

NORTHERN TERRITORY OF AUSTRALIA***Public Sector Employment and Management Act*****DETERMINATION NUMBER 22 OF 2011**

I, GRAHAM DOUGLAS SYMONS, the Commissioner for Public Employment for the Northern Territory, in pursuance of section 14(2) of the *Public Sector Employment and Management Act* and with reference to section 13(a) of that Act, determine that subject to the terms and conditions of a relevant award, enterprise agreement or determination, the attached Schedule will apply to an employee with respect to part-time employment.

This determination commences 1 January 2012.

Dated 23 December 2011



GRAHAM SYMONS
Commissioner for Public Employment

SCHEDULE

PART-TIME EMPLOYMENT

2. LEGISLATIVE BASIS

Sections 13 and 29 of the *Public Sector Employment and Management Act* (the Act).

3. OTHER SOURCES OF INFORMATION

Relevant Awards and Certified Agreements.

4. REPORTING REQUIREMENTS

The Commissioner is required to advise unions at 6 monthly intervals of the number of part-time employees by salary stream. Chief Executive Officers shall, on request, provide to the Commissioner the information necessary to comply with this reporting requirement.

5. DEFINITIONS

5.1 Part-time Employee

"Part-time employee" means an employee other than a casual employee, who:

- (i) is appointed under section 29(3) of the Act on a permanent or temporary basis; or
- (ii) is an existing employee who is promoted or transferred to part-time duties; and
- (iii) works less than the full-time hours of duty for the designation occupied and who works regular hours according to an agreed arrangement.

5.2 Job Sharing

"Job sharing" means two or more part-time employees performing the duties of a full time job. Entitlements are calculated on the same basis as part-time employees.

6. AGENCY ACTION REQUIRED

An employee employed on a full-time basis shall not be required to transfer to part-time employment without their consent.

Prior to commencing part-time employment an employee shall be provided with full details of the part-time arrangement. Written details should include, but not be limited to:

- job description/selection criteria;
- duties, working arrangements, re-allocation/abolition of residual duties, if any;
- hours of duty, including normal starting and finishing times;
- how hours of work can be changed;
- rates of pay and allowances;
- advice on increments;
- period of part-time employment if it is a temporary arrangement and provisions for any resumption of full-time employment;
- leave entitlements;
- superannuation contribution rate; and
- other conditions as specified in this Employment Instruction.

Employees in the immediate workplace section and other areas which would be affected by the proposed part-time employment shall be consulted about any implications of the proposed part-time arrangements (eg, duties, working arrangements, re-allocation/abolition of residual duties, if any). This provision does not apply to part-time jobs created by the Department of Education's Staffing Formulae.

Prior to implementing a new part-time arrangement the relevant union shall be advised in writing by the Chief Executive Officer. Such advice shall be given not less than 14 days prior to a final decision being made to implement the part-time arrangement, provided that lesser notice may be agreed with the union in a particular instance. This provision does not apply to part-time jobs created by the Department of Education's Staffing Formulae.

Advice to the union shall be provided only in respect of a new part-time arrangement and should consist of:

- designation;
- location;
- proposed hours of duty; and
- proposed commencement date for the new part-time job.

Where there are job sharing arrangements contingency plans should be developed for:

- arrangements if only one employee desires at some stage to return to full-time employment;
- possible death/resignation/retirement of one employee; and
- re-allocation of duties and/or expectations.

7. HOURS OF DUTY

7.1 Establishing Hours of Duty

The hours that a part-time employee is normally expected to work should be established prior to the part-time employment commencing. This should be recorded in writing and placed on the employee's personal file.

7.2 Changes to Hours

A part-time arrangement works best if there is flexibility both for the supervisor and the employee to meet particular circumstances.

Changes to a part-time employee's hours may be made by mutual agreement between the employer and employee. A part-time employee may be requested to work reasonable overtime. Where there is a need to change the hours of an employee, the personal circumstances of the employee should be considered, eg. child care arrangements and other family responsibilities.

7.3 Span of Hours

The span of hours during which a part-time employee may work their ordinary hours shall be the same span applicable to full-time employees.

7.4 Full-time Hours of 36 Hours 45 Minutes Per Week

Where the hours for full-time employees are 36 hours 45 minutes per week, part-time employees shall be employed for not fewer than 14 hours 42 minutes over a fortnight provided that no employee shall be required to work less than 2 hours on any day they work or more than 58 hours 48 minutes per fortnight.

7.5 Full-time Hours of 38 Hours Per Week

Where the hours for full-time employees are 38 hours per week, part-time employees shall be employed for not fewer than 16 hours over a fortnight

provided that no employee shall be required to work less than 4 hours on any day they work or more than 64 hours per fortnight.

7.6 Public Holidays

Part-time employees shall be entitled to payment for public holidays which fall on a day on which they would normally be required to work and the rate of pay shall be in accordance with the number of hours which would have been worked if that day had not been a holiday.

7.7 Teaching Employees

For Teachers, Executive Teachers, TAFE Lecturers, TAFE Managers, Centralian College Lecturers and Educational Administrators, the full-time hours of a working week are 36 hours 45 minutes. The working week consists of face-to-face contact time and a range of other duties. The face-to-face contact time and other duties for each Teaching designation are prescribed in the relevant award or determination.

Part-time employees shall be employed for not fewer than 0.4 or more than 0.8 of the full-time hours over a fortnight.

The hours required of a part-time Teaching employee is pro-rata that of a full-time Teaching employee, averaged over a fortnightly or other period as agreed between the employee and the Chief Executive Officer. For example, a primary teacher working 0.5 part-time hours would have 13 hours 20 minutes face-to-face contact time and 18 hours 21 minutes of other duties.

8. TERMS AND CONDITIONS OF EMPLOYMENT

A part-time employee shall be entitled to all conditions of employment applicable to a temporary full-time employee or permanent full-time employee as specified in the relevant By-laws and awards. Entitlement shall be on a pro-rata basis unless otherwise stated.

8.1 Salary

The hourly rate of pay applicable to a part-time employee shall be the same hourly rate paid to a full-time employee performing duties at the same designation.

8.2 Increments

Entitlement to increments shall be on the same basis of having worked the same chronological time that entitles a full-time worker to an increment, regardless of the number of hours worked.

8.3 Northern Territory Allowance

The general provisions of By-law 26 shall apply to part-time employees except that the rate of Northern Territory Allowance payable shall be calculated as follows:

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

Where:

- A = agreed regular hours worked per fortnight, excluding any temporary change in hours worked
- B = standard full-time hours per fortnight for designation
- C = annual rate of Northern Territory Allowance

8.4 Allowances

Part-time employees shall, where eligible, be paid the following allowances at the same rate and under the same conditions applicable to full-time employees as provided in the Public Sector Employment and Management By-laws or relevant awards:

- Loss or Damage to Clothing or Personal effects - By-law 22
- Meal Allowance - By-law 25
- Relocation Allowance - By-law 28 (permanent appointment or transfer only)
- Temperate Clothing Allowance - By-law 29 (permanent employees only)
- Travelling Allowance – By-law 30
- Camping Allowance – By-law 31
- Vehicle Allowance – By-law 32
- Allowance for Freight on Perishables – By-law 44

9. LEAVE AND LEAVE UTILISATION

9.1 Recreation Leave

Recreation leave credits are to be recorded in hours and minutes. Where recreation leave has accrued both as a full-time employee and as a part-time employee the two credits shall be recorded and used separately, ie. part-time and full-time credits cannot be used at the same time.