

HR Policy and Best Practice

Making HR Policy Work for You



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Agenda

- Workforce Planning
 - Meeting a need or hitting refresh
 - Managing Leave
- Recruitment Decisions
 - Filling vacancies internally
 - Advertising vacancies
 - Learning Specialists
- Attracting Applicants – Remuneration Options
 - Higher commencement salary
 - Special Payments
- Other Hot Topics
- Open Question Time

But First a Question?

When you search for a solution to a HR problem where do you go?



HR WEB – A-Z Topic Index



Why do you go there for the answer?

When Things Go Wrong!

Causes

- Lack of Communication
- Lack of Transparency
- Us vs Them mentality
- The path of least resistance
- Chinese Whispers

Consequences

- Grievances
- Impact on student instruction
- Breakdown of trust

Workforce Planning

Victorian Government Schools Agreement 2017 - clause 12(5)

- “workforce plan” means a document setting out the projected staffing needs of a school having regard to factors such as the education program of the school, predicted enrolment increase or decrease, the mix of ongoing and fixed term teaching and non-teaching staff, predicted staff absences due to leave or other reasons and any predicted departures of existing staff.

Some important considerations:

- Are you seeking to meet needs or are you just hitting the refresh button on vacant positions?
- Does your existing workforce structure still meet the needs of a changing school in a changing environment?
- How would you staff the school if it was a new school?

Workforce Planning

Projected staffing needs

- Short term and long term needs
- Ongoing vs fixed term
 - Ongoing is the standard mode of employment however fixed term employment will continue to be necessary.
- Dimensions of Work/Roles and Responsibilities
 - Need to have clear role descriptions aligned with the dimensions of work
 - Have the accountability levels of any positions changed?
 - Possible range reviews for ES positions

Workforce Planning

Projected staffing needs

- Enrolment figures and trends
 - Declining enrolments – need for fixed-term employment can increase
 - Enrolment growth – greater opportunities for ongoing employment
- Changes in employee preferences?
 - Changes in time fractions – part-time employment
 - Requests for flexible work arrangements?
 - Medical recommendations
- Government Requirements
 - Learning Specialists
 - Specific Projects/Programs

Workforce Planning

Managing Leave

- Discretionary vs non-discretionary leave
 - Manage discretionary leave having regard to the organisational requirements of the school and the needs of the employee
- Discretionary leave
 - Leave Without Pay

Granting leave without pay

- Applications for leave without pay are considered by the Principal. With the exception of applications for leave without pay to count as service, the principal has the delegation to approve leave without pay in respect of all staff employed at his or her school and the Regional Director has the delegation to approve leave without pay in respect of principals.

Workforce Planning

- Discretionary leave (cont.)

- Long Service Leave

- Granting long service leave

- Whilst long service leave is an entitlement, the timing of the leave is discretionary. An application for long service leave needs to be lodged with sufficient notice but no later than two terms before the intended commencement of leave or such shorter period that may be approved by the principal.
 - In considering applications for long service leave, the principal will have regard to the operational requirements of the school, taking into account the availability of replacement staff and the number of staff who wish to take leave at the same time. Where long service leave is not granted, arrangements should be made with the employee to enable leave to be taken at an alternative date in the future.
 - Discretion relates to the timing of the leave

Workforce Planning

Managing Leave

Resumption from Parental Absences

- An employee may return to duty after a parental absence:
 - six weeks following the birth or placement of a child or the expiration of maternity leave if written notice of intention to return is given to this effect prior to the commencement of the absence; or
 - on the first day of any term if written notice of intention to return is given by 1 October in the year preceding the intended date of return; or
 - at such other times as may be approved in any particular case provided that applications on compassionate or hardship grounds will not be unreasonably refused.

Workforce Planning

Managing Leave

Resumption from Parental Absences

- A right to request a return on a part-time basis
 - an employee with a child under school age may request to return to duty following parental absence on a part-time basis to assist the employee in reconciling work and parental responsibilities.
 - Any such request will be considered having regard to the employee's circumstances and the operational needs of the school.

Resumption from Parental Absence gives rise to actions including:

- Cessation of a fixed-term parental absence position;
- Possible advertisement of new fixed term vacancies for other reasons – e.g. potential excess
- Revision of requests for time fraction changes – job sharing opportunities

Workforce Planning

Managing Leave

Resumption from Other Leave

Leave Without Pay/Long Service Leave

- An employee is on leave or on duty
- When the approved period of leave concludes the employee is to resume duty

To assist workforce planning schools should:

- Set clear deadlines and clearly communicate those deadlines to staff regarding the consideration of leave applications
- Notify employees of the potential outcomes if they fail to meet the deadlines
- Don't ask employee's of their intentions. Intentions can be changed!

Recruitment Decisions

Local Employment decisions

- Local selection arrangements provide the most effective way of matching the talents and career aspirations of employees with the specific needs of individual schools.
- Principals should initially determine whether the vacancy is within the school's workforce plan and that funding is available and will continue to be available for the duration of the vacancy. In addition consideration should also be given to:
 - projected student enrolments
 - the duties, classification, range and time fraction of the position
 - the expected duration of the position.

Recruitment Decisions

Local Employment decisions

Modes of Employment

- The standard mode of employment in the Victorian Teaching Service is ongoing. However some fixed term employment will continue to be necessary.
- Benefits of ongoing positions
 - Typically higher number of applicants
 - Probationary periods allow for poor performing employees to have the employment annulled within the first 6 or 12 months. No probationary period for fixed term positions.

Recruitment Decisions

Local Employment decisions

Modes of Employment

- Fixed-term employment
 - Leave/Transfer Replacements (12 months or less)
 - Parental Absence
 - Potential Excess
 - Specific project and funding
 - Paraprofessionals – PTT for up to three years.

Benefits of fixed term employment

- Provides flexibility for schools
- Protects the ongoing positions of substantive employees

Recruitment Decisions

Appointing Internals without external advertisement

Do you need to advertise or is the right person already in the school?

Translation to ongoing employment

- Where an ongoing position that would otherwise be advertised becomes available in a school, the principal should determine if the position is a suitable position for any eligible fixed term employee(s) in the school.

ES Salary Range Review

- The salary range of an education support class employee or a paraprofessional may be reviewed at any time in the context of any changes to the work value of a position and the performance of the employee.

Higher Duties appointments

- A higher duties assignment would normally be made when a position is vacant for periods of longer than five consecutive working days and up to twelve months.

Recruitment Decisions

When is an employee eligible for translation?

- fixed term employee must have been employed continuously for longer than twelve months or a complete school year inclusive of all school vacation periods if that is less than twelve months in response to:
 - a vacancy advertised for longer than 12 months;
 - a vacancy advertised for 12 months or less resulting in two or more fixed periods of employment as a result of being offered a further period of fixed-term employment;
 - two or more vacancies advertised for 12 months or less resulting in two or more fixed periods of employment; or
 - an advertised parental absence vacancy in the second or subsequent year of that replacement.

Merit Based processes are still required where multiple employees are eligible for translation and where Higher Duties appointments are for more than 3 months.

Recruitment Decisions

Advertisement of Vacancies

- All vacancies greater than 6 weeks are required to be advertised
- Length of position
 - Determined by school need and reason for the fixed term employment
 - No requirements concerning length of ES fixed-term positions
 - Teaching positions determined through fixed term teacher vacancy ready reckoner
 - Parental Absence vacancies must be advertised for up to 7 years
 - Vacancies of greater than 12 month create possibility of a permanent transfer were successful applicant is already an ongoing Department employee

Recruitment Decisions

Advertisement of Vacancies

- Short term vacancies
 - A short-term vacancy in the Teaching Service is a vacancy of six weeks or less or up to one school term (inclusive of the school vacation period for classroom teacher vacancies) to replace an employee who is absent on long service leave.
 - A person must not be re-employed fixed term in a short-term vacancy in the same school for a period beyond six weeks (or one school term if replacing an employee who is absent on long service leave) without the position being advertised.
- Vacancies can be filled through fixed-term employment, casual employment, temp admin transfer, appointment of a person with priority status or advertising the vacancy

Recruitment Decisions

Advertisement of Vacancies

- Long term vacancies
 - With the exception of short-term vacancies, Teaching Service vacancies must be advertised using Recruitment Online.
 - Alternatively, a principal may fill the vacancy without advertisement through the administrative transfer of an ongoing employee with priority status.
 - Principals may seek the assistance of principals of neighbouring schools or the Schools Recruitment Unit to identify a suitable ongoing employee with priority status.

Recruitment Decisions

Learning Specialists

- apply to schools with more than 80 students based on a ratio of one learning specialist position for every eighteen full time equivalent classroom teachers
- Schools may choose to have more learning specialist positions in their workforce profile than indicated above however the ratio is expected to be implemented during the 2018 and 2019 school years as vacancies in the classroom teacher profile become available.
- Pending a school's capacity to advertise a learning specialist position a higher duties assignment should be considered to enable the school to have a learning specialist in place

Attracting applicants – Remuneration Options

- In any particular case the principal may approve a remuneration/salary for a person on employment, transfer or promotion that is higher in order to attract that person to a position.
- The principal will have regard to factors such as:
 - the degree of difficulty in attracting a suitable person
 - the current salary/remuneration of the person
 - opportunities for future salary/remuneration increases
 - relativity with the salary/remuneration levels of other employees performing similar duties
 - the level of skill, experience and qualifications which the person may possess.
 - The higher remuneration/salary cannot exceed the maximum of the salary range
- Special Payment may be used.

Attracting applicants – Remuneration Options

- Special Payments
 - Can not be offered on an ongoing basis.
 - A special payment may be paid to employees in the teacher, paraprofessional or education support classes for the following purposes:
 - undertaking a task that is additional to the responsibilities that can be required of the employee at their respective classification level and salary range
 - as an attraction and/or retention incentive
 - other purposes determined by the Secretary.
 - Special payments may range between \$855 and \$9,000 per annum (as a fortnightly payment or in one or more lump sum payments).

Case Study – Struggle Primary School

Struggle Primary School is having a difficult time working out its workforce planning for 2020. It has seen a downward trend in enrolments over the last two years and a new school is scheduled to open nearby in 2020. The school has three teachers that will commence maternity leave later in 2019, two ongoing staff who have indicated they will be retiring, three employees on 12 month temporary transfers or leave without pay, and four graduates in their second 12 month fixed term positions. The school has been feeling some financial pressures, which have also lead to it not appointing anyone to a Learning Specialist role but the Department is placing some pressure on it to meet it's ratio requirements.

1. What staffing actions could the school consider for 2020?
2. With a number of new positions due to fall vacant, how could the school fill those vacancies?
3. What should the school be communicating to staff?

Other Hot Topics

Lunch Breaks

- Teachers are entitled to a paid lunch break of not less than thirty minutes free from assigned duties between the hours of 11:30am to 2:30pm.
- An education support class employee cannot be required to work more than five hours without a lunch break of a minimum duration of 30 minutes. The lunch break is unpaid and free from assigned duties between the hours of 11:30am to 2:30pm unless otherwise agreed.
- Lunch breaks do not need to be taken during the student recess or lunch periods
- There is no general entitlement to a paid/unpaid recess break.

Other Hot Topics

Long-term Personal Leave absences

- Schools have scope to seek further information where an employee has been absent due to illness or injury for an extended period of time
- Personal Leave policy indicates:
 - Where an employee has been absent through illness or injury for thirteen continuous weeks, the granting of further personal leave is subject to the employee being examined by a medical practitioner approved by the delegate.
 - Generally advice from the employee's treating practitioner is sufficient to meet this requirement unless the delegate considers an independent medical assessment is required.

Other Hot Topics

Giving Notice of Termination

- Notice of termination is to be provided to an employee in the following circumstances:
 - Conclusion of a student support funded vacancy where the employee has been employed for less than 7 years
 - Where the substantive ongoing employee is returning from a period of parental absence
 - Minimum of 12 weeks notice of termination to be provided
- National Employment Standards
 - Require the notice of termination to be in writing and to state the end date of employment
 - It is not sufficient to rely solely on the terms of the contract or give verbal notice.

QUESTIONS?

