



STAFFING PROCESS & INFO ON ENTRY & STAY

This guide contains information about the following:



Support/advice/tips on how to start and finalise a planned staffing and what is required to enter and stay in Austria



What needs to be considered regarding the technical implementation of the staffing process?



The staffing process

So, you have decided who is the most suitable candidate. The guide will lead you through the steps you must now take to hire the selected candidate to the position.

You should also take note of the information starting on Slide 6, 'Entering and staying in Austria'.



Help with completing the 'Besetzungsvorschlag' form and advice/tips on the content

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What needs to be considered regarding the technical implementation of the staffing process?

eR Customer Portal: **action setting**

'Action options:

1st ranked candidate/2nd ranked candidate/3rd ranked candidate'



This signals the appointment phase in the system



Set action '**1st ranked candidate**' and send the signed form (appointment proposal/data sheet) to the Dean's Office; as soon as the appointment proposal/data sheet is signed, it will either be uploaded by the Head of the Dean's Office to the 1st ranked person (INTERNAL document), or the Dean's Office will ask you to perform the upload.



Betreff: Besetzungsvorschlag für die Aufnahme eines_einer Angestellten

PPNR:

Antrag auf Aufnahme des_der Bewerbers_in

ab für die ausgeschriebene Stelle als

Weitere in Frage kommende Bewerber_innen:

-
-

Begründung für die Aufnahme:

Forschungsbereichsleiter_in
NAME:

Institutsleiter_in
NAME:

Dekan_in
NAME:

Bevollmächtigte_r des AKG
NAME:



Signature of the heads of department & Working Group on Equal Opportunities (AKG) according to the form. The countersignature of the Dean/VR has been agreed with the Dean's Office (VR). Furthermore, the Works Council's endorsement is obtained from the HR Administration.



The Besetzungsvorschlag form should ideally include the three candidates most suitable to fill the vacancy. If there is only one highly suitable candidate, please list only one person.

A reasoned ranking of the candidates is required. The persons included in the Besetzungsvorschlag form must be evaluated and compared, taking into account the requirements profile resulting from the text of the job offer.



The **selection decision** must be documented in the Besetzungsvorschlag form in a transparent and comprehensible manner with regard to the following criteria:

- The requirements profile and the definition of the selection criteria
- The applicants' performance evaluation
- The justification of the selection



Communication with applicants:

The successful candidate receives a written confirmation of employment; the other candidates are informed that they will not be considered further.

- ❖ If candidates perform equally well and are equally qualified, women are to be given preferential consideration under the Austrian Federal Equal Treatment Act (B-GIBG).
- ❖ You may initiate the signature circulation (including AKG) for the Besetzungsvorschlag form by email and then send it to the Dean's Office/VR (for **countersignature** by the Dean/VR to be uploaded to eR)!
- ❖ For student employees, the **Datenblatt** (data sheet) must be completed.



What should be considered during the staffing process?

The Besetzungsvorschlag form/Datenblatt (data sheet) must be completed in full and, among other things, submitted to the AKG member for signature, including the justification for acceptance contained therein.

How do I deal with the 2nd and 3rd ranked candidates in the Besetzungsvorschlag form?

If the 1st ranked candidate declines (without already having been employed), you can fall back on the 2nd ranked candidate. If that candidate is no longer available, the 3rd ranked candidate should be contacted. If that candidate does not want to take up the position either, a repeat posting must be started.

How do I deal with the 2nd and 3rd ranked candidates in the Besetzungsvorschlag form if the 1st ranked candidate withdraws from the employment during the probationary month?

Since the obligation to job offer has already been fulfilled, you can only fall back on the 2nd or 3rd ranked candidates if the 1st ranked candidate has withdrawn from the employment within the probationary period. After the probationary month, it is not permitted to fall back on those candidates and the recruiting process must be restarted.

What should be considered in the case of an internal transfer (general university staff)?

An internal employee wishing to change jobs within TU Wien should discuss the matter with their line manager in good time. In principle, the date of the job change should be decided between the unit offering the position, the selected employee and the management of the previous workplace. If agreement cannot be reached, the notice period shall be that for employees under the Collective Bargaining Agreement. Moreover, the salary must be decided and agreed in accordance with the job offer.



 **What else should be considered during the staffing process?**

In line with **TU Wien's Career Advancement Plan for Women**, the proportion of women in all organisational units, at all hierarchical levels and in all functions and activities at TU Wien, in both temporary and permanent employment and in training, is to be increased to at least 50% or maintained at 50%.

In organisational units where this percentage has not yet been reached, female applicants who are as well suited to the role as the best-suited male applicant shall be given preference until the female share of 50% has been reached, provided that there are no underlying reasons in favour of the male applicant.



For **entry and stay**, nationals from non-EU/EEA states (known as 'third-country nationals') require an entry and residence permit.

The type of permit depends on both the duration of stay and the purpose of the stay.



What do I need to enter and stay in Austria?

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When do you need a residence permit and when do you need a visa?

The duration of the intended stay distinguishes the residence permit from a visa:

- You must apply for a **residence permit** if you plan to stay in Austria **for more than six months**.
- If you plan to live and/or work in Austria **for less than six months**, a **visa** is sufficient.



EU/EEA CITIZENS AND SWISS CITIZENS: Nationals of EU/EEA states are free to enter and stay in Austria without requiring a permit and only need a valid travel document (passport or identity card) to enter and stay in Austria.



Nationals of non-EU/EEA countries (known as 'third-country nationals') need a visa for a stay of up to 6 months:

- For stays up to a maximum of 90 days: **Visa C – Employment**
- For stays up to a maximum of 180 days: **Visa D – Employment**



You will need a visa for gainful employment if you wish to work as a researcher in Austria, even if you are otherwise allowed to enter without a visa. Then you will be able to carry out your research work immediately after entering the country.



A **personal** application for the visa must be made to the relevant Austrian diplomatic mission (embassy, consulate-general) before entering Austria. You can apply for a visa at the Austrian diplomatic mission not earlier than six months but not later than four weeks before the planned date of travel.

Note: The visa cannot be extended in Austria!



If you are already staying in the Schengen area with a residence permit from another Schengen state, you can only apply for a visa to enter Austria at the Austrian diplomatic mission in Bratislava, Ljubljana or Munich.



A residence permit is required for academic activity lasting longer than six months.

The residence permit must be presented to the HR Administration before starting work.

For academic work, the following residence permits are relevant:

Settlement permit – researcher

Can be applied for by third-country nationals who hold a PhD/Doctorate degree or another university degree giving access to doctoral programmes and who are carrying out academic work at TU Wien as part of a specific research project. For this purpose, a hosting agreement must be concluded between TU Wien and the researcher.

Prerequisite: Doctoral degree/PhD or university degree giving access to doctoral programmes

Residence permit – researcher mobility

This is granted to researchers taking up a research activity in Austria who already hold a valid residence permit for researchers from another EU country (except Denmark and Ireland). Proof of a hosting agreement with TU Wien must be provided.

Red-White-Red Card

(For those intending to settle) Entitles holders to settle in Austria for a limited period of time and to be employed by a specific employer. It is specifically aimed at persons who intend to settle permanently in Austria.



It is advisable first to apply for a Visa D – Employment (at the Austrian diplomatic mission). After your entry, you should apply for one of the above-mentioned residence permits at the competent domestic authority (Magistratsabteilung 35) as soon as possible.



Please note: The employment visa allows you to start working immediately after entering the country. The residence permit must then be applied for within the validity period of the visa. If the visa ceases to be valid before the end of the application process, third-country nationals who are not allowed to stay in Austria without a visa must leave and wait for the decision of the authority abroad. A confirmation of submission for initial applications does **not** entitle you to stay longer!



Nationals of non-EU/EEA countries ('third-country nationals') require a combined work and residence permit for employment in Austria, which allows employment with a specific employer or free access to the job market.

The residence permit must be presented to the HR Administration before starting work.

Relevant residence permits are as follows:

Red-White-Red Card

Qualified workers from third countries can settle permanently in Austria and work there with the Red-White-Red Card. Admission is based on a points system. The most important criteria for obtaining a Red-White-Red Card are: qualifications, professional experience, language skills, age, a suitable job offer and appropriate remuneration.

A Red-White-Red Card is possible for

- Very highly qualified workers
- Key workers
- Graduates of Austrian universities and universities of applied sciences

'Red-White-Red Card plus': entitles you to settle and gives unlimited access to the job market

Permanent residence – EU

Will be granted to third-country nationals if they have been entitled to settle in Austria without interruption for the last five years and have fulfilled Module 2 of the Integration Agreement (proof of German language skills at B1 level).



Students with a suitable residence permit may also be gainfully employed if this does not interfere with their education as their primary purpose of residence. They are subject to the Austrian Employment of Foreigners Act (Ausländerbeschäftigungsgesetz) and require a work permit for employment in Austria. This also applies to marginal employment!

Exception: academic activities (student employee)



BREXIT: All British nationals and their family members newly arriving after 1 January 2021 will not be beneficiaries of the withdrawal agreement. They will be subject to the access rules for **third-country nationals** (Employment of Foreigners Act, Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz) and Aliens Police Act (Fremdenpolizeigesetz)).



- 1 Application form
- 2 Passport
- 3 Passport photo meeting EU requirements (not more than six months old)
- 4 Personal documents:
 - Birth certificate
 - Criminal record certificate (not more than three months old)
- 5 Proof of activity and funding of the stay in Austria (e.g. pay slips, pay confirmations, employment contracts)
- 6 Documents relevant to work:
 - Proof of doctoral degree/PhD or university degree giving access to doctoral programmes (e.g. Master's, Magister, Doktor, PhD)
 - For researchers: hosting agreement (issued by HR Administration Academic Staff Service Unit)
 - For Red-White-Red Card: employer's declaration (issued by HR Administration General University Staff Service Unit)
- 7 Accommodation in Austria for at least 3 months (e.g. rental agreement) in connection with proof of the required means of subsistence (the calculation is based on the submitted accommodation expenses)
- 8 Proof of health insurance cover covering all risks (if no statutory compulsory insurance is in place or will be in place)
- 9 Depending on the type of Red-White-Red Card applied for (particularly highly qualified persons, other key workers or graduates of Austrian universities), specific additional documents must be submitted



Foreign documents must be submitted in certified form and all non-German-language documents with a certified German translation. **Please note** that the authorities may require additional documents.



Application for visa/residence permit

Applications for a visa or a residence permit must be submitted in person.



Therefore, you should allow sufficient time so that the visa or residence permit can be issued in good time before entry or the start of the (research) activity.

Insurance

Travel health insurance is required for entry into Austria.

Make sure that it covers Austria and that sufficient cover is provided for various types of illness (sum insured well in excess of EUR 30,000, with a guarantee that any rescue and repatriation costs will be covered, valid for the entire duration of the stay). Some travel insurance policies must be taken out before entering Austria.

For the residence permit, however, proof of 'health insurance covering all risks' must also be provided. In the case of employment above the marginal earnings threshold, employees of TU Wien are automatically covered by such health insurance as well as accident and pension insurance (= social insurance) when they start work.




Registration of residence: EU/EEA citizens and third-country nationals have to register at the registration office (Gemeinde, Magistrat) in their place of residence within 3 working days after entering Austria.

The following documents are required for this:

Registration form: must be signed by the landlord of the accommodation as well as by the person registering. The registration form is obtainable from the registration office and also via the internet (www.help.gv.at)

- Travel document
- Birth certificate

 **Please note:** The registration form must be presented to the HR Administration before starting work.

EU/EEA citizens: Registration certificate: In addition to registering their residence with the competent residence authority (Vienna: Magistratsabteilung 35), EU/EEA citizens who stay in Austria for longer than three months must apply for a one-time registration certificate.

The registration certificate is mandatory for EU/EEA citizens and Swiss citizens. Failure to comply with this requirement will result in a fine of up to EUR 250!



Further information at www.wien.gv.at



Information about visas:

[Federal Ministry of the Interior](#)

[Federal Ministry for European and International Affairs](#)

[Austrian diplomatic missions abroad](#)



Information about residence permits for researchers:

www.oead.at

www.österreich.gv.at



Information about the Red-White-Red Card:

www.oead.at

www.migration.gv.at



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Staffing process

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