

A P P E N D I X K

A copy of letter No2. 823 Aa 36 dated 10th May, 1960, from the DEUTSCHE BUNDESBahn, HAUPTVERWALTUNG, (16) Frankfurt (Main), addressed to the writer.

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1. Vol. 300, 5th Edition 1959: " Introduction into the Railway Service"

Brief Table of Contents:

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2. Vol. 301, 3rd Edition 1958: "The Social Institutions of the DR"

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3. Vol. 208, 1st Edition 1959: "Unions and Staff Representation."

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1. Classification Plan

1. The workers are paid according to the work which they perform. There is no classification.

2. The range of functions performed by a civil servant are termed an "office". The offices are combined to "careers". The careers are broken down into four career groups. The careers and groups of careers of the low, medium and elevated grades are shown in detail on the attached Table, effective as of 1 April 1958.

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II a) Recruitment

The method of recruitment is not governed by careers or types of employment. It is different merely for workers and civil servants.

1. Workers are employed under a private law employment contract.
2. Civil Servants are appointed by governmental act on application. The appointment may be on revocation, on probation, for an indefinite period of time or for lifetime.....

II b) Conditions for Employment

The essential requirements for admission to the career for civil servants of the low, medium, and elevated grades are stated on the attached Table. Applicants for the career of high grades must be graduates of a university or technical college, absolve three years preparatory service, and pass two civil-service examinations (para 19 of the Civil Servants' Act.)

The respective age limits are for:

low grades: not less than 21 and not over 35 years medium grades: not less than 21 and not over 30 years elevated grades: not less than 18 and not over 30 years high grades: not over 32: for the technical services not over 35 years.

For seriously disabled persons the limit for all careers is 40 years

Exceptions may be granted.

Preference or prejudice as to sex are not permissive.

III. Training

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IV. a) Promotion

- 1) Workers are paid in accordance with the nature of the work performed. If a man is assigned to a more difficult job he receives an increase in wages.
- 2. Civil Servants are promoted according to their qualification, ability, and efficiency..... In case of equal qualification and ability, the official with more service years gets preference. The possibilities for promotion are indicated on the attached Table and in the Second para of 1,2 above.

IV.b) Possibility of Demurrer

- 1. Workers may appeal to the labour court if they feel they are not paid according to the work performed.
- 2. Civil Servants have no right to promotion and, therefore, ordinarily no possibility to demurr in matters of promotion. If they feel a decision has been made by abusing discretion they may either enter a protest at the highest authority for civil servants or bring action before an administrative court (para 126 of the BRRG as amended by para 191 dated 21 Jan. 1960).

V. Transfers

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VI. Disciplinary Regulations

- 1. If workers are guilty of a violation of duty they may be fined as provided under the contract of employment.
- 2. If a civil servant is guilty of a violation of duty he is considered to have committed a disciplinary offence which is punishable as provided under the disciplinary regulations.

VII. Dismissal

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VIII a) Benefits and Privileges

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b) Pension System

- 1. Workers. Their service with the DB/ends on attaining the age

of 65 or when becoming totally disabled. They and their dependants receive pension according to the provisions of the General Pension Insurance Act.....

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IX. Railwaymen's Unions

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In supplementing the above information we wish to point out:

a) When considering the staff situation of the DB, the differentiation made between workers and civil servants is of special importance (Vol. 300, page 37) and has to be kept in mind when analysing the legal position of the staff. The third category of staff i.e. ordinary employees are so few in number, that their legal status need not be gone into.

b) Regarding the rights of the staff representatives please refer to Vol. 302, page 15 and to the enclosed English translation of an extract of the "Staff Representation Act." We might emphasize, that the staff representation is not an agreement between the DB and the Railwaymen's unions but is the act establishing the legal relations between the DB as employer and all persons in their employ irrespective of whether they are members of unions or not.

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