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Employment Types Procedure (MPF1215)

GOVERNING POLICY

This procedure is made under the Recruitment and Appointment Policy .

SCOPE

This procedure applies to all staff at the University.

PROCEDURE

1. Types of employment

1.1 The University may employ a staff member in the following types of employment:

- continuing employment
- fixed-term contract
- casual employment.

2. Research continuing employment (contingent-funded)

2.1 A staff member engaged in contingent-funded research may apply to the dean for, or the dean may offer the staff member, a Research Continuing Employment (Contingent-Funded) contract (an RCECF) where the staff member:

- is 0.5 FTE or more
- is an academic staff member who has been employed by the University for a period of 3 years or more, or a professional staff member who has been employed for a period of 5 years or more, and who is to be appointed to their second or subsequent consecutive contract
- was employed through a competitive and open selection process
- is "research active" as defined by their budget division or employed on a research project.

2.2 The dean may, at their absolute discretion, offer a RCECF notwithstanding not all of the above criteria are satisfied.

2.3 The staff member applying for an RCECF will make an application in writing to the dean and the dean will advise the staff member in writing of the outcome within 30 days of receiving the application.

2.4 The dean may refuse an application on reasonable grounds including where:

- the eligibility criteria above are not satisfied
- it is unlikely that there will be sufficient revenue or funding available to provide continuing support for the staff member's employment beyond a further 3 year period
- the staff member's performance has not been assessed as being at least "good"
- the staff member is performing work which is predominantly related to discontinued, or discontinuing programs or a disciplinary area that is not being actively pursued by the University
- the staff member is a professional staff member and does not have sufficiently transferable skills that would reasonably enable the University to redeploy the staff member to another position within the University upon the expiration of the existing research grant
- the staff member is a student, and their status as a student was the primary reason for their appointment.

2.5 A staff member employed under an RCECF will receive the same entitlements as other continuing staff, including superannuation in accordance with the Superannuation Procedure.

2.6 The following policies and their accompanying procedures do not apply to staff employed under an RCECF:

- where funding for the continuation of a RCECF position ceases, the consultation provisions in Workplace Relations Policy in respect of the position that the staff member occupies
- Leaving the University Policy (in particular the redeployment and redundancy procedure)
- policy and procedures applicable to staff employed on fixed-term contracts.

2.7 Where the funding that supports a staff member's RCECF ceases:

- the University may transfer the staff member to another equivalent position
- at the discretion of the relevant delegated authority, the staff member may be employed using other available funding, where the use of such funding is for a limited period and the head of budget division has a reasonable expectation that alternative research funding or a continuing appointment will become available.

2.8 Where the funding that supports a staff member's RCECF ceases and subsequently, during the notice period specified below:

- the funding for the position is renewed, then the notice period ceases to apply and employment continues.

2.9 Where the funding that supports a staff member's RCECF ceases and subsequently, during the notice period specified below and an application for renewal of the funding for the position is still pending, then by mutual agreement:

- the period of employment may continue for any period of paid annual leave and long service leave and thereafter unpaid leave, provided that unpaid leave shall not be available under this policy to bring the aggregate period of leave above 12 weeks
- if the employment has ceased, payment of severance pay and payment in lieu of notice may be delayed for up to 12 weeks to facilitate continuation of service and if the funding for the position is renewed, the staff member's employment will recommence, there will be no entitlement to severance pay or payment in lieu of notice and the period from cessation of employment to recommencement of employment shall not break continuity of service, but will not count as service.

2.10 The dean or head of budget division may terminate a RCECF when:

- the funding that supports the position ceases or is insufficient
- the inherent nature of the work required has changed significantly and the skills and experience of the staff member will not enable them to complete the requirements of the position
- termination is under the probation or disciplinary provisions of University policy.

2.11 If a staff member's employment is terminated for reasons other than during a probationary period or as a result of the University's disciplinary procedures, and alternatives to termination outlined above

have been unsuccessful, the dean will provide notice to the staff member and severance payments.

2.12 Where the employment of a staff member is terminated in the circumstances described above, the staff member will be provided with a minimum of 4 weeks' notice of termination, or 5 weeks if the staff member is over 45 years of age, which the University may pay out in lieu of notice.

2.13 Severance payments for eligible staff on RCECFs will be in accordance with the following table, subject to any greater period provided for in applicable legislation.

Length of Continuous Service	Severance payment
1 year or more and up to 2 years	4 weeks pay
2 years or more but less than 3 years	6 weeks pay
3 years or more but less than 4 years	7 weeks pay
At least 4 years but less than 5 years	8 weeks pay
At least 5 years but less than 6 years	10 weeks pay
At least 6 years but less than 7 years	11 weeks pay
At least 7 years but less than 8 years	13 weeks pay
At least 8 years but less than 9 years	14 weeks pay
At least 9 years but less than 10 years	16 weeks pay
10 years and over	12 weeks pay

2.14 Severance pay will not be paid to a staff member where:

- the staff member has resigned or declined an offer for further employment
- the staff member has obtained further employment within the University without the loss of accrued entitlements
- the University has assisted the staff member in securing the same or similar employment with another employer, with a transfer of all entitlements.

3. Fixed-term contracts

3.1 The University may not employ a staff member on a fixed-term contract unless he or she is engaged in work activity that falls within one of the following categories:

- specific task or project
- research
- externally funded
- new organisational area
- sudden and unanticipated increase in enrolments
- disestablished area
- measures to provide security of employment
- early career academic fellowships
- replacement staff member
- recent professional practice required
- pre-retirement contract
- fixed-term contract employment subsidiary to studentship
- apprentices or trainees.

3.2 These categories are defined in Schedule A – Categories of Fixed Term Contract with any additional conditions attached to each category.

3.3 The circumstances giving rise to early termination of a fixed term contract and the staff member's entitlements are set out in the Leaving the University Policy and Leaving the University Procedure.

4. Casual staff

4.1 The maximum term for any casual contract is 12 months and all casual staff members must sign a contract of employment prior to their engagement. The head of department/head of budget division will keep the contract of employment for seven years in the department or budget division.

4.2 A casual staff member will be employed for a minimum period of three hours except where another minimum period is requested by the staff member and agreed by the head of department/budget division, and except that the following minimum period of engagement applies to a casual professional staff member who is:

- a student: one hour
- a person with a primary occupation elsewhere (or with the University): one hour
- employed to assist disabled students but is not a student themselves: two hours
- a casual pastoral and farm worker or grape picker: one hour
- a trades person, maintenance worker or electrician: two hours.

4.3 A casual staff member's entitlement to salary, superannuation, overtime and other benefits is set out in the Remuneration, Recognition and Working Conditions Policy.

4.4 Guidelines for the employment and payment of casual staff are on the Human Resources website.

4.5 A head of department/budget division will use their best endeavours to provide a casual staff member with the facilities and resources appropriate to enable the fulfilment of his or her duties which may include telephone access, PC access, an email account, a work desk, a library card and designated space.

4.6 A casual professional staff member is eligible to apply in writing for conversion to continuing or fixed-term employment where the staff member has been employed on a regular and systematic basis in the same or a similar classified position in the same department (or equivalent), either:

- over the immediately preceding period of 12 months and, in those immediately preceding twelve months, the average weekly hours worked equalled at least 50% of the ordinary weekly hours that would have been worked by an equivalent full-time staff member
- over the immediately preceding period of at least 24 months.

4.7 A casual professional staff member is not precluded from applying for conversion by reason of his or her performance of occasional and short-term work in another classification, job or department, but such work will not be included in determining whether the staff member is eligible to apply for conversion.

4.8 The University will not engage or re-engage a casual professional staff member or reduce the hours worked by the staff member in order to avoid any obligation to consider an application for conversion.

4.9 An eligible casual professional staff member may, after discussing the matter with their supervisor, apply in writing for conversion:

- to the head of budget division in the case of conversion to continuing employment
- to a level 2 delegate in the case of conversion to fixed term employment.

4.10 The application for conversion must include their name and employee number and a brief statement setting out the reasons why the staff member believes he or she meets the eligibility for

conversion criteria.

4.11 The head of budget division or level 2 delegate may, after consultation with the local Human Resources Consultant:

- approve an application for conversion to non-casual employment and offer the casual professional staff member a continuing or fixed-term employment at the same classification level and for the same or similar duties as the staff member was previously undertaking
- reject the application in writing on reasonable grounds.

4.12 The head of budget division or level 2 delegate will not unreasonably refuse an application for conversion but may refuse an application on reasonable grounds, including where:

- the staff member is a student, or has recently been a student, other than where his or her status as a student is irrelevant to his or her engagement and the work required
- the staff member is a genuine retiree
- the staff member is performing work which will either cease to be required or will be performed by a non-casual staff member, within 26 weeks (from the date of application)
- the staff member has a primary occupation with the University or elsewhere, either as a staff member or as a self-employed person
- the staff member does not meet the essential requirement of the position
- the work is ad hoc, intermittent, unpredictable or involves hours that are irregular.

4.13 Where the pattern of previous work determines, head of budget division or level 2 delegate may approve conversion to a seasonal, part-year or annualised hours contract.

4.14 A casual professional staff member whose application for conversion is rejected will not be entitled to apply again within 12 months except where the reason for rejecting the application has been that the work the staff member was performing would cease to be required within 26 weeks of the application for conversion, and that reason has ceased to apply.

5. Sessional Staff

5.1 The University will accord a sessional staff member the same entitlements that accrue to a casual staff member.

5.2 A sessional staff member will be paid the salary rate set out in the Remuneration, Recognition and Working Conditions Policy, with payments made fortnightly according to the following formula:

- total amount to be paid to the staff member if he or she satisfactorily completes the required tasks in the designated period *divided by* the number of fortnightly pay periods in the designated period.

5.3 Guidelines for the employment and payment of sessional staff are on the Human Resources website.

5.4 If a sessional staff member has been unable to work or complete the agreed hours, he or she will advise the level 2 delegate and the level 2 delegate and the sessional staff member may either make alternative arrangements to complete the task, or the level 2 delegate may arrange for the staff member's payment to be adjusted accordingly.

5.5 If arrangements cannot be made for the sessional staff member to complete the agreed hours or the task or the staff member refuses or fails to complete the hours or tasks, the level 2 delegate will:

- immediately notify local Human Resources to stop payment
- advise the sessional staff member in writing that there will be no further payment (other than for work already performed).

5.6 In addition to the facilities provided to all casual staff, a head of department will use his or her best endeavours to provide a sessional staff member with the following facilities for 3 months after their

contract ceases, if it is likely that the sessional staff member will have further employment with the University within 3 months:

- library card
- email account
- University network and intranet access.

5.7 The sessional staff member must agree to comply with University policy in relation to these matters during this three month period.

6. Seasonal or part year employment

6.1 A head of budget division may offer to employ a professional staff member on a seasonal or part year basis only where the professional staff member has converted to continuing or fixed-term seasonal or part year employment from casual employment.

6.2 Other conditions of employment for a staff member employed on a seasonal or part year basis are set out in Schedule B – Conditions of Employment.

7. Annualised hours employment

7.1 A head of budget division may offer to employ a professional staff member on an annualised basis only where the professional staff member:

- has converted to continuing or fixed-term employment on an annualised basis from a casual employment
- elects, after commencing employment, by mutual agreement in writing, to move to an annualised hours arrangement for a defined period of time. Such an agreement may be terminated by the University or the staff member by the giving of three months' notice, after which the staff member will revert to normal working hours.

7.2 Subject to the contract of employment, the head of budget division will determine the time and manner in which the annual ordinary hours are rostered over the period of the year and may determine that the annual hours be rostered over a period of less than 12 months.

7.3 Other conditions of employment for a staff member employed on an annualised basis are set out in Schedule B – Conditions of Employment.

SCHEDULES

- [Schedule A – Categories of Fixed Term Contract](#)
- [Schedule B – Conditions of Employment](#)

RELATED DOCUMENTS

- [Contract of employment](#)
- [Delegations Policy, Schedule D - Human Resources Delegations](#)
- [Equal Opportunity Act 1995 \(Vic\)](#)
- [Health and Safety Policy](#)
- [Human Resources website](#)
- [Job Classification and Linked Advancement Procedure, Schedule B - Minimum Standards for Academic Levels](#)
- [Leaving the University Policy](#)
- [Leaving the University Procedure](#)

- [Misconduct Procedure](#)
- [Probation and Confirmation Procedure](#)
- [Recruitment and Appointment Policy](#)
- [Remuneration, Recognition and Working Conditions Policy](#)
- [Salaries, Loadings and Benefits Procedure](#)
- [Staff Development, Education and Performance Policy](#)
- [Superannuation Procedure](#)
- [University of Melbourne Collective Agreement 2010](#)
- [University of Melbourne Enterprise Agreement 2006](#)
- [Workplace Relations Policy](#)

DEFINITIONS

Term	Definition
annualised hours employment	Employment for a specific number of ordinary hours within any one year (which may be a calendar year) where the time and manner in which the ordinary hours are worked is at the discretion of the University.
campus	Refers to all the University's campuses, field and research stations, buildings, grounds, vehicles, farms, commercial operations and other locations under the University's control.
casual employment	Employment by the hour which is paid on an hourly basis that includes a loading related to benefits for which a casual employee is not eligible to receive.
contingent funded research	Research funded by limited term funding provided from external sources, but not funded through an operating grant from Government or funding comprised of payment of fees made by or on behalf of students.
continuing employment	Ongoing employment with no fixed end date and includes Research Continuing Employment (Contingent-funded).
fixed-term employment	Applies only where a staff member is to be engaged in a work activity that falls within one of the categories listed in this Procedure and means the employment is for a specified term or ascertainable period for which the contract specifies the starting and finishing dates of that employment (or in lieu of a finishing date, the circumstances or contingency relating to a specific task or project upon the occurrence of which the term of the employment will expire) and during the term of employment, the contract is not terminable by the University, other than during a probationary period or for serious or wilful misconduct.

full-time employment	For professional staff, employment for a maximum of 36.25 ordinary hours per week. For academic staff, employment for such hours required to perform duties in accordance with the relevant Minimum Standards for Academic Levels.
part-time employment	For professional staff, employment to work a fixed number of hours per week which is less than the ordinary weekly hours of work for a full-time staff member (36.25 hours per week) in the same classification. For academic staff, employment to perform a workload less than the ordinary workload for a full-time staff member in the same classification, and that would be expected to be performed in less than the ordinary hours worked for a full-time staff member.
seasonal or part-year employment	Employment to work one or more periods or seasons in each year (which may be a calendar year).

RESPONSIBLE OFFICER

The Executive Director, Human Resources is responsible for the development, compliance monitoring and review of this procedure and any associated guidelines.

IMPLEMENTATION OFFICER

The Director, HR Specialist Services, Human Resources is responsible for the promulgation and implementation of this procedure in accordance with the scope outlined above. Enquiries about interpretation of this procedure should be directed to the implementation officer.

REVIEW

This procedure is to be reviewed by 30 June 2015.

VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
1	Senior Vice-Principal	24 Aug 2012	24 Aug 2012	New version arising from the Policy Simplification Project. Loaded into MPL as Version 1.
2	Senior Vice-Principal	17 Sep 2013	17 Sep 2013	Update to section 4.1.