

# EMPLOYMENT INSTRUCTION NUMBER 14

## **PART-TIME EMPLOYMENT**

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### **1. SCOPE AND PURPOSE**

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This Employment Instruction describes part-time employment and the terms and conditions of employment which apply to all employees except those listed below.

This Employment Instruction does not apply in relation to nurses or Aboriginal Health Workers and the conditions which apply to those designations in respect of part-time employment shall continue to apply.

### **2. LEGISLATIVE BASIS**

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Sections 13 and 29 of the *Public Sector Employment and Management Act* (the Act).

### **3. OTHER SOURCES OF INFORMATION**

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Relevant Awards and Certified Agreements.

### **4. REPORTING REQUIREMENTS**

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The Commissioner is required to advise unions at 6 monthly intervals of the number of part-time employees by salary stream. Chief Executive Officers shall, on request, provide to the Commissioner the information necessary to comply with this reporting requirement.

### **5. DEFINITIONS**

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#### **5.1 Part-time Employee**

“Part-time employee” means an employee other than a casual employee, who:

- (i) is appointed under section 29(3) of the Act on a permanent or temporary basis; or
- (ii) is an existing employee who is promoted or transferred to part-time duties; and
- (iii) works less than the full-time hours of duty for the designation occupied and who works regular hours according to an agreed arrangement.

## 5.2 Job Sharing

"Job sharing" means two or more part-time employees performing the duties of a full time job. Entitlements are calculated on the same basis as part-time employees.

## 6. AGENCY ACTION REQUIRED

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An employee employed on a full-time basis shall not be required to transfer to part-time employment without their consent.

Prior to commencing part-time employment an employee shall be provided with full details of the part-time arrangement. Written details should include, but not be limited to:

- job description/selection criteria;
- duties, working arrangements, re-allocation/abolition of residual duties, if any;
- hours of duty, including normal starting and finishing times;
- how hours of work can be changed;
- rates of pay and allowances;
- advice on increments;
- period of part-time employment if it is a temporary arrangement and provisions for any resumption of full-time employment;
- leave entitlements;
- superannuation contribution rate; and
- other conditions as specified in this Employment Instruction.

Employees in the immediate workplace section and other areas which would be affected by the proposed part-time employment shall be consulted about any implications of the proposed part-time arrangements (eg, duties, working arrangements, re-allocation/abolition of residual duties, if any). This provision does not apply to part-time jobs created by the Department of Education's Staffing Formulae.

Prior to implementing a new part-time arrangement the relevant union shall be advised in writing by the Chief Executive Officer. Such advice shall be given not less than 14 days prior to a final decision being made to implement the part-time arrangement, provided that lesser notice may be agreed with the union in a particular instance. This provision does not apply to part-time jobs created by the Department of Education's Staffing Formulae.

Advice to the union shall be provided only in respect of a new part-time arrangement and should consist of:

- designation;
- location;

- proposed hours of duty; and
- proposed commencement date for the new part-time job.

Where there are job sharing arrangements contingency plans should be developed for:

- arrangements if only one employee desires at some stage to return to full-time employment;
- possible death/resignation/retirement of one employee; and
- re-allocation of duties and/or expectations.

## **7. HOURS OF DUTY**

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### **7.1 Establishing Hours of Duty**

The hours that a part-time employee is normally expected to work should be established prior to the part-time employment commencing. This should be recorded in writing and placed on the employee's personal file.

### **7.2 Changes to Hours**

A part-time arrangement works best if there is flexibility both for the supervisor and the employee to meet particular circumstances.

Changes to a part-time employee's hours may be made by mutual agreement between the employer and employee. A part-time employee may be requested to work reasonable overtime. Where there is a need to change the hours of an employee, the personal circumstances of the employee should be considered, eg. child care arrangements and other family responsibilities.

### **7.3 Span of Hours**

The span of hours during which a part-time employee may work their ordinary hours shall be the same span applicable to full-time employees.

### **7.4 Full-time Hours of 36 Hours 45 Minutes Per Week**

Where the hours for full-time employees are 36 hours 45 minutes per week, part-time employees shall be employed for not fewer than 14 hours 42 minutes over a fortnight provided that no employee shall be required to work less than 2 hours on any day they work or more than 58 hours 48 minutes per fortnight.

## **7.5 Full-time Hours of 38 Hours Per Week**

Where the hours for full-time employees are 38 hours per week, part-time employees shall be employed for not fewer than 16 hours over a fortnight provided that no employee shall be required to work less than 4 hours on any day they work or more than 64 hours per fortnight.

## **7.6 Public Holidays**

Part-time employees shall be entitled to payment for public holidays which fall on a day on which they would normally be required to work and the rate of pay shall be in accordance with the number of hours which would have been worked if that day had not been a holiday.

## **7.7 Teaching Employees**

For Teachers, Executive Teachers, TAFE Lecturers, TAFE Managers, Centralian College Lecturers and Educational Administrators, the full-time hours of a working week are 36 hours 45 minutes. The working week consists of face-to-face contact time and a range of other duties. The face-to-face contact time and other duties for each Teaching designation are prescribed in the relevant award or determination.

Part-time employees shall be employed for not fewer than 0.4 or more than 0.8 of the full-time hours over a fortnight.

The hours required of a part-time Teaching employee is pro-rata that of a full-time Teaching employee, averaged over a fortnightly or other period as agreed between the employee and the Chief Executive Officer. For example, a primary teacher working 0.5 part-time hours would have 13 hours 20 minutes face-to-face contact time and 18 hours 21 minutes of other duties.

## **8. TERMS AND CONDITIONS OF EMPLOYMENT**

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A part-time employee shall be entitled to all conditions of employment applicable to a temporary full-time employee or permanent full-time employee as specified in the relevant By-laws and awards. Entitlement shall be on a pro-rata basis unless otherwise stated.

### **8.1 Salary**

The hourly rate of pay applicable to a part-time employee shall be the same hourly rate paid to a full-time employee performing duties at the same designation.

### **8.2 Increments**

Entitlement to increments shall be on the same basis of having worked the same chronological time that entitles a full-time worker to an increment, regardless of the number of hours worked.

### 8.3 Northern Territory Allowance

The general provisions of By-law 26 shall apply to part-time employees except that the rate of Northern Territory Allowance payable shall be calculated as follows:

$$\frac{A \times C \times 12}{B \times 313} = \text{fortnightly rate}$$

Where:

A = agreed regular hours worked per fortnight, excluding any temporary change in hours worked

B = standard full-time hours per fortnight for designation

C = annual rate of Northern Territory Allowance

### 8.4 Allowances

Part-time employees shall, where eligible, be paid the following allowances at the same rate and under the same conditions applicable to full-time employees as provided in the Public Sector Employment and Management By-laws or relevant awards:

- Loss or Damage to Clothing or Personal effects - By-law 22
- Meal Allowance - By-law 25
- Relocation Allowance - By-law 28 (permanent appointment or transfer only)
- Temperate Clothing Allowance - By-law 29 (permanent employees only)
- Travelling Allowance – By-law 30
- Camping Allowance – By-law 31
- Vehicle Allowance – By-law 32
- Allowance for Freight on Perishables – By-law 44

## 9. LEAVE AND LEAVE UTILISATION

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### 9.1 Recreation Leave

Recreation leave credits are to be recorded in hours and minutes. Where recreation leave has accrued both as a full-time employee and as a part-time employee the two credits shall be recorded and used separately, ie. part-time and full-time credits cannot be used at the same time.

A part-time employee shall accrue leave entitlements on a pro-rata basis based on the agreed regular hours of duty compared to the full-time hours for that designation.

Leave for a day shall mean leave for the number of agreed normal working hours and minutes which would ordinarily be performed by the employee on the relevant day.

Where a part-time employee, except for teachers as provided below, is promoted or transferred to employment on a full-time basis, the part-time recreation credits accrued shall be converted to the equivalent of full-time credits and taken as full-time credits.

For example, for an employee working 36 hours and 45 minutes per week, 10 hours leave credit accrued to a part-time employee who worked 5 hours per day would normally be 2 days leave from the part-time job, but on becoming full-time (eg 7 hours 21 minutes per day) the credit of 10 hours is still available but would equate to 1 day 2 hours 39 minutes leave.

A full-time teacher employed by the Department of Education who has previously accrued entitlements as a part-time teacher may be granted permission to convert those credits to full-time credits. This provision shall not operate to provide a financial advantage to teachers who move from part-time to full-time.

Where a full-time employee is promoted or transferred to part-time employment, the full-time accrued recreation leave credit shall remain as full-time credits and cannot be converted to a greater part-time equivalent of time. Full-time leave credits shall be utilised at the full-time rate of pay.

For example, for an employee working 36 hours and 45 minutes per week, where an existing leave credit of a full-time employee is 10 hours accrued as a full-time employee and one day's absence as a part-time employee is requested it shall be paid as 7 hours 21 minutes for the day, regardless of the number of actual part-time hours for the day, leaving a balance available of 2 hours 39 minutes. That is, the full-time leave accrued of 10 hours does not permit use as 2 days absence in a case where the part-time hours of duty are 5 per day).

Formula for calculation of recreation leave entitlement for a part-time employee is:

$$\frac{A \times B}{12} \times C = \text{Leave Entitlement In Hours}$$

Where:

- A = agreed hours worked per week, excluding any temporary change in hours worked
- B = completed months (odd days in the first and last month of employment which add to 22 working days equals a complete month)
- C = Public Sector annual leave entitlement (4 + 2 weeks)

If the agreed permanent hours of duty change during an accrual year, the formula should be applied to each separate period of employment. Hours of duty paid at an overtime rate are not to be included.

## 9.2 Sick Leave

Sick leave credits and debits for a part-time employee are to be recorded in hours and minutes.

Leave for a day shall mean leave for the number of agreed normal working hours and minutes which would ordinarily be performed by the employee on the relevant day.

Where sick leave credits have accrued as a full-time employee, on commencing part-time employment those credits should be simply added together in hours and minutes, and not recorded separately or taken separately as is the case with recreation leave.

Sick leave shall accrue under the same conditions as stated in By-law 7 or the relevant award provision except that the accrual amount will be on a pro rata basis, based on the specified part-time hours of duty compared to the full-time hours for that designation.

Where a full-time employee is promoted or transferred to part-time employment, sick leave entitlements shall accrue at a proportion of the annual 3 weeks full pay credit, based on full-time and part-time service for the year.

## 9.3 Study Leave

A Chief Executive Officer may grant Study Leave under the provisions of By-law 41 or the relevant award provision. Any access which may be granted shall not provide the part-time employee with greater paid hours of study leave, on a pro-rata basis to that available to a full-time employee, having regard to the hours to be worked by the part-time employee.

## 10. AIR FARES

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### 10.1 Recreation Leave Air fares

Recreation leave air fares may be available on a pro-rata basis to an existing employee who is entitled to air fares as a condition of service and who becomes a part-time employee. For the purposes of this part 'pro-rata basis' shall mean the percentage of the air fare value, which would be applicable to a full-time employee, which equates to the percentage of part-time hours of duty in relation to full-time duty.

Where an employee's air fare entitlement involves some full-time and some part-time service, the entitlement is to be calculated using the following formula:

$$\frac{A}{24} \times 100\% + \frac{B}{24} \times C = \text{Percentage of air fare}$$

Where:

A = Number of months full-time service during accrual period

B = Number of months part-time service during accrual period

C = Percentage of full-time hours (divide agreed hours of duty by full-time hours of duty for designation)

Part months are to be rounded upward, provided that the percentage of air fare entitlement does not exceed 100%.

Attention is drawn to By-law 33 which provides for the automatic cash payment of air fare entitlements accrued after 1 December 1995.

If the agreed hours of duty change, the formula should be applied to each separate period of employment. Duty performed as overtime or as a result of a temporary change of hours is excluded.

### 10.2 Fares Out

Fares out are available to eligible part-time employees on a pro-rata basis calculated in accordance with paragraph 10.1, Recreation Leave Air fares.

## 11. OVERTIME

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Overtime shall be paid for work performed:

- outside the normal span of hours specified in the relevant parent award, except where the employee is a shift worker;
- in excess of the daily maximum hours specified in the relevant parent award;

- after working in excess of 58 hours 48 minutes per fortnight where the maximum hours are as per section 7.4 of this Employment Instruction(Full-time Hours of 36 Hours 45 Minutes Per Week); and
- after working in excess of 64 hours per fortnight where the maximum hours are as per section 7.5 of this Employment Instruction(Full-time Hours of 38 Hours Per Week).

Where the provisions of this paragraph do not apply, payment for additional hours worked will be at the normal rate.

## **12. SUPERANNUATION**

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Permanent part-time employees are eligible for benefits under the Northern Territory Supplementary Superannuation Scheme (NTSSS) and for membership of the Northern Territory Government and Public Authorities Superannuation Scheme (NTGPASS).

Temporary part-time employees are eligible for benefits under NTSSS and, if employed for 6 months or longer are eligible for membership of NTGPASS.

A current employee who is a member of the Commonwealth Superannuation Scheme (CSS) retains eligibility to that scheme and to the NTSSS.

NTGPASS members pay superannuation contributions of between 2 and 6% of their salary. This percentage rate can normally only be changed on 1 October each year and the rate of contribution is based on the salary at 1 October. For an employee transferring from full-time to part-time employment during the superannuation year, this could mean that a significant amount of their salary is taken up by superannuation contributions based on the full-time salary at 1 October.

To assist such employees, the Superannuation Office, on request, will reduce an employee's contribution to 2% of the full-time salary where employment changes from full-time to part-time during the superannuation year. There is no ability to reduce the contributions to a percentage of the part-time salary until the next 1 October.

This option is only available to NTGPASS members and not CSS members. The rules for CSS part-time contributions are issued by COMSUPER.

Further information regarding superannuation contributions and the annual review of contributions is available from each agency's personnel area or from the relevant scheme and employees should ensure that they understand their superannuation entitlements in relation to part-time employment.

## **13. MISCELLANEOUS**

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### **13.1 Flexible Working Hours (Flextime) Guidelines**

The Flexible Working Hours (Flextime) Guidelines shall, where appropriate, apply to part-time employees.

### **13.2 Shift Workers**

Where a part-time employee is employed as a shift worker that employee shall be eligible for shift penalty payments at the same percentage rate and under the same conditions that would be applicable to a full-time employee performing duty on the same shift.

### **13.3 Transfer or Promotion**

A part-time employee who is temporarily or permanently transferred or promoted, shall accept the hours of duty and conditions applicable to that job.

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COMMISSIONER FOR PUBLIC EMPLOYMENT**

7 October 1998