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Severely disabled persons Request approval for termination of employment

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/355006/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99015005001000, 99015005001000
Leistungsbezeichnung I	Severely disabled persons Request approval for termination of employment
Leistungsbezeichnung II	Request approval for the dismissal of severely disabled persons
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Menschen mit Behinderung (015)
Verrichtungskennung	Erteilung (001)

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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)
Lagen Portalverbund	Beendigung von Arbeitsverhältnissen (2030800)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	16.09.2022
Fachlich freigegeben durch	Thuringian Ministry of Labor, Social Affairs, Health, Women and Family Affairs
Handlungsgrundlage	https://www.gesetze-im-internet.de/sgb_9_2018/_154.html https://www.gesetze-im-internet.de/sgb_9_2018/_158.html https://www.gesetze-im-internet.de/sgb_9_2018/BJNR323410016.html#BJNR323410016BJNG003400000 https://www.gesetze-im-internet.de/sgb_9_2018/_179.html https://www.gesetze-im-internet.de/kschg/ https://www.gesetze-im-internet.de/bgb/ https://www.gesetze-im-internet.de/sgb_9_2018/_154.html https://www.gesetze-im-internet.de/sgb_9_2018/_158.html https://www.gesetze-im-internet.de/sgb_9_2018/BJNR323410016.html#BJNR323410016BJNG003400000 https://www.gesetze-im-internet.de/sgb_9_2018/_179.html https://www.gesetze-im-internet.de/kschg/ https://www.gesetze-im-internet.de/bgb/
Teaser	If you wish to terminate the employment of a severely disabled person or a disabled person of equal status, you must first obtain the approval of the Integration Office.
Volltext	Severely disabled persons or persons with equivalent disabilities are specially protected against dismissal. If

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you wish to terminate a person who meets these criteria, you require the prior consent of the Integration Office as the competent authority.

Notice of termination given without the prior consent of the competent authority is invalid. This can also not be subsequently The competent authority consent.

A notice of termination that you issue without the involvement of the representative body for severely disabled employees (if one exists in the company) is also invalid.

Consent is required regardless of the reason for the intended termination (personal, operational or behavioral). The special protection against dismissal also applies regardless of how large your company is.

You need the approval of the Integration Office for all types of terminations, i.e. for:

- ordinary terminations,
- extraordinary dismissals (without notice) and
- change notices.

In addition to the reason for the termination, other interests are taken into account for the approval of the termination within the framework of the legally prescribed weighing. These can be, among others:

- Size and economic situation of the employer and
- fulfillment of the employment obligation

as well as:

- Type and severity of disability,
- age,
- personal circumstances of the severely disabled person,
- the length of service with the company, and
- his or her chances of finding another job on the general labor market in the event of dismissal.

Particularly in the case of dismissals based on personal or behavioral reasons, the dismissal protection

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proceedings clarify what the company or the department and the company integration team have done in advance to avert the dismissal and whether any preventive measures have been initiated.

In the case of extraordinary dismissals (without notice), the Integration Office checks whether the dismissal is related to the severe disability. If this is not the case, it approves the termination and thus opens the way to the labor court.

A notice of termination that you issue without the involvement of the representative body for severely disabled employees (if one exists in the company) is invalid. A notice of termination issued without the prior consent of the Integration Office is also invalid. It cannot be subsequently approved by the Integration Office either.

You only do not need approval if the severely disabled employee:

- gives notice himself or herself,
- has worked in your company for less than 6 months
- has reached the age of 58 and is entitled to severance pay or similar benefits,
- in the event of termination for weather-related reasons, if a binding promise of reemployment is given by the employer,
- if, at the time of termination, the status as a severely disabled person could not be determined by the authorities responsible for this or the employment relationship is terminated without notice, for example by a termination agreement.

Erforderliche Unterlagen

- Copy of the severely disabled person's ID card or the equality notice from the employment agency.
- Determination notice from the pension office about the severe disability (is requested by the integration office for employees, the employer has no right to this document)
- Copy of the employment contract
- Job description
- detailed justification of the intention to terminate the employment

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Voraussetzungen	<ul style="list-style-type: none"> • Recognition as a severely disabled person: a degree of disability of at least 50 must have been determined by the pension office. • Equalization: with a degree of disability of 30 or 40, equalization with a severely disabled person must have been granted by the Employment Agency.
Kosten	There are no fees to pay.
Verfahrensablauf	<p>In order to be able to terminate severely disabled persons or persons with equivalent disabilities, you must submit an application for a declaration of admissibility to the competent authority before the actual termination.</p> <p>The application for approval to terminate a severely disabled person can be submitted online or in writing.</p> <p>If applying online:</p> <ul style="list-style-type: none"> • You access the online service: • You log in via the Business service account (after registering, if necessary). • Your company data is automatically transferred from the service account to the online application • You enter all necessary termination data • For fast processing by the authorities, all necessary documents must be submitted (appropriate proofs can be uploaded), • Your application will be checked by the responsible authority • The integration office will send you the approval or the decision by mail. • In principle, the person can only be effectively dismissed once the employer has received the written approval from the authority. <p>The approval of the termination of a severely disabled person can be requested in writing as follows:</p> <ul style="list-style-type: none"> • Contact the Integration Office to obtain the application form for consent to termination. Fill it out completely and send it to the Integration Office with the required documents. • After receiving the application for approval of

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termination, the Integration Office will examine the facts of the case. To do this, it hears the severely disabled person and obtains the opinion of the works or staff council and the representative body for severely disabled persons. Tip: You can obtain the opinion of the works council or staff council and the representative body for severely disabled persons yourself in advance and add it to your application.

- If necessary, the Integration Office will also call in specialists (for example, the Integration Specialist Service or the Technical Advisory Service) and obtain further statements and expert opinions. It may also interview witnesses to clarify the facts of the case.
- The Integration Office is obligated to work towards an amicable settlement in every situation of the proceedings. This can be done particularly well in an oral hearing with all parties involved.
- In the context of an amicable settlement, the Integration Office can also offer services of accompanying assistance in working life from funds of the compensatory levy, for example, for disability-friendly workplace design or to compensate for extraordinary burdens that may be associated with the employment of the severely disabled person.
- If an amicable agreement cannot be reached, the Integration Office shall make a decision on the application at its due discretion and after weighing the mutual interests of the two parties. Special regulations apply in the case of dismissals in connection with the discontinuation of operations, significant operational restrictions and insolvencies.

- The Integration Office issues a notice of termination addressed to you as the applicant and at the same time to the employee as a party to the proceedings. In addition to the decision, the notice contains detailed reasons and an appeal procedure.

Bearbeitungsdauer

- Approval of extraordinary termination (without notice): Decision by the Integration Office within two weeks of receipt of application. If no decision is made by the Integration Office within this period, approval is deemed to have been granted.
- Consent to ordinary termination: Decision by the Integration Office within one month, if the Integration Office has all the

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	<p>information it needs to make a legally sound decision. On average, the processing time nationwide is 7 weeks.</p>
Frist	<ul style="list-style-type: none"> • Consent to extraordinary (immediate) termination: You must give notice of termination immediately after the Integration Office has given its consent. Immediately means here within 3 working days. If you miss this deadline, the approval of the Integration Office is invalid. You can then only seek a new ordinary termination procedure. • Consent to ordinary termination: You must give notice of termination within one month of receiving the Integration Office's consent. After that, the consent to termination expires. You can then only seek a new ordinary termination procedure.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Possibility of opposition
Kurztext	<ul style="list-style-type: none"> • Consent to the dismissal of severely disabled persons Issuance • There is special protection against dismissal for severely disabled persons and persons with equivalent disabilities. • Employers must obtain the approval of the Integration Office prior to termination (regardless of the reason for termination) • special protection against dismissal applies regardless of the size of the company • no consent required for terminations within the first 6 months of employment regardless of the duration of the probationary period, if the employee gives notice himself or herself, or if the employee has reached the age of 58 and is entitled to a severance payment or similar benefit in the event of termination for weather reasons, if a binding promise of reemployment is given on the part of the employer, if, at the time of termination, the status as a severely disabled person could not be determined by the authorities responsible for this. • Responsible: the Integration Office in the Thuringian State Administration Office

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Ansprechpunkt	Please contact the Integration Office at the Thuringian State Administration Office.
Zuständige Stelle	Integration Office in the Thuringian State Administration Office
Formulare	<p>Forms: you can obtain the application form from your regional integration office</p> <p>Online procedure possible: yes</p> <p>Written form required: yes</p> <p>Personal appearance required: no</p>
Ursprungsportal	Schwerbehinderte Menschen Zustimmung zur Kündigung beantragen, Severely disabled persons Request approval for termination of employment