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Deviation from rest period regulations Authorization

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/121297763/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99006004017000, 99006004017000
Leistungsbezeichnung I	Deviation from rest period regulations Authorization
Leistungsbezeichnung II	Applying for a different rest period
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
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	11.11.2022
Fachlich freigegeben durch	Ministry of Labor, Health and Social Affairs of the State of North Rhine-Westphalia
Handlungsgrundlage	http://www.gesetze-im-internet.de/arbzbz/_15.html https://www.gesetze-im-internet.de/offshore-arbzbv/_16.html http://www.gesetze-im-internet.de/arbzbz/_15.html https://www.gesetze-im-internet.de/offshore-arbzbv/_16.html
Teaser	As an employer, you can apply for rest periods that deviate from working time regulations for employees in your company under certain conditions.
Volltext	<p>Employees must have an uninterrupted rest period of at least 11 hours after the end of the daily working time. As an employer, you can apply for rest periods that deviate from working time regulations for your employees in your company under certain conditions.</p> <p>To do so, you must submit an informal application.</p> <p>The authorization</p> <ul style="list-style-type: none"> • is granted either in connection with on-call duty, standby duty and on-call duty in the public sector in order to take account of the special features of the public sector, e.g. if flexible working hours are required for reasons of public safety and order or public services (e.g. winter road clearance); or • is only permitted twice within 3 weeks and applies both to the rest period after work on weekdays and after work on Sundays and public holidays. <p>You can also apply for further exemptions for activities in the public interest and for offshore activities.</p>

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You are not entitled to a permit

Erforderliche Unterlagen

- Risk assessment (in particular with regard to mental stress due to the different duration and location 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 locally responsible district government can request further information and documents if required.

Voraussetzungen

You are a public sector employer and your employees are on standby duty, on-call duty or on-call duty and flexible working hours are required for reasons of public service or public safety and order.

You want to introduce a regular weekly shift change twice every three weeks for each or certain shift workers.

Kosten

from EUR 320 up to EUR 5,000. The granting of the permit or the rejection of your application to shorten the rest period is subject to a fee. The fees are calculated according to the administrative costs in accordance with the General Administrative Fee Regulations (AVerwGebO NRW) or depend on the number of employees and the duration of the permit (e.g. up to 3 months or up to several years).

Verfahrensablauf

You can apply in writing for rest periods that deviate from the Working Hours Act. The following steps must be taken:

- You submit an informal application.
- 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

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will be requested.

- Once the official review has been completed, you will receive a notice of approval or a notice of rejection.
- The locally responsible district government will send you the notification by e-mail or post.
- The notification of fees will usually be sent to you together with the notification.

The decision of the responsible district government 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 your employees and the operational interests of the employer.

Bearbeitungsdauer

Depending on the examination effort (usually a few weeks after submission of the complete documents).

Frist

None

weiterführende Informationen
Hinweise

If you have submitted an application, deviating rest periods are only permitted once you have received a permit. A retroactive permit cannot be issued.

Rechtsbehelf
Kurztext

Deviation from regulations on rest periods
 Authorization. Deviating from the regulations on rest periods in the Working Hours Act is a deviating rest period:

- for a different duration and location in connection with standby duty, on-call duty and on-call duty in the public sector
- to bring about a regular weekly shift change twice within a period of three weeks

is possible.

Approval must be applied for, which is only granted under certain conditions.

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	<p>The authorization is limited in time.</p> <p>Responsible: District government. The district government in whose supervisory district the company you work for is located is always responsible.</p>
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Deviation from rest period regulations Authorization, Abweichen von Regelungen zur Ruhezeit Bewilligung