

99015005001000

Heruntergeladen am 25.06.2025

<https://fimportal.de/xzufi-services/78427/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99015005001000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Dismissal of severely disabled persons and persons with equivalent status; application for approval
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	22.01.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium für Familie, Arbeit und Soziales (Bavarian Bavarian State Ministry for Family, Labour and Social Affairs)
Handlungsgrundlage	https://www.gesetze-im-internet.de/sgb_9_2018/BJNR323410016.html#BJNR323410016BJNG003400000 https://www.gesetze-im-internet.de/sgb_9_2018/BJNR323410016.html#BJNR323410016BJNG003400000 http://www.gesetze-im-internet.de/sgb_9_2018/_210.html http://www.gesetze-im-internet.de/sgb_9_2018/_210.html http://www.gesetze-im-internet.de/sgb_9_2018/_179.html http://www.gesetze-im-internet.de/sgb_9_2018/_179.html
Teaser	If you wish to dismiss a severely disabled person or a disabled person with equivalent status, you must first obtain the approval of the Inclusion Office.
Volltext	<p>Severely disabled persons and persons with equivalent status have special protection against dismissal in working life. In the case of severely disabled persons or persons with equivalent status, both ordinary and extraordinary (without notice) termination of the employment relationship by the employer requires the prior approval of the Integration Office. In Bavaria, the Inclusion Office at the Bavarian Center for Family and Social Affairs (ZBFS) grants this approval, as it performs the tasks of the Integration Office in Bavaria.</p> <p>The special protection against dismissal does not apply in the first 6 months of employment and for certain employment relationships listed in Section 173 of the German Social Code IX.</p> <p>A dismissal that requires the prior consent of the Inclusion Office and has been issued without this is legally invalid (void).</p> <p>The special protection against dismissal also applies to severely disabled homeworkers and persons with</p>

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	equivalent status. The notice period of two weeks stipulated in the Home Work Act is increased to four weeks.
Erforderliche Unterlagen	
Voraussetzungen	
Kosten	The entire administrative procedure at the Inclusion Office is free of charge.
Verfahrensablauf	<p>An employer must submit the application for consent to dismissal or termination of the employment relationship in writing or electronically to the locally responsible integration office. In Bavaria, the tasks of the Integration Office are carried out by the Inclusion Office at the Bavarian Center for Family and Social Affairs (ZBFS) with its seven regional offices. The regional office of the Inclusion Office responsible for approval is determined by the location of the company and is independent of the employee's place of residence.</p> <p>The application must be submitted in writing or electronically and must be substantiated.</p> <p>The principle of official investigation applies to the further procedure by the Inclusion Office. This means that the Inclusion Office is obliged on its own initiative to clarify everything it deems necessary to determine the facts of the case and is not bound by the submissions or requests for evidence made by the parties involved. The Inclusion Office therefore questions witnesses, experts, treating physicians and, if necessary, calls in specialist services, for example the Technical Advisory Service or a specialist integration service. The representative body for severely disabled employees or the works or staff council (if present in the company) are also asked for their opinion.</p> <p>To clarify any uncertainties, the Inclusion Office can hold a conciliation meeting, if necessary on site.</p>
Bearbeitungsdauer	In the case of an application for approval for ordinary termination, the Inclusion Office should make a decision within one month of receiving the application.

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	<p>This deadline cannot always be met, especially if extensive clarification of the facts is required. In the case of extraordinary termination, on the other hand, there is a mandatory period of two weeks within which the Inclusion Office must make a decision. If this is not done, the fiction of consent applies after the time has elapsed - consent is deemed to have been granted.</p>
Frist	<p>Approval must be applied for in good time. Notice of termination may be given at the earliest following receipt of approval from the Inclusion Office. If approval has been granted for an ordinary termination, the termination may only be given within one month of notification of the approval. If approval has been granted for extraordinary termination, the termination can only be declared immediately after approval has been granted. If notice of termination is not given within the specified period after approval has been granted, the approval decision loses its validity and the special protection against dismissal of the severely disabled person or person with equivalent status is revived.</p>
weiterführende Informationen	<p>https://www.zbfs.bayern.de/behinderung-beruf/arbeitsgeber/kuendigen/index.php https://www.zbfs.bayern.de/behinderung-beruf/arbeitsgeber/kuendigen/index.php</p>
Hinweise	<p>The representative of severely disabled persons (representative body for severely disabled persons) has the same personal legal status vis-à-vis the employer, in particular the same protection against dismissal, transfer and secondment as a member of the works council or staff council.</p> <p>The following applies during the probationary period: If the employment relationship has not existed for more than six months without interruption when the notice of termination is received, you can terminate without the consent of the Inclusion Office.</p>
Rechtsbehelf	<p>The decision of the Inclusion Office can be reviewed with an objection, possibly also immediately or subsequently with a complaint to the administrative court. However, these legal remedies have no suspensive effect. This means that the employer can</p>

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	immediately make use of the approval granted and terminate the employment contract, but bears the risk that the approval decision could also be overturned later in the appeal proceedings.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal