Procedure: Variation to employment

Purpose
To provide details on the manner in which variations to employment may occur.

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 his or her discretion. Where this further employment is fixed term, this does not prevent the staff member being considered eligible for conversion or for severance payments.
4. Where a staff member has been employed under clause 13.2 (b) (i) of the Enterprise Agreement (research intensive employment for general staff), the appointment can be extended only once for a period not exceeding 12 months except where the continuation of identifiable external funding is subject to milestone reviews. Except for extensions due to milestone reviews, where the duties of the fixed term position continue unchanged or substantially unchanged, any further appointment to the position will be a continuing appointment.

Variation to continuing (contingent funded employment)
5. 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.
6. Where an anticipated end date is varied, staff will be notified by the University of this change.

**Conversion of employment**

7. In keeping with the University’s goals in relation to the [Reconciliation Action Plan (RAP)](#), applications to convert employment to more secure employment arrangements for Indigenous staff are considered favourably by the University, subject to the eligibility criteria below.

**Eligibility for fixed term staff conversion to continuing employment**

8. A fixed term staff member with more than 12 months continuous service may apply for conversion to a continuing appointment not less than 3 months prior to the fixed term appointment expiring subject to:
   - the staff member having had satisfactory performance;
   - further work being available in the relevant position;
   - funding security for the position;
   - the staff member initially being appointed after a normal competitive selection process for the relevant type of position; and
   - the number and quality of the candidates when the position was initially advertised who would merit ongoing appointment.

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

10. The above does not prevent the Director, Human Resources making an offer of further employment at his or her discretion. Where this further employment is fixed term, this does not prevent the staff member being considered eligible for conversion or for severance payments.

**Eligibility for fixed term staff conversion to continuing (contingent funded) employment**

11. 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.

12. ‘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.

13. 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.

**Eligibility for casual sessional staff conversion**

14. A casual sessional academic staff member will be eligible to have his or her employment converted to a non-casual appointment if he or she has been employed on a regular and systematic basis in the same or similar classified position in the same (or a similar) academic organisational unit or equivalent during the preceding 12 months provided that it is reasonably likely that the employment will be ongoing.

**Eligibility for casual general staff conversion**

15. A casual, general staff member will be eligible to apply to have his or her employment converted to a non-casual appointment if, at or after 30 June 2004, he or she 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), 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 employee; or
- over the immediately preceding period of at least 24 months.

16. For the purposes of this provision, occasional and short-term work performed by the staff member in another classification, job or organisational area (or equivalent) shall not:

- affect the employee's eligibility for conversion; or
- be included in determining whether the employee meets or does not meet the eligibility requirements.

17. An employee must not be engaged and re-engaged nor have his or her hours reduced in order to avoid any obligation under this provision.

18. The University must not, unreasonably, refuse an application for conversion
to non–casual employment. However, it may refuse an application on reasonable grounds. Reasonable grounds include, but are not limited to, the following:

- the staff member is not eligible to apply for conversion;
- the staff member was employed pursuant to clause 14.12 of the Enterprise Agreement (Employment conditions for casual general staff);
- 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 employee, within 26 weeks (from the date of application);
- the staff member has a primary occupation with the University or elsewhere, either as an employee or as a self–employed person;
- the staff member does not meet the essential requirements of the position; or
  - the work is ad hoc, intermittent, unpredictable or involves hours that are irregular.

19. Whether there are reasonable grounds to refuse conversion will depend upon the entirety of the circumstances in the particular case.

20. Subject to clause 14.24 and clauses 14.18 – 14.20 (Eligibility for casual general staff conversion), casual employment may be converted:
  - to a continuing or continuing (contingent funded) appointment or to a fixed–term appointment; and
  - on a full time basis or a part time basis.

21. The non–casual appointment will, subject to due consideration of the University's operational requirements and the desirability of offering the staff member work which is regular and continuous, be as consistent as is reasonably practicable with the pattern of work undertaken by the staff member during his or her casual appointment.

22. Subject to this clause, the staff member's casual service will not count as service for the purpose of determining or calculating any entitlements except that casual service will be counted for the purpose of determining eligibility for unpaid parental leave in accordance with clause 37 of the Enterprise Agreement (Parental leave).
Procedure for casual general staff conversion to non-casual employment

23. Subject to clauses 14.18 – 14.20 of the Enterprise Agreement (Eligibility for casual general staff conversion), the staff member may apply to the University for conversion of his or her casual appointment to a continuing, continuing (contingent funded) or fixed term appointment. The staff member's application for conversion must be in writing. The University must decide to either:

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

24. The offer of conversion will constitute an offer of a contract of employment and will be consistent with clause 15 of the Enterprise Agreement (Contracts of employment other than senior management contracts). If the University rejects the application, it must provide the staff member with written reasons for rejecting it.

25. A staff member whose application for conversion is rejected is not entitled to apply again within 12 months if:

- the staff member has not sought a review of the decision within 10 working days of notification of the rejection of the application for conversion; or,
- following the processes provided for in clause 74 of the Enterprise Agreement (Review of decisions), the decision has been upheld.

Review of staff appointment category

26. 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.

27. 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 general 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

28. A provision exists for the review of a general staff position classification. Position classification will be reviewed in accordance with the Enterprise Agreement and the Review of General Staff Classification Procedure.

Review of decisions

29. Where appropriate, a staff member may request a review of a decision made in relation to their employment with the University. Reviews will be conducted in accordance with the Review of Decisions Procedure.