Procedure: Variation to employment

Purpose

To provide conditions and eligibility for variations to employment, in accordance with the ANU Enterprise Agreement.

Procedure

1. The University may vary the role, location and supervisor of a staff member at any stage during their employment.

Extension to fixed term employment

2. A fixed term staff member will be offered further work if available in the relevant position except if employed under an employment scheme (see clause 13.7 of the Enterprise Agreement), provided that:
   - there is funding security for the position;
   - the staff member had had satisfactory performance; and
   - the staff member was initially employed after a normal competitive selection process for the relevant type of position.

3. The above does not prevent the Director, Human Resources making an offer of further employment at their discretion. Where this further employment is offered on a fixed term basis, this does not prevent the staff member being considered eligible for conversion or for severance payments.

4. Where a professional staff member has been employed in accordance with clause 14.2 (b) (i) of the Enterprise Agreement (research intensive employment for professional staff), the appointment can only be extended once, and for a period not exceeding 12 months.

5. Clause 4 may not be applicable where the appointment is subject to the continuation of identifiable external funding dependant on milestone reviews.

6. With the exception of extensions offered in accordance with clause 5, and in accordance with clause 4, where the duties of the fixed term position continue
unchanged or substantially unchanged, any further extension will result in the staff member being converted to a continuing appointment.

Fixed term staff conversion to continuing (contingent funded) employment

7. A fixed term staff member who is being extended past 12 months continuous service and who is supported by ‘contingent funding' may be converted to continuing (contingent funded) employment.

8. "Contingent funding" is limited term funding provided from external sources, but not funding that is part of an operating grant from government or funding comprised of payments of fees made by or on behalf of students.

9. Notwithstanding the above, a fixed term staff member may be appointed, at the discretion of the College Dean, to continuing (contingent funded) employment using internal funds, where:
   • the use of internal funding is for a limited period; and
   • the area has a reasonable expectation that alternative contingent funding or a continuing appointment will become available; and
   • the alternative would be the separation of the staff member from their position with the University.

Fixed term staff conversion to continuing employment

10. A fixed term staff member with more than 12 months continuous service may apply for conversion to a continuing appointment not less than three months prior to the fixed term appointment expiring subject to:
    a. the staff member having had satisfactory performance;
    b. further work being available in the relevant position;
    c. funding security for the position; and
    d. the staff member initially being appointed after a merit-based selection process.

11. The University may refuse to grant the application but will not unreasonably do so.

12. The above does not prevent the Director - Human Resources making an offer of further employment at their discretion. Where this further employment is fixed term, this does not prevent the staff member being considered eligible for conversion or for severance payments.
Variation to continuing (contingent funded employment)

13. A staff member employed on continuing (contingent funded) employment will be made aware of any anticipated end date to their employment arrangement as linked to the availability of funding.

14. Where an anticipated end date is varied, staff will be notified by the University of this change.

Continuing (contingent funded) staff conversion to continuing employment

15. A staff member with more than 10 years continuous service in a continuing (contingent funded) appointment will be converted to a continuing position provided that:
   a. the staff member having had satisfactory performance;
   b. there is a reasonable likelihood of further work being available in the relevant position;
   c. there has been a pattern of funding continuity for the position; and there is a reasonable expectation that the funding will continue.

Casual conversion to continuing employment

16. Provisions below apply in relation to offers and requests for casual conversion to continuing employment only, in accordance with the National Employment Standards (NES).

17. A casual staff member will be assessed for conversion to continuing employment within 21 days of their 12 month anniversary date. Where a casual staff member has requested to be assessed for conversion to continuing employment, the University will respond to the request within 21 days.

18. A casual staff member will be eligible to have their employment converted to continuing employment provided the staff member:
   a. has been employed on a casual basis by the University for a period of 12 months;
   b. has worked a regular pattern of hours on an ongoing basis for at least the 6 months immediately prior to being assessed for conversion;
   c. could continue to work as a full- time or part-time member of staff without significant adjustments;
   d. has not been enrolled as a student with ANU in the past 12 months; and
e. there are no reasonable grounds identified that would prevent conversion to continuing employment.

19. Subject to clause 16 of the Enterprise Agreement, where a casual staff member is eligible for conversion, they will be issued an offer of continuing employment consistent with their regular pattern of casual hours at the time of being assessed.

20. Any offer of continuing employment will be issued to the casual staff member within 21 days of being assessed, the casual staff member will then have 21 days to respond to the letter of offer.

21. Where the casual staff member does not respond to the letter of offer within 21 days, the University will determine the staff member is electing to remain as a casual staff member.

Application for casual conversion to continuing (contingent funded) or fixed term employment

22. Provisions below apply in relation to applications for conversion to continuing (contingent funded) or fixed term employment only, in accordance with the ANU Enterprise Agreement.

23. A casual staff member will be eligible to apply to have their employment converted to a non-casual (continuing (contingent funded) or fixed term) appointment except where the staff member:
   a. is a student with the University, or has recently been a student within the last 12 months;
   b. is a genuine retiree; or
   c. has a primary occupation with the University or elsewhere (including self-employed persons).

24. Subject to clause 23, applications for conversion to continuing (contingent funded) or fixed term appointment will be considered if the staff member has been employed on a regular and systematic basis in the same, or a similar and identically classified position in the same department (or equivalent), over the immediately preceding period of 12 months.

25. For the purposes of casual staff conversion to continuing (contingent funded) or fixed term, occasional and short-term work performed by the staff member in another classification, job or organisational area (or equivalent) will not:
   a. affect the employee's eligibility for conversion;
Procedure: Variation to employment

26. A casual staff member must not be engaged and re-engaged, nor have their hours reduced, in order to avoid any obligation under this provision.

Procedure for casual staff conversion to (continuing (contingent funded) or fixed term) employment

27. The staff member may apply to the University in writing. The University must decide to either:

- accept the application and offer the staff member a non-casual (continuing (contingent funded) or fixed term) appointment; or
- decline the application.

28. Where a conversion to a non-casual (continuing (contingent funded) or fixed term) appointment is approved, this will constitute an offer and the staff member will be provided with a contract of employment consistent with clause 16 of the Enterprise Agreement. The converted position may be offered as:

a. Continuing (contingent funded) or fixed term; and

b. Full time or part time basis.

29. The non-casual (continuing (contingent funded) or fixed term) appointment will, subject to the University’s operational requirements, be as consistent as is reasonably practicable with the pattern of work undertaken by the staff member during their casual appointment.

30. Upon conversion, a staff member’s casual service which has been continuous with their conversion to a non-casual (continuing (contingent funded) or fixed term) position will count as service for the purpose of determining or calculating any entitlements to parental leave (clause 38) and redundancy (clause 56) only.

31. Where a conversion to a non-casual (continuing (contingent funded) or fixed term) appointment is declined, the staff member will be provided with written reasons for the outcome in accordance with the following:

a. The staff member is not eligible to apply for conversion, in accordance with clause 23.

b. There is not ongoing requirement for the position (on a continuing (contingent funded) or fixed term basis).

c. The staff member does not meet the essential requirements of the position.
Review of staff appointment category

32. Where a staff member considers that their present employment status is incorrectly categorised, a review may be sought to ascertain if they should be appointed as an academic or general staff member based on the duties required to be carried out, as determined by the University.

33. A review of staff appointment category will be made to the delegate of the area in accordance with the following principles:

- the decision about whether the appointment is to be academic or professional staff should not be determined by funding source or budgetary considerations, except where those considerations relevantly affect the nature of work to be performed;

- the criteria for appointment shall be objective and related to the nature of the work to be undertaken. The criteria to be applied shall also include the basis for assessment of performance, the basis of career progression for the incumbent and to the extent it affects these, the preference of the staff member;

- where the appointment is to an academic position, the type of work must be such as would allow the staff member performing that type of work to have a reasonable prospect of promotion under the University’s academic promotion procedures;

Review of Professional Staff position classification

34. A provision exists for the review of a professional staff position classification. Position classification will be reviewed in accordance with the Enterprise Agreement and the Classification of professional staff positions procedure.