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TAFE NSW Administrative, Support & Related Employees

Enterprise Agreement 2015

Meeting 4: 29 & 30 July 2015

Proposal: Part Year Employment



4.2



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TRANSFORMATION

Proposed TAFE NSW: Part-Year Employment Guidelines

Overview

The Part-Year Employment Guidelines provide details for the implementation of part-year employment for permanent and temporary TAFE NSW Administrative, Support and Related Employees.

Part-year Employment is a form of part-time employment, which operates over a 12-month period and incorporates periods of full-time or part-time work, and periods during which no work is performed (the **Non-attendance Period**).

Part-year employees may elect to be remunerated on a **Pay as you Work** basis or on the basis of an **Annualised Salary**.

Coverage

TAFE NSW Administrative Support and Related Employees (excluding casual employees)

Related documents

The TAFE Commission of NSW Administrative Support and Related Employees Enterprise Agreement 2015 (“the Agreement”)

Definitions

- **“Annualised Salary”** means the salary arrangement where an employee elects to receive an averaged pay over the 26 fortnights in a year. Under this arrangement, the total annual hours of work and the total annual leave accrual are averaged over 52 weeks so the employee will receive regular payment each fortnight during a 12-month period. Where no work is scheduled (the non-attendance period) the employee will still receive the annualised salary but will not be required to attend work.

Under this salary arrangement, the employee’s fortnightly salary is based on the following equation:

$$\text{Fortnightly salary} = \frac{\text{Total Annual Hours} + \text{Total Annual Leave Accrual}}{26.1 \text{ (number of fortnights in a year)}}$$

- **“Non-attendance period”** means the periods in which the employee is not required to attend or perform work. During this period, an employee who elects to enter a Pay as You Work salary arrangement will not receive remuneration; an employee who elects to receive an Annualised salary will continue to receive their averaged fortnightly pay.
- **“Pay as You Work”** means the salary arrangement where an employee elects to receive regular fortnightly payments during the periods of the year when they are required by TAFE NSW to attend and perform work. During periods of the year that the employee is not required to work (the Non-attendance Period), the employee does not receive salary payments except for the prescribed annual leave period.

Part-Year Employment Guidelines

Part-year employment arrangements operate over a 12-month period and incorporate periods of full-time work or part-time work, and periods of Non-attendance. The arrangement may be on a permanent or temporary basis (over a minimum 12 month period). This form of employment allows for the non-attendance of employees when there is no work for them to perform, typically during student vacations.

The minimum number of weeks' work that will form the basis of a permanent or temporary part-year employment arrangement under these Guidelines will be 36 weeks. Shorter term temporary engagements continue to be available for periods where less than 36 weeks' work is available.

Part-year employment is a form of part-time employment. Part year employees may work fulltime or part time hours during the periods when they are required to work. Part year employees, unless otherwise provided, receive entitlements to salary and leave on a pro rata basis according to the number of hours they work over the year.

Prior to the commencement of each 12-month period TAFE NSW will provide part-year employees with a work schedule that shows the periods of work, annual leave and the Non-attendance Periods.

TAFE NSW will utilise part-year employment to meet its operational needs to support educational delivery during the TAFE year.

Alternative forms of employment to part-year employment which should continue to be considered include:

- Regular full-time or part-time employment on either a permanent or temporary basis-suitable for positions with regular weekly / fortnightly work patterns throughout the year;
- Casual employment - suitable where the work is ad hoc, intermittent, unpredictable or involves hours of work that are not regular, and/or the requirement for the position is short-term.

Leave and Service

Under part year employment arrangements periods during which employees are not required to attend the workplace to perform work will not be counted as service for the purpose of pro rata accrual of entitlements.

Leave entitlements accrue on a proportionate or pro-rata basis determined by the number of hours worked by the employee within the 12 month period of the part-year employment arrangement.

The periods of the year when an employee is paid to work (including Annual Leave) will count as service for leave accruals. Periods of Non-Attendance (except for the Annual Leave) do not count as service, but do not break continuity of service.

Taking leave

Leave, other than annual leave, is only available to the employee during the hours/days for which the employee is engaged to work.

Part year employees may be directed to take their annual leave within the 12 month period covered by a part year employment arrangement. Annual leave cannot be taken during scheduled work weeks. Annual leave will be taken at times determined by TAFE NSW, in consultation with employees, and set out in the work schedule. Annual leave cannot be accumulated and carried over into a subsequent part year arrangement.

Recording leave taken

Any leave taken must be requested via Employee Self Service or paper leave form. Leave is recorded as the regular number of hours that the employee was scheduled to work on the day(s) that the leave is taken. For example, if the employee works 7 hours per day during the TAFE year, the request for one day of leave would be for 7 hours.

Public Holidays

Part-year employees are entitled to be absent with pay where a public holiday falls on a on a day that they are scheduled to work.

Recording and Monitoring Hours

The operational management of the hours worked, and the leave taken, under a Part-year employment arrangement is the responsibility of the line manager.

Additional Hours and Overtime (where applicable)

Where a part-year employee is requested to work additional hours, such hours will be managed in accordance with clause 16.7 of the enterprise agreement for employees covered by Parts A – G of the enterprise agreement and in accordance with clause XX for employees in roles covered by the Contemporary Classification Structure.

For time worked in excess of the fulltime hours of the classification, or outside the bandwidth, payment shall be made at the appropriate overtime rate for the part time employee's classifications as specified under Parts A-G of Section 5 of the enterprise agreement, or under Section 6 for employees in roles under the Contemporary Classification Structure.

Higher Duties Allowance

Should a part time employee be required to perform higher duties whilst a part year employment arrangement is operative they will be paid any relevant higher duties allowance in accordance with the enterprise agreement and their work schedule. Payment of higher duties allowance will not impact on a part year employee's election to receive annualised payment.

Payment

Part-year employees may elect under the enterprise agreement to be remunerated either under:

- (a) A Pay as You Work salary arrangement, where the employee is paid for the hours that are worked according to the work schedule and during annual leave periods; or
- (b) An Annualised Salary, where the employee's hours of work along with annual leave hours are averaged over a 12-month period resulting in a fortnightly payment based on the averaged hours.

Such an election will be operative for a minimum of 12 months, and may be altered no more than annually.

The specific provisions relating to the two salary arrangements are provided as follows:

Pay as You Work Salary Arrangements

Payment of salary

Employees who elect to enter a Pay as You Work salary arrangement will receive fortnightly salary payments during the periods of the year when they are scheduled to work and when taking annual leave. Under this arrangement employees are not remunerated during Non-attendance Periods. The employee will be given a work schedule which identifies the periods of work, annual leave and non-attendance during the 12 month arrangement.

Resignation/Termination of Employment

If a Pay as You Work employee ceases employment before the end of the agreed Part-Year employment period, the employee will be paid for any outstanding entitlements, including annual leave.

Annualised Salary Arrangements

Calculation and payment of salary

The total number of ordinary hours worked, plus the pro-rata annual leave entitlement are calculated to determine the annual salary to enable an employee to receive remuneration throughout the 12-month period of the arrangement.

The annual salary is averaged over the 12-month period so that, regardless of the pattern of hours actually worked, the employee receives regular fortnightly payments throughout the year for the averaged number of hours. The employee will be given a work schedule which identifies the periods of work, annual leave and non-attendance during the 12-month arrangement.

Variation to Annualised Hours arrangements

An Annualised Hours arrangement may not be varied during the course of the 12-month period except in exceptional circumstances approved by the line manager.

Exceptional circumstances may include but are not limited to:

- Maternity Leave
- Leave Without Pay
- Workers Compensation claims
- Resignation/Termination of Employment

If the working arrangement is altered based on the employee's exceptional circumstances during the 12-month period, reconciliation arrangements in respect of pay and hours will need to be made based on the date the change is to take effect. This may require extra payment to, or repayment by, the employee.

Employees who enter into part year annualised salary arrangements acknowledge that an exceptional circumstances event may result in an overpayment. If this occurs, a mutually agreed repayment plan will be established in order for TAFE NSW to recover any monies owed. Repayment options will include repayment via EFT or cheque.

Maternity Leave

Maternity leave will require the annualised arrangement to be terminated to facilitate the granting of this entitlement to the employee. A reconciliation in respect to pay and hours will be performed based on the employee's last scheduled day of service prior to maternity

leave. This may require arrangements for extra payment, or to obtain repayment from the employee.

Employees with 40-weeks' continuous service will be eligible for up to 14-weeks' paid maternity leave, as per ordinary part-time employees, on the basis of ordinary weekly hours of work in employment. For part-year employees with varying hours this will mean an averaged ordinary hours rate.

Leave Without Pay

Up to 5 days leave without pay (including sick leave without pay) may be taken due to exceptional circumstances under an annualised salary arrangement, without the arrangement being terminated, on the basis that this may require TAFE NSW to obtain repayment from the employee.

Leave without pay in excess of 5 days will require the annualised arrangement to be terminated. A reconciliation in respect to pay and hours will be performed based on the employee's last scheduled day of service and TAFE NSW will make arrangements to obtain repayment from the employee for any overpayment of salary.

Effect Worker Compensation

Where an ill or injured employee is receiving Workers Compensation, the annualised arrangement will be terminated and reconciled to facilitate appropriate payments being made to the employee in these circumstances. This may require arrangements for extra payment, or to obtain repayment from the employee.

Resignation/Termination of Employment

If an employee ceases employment before the end of the agreed annualised employment period, the hours already paid must be reconciled against the hours worked to calculate any overpayment or underpayment of salary. Arrangements will then be made for the employee to be paid any hours they are owed based on the reconciliation, or to obtain repayment from the employee as appropriate.

Information and Advice

Information and advice about leave options or negotiating working arrangements, is available from your Human Resources Manager.

Employees should refer to their individual offer of employment from TAFE NSW regarding their conditions of employment.