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Applying for a different rest period

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/123957336/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99006004017000, 99006004017000
Leistungsbezeichnung I	Applying for a different rest period
Leistungsbezeichnung II	
Typisierung	3a - Bundesaufsichtsverwaltung: Regelung, Land: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
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 — auch für entsandte Arbeitnehmer — (einschließlich Informationen über Arbeitsstunden, bezahlten Urlaub, Urlaubsansprüche, Rechte und Pflichten bei Überstunden, Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)

Modul	Sachverhalt
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	28.10.2022
Fachlich freigegeben durch	Federal Ministry of Labor and Social Affairs (BMAS) State Office for Health and Social Affairs 17.04.2024
Handlungsgrundlage	https://www.gesetze-im-internet.de/arbzg/_15.html https://www.gesetze-im-internet.de/arbzg/_15.html
Teaser	Under certain conditions, as an employer you can obtain permission for employees in your company to have rest periods that deviate from working time regulations.
Volltext	<p>In principle, employees have their tried and tested 8-hour day. After the end of the working day, employees are entitled to an uninterrupted rest period of 11 hours. Under certain conditions, as an employer you can have rest periods for employees in your company that deviate from working time regulations approved by the competent supervisory authority in your federal state, namely</p> <ul style="list-style-type: none"> • for standby duty, on-call duty and on-call duty in the public sector, if there are special circumstances, for example for winter services, and • twice within 3 weeks for shift work in order to achieve a regular weekly shift change. This applies both to the rest period after work on weekdays and after work on Sundays and public holidays. <p>You are not entitled to an exemption permit.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Risk assessment (in particular with regard to mental stress due to the different position of the rest period) • Statement from the company doctor • Statement from the works council (if available) • Proof that flexible deployment of employees is necessary either for reasons of public safety and order or for the provision of services of general interest

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- Schedules for night shifts, showing in particular the opportunities for breaks
- Proof that the deviating rest period enables a regular weekly shift change

The responsible occupational health and safety office can request further information and documents if required.

- Risk assessment (in particular with regard to mental stress due to the different position of the rest period)
- Statement from the company doctor
- Statement from the works council (if available)
- Proof that flexible deployment of employees is necessary either for reasons of public safety and order or for the provision of services of general interest
- Schedules for night shifts, showing in particular the opportunities for breaks
- Proof that the deviating rest period enables a regular weekly shift change

The State Office for Health and Social Affairs (LAGuS) can request further information and documents if required.

Voraussetzungen

- Your employees are employees on standby, on-call duty or on-call duty in the public service of general interest or public safety and order.
- Different rest period for public service:
 - Your employees are employees on standby, on-call duty or on-call duty in the public service of general interest or public safety and order.
 - Deviating rest period in shift operations to bring about a regular weekly shift change:
 - Exceptional approval is only permitted twice within 3 weeks and applies to the rest period after working days as well as after working on Sundays and public holidays.

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	<ul style="list-style-type: none"> The working time may not exceed 48 hours per week on average over six calendar months or 24 weeks.
Kosten	<p>Gebühr: 50€ - 750€ https://www.landesrecht-mv.de/bsmv/document/jlr-ArbVerbrSchKostVMVpP1 As the fees are charged according to the work involved, please contact the State Office for Health and Social Affairs (LAGuS) to find out about any processing fees.</p>
Verfahrensablauf	<p>You can apply informally for an exemption permit to deviate from rest periods.</p> <ul style="list-style-type: none"> You submit a corresponding application to the licensing authority. You submit all the documents required for a decision on your application. The documents you submit will be checked for completeness and, if necessary, additional documents will be requested. If you meet all the requirements, approval can be granted. You will receive a corresponding approval notice. If the requirements are not met, a rejection notice will be issued. <p>The decision of the approval authority is made at its own discretion.</p> <p>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.</p>
Bearbeitungsdauer	<p>The processing time depends on the amount of work involved in the examination. As a rule, you will receive your decision a few weeks after you have submitted all the documents.</p>
Frist	<p>There is no deadline.</p>
weiterführende Informationen	

Modul	Sachverhalt
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Deviation from regulations on rest periods Approval <ul style="list-style-type: none"> • An application must be made for a rest period that deviates from the Working Hours Act <ul style="list-style-type: none"> • authorization is only granted under certain conditions <ul style="list-style-type: none"> • the permit is limited in time • Responsible: local authority responsible for occupational health and safety • Deviation from regulations on rest periods Approval <ul style="list-style-type: none"> • An application must be made for a rest period that deviates from the Working Hours Act. <ul style="list-style-type: none"> • Permission is only granted under certain conditions. • The authorization is limited in time. • Responsible: State Office for Health and Social Affairs (LAGuS)
Ansprechpunkt	
Zuständige Stelle	State Office for Health and Social Affairs (LAGuS) in Mecklenburg-Vorpommern https://www.lagus.mv-regierung.de/Arbeitsschutz/Standorte-und-Kontakt https://www.lagus.mv-regierung.de/Arbeitsschutz/Standorte-und-Kontakt
Formulare	
Ursprungsportal	Abweichende Ruhezeit beantragen, Applying for a different rest period