

This Guideline will assist in achieving best practice when employing a person, or promoting or transferring an employee to perform duties under the *Public Sector Employment and Management Act* (the Act). The Guideline is to be read in conjunction with Part 5 of the Act, Employment Instruction Number 1 (Filling Vacancies), Redeployment and Redundancy Provisions for Ongoing Employees Commissioner's Guideline and the Recruitment Advertising Policy and Procedures. This Guideline does not form part of the legislation.

1. Action prior to filling

The Job Description and Job Analysis Questionnaire relating to a vacant position should be reviewed prior to advertising to ensure that they are up to date and reflect the actual requirements and responsibilities of the position.

2. Redeployees

Agencies are required to give preferential treatment to redeployees when being considered for a vacancy.

Assessing the suitability of a redeployee for a vacancy shall be considered in accordance with the redeployment and redundancy procedures within relevant enterprise agreements and the related [Redeployment and Redundancy Provisions for Ongoing Employees Commissioner's Guideline](#).

3. Options for Filling a Vacancy

Under the Act, CEOs may fill vacancies on the following basis:

- a) Ongoing – being employment until the employee resigns or the employment is terminated under the Act, other than casual employment;
- b) Fixed period – being employment for a period of time specified in the contract of employment, other than casual employment; or
- c) Casual – being employment to work as and when required from time to time.

4. Principles for Fixed Period Employment

Employment on an ongoing basis is the primary method of employment in the NTPS. However, there are certain circumstances when fixed period or casual employment may be appropriate.

Fixed period employment may be appropriate in the following circumstances:

a) Specified Employment Programs and Qualification Provisions

- Specified Employment Programs:
 - Graduate programs;

- Traineeships;
- Apprenticeships;
- Cadetships; and
- Transition to Retirement.
- Qualification Provisions:
 - Visa conditions or restrictions;
 - New Zealand residents;
 - Qualifications (certificates / degrees / licences)*; and
 - Clearance certificates*.

* **Please note:** where individuals are waiting on clearance certificates or qualifications to be issued, they should be employed on a fixed period employment until the qualification period is met. There will be some employment streams where this will not be applicable (eg Teachers).

b) Funding and Project Based Positions

- Time limited Commonwealth Government funding;
- Time limited Northern Territory Government funding;
- Project based work for a finite period; and
- Seasonal or periodical in nature.

c) Backfilling of Staff Absences

- Temporary transfers or promotions;
- Periods of leave (eg recreation, maternity, personal, leave without pay, long service leave or workers compensation); and
- Interim arrangements where recruitment action is imminent.

Where there is no likelihood the fixed period employment will become ongoing employment, this should be made clear upfront and no commitment to further fixed period or ongoing employment beyond the term of the contract should be implied.

Advertising of fixed period employment should reflect the actual length of time which it is known the duties will need to be performed (eg the full length of leave to be backfilled, until the project end date or for the known period of funding). Where the vacancy is for more than 5 years the vacancy must be advertised as ongoing.

In addition to the above, CEOs should consider any relevant enterprise agreement provisions regarding the use of fixed period employment.

5. Principles for Casual Employment

Casual employment may be appropriate where there is:

- a) no regularity or certainty in the hours of work required to be performed; or
- b) genuine uncertainty over the length of time that work will be available.

In some circumstances, a casual employee may be required to work regular full-time or part-time hours on an ongoing basis. In these circumstances, consideration must be given to whether the employee should be employed on an ongoing or fixed period contract.

In addition to the above, CEOs should consider any relevant enterprise agreement provisions and Determinations regarding the use of casual employment.

6. Fixed period vacancies of 6 months or less

Selections for fixed period vacancies of 6 months or less should generally be conducted through an open merit selection process which includes broadly advertising the vacancy to:

- enable all interested candidates to apply and be considered on their merit; and
- select the applicant with the best capacity to perform the job.

Agencies can elect to fill a fixed period vacancy of 6 months or less without advertising in any of the following situations:

- the vacancy has been identified by the agency as a genuine developmental opportunity for existing employees (higher duties); or
- the agency wishes to develop existing employees' experience and skill working in other areas within the agency (temporary transfer or higher duties); or
- the position is a renewal of an existing fixed period contract that was initially filled on a merit basis.

The reasons for not advertising the vacancy should be clearly communicated when seeking expressions of interest.

7. Release of employees

In order to facilitate operational needs of agencies and career paths of employees, timely negotiations between agencies for the release of an employee to an ongoing or fixed period vacancy should occur having regard to the:

- business needs of both agencies;
- handover requirements;
- development needs of the employee; and
- potential detriment to the employee in delaying release.

The continued release of an employee in a fixed period vacancy that is renewed is subject to the decision of the CEO of the releasing agency.

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