

FIXED TERM APPOINTMENTS

PROCEDURE[®]

DOCUMENT SUMMARY/KEY POINTS

- This document describes the procedures involved in the employment of fixed term employees in accordance with the Health Industry Status of Employment – (State) Award and the Public Health System Nurses' and Midwives' (State) Award.
- These procedures are aimed to ensure fixed term employees are working on appropriate and valid contracts.
- Ensure a consistent approach to the management of fixed term appointments.
- Ensure employees are aware of the terms and conditions of appointment.
- Ensure staffing levels are managed appropriately and within allocated resources
- Define where fixed term appointments are appropriate and the reasons for appointment are in line with the relevant award and funding.

Note: This document must be read in conjunction with the following:

- [Recruitment and Selection of Staff to the NSW health Service the NSW Health Service](#)
- [Recruitment, Selection and Appointment of Staff \(non-medical\)](#)
- [Health Industry Status of Employment \(State\) Award](#)
- [Public Health System Nurses' and Midwives' \(State\) Award](#)

This document reflects what is currently regarded as safe practice. However, as in any clinical situation, there may be factors which cannot be covered by a single set of guidelines. This document does not replace the need for the application of clinical judgement to each individual presentation.

Approved by:	SCHN Policy, Procedure and Guideline Committee	
Date Effective:	1 st March 2020	Review Period: 3 years
Team Leader:	Associate Director Workforce Operations	Area/Dept: Workforce

CHANGE SUMMARY

- This procedure includes temporary appointments under the Public Health System Nurses' and Midwives' (State) Award

READ ACKNOWLEDGEMENT

- All managers should read and acknowledge they understand the contents of this document.

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1 Purpose and Scope

The Sydney Children's Hospitals Network (SCHN) at times employs staff on fixed term contracts across various classifications. Given industrial and legal implications, a system is required to ensure a consistent approach across the SCHN for the management of these employees.

The purpose of this document is to:

- Ensure a consistent approach to the management of fixed term appointments.
- Ensure employees are aware of the terms and conditions of appointment.
- Ensure staffing levels are managed appropriately and within allocated resources.
- Define where fixed term appointments are appropriate and the reasons for appointment are in line with the relevant award and funding.
- This procedure does not include Junior, Career and Senior Medical Officer appointments.

Note: This document must be read in conjunction with the following:

- [Recruitment and Selection of Staff to the NSW health Service the NSW Health Service](#)
- [Recruitment, Selection and Appointment of Staff \(non-medical\)](#)
- [Health Industry Status of Employment \(State\) Award](#)
- [Public Health System Nurses' and Midwives' \(State\) Award](#)

2 Responsibilities

Tier 2 Directors review and determine the outcome (approve/reject) requests to appoint or renew fixed term positions up to Tier 3 positions.

Clinical Program Directors/Tier 3 managers review and determine the outcome (approve/reject) requests to appoint or renew fixed term positions up to Tier 4.

Tier 4 managers (Department Heads) identify, assess and submit requests to appoint to or renew fixed term positions in line with budget and service needs. It is the responsibility of the Department Head to ensure that employees are working with a valid contract.

Employment Review Committee (ERC) is chaired by the Director of Clinical Operations to review and determine the outcome (approve/reject) requests to appoint or renew fixed term positions within Clinical Operations which are above base grade (refer to ERC terms of reference).

Workforce Services provide advice on, and review and process approved requests to appoint to or renew fixed term positions.

3 Definitions

For purpose of this procedure, fixed term contracts include “Temporary” and “Exempt” as defined in this section.

The following definitions are provided within the Health Industry Status of Employment (State) Award:

- Casual employee (as contained in Health Industry Status of Employment Award) means a person who may be engaged on an hourly basis, for a period which does not extend beyond one week, to provide services related to the unexpected absence of temporary, permanent or exempt employees. This provision may also encompass short-term employment associated with unanticipated peak demands.
- Temporary employee means a person who is engaged as an employee for a period not exceeding 13 weeks, provided that fixed term contracts of employment, whether for periods greater or lesser than 13 weeks, must not be offered in preference to ongoing contracts.
- Exempt employee means a person who is engaged for a continuous period and whose employment involves:
 - relief for periods in excess of 13 weeks during the absence of existing employees or;
 - specific projects which are time limited or;
 - functions which involve funding for a specific period and which is not of a recurrent nature or;
 - forthcoming service reductions which have a predetermined date.
 - Exempt employees as defined do not attract casual or temporary loadings.
- Continuous period of employment means an uninterrupted period of 13 weeks employment involving at least one shift per week in that period, but does not refer to exempt employees as defined.

The following definitions are provided within the Public Health System Nurses’ and Midwives’ (State) Award:

- Temporary employee is one engaged for a set period not exceeding 13 weeks, provided that fixed term contracts of employment, whether for periods greater or lesser than 13 weeks, must not be offered in preference to ongoing contracts unless they are necessary to meet the genuine operational requirements of the employer, which may include but not be limited to parental leave, limited term funding arrangements, long term leave relief, forthcoming service reductions, and anticipated peak demand times.
- Casual employee means a person who is engaged on an hourly basis otherwise than as a permanent part-time or full-time employee. A casual employee must not be required to work more than 12 consecutive hours unless the casual employee consents to do so.

4 Principles

- Managers and Workforce Services are responsible for ensuring employees are correctly classified as exempt, casual, temporary, or permanent according to the relevant award requirements.
- A temporary employee who has been employed for a period of less than 13 weeks may be engaged in more than one employment contract provided the total period of all contracts does not exceed 13 weeks.
- SCHN must open the vacancy to competitive merit selection and advertise all vacancies for positions over 13 weeks through the NSW Health Career Portal as a minimum.
- A fixed term contract may be terminated prior to the expected end date under certain circumstances but not limited to the following:
 - Incumbent return to work from leave earlier than planned
 - Incumbent on reduced hours and return to contracted hours earlier than planned
 - Changes in funding arrangements or project/service requirements
- Conversion to permanent or increase in hours for nursing positions is subject to the requirements of Clause 29 of the [Public Health System Nurses and Midwives \(State\) Award](#) being met :
 - a casual nurse may request to convert to permanent employment.
 - a permanent part-time nurse may request to increase their contracted hours or convert to full-time status.

5 Fixed Term Appointments

5.1 Fixed Term Appointments

The SCHN approval and recruitment and selection processes must be undertaken prior to an offer of a fixed term appointment being made.

A letter of offer will be provided to the employee outlining that they are employed for a fixed term in accordance with the relevant Award, the period of employment and the reason for their fixed term status. The acceptance process is managed electronically through Recruitment and Onboarding system (ROB) which interfaces to update StaffLink records. Acceptance of the offer must be obtained from the applicant prior to their commencement of a new fixed term appointment.

5.2 Renewal Requests and Approvals

A contract renewal may be requested via ROB system for a fixed term employee who was appointed through a competitive merit based selection process. The request will be reviewed based on funding, service needs and other relevant considerations. The delegated approver is:

- Tier 3 Manager for positions up to Tier 4.
- Tier 1 or 2 Manager for positions higher than or equal to Tier 3.

Renewals for direct appointments up to 13 weeks can be processed as follows:

- Position/s advertised and appointed through a competitive merit based selection process.
- Chief Executive approval for direct appointment greater than 13 weeks may be considered under exceptional circumstances

5.3 Temporary Increase in Hours

Temporary increase in hours requests are processed as follows:

- less than 13 weeks may be processed via StaffLink eForm
- greater than 13 weeks requires a fair and transparent process eg expression of interest, internal advertising through ROB
- Conversion to permanent or increase in hours for nursing positions is subject to the requirements of Clause 29 of the Public Health System Nurses and Midwives (State) Award being met :
 - a casual nurse may request to convert to permanent employment.
 - a permanent part-time nurse may request to increase their contracted hours or convert to full-time status.
- The delegated approvers for temporary increase in hours are as follows;
- Tier 3 Manager for positions up to Tier 4.
- Tier 1 or 2 Manager for positions higher than or equal to Tier 3.

5.4 Reports

Department Managers will receive notifications generated from Stafflink which provide advice regarding the imminent end date of an employee's fixed term contract. These notifications are automatically generated one month prior to the contract end date.

Reports can be manually generated via the Manager Self Service (MSS) function of Stafflink.

It is the Department Manager's responsibility to ensure that fixed term appointment renewals are approved in ROB and forwarded to Workforce Services in a timely manner. It is essential that Department Managers give attention to these reviews as a matter of priority to ensure employees are working on a valid contract.

7 Conditions of Employment

- Employees who are on fixed term contract will be paid in accordance with the relevant Award.
- Employees who are on fixed term contract and have been employed for periods of 40 continuous weeks or more immediately prior to the expected date of birth or date of taking custody of the child are entitled to the provisions of maternity leave in accordance with the relevant Award.

Refer to the following for more information:

- [Leave Matters for NSW Health Service](#) (Section 5: Maternity, Adoption and Parental Leave)
- [Relevant Awards](#)
- [IRC 507 of 2008 "NSW Nurses Association v North Coast Area Health Service \[2008\] NSWIRComm 1072"](#)

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