

Implementation of the Education Support Class Industrial Agreement
(The varied Victorian Government Schools – School Services Officers Agreement)

A Guide for Principals

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OVERVIEW

Following approval by a majority of employees the *Victorian Government Schools – School Services Officers Agreement 2004* (the Agreement) was varied and extended, effective from 9 December 2008. The Agreement continues to have the same title as it is an extension and variation of an existing agreement and the relevant legislation precludes a new title in these circumstances.

The purpose of this guide is to provide advice regarding the changes arising from the variations to the Agreement. **With the exception of the matters set out in this guide existing arrangements continue to apply.**

HRWeb is being progressively updated to reflect the changes arising from the Agreement. Principals will be advised periodically via circular or HRM Online as policy and procedure information on HRWeb is updated. In the interim where there is inconsistency between HRWeb and this guide or the Agreement, principals are to rely on this guide or the provisions of the Agreement.

KEY FEATURES

The key features arising from variations to the Agreement are:

- (a) Four salary increases phased in as follows:
- 4.9% backdated to 1 September 2008
 - 2.71% from 1 April 2009
 - 2.71% from 1 April 2010
 - 2.71% from 1 April 2011
- No further salary increases before 31 March 2012.
- (b) Objectives and commitments that build on the achievements of the Victorian government school system subsequent to the release of the Blueprint for Government Schools in November 2003 and system reform as articulated in the Blueprint for Education and Early Childhood Development released in September 2008 that will lead to an improvement in the educational opportunities and outcomes for all young Victorians.
- (c) Career structure changes incorporating:
- two classification levels within a new Education Support Class.
 - five new work value levels within the Education Support Class and new [Dimensions of Work](#) to reflect the new work value levels.
 - Alignment of the commencement salary at Education Support Level 2, Range 3 with the commencement salary for a Graduate Teacher and removal of salary sub-division 1 of the former SSO1, Range 1

- The classification of work involving responsibility for the delivery of specific medical intervention support to students who require regular medical support that requires specialised training/instruction within classification level 1, salary range 2 of the Education Support Class.
- (d) A school consultative framework requiring that the consultative structures agreed at the school level include operational procedures for those structures. In addition the consultative arrangements must enable workplace representatives to be provided with the opportunity and time to canvass the views of staff to ensure informed consultation can occur.
- (e) Introduction of a common salary progression date of 1 May each year commencing on 1 May 2009 with access to progression after four months eligible service
- (f) Revised fixed term employment arrangements including:
- (i) additional eligibility grounds for employees employed fixed term, to be offered translation to ongoing employment where the employee has been employed continuously for longer than 12 months; and
 - (ii) varying the eligibility for access to redeployment to include two or more periods of fixed-term employment in any school that results in continuous employment with the Department of greater than 12 months.
- (g) Incorporation of existing leave provisions within the Agreement including the following changes:
- Introduction of partner leave that replaces the existing paternity leave to enable an employee, regardless of gender, to access partner leave of up to 38 hours in conjunction with the birth of a child.
 - Introduction of two weeks paid leave where an employee is granted custody of a child under the *Children, Youth and Families Act 2005*.
 - Long service leave entitlements to accrue in hours to replace the existing calendar months.

TRANSLATION AND SALARY INCREASES

Action will be taken centrally to:

- Translate all employees covered by the Agreement to the new Education Support structure in accordance with the translation tables set out in Schedule 2 of the Agreement.
- Increase the salaries of all employees as set out in Schedule 1 of the Agreement. The salary increases will be backdated to 1 September 2008 or the date of commencement of the current period of employment, whichever is the later. The salary increases and salary arrears were paid on 15 January 2009.

- Pay eligible employees the lump sum amount set out in clause 13(2) of the Agreement. It is anticipated that this payment will be paid on 29 January 2009. Eligible employees on leave without pay at the date the Agreement commences to operate will be paid the lump sum on resumption of duty provided the resumption occurs within the life of the Agreement.
- Pay eligible employees the lump sum to compensate for the transition to a common progression date. It is anticipated that this payment will be paid on 29 January 2009.

No action is required at the school level regarding the translation of employees, the processing of the salary increases or the lump sum payments where those employees are paid on the central payroll.

Schools with eligible employees on their local payroll will need to take the necessary action through their local payroll.

Higher duties

Action will be taken centrally, in respect to centrally paid employees, to adjust higher duties allowances consistent with the new salary rates. Higher duties paid to eligible employees through the local payroll will need to be adjusted at the school level.

SALARY PROGRESSION

Progression cycle

The Agreement provides that the salary progression of all eligible employees will occur on 1 May each year, commencing in 2009, rather than the anniversary of their last salary progression.

From 1 January 2009 the salary progression cycle will be common to all employees commencing on 1 May each year and concluding on 30 April in the following year. An employee with less than four months eligible service in any particular progression cycle will not be eligible for salary progression.

Clauses 14(2)(e) and (f) of the Agreement deal with notification requirements for employees who may not be meeting the requirements for salary progression following the implementation of the common progression date in 2009. A principal who forms the view that an employee eligible for progression on 1 May 2009, is not meeting the progression requirements is required to notify that employee no later than 31 January 2009 (or 31 March if the employee has less than six months eligible service) that salary progression will not occur unless the salary progression requirements have been met.

Revised guidelines are being developed to address the introduction of the common progression date and the application of the four month eligibility requirement. From 2009 the HRMS system will automatically process salary progression for all eligible employees in the first pay period on or after 1 May of each year unless the notice requirements are satisfied.



Schools must advise an employee in writing, in accordance with the above time-frame, where it is believed the requirements for salary progression may not be met and notify the Department by email to hrweb@edumail.vic.gov.au no later than 5 pm on 16 February 2009 (or 13 April 2009 where applicable) as advised in Circular S497-2008 – Salary Progression in 2009.

Transition Payment

As part of the implementation of the common progression date in 2009, the Department has undertaken to pay a one off transition payment, at the commencement of the Agreement, to those employees whose salary progression is delayed beyond twelve months as a result of the implementation of the common progression cycle on 1 May 2009.

Employees who would otherwise be eligible for salary progression between 1 January 2009 and 30 April 2009 are eligible to be paid the transition payment. The amount of the transition payment for each eligible employee will equal the daily value of the salary progression amount due on 1 May 2009 multiplied by the number of days that the employee's salary progression is delayed beyond 12 months since the last salary progression.

It is anticipated that the transition payment will be paid on 29 January 2009.

No action is required at the school level regarding the payment of the transition payment for employees within the Education Support Class paid through the central payroll.

The payment will need to be actioned by schools that have staff on their local payroll who are employed within the Education Support Class.

Performance and Development Arrangements

Principals should note that with the introduction of the common progression date the performance and development cycles for all staff will be realigned with the 2009 cycle commencing on 1 May 2009. As a consequence existing performance and development plans will conclude on 30 April 2009 regardless of when they commenced in 2008.

Range review processes

Range review procedures remain unchanged. The salary range of an employee may be reviewed in the context of any changes to the work value of a position within each of the two classification levels of the Education Support Class.

A range review may result in a higher or lower range, or no change to the salary range, provided that the outcome of a review cannot result in a salary range below what has been determined on translation under the Agreement or on appointment to that position, whichever is the latter.

Movement from Education Support Level 1 to Education Support Level 2 can only occur following promotion to an advertised vacancy. The Agreement however provides that an employee classified at school services officer level 2, salary range 3 immediately prior to 9 December 2008 can continue to access a salary range within classification level 2 of the Education Support Class through the range review process.

ALLOWANCES

Medical Intervention Allowance

Under the Agreement work involving responsibility for the delivery of specific medical intervention support to students who require regular medical support that requires specialised training/instruction is classified within classification level 1, salary range 2 of the Education Support Class.

As a consequence the Medical Intervention Allowance ceased to operate with effect from 19 December 2008 and is no longer accessible on HRMS.

Action will be taken centrally to move employees in receipt of the Medical Intervention Allowance as at 19 December 2008 to Education Support level 1, salary range 2 unless the Department is advised by the principal (on or before 20 February 2009) that an employee is no longer performing the duties that attracted payment of the allowance in 2008. Eligible employees will be moved to the higher classification level on 2 March 2009 with salary backdated to 9 December 2008. Eligible employees will continue at the higher classification level whilst they are responsible for the delivery of specific medical intervention support to students who require regular medical support that requires specialised training/instruction consistent with the education support class level 1, range 2 [Dimensions of Work](#).

Principals are requested to advise by email to hrweb@edumail.vic.gov.au no later than 5:00pm on Friday 20 February 2009 the name and employee ID number of any employee (in receipt of the Medical Intervention Allowance at the end of 2008) who will not be undertaking these duties in 2009.

Salary Loading Allowance

The Agreement retains the entitlement to 17.5 percent of four weeks salary subject to a maximum payment. The Agreement provides for an annual payment for each 12 month period concluding on 1 December.

The 2008 salary loading allowance for 48/52 employees and school year employees was paid in accordance with existing arrangements on 4 December 2008, based on pre agreement salaries. It is expected that arrears relating to those payments, resulting from the new salary rates in the Agreement, will be paid after 29 January 2009.

From 2009 the salary loading allowance will be calculated based on an employee's salary as at 1 December with the payment being made in December each year based on accrued service to 1 December. The Agreement has fixed the maximum payment for 2009, 2010 and 2011 at \$961, \$987 and \$1,014 respectively in line with the salary increases over the same period. Further information regarding the arrangements for 2009 will be issued at a later date.

No action is required at the school level regarding the payment of the leave loading other than for School Council employees paid through the local payroll.

ADVERTISEMENT OF VACANCIES

Changes will be made to the Recruitment Online system to reflect the new classification structure and all new vacancies are to be advertised using the new structure. Positions can be advertised as follows:

Education Support Education Support Class vacancies can be advertised at either classification level 1 or 2 and within the relevant range (i.e. Level 1, Ranges 1 or 2 and Level 2, Ranges 3, 4 or 5).

FIXED TERM EMPLOYMENT

With the exception of the matters set out below, the existing fixed term employment arrangements continue to apply in that the standard mode of employment continues to be ongoing but it is recognised that there are circumstances where fixed term employment is necessary. The changes to the fixed term employment arrangements are as follows:

Duration of vacancy

When an employee within the Education Support Class is employed for a fixed period of time to undertake a specific project for which funding has been made available for a specified period of time that vacancy is to be advertised for the duration of that funding.

Letter of offer

The Agreement requires that the Department implement proactive processes to ensure that fixed term vacancies satisfy the criteria set out in clause 17(2)(d) of the Agreement. As part of this requirement the Department has undertaken that offers of fixed term employment will specify the reason the position is fixed term. To give effect to this commitment the standard letter of offer for fixed term employment has been revised to specify the reason for the fixed term employment consistent with the Agreement.

The Agreement now provides the option of offering an employee within the Education Support Class, who was employed in response to an advertised fixed term vacancy, one further period of fixed term employment, without advertisement of the position, provided the position continues to satisfy the fixed term criteria set out in clause 17(2)(d) of the Agreement. The further period of fixed term employment cannot be for a longer period than the period specified in the original advertised vacancy. The further period of employment is a new period of employment and not an extension of the previous period of employment. It is important that a new offer of employment for the further period of employment is made in writing.

Principals should ensure that the revised [letters of offer](#) are used when offering employment.

Translation to ongoing employment

The Agreement continues to provide opportunities for fixed term employees to be offered translation to ongoing employment and includes changed eligibility requirements.

The Agreement now defines an “eligible employee” as a fixed term employee employed continuously for longer than 12 months:

- in response to a vacancy advertised for longer than 12 months; or
- in response to vacancies advertised for 12 months or less resulting in two or more fixed periods of employment.

Ongoing employment should be offered to any eligible employee where a suitable ongoing position becomes available in the school, subject to a probationary period and satisfying the requirements for ongoing employment set out in the *Recruitment in Schools* guide. In circumstances where the number of eligible employees exceeds the number of available positions, a merit process should be used to identify the employee(s) to be offered ongoing employment.

A break in employment spanning a school vacation period does not break the continuity for the purpose of eligibility set out above.

Principals should identify those employees who satisfy the eligibility requirements set out above and, where there is a suitable ongoing position available, offer those employees ongoing employment.

Monitoring of fixed term

The Agreement requires the Department to implement proactive processes to ensure fixed term vacancies satisfy the fixed term criteria. To meet this requirement the Department will actively monitor fixed term vacancy trends and identify those schools that appear to have a larger number of fixed term vacancies than the school’s circumstances would indicate.

Consistent with the commitment to the standard mode of employment being ongoing principals are asked to ensure that fixed term positions satisfy the fixed term criteria.

SCHOOL BASED CONSULTATION

The Agreement provides for a consultative framework to be established at each school with the following key elements:

- The principal has ultimate administrative and operational responsibility for decisions at the school level provided that these decisions are made in accordance with the consultation principles set out in the agreement
- Consultative arrangements must be established at each school which ensure that the principal’s responsibility to make school based decisions is carried out in a framework that enables staff to have input into decisions that affect their working lives
- Staff and the union/s at the school to have direct input as part of any consultative arrangement

- Consultative structures to include operational procedures and arrangements for workplace representatives to be provided with the opportunity and time to canvas the views of staff to ensure informed consultation can occur
- A standard consultation model in those schools where an agreed consultation structure is not achieved

As schools reported on their consultative arrangements in September 2008 no action is required at the school level.

LEAVE IMPROVEMENTS

Parental absence

Parental absence encompasses the various forms of leave available to an employee in conjunction with the birth or adoption of a child (or children in respect of a multiple birth). It is a collective term to embrace all forms of parental leave (both paid and unpaid). The only changes are that paternity leave is replaced by the new partner leave and the inclusion of two weeks paid adoption leave for an employee who is granted custody of a child under the *Children, Youth and Families Act 2005* by the Children's Court or the Family Court.

No action is required at the school level.

Partner leave

Partner leave replaces paternity leave and enables all persons, regardless of gender, to access partner leave of up to 38 hours subject to providing evidence that he or she has accepted responsibility for the care of a child, to care for such child and/or mother of the child. The eligibility and conditions for accessing partner leave are the same as currently apply for paternity leave.

Action will be taken centrally to amend all paternity leave absences currently recorded on HRMS to Partner Leave and future absences are to be recorded on HRMS as Partner Leave.

No action is required at the school level regarding the change to partner leave.

Long service leave

Currently, long service leave is accrued in calendar months with long service leave usage based on calendar days. The calendar based method of accrual and usage creates a number of anomalies depending on usage patterns and potentially adversely affects employees with part time service.

To address these issues the Agreement changes the long service leave entitlement from a credit expressed in calendar months to a credit expressed in hours. Accrual of long service leave will continue to be based on the number of years of eligible service. An employee will now receive 495.6967 hours long service leave credit at the completion of ten years of full time eligible service. This is the same long service leave entitlement as three calendar months long service leave credit at the completion of ten years full time eligible service. Employees with part-time service accrue long service entitlements on a prorata basis. As is currently the case an employee has access to their long service leave entitlements on a prorata basis after seven years service.



The changes represent no change in the long service leave entitlement but will significantly simplify the accrual and use of long service leave entitlements.

The ability to commute a portion of long service leave credits to salary in conjunction with a long service leave absence of 228 hours (six weeks) or more continues to be available. The Agreement now provides the discretion to commute a portion of long service leave in special circumstances such as financial hardship, without the requirement to connect it to a long service leave absence.

Transitional arrangements

Pending the implementation of the HRMS upgrade, long service leave will continue to be managed according to existing arrangements with all employees being converted to the new hours methodology as part of the HRMS upgrade. Employees who separate in the meantime will be paid in lieu of long service leave based on the new hours methodology.

Further advice regarding the implementation of the revised long service leave arrangements will be issued at a later date.

No action is required at the school level regarding the implementation of the revised accrual method for long service leave.

FURTHER ADVICE

Student Resource Package

Separate advice will be provided to schools when the necessary changes to the Student Resource Package arrangements, to deal with the implementation of the Agreement, are finalised.

Cases 21

Separate advice will be provided to schools regarding the changes to the CASES 21 system that will be necessary to enable schools to effect the changes resulting from the Agreement in respect to School Council employees on the local payroll.

Further assistance

For advice or assistance on any matters related to the extension and variation of the *Victorian Government Schools – School Services Officers Agreement 2004* principals may contact Schools HR Services on 1800 641 943.