration fee  
 • delivery expenses, if applicable

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| Verfahrensablauf             | <ul style="list-style-type: none"> <li>• As the exemption permit can only be issued upon application, you must submit a corresponding application to the responsible regional council and enclose all documents required for a decision on your application.               <ul style="list-style-type: none"> <li>• The documents you submit will be checked for completeness and conclusiveness and, if necessary, additional documents will be requested.</li> <li>• If you meet all the requirements, approval can be granted. You will then receive a corresponding approval notice.</li> <li>• If the requirements are not met, a rejection notice will be issued.</li> </ul> </li> </ul> |
| Bearbeitungsdauer            | Depending on the examination effort (usually a few weeks after submission of the complete documents).  |
| Frist                        | There is no statutory deadline for submitting the application. However, the application should be submitted in good time, at least four weeks before the start of the requested deviation from the regulations on working hours. Approvals are generally limited in time.  |
| weiterführende Informationen |  |
| Hinweise                     | To simplify communication and speed up the procedure, you should name a contact person in your company and provide their contact details when submitting the application.  |
| Rechtsbehelf                 | Complaint<br>Detailed information on how to lodge a complaint can be found in the notification of your application for a derogation from the regulations on working hours.   |
| Kurztext                     | Deviation from working time regulations Authorization<br><br>The competent authority may authorize a higher daily working time in deviation from the regulations on working time for <ul style="list-style-type: none"> <li>• continuous shift operations</li> <li>• Construction and assembly sites</li> <li>• Seasonal and campaign operations</li> </ul>  |

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|                   | <p>Authorization can only be granted under certain conditions</p> <p>Authorization is limited in time</p> <p>Responsible: Enforcement departments for occupational health and safety at the Darmstadt, Giessen and Kassel regional councils</p>                                     |
| Ansprechpunkt     | Please contact the responsible regional councils.   |
| Zuständige Stelle | <p>The responsibility lies with the</p> <ul style="list-style-type: none"> <li>• Darmstadt Regional Council</li> <li>• Regional Council Kassel</li> <li>• Regional Council Giessen.</li> </ul>  |
| Formulare         | <p>Please enter any documents specific to Hessen here</p> <ul style="list-style-type: none"> <li>• Forms: none</li> <li>• Online procedure possible: currently not</li> <li>• Written form requirement: informal application</li> <li>• Personal appearance required: no</li> </ul> |
| Ursprungsportal   | <p>Working time Deviation from regulations</p> <p>Authorization, Arbeitszeit Abweichen von Regelungen</p> <p>Bewilligung</p>  |