Policy Redesign Project

All policies and procedures are being reviewed as part of this project. This document is pending review, but remains in effect until the review is carried out.

Casual Professional Staff

Establishment: ECA 1997 - 1999

Last Amended: Senior Vice-President, 7 November 2014

Nature of Amendment: 7 August 2014 - Enterprise Agreement 2014 to 2017

Amendment to reflect changes to Superannuation Guarantee Legislation and to clarify that superannuation will be paid on all ordinary time casual earnings

Date Last Reviewed:

Responsible Officer: Director, Human Resources

ENTERPRISE AGREEMENT 2014–2017, CLAUSE B4 CASUAL PROFESSIONAL STAFF

B4.1 General Principles

B4.1.1 Casual professional staff are engaged by the hour.

B4.1.2 [Hours of duty and duration of employment] Casual staff members are normally employed less than full-time in any week and as a general expectation, will normally work their hours within the University's nominated span of hours.

B4.1.3 Casual staff are engaged with no guarantee or expectation of work beyond the period of their current employment.

B4.1.4 [Full-time staff and casual work] Staff occupying full-time continuing or fixed-term appointments will not normally be remunerated at a casual hourly rate for work done outside their prescribed ordinary hours of duty.

B4.1.5 [Part-time staff and casual work] A part-time continuing or fixed-term staff member may undertake additional work as a casual employee in work which is unrelated to, or identifiably distinct from, the employee’s normal duties, provided that the sum of the part-time and casual employment does not exceed the full-time equivalent hours for a professional staff employee. Such an arrangement will be subject to mutual agreement and must not interfere with the staff member’s substantive work requirement.
B4.2 [Engagement] The minimum period of engagement for a casual employee will be three (3) hours unless one of the following circumstances applies:

B4.2.1 [Students] Employees who are students have a minimum engagement of one (1) hour, where the work occurs on any day Monday to Friday during Orientation Week and the teaching weeks of the University, other than on public holidays. Where the student is a resident of on-campus University accommodation, the minimum period of engagement of one (1) hour will apply for any day of the week throughout the Academic Year, from Orientation Week to the last day of the assessment period at the end of the year inclusive (other than on public holidays).

B4.2.2 [Other primary occupation] Employees who have a primary occupation elsewhere in the University or outside of the University have a minimum engagement of one (1) hour.

B4.2.3 [Not required to attend a University site or a site on behalf of the University] Employees who are not required to attend a University site or a site on behalf of the University in order to undertake the work for which they have been engaged have a minimum engagement of one (1) hour. This may include but is not limited to where a casual employee chooses to undertake the work from her or his private residence.

B4.2.4 [Invigilators] Employees who are invigilators for examinations have a minimum engagement of two (2) hours.

B4.3 Casual staff working as research assistants, laboratory support, technical and animal house staff, and administrative staff in Flinders Living (refer B9.3.3) are required to work a minimum of 152 hours within a work cycle not exceeding 28 consecutive days before payment as per B4.5.6 may apply.

B4.4 [Termination of casual employment] Termination of casual employment may be given by one hour’s notice by either party.

B4.5 [Remuneration]

B4.5.1 [Basis of casual rate] Casual rates of pay are determined on the basis of the first year of adult service of the appropriate classification, or, in the case of juniors, at the rate applicable to the employee’s age in such classification.

B4.5.2 Casual employment may not be offered at any rate of pay other than those prescribed under this Agreement; nor may any lump sum payment be offered in lieu of the prescribed hourly rate.

B4.5.3 [Loading in lieu of all entitlements] Casual staff are employed on an hourly basis and are paid a loading of 25 percent in lieu of benefits not provided to casual staff including all leave entitlements (with the exception of long service leave), penalties and loadings.

B4.5.4 [Monday to Sunday] Except as provided for in B4.5.5 and B4.5.6, a casual staff member will be paid her or his ordinary casual hourly rate (ie including the casual loading) for work performed on any day, in accordance with the rates set out in Schedule 3 of this Agreement.

B4.5.5 [Public holidays] In respect of work performed on any public holiday a casual staff member will be paid a penalty of 50% in addition to her or his normal casual hourly rate (ie including the casual loading).

B4.5.6 [Overtime] Where a casual staff member is directed to work more than 8 hours in any day (Monday to Friday) or where work performed on a weekend or public holiday is in excess of 38 hours within that same pay week, the rate of payment for that work will be in accordance with the following table (based on the casual hourly rate as specified in Schedule 3 of this Agreement):

<table>
<thead>
<tr>
<th>Days worked</th>
<th>Overtime Rate</th>
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</table>
Monday – Friday 150%
Saturday 180%
Sunday 200%
Public Holiday (Mon – Sat) 250%

B4.5.7 [Superannuation] The employer superannuation contribution as specified in the Superannuation Guarantee Legislation will be paid, for all ordinary time casual earnings, regardless of any legislated monthly income threshold, for employees engaged in accordance with, and covered by the terms of, this Agreement.

B4.6 [Conversion from Casual to Non-Casual Employment]

B4.6.1 [Application] A casual professional staff member may apply in writing to have her or his employment converted to a fixed-term or continuing appointment.

B4.6.2 [Eligibility] To be eligible to apply for conversion, a casual staff member must be employed on a regular and systematic basis in the same or similar and identically classified position in the same School/Division either:

B4.6.2.1 over the immediately preceding period of 12 months within which 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; or

B4.6.2.2 over the immediately preceding period of at least 24 months.

B4.6.3 For the purposes of this clause, occasional and short-term work performed by the casual staff member in another classification, job or School/Division will not affect the staff member’s eligibility for conversion if she or he would otherwise satisfy the eligibility criteria.

B4.6.4 A staff member must not be engaged and re-engaged nor have her or his hours reduced in order to avoid any obligation under this clause.

B4.6.5 [Refusal to convert] The University will not unreasonably refuse an application for conversion. However, the University may refuse an application on reasonable grounds. Where an application is rejected, the reasons for the rejection will be provided to the applicant in writing.

B4.6.6 [Conversion to non-casual appointment] If the application is accepted, the staff member will be offered a fixed-term or continuing appointment, on either a full-time or part-time basis.

B4.6.7 [Non-casual appointment] The non-casual appointment will, subject to due consideration of the University’s operational requirements and the desirability of offering the staff member work that is regular and continuous, be as consistent as is reasonably practicable with the pattern of work undertaken by the staff member during her or his casual appointment.

Policy and Procedures

1. Authorising Officer

For the purposes of this policy and procedures, the authorising officer means Executive Dean, Dean of School, Head of Division or nominee.
2. Casual Employment

Casual employment is normally utilised where work is to be performed on an ad hoc basis over an undefined period, or over a short but definite period, such as:

2.1 to cover staff absences;

2.2 to provide additional staff in overload situations, especially where base grade work would otherwise need to be performed by higher grade staff on an overtime basis;

2.3 to undertake short-term project or other grant-funded work; or

2.4 where the availability of work and/or funding is uncertain.

3. Duration of Employment and Hours of Duty

Whilst an initial indication may be given as to the proposed duration of employment and daily hours of duty, such arrangements may be changed by the authorising officer without any formal obligation to provide notice to the employee concerned. With some specific exceptions as set out in clause B4.2, the minimum period of engagement of a casual employee is three (3) hours.

4. Classification

4.1 Casual employment will normally be offered at the classifications of Higher Education Officer Level 1 to Higher Education Officer Level 5.

4.2 Employment at the classifications of Higher Education Officer Level 6 and above will be made only with the approval of the relevant Faculty/Portfolio Head.

5. Residence Status

Casual employment may not be offered to persons who do not hold appropriate residence status visas which permit them to work in Australia.

6. Appointment Process

The casual employment form must be completed by the staff member’s supervisor and signed by the staff member prior to the staff member commencing duties.

7. Claims for Payment

Casual professional staff are paid on the basis of work undertaken and must specify the precise details of the dates and times worked. Hours worked must be recorded via the Employee Self Service (ESS) and these will be approved electronically by their supervisor.
8. Conversion from casual to non-casual employment

A casual staff member will be advised by way of the casual employment form that she/he may have a right to apply for conversion under the provisions of prevailing Flinders University Enterprise Agreement. In addition, the University will take reasonable steps from time to time to inform casual staff of these conversion provisions.

9. Grounds to reject an application for conversion

Grounds for refusing an application for conversion under B4.6.5 include, but are not limited to, the following:

9.1 the staff member is not, in accordance with B4.6.2, eligible to apply for conversion;

9.2 the staff member is a student, or has recently been a student, other than where her/his status as a student is irrelevant to her/his engagement and the work required;

9.3 the staff member is a genuine retiree;

9.4 the staff member is performing work which will cease to be required or will be performed by a non-casual staff member within 6 months (from the date of application);

9.5 the staff member has a primary occupation with the University or elsewhere, either as an employee or as a self-employed person; or

9.6 the staff member does not meet the essential requirements of the position; or

9.7 the work is ad hoc, intermittent, unpredictable or involves hours that are irregular.

10. Procedures for conversion from casual to non-casual employment

Subject to the staff member meeting the eligibility criteria for conversion as specified in clause B4.6.2, the following procedures will apply:

10.1 The staff member’s application for conversion must be in writing.

10.2 The University will:

10.2.1 accept the application and offer the staff member a non-casual appointment; or

10.2.2 reject the application.

10.3 The offer of conversion will constitute a contract of employment consistent with Clause B2.5.1 (Employment of Professional Staff).

10.4 If the University rejects the application, it will provide the staff member with written reasons for the rejection.

10.5 A staff member whose application for conversion is rejected will not be entitled to apply again within 12 months except where:

10.5.1 that rejection is solely based upon the ground set out in clause 9.4 of this policy; and

10.5.2 that ground ceased to apply.