

NORTHERN TERRITORY OF AUSTRALIA

Public Sector Employment and Management Act

DETERMINATION NUMBER 9 OF 2012

I, GRAHAM DOUGLAS SYMONS, the Commissioner for Public Employment, in pursuance of section 14(2) of the *Public Sector Employment and Management Act* ("the Act") and with reference to section 13(a) of that Act, make the following determination.

PART 1 - GENERAL

1. For the purposes of this determination:

agreed hours of duty means the regular fixed hours of work agreed in writing between an employee and the Chief Executive Officer, excluding reasonable additional hours of work and overtime that may be worked by the employee from time to time.

2. Subject to the terms and conditions of a relevant award, enterprise agreement or determination applying to an employee, the terms and conditions of this determination with respect to part-time employment, will apply to an employee of the Northern Territory Public Sector.
3. Chief Executive Officers and employees should have regard to any Commissioner's Guidelines with respect to part-time employment.
4. An employee cannot be required to convert from full-time employment to part-time employment.
5. An employee may request in writing to convert from full-time employment to part-time employment.
6. A Chief Executive Officer may approve an application for part-time employment, having regard to the operational requirements of the agency, the impact upon other employees in the workplace and the personal circumstances of the employee making the application.
7. Where part-time employment has been approved, the agency will provide to the employee the full details in writing of the proposed part-time employment arrangement, including the agreed hours of duty, prior to the commencement of the arrangement.



PART 2 - TERMS AND CONDITIONS OF EMPLOYMENT

8. A part-time employee will be entitled to all terms and conditions of employment applying to a full-time employee on a pro-rata basis according to the part-time employee's agreed hours of duty, unless otherwise stated in this determination, a relevant award, or enterprise agreement.

Salary and Increments

9. A part-time employee's salary will be adjusted and paid on a pro-rata basis according to the employee's agreed hours of duty.
10. A part-time employee will be entitled to salary increments on the same basis of service as a full-time employee, regardless of the part-time employee's agreed hours of duty.

Hours of Duty

11. A Chief Executive Officer and an employee may agree to change the employee's agreed hours of duty, at the written request of either party.
12. A Chief Executive Officer may require a part-time employee to work reasonable additional hours in excess of the employee's agreed hours of duty.
13. Payment in relation to additional hours of duty, including overtime, will be in accordance with the relevant award, enterprise agreement or determination.
14. The Flexible Working Hours (Flextime) Guidelines will, where appropriate, apply to a part-time employee.

Shift workers

15. Where a part-time employee is employed as a shift worker, he/she will be eligible for shift penalty payments at the same percentage rates and under the same conditions applicable to a full-time employee.

Public Holidays

16. A part-time employee will receive payment for a public holiday which falls on a day normally worked by the employee as part of his/her agreed hours of duty.

Northern Territory Allowance

17. The provisions of By-law 26 will apply to a part-time employee, except that the rate of Northern Territory Allowance payable will be calculated using the following formula:

$$\frac{A \times C \times 12}{B \times 313} = \text{Fortnightly rate}$$

Where:

A = Agreed hours of duty per fortnight

B = Full-time hours of duty for the employee's designation

C = Annual rate of Northern Territory Allowance.

Other Allowances

18. A part-time employee will be eligible to be paid the following allowances at the same rates applying to a full-time employee:

- a. Loss or Damage to Clothing or Personal Effects – By-law 22;
- b. Meal Allowance – By-law 25;
- c. Relocation Allowance – By-law 28;
- d. Temperate Clothing Allowance – By-law 29;
- e. Travelling Allowance – By-law 30;
- f. Camping Allowance – By-law 31;
- g. Vehicle Allowance – By-law 32; and
- h. Allowance for Freight on Household Goods – By-law 44.

Recreation Leave

19. A part-time employee will accrue recreation leave progressively during a year of service on a pro-rata basis according to his/her agreed hours of duty.

20. A part-time employee will be granted recreation leave on a pro-rata basis according to his/her agreed hours of duty as at the time of the taking of the leave.

Personal Leave

21. A part-time employee will receive and be granted paid personal leave on a pro-rata basis according to his/her agreed hours of duty.

Study Leave

22. A part-time employee is eligible for By-law 41 – Assistance with Studies. Access to study leave may be granted on a pro-rata basis according to the employee's agreed hours of duty.

Recreation Leave Airfares and Fares Out of Isolated Localities

23. A part-time employee eligible for recreation leave airfares under By-laws 33 or 47 and/or Fares Out of Isolated Localities under By-law 43 will be paid a percentage of the airfare/fare value according to the employee's



agreed hours of duty.

24. Where the employee has worked periods of full-time and part-time service during the accrual period, the value of the fare will be calculated for each separate period of service according to the following formula:

$$\frac{A}{24} \times 100\% + \frac{B}{24} \times C = \text{Percentage of airfare}$$

Where:

A = Number of months of full-time service during accrual period

B = Number of months of part-time service during accrual period

C = Percentage of full-time hours, ie agreed hours of duty divided by full-time hours of duty.

Note: part months of service are to be rounded up to the next month provided that the percentage of airfare entitlement does not exceed 100%.

Teaching Employees

25. The full-time hours of duty for a teaching employee are 36 hours and 45 minutes.
26. The agreed hours of duty for a part-time teaching employee may be no less than 0.2, or greater than 0.8, of the full-time hours of duty over a fortnightly period.
27. The agreed hours of duty for a part-time teaching employee may be averaged over a fortnight or other period, as agreed between the employee and the Chief Executive Officer.

Dated: 27 April 2012



GRAHAM SYMONS
Commissioner for Public Employment