

## Fixed term temporary employment

**Policy Number:** B25 (QH-POL-243)

**Publication date:** April 2021

**Purpose:** To outline the employment and specific arrangements applying to fixed term temporary employees.

**Application:** This policy applies to fixed term temporary employees working for Queensland Health.

This policy does not apply to Queensland Ambulance Service employees. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedure.

**Delegation:** The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

### Legislative or other authority:

- *Hospital and Health Boards Act 2011*
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Public Service Act 2008*
- Public Service Regulation 2018
- Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019
- Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019
- Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018
- Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No.7) 2019
- Queensland Public Health Sector Certified Agreement (No. 10) 2019
- PSC Directive 09/20: Fixed term temporary employment
- PSC Directive 12/20: Recruitment and selection

### Related policy or documents:

- Recruitment and selection HR Policy B1 (QH-POL-212)
- Probation HR Policy B2 (QH-POL-197)
- Appointments Permanent and/or Temporary – Commonwealth and/or State Funded Programs HR Policy B24 (QH-POL-104)
- Conversion of Temporary Employees to Permanent Status HR Policy B52 (QH-POL-119)
- Flexible working arrangements HR Policy C5 (QH-POL-242)
- Performance and development HR Policy G9 (QH-POL-189)
- Separation of Employment HR Policy H1 (QH-POL-227)
- Code of Conduct for the Queensland Public Service
- Queensland Government Employment Security Policy



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**1 Applied ruling**

The Public Service Regulation 2018 applies Public Service Commission (PSC) Directive No. 09/20: Fixed term temporary employment to Queensland Health employees. Any replacement directive issued dealing with substantially the same subject matter is to be applied.

**2 Circumstances for a fixed term temporary appointment**

The *Public Service Act 2008* establishes employment on tenure as the default basis of employment in the Queensland public sector, excluding non-industrial instrument employees, and sets out the circumstances where employment on tenure is not viable or appropriate.

While permanent employment is the default basis of engagement for employees within Queensland Health, fixed term temporary employment may be used in the following circumstances:

- unexpected/unplanned illness
- long term illness
- unplanned leave where a permanent reliever cannot be justified (permanent relief staff will be the preferred mode of relief staffing and is to be used wherever possible)
- planned leave for a known period, e.g. approved parental leave (permanent relief staff will be the preferred mode of relief staffing and is to be used wherever possible)
- fixed term projects
- to address seasonal workload changes
- in the event of organisational change
- employees undertaking an accredited fixed term course of study
- fixed term program funding
- employment of a graduate nurse pending the availability of a permanent position
- employment of graduates undertaking a provisional registration year to obtain full registration, e.g. pharmacists

- backfilling where a legitimate recruitment process is occurring, without limiting access to higher duties.

In the event of organisational change, full consultation on the employment arrangement is to be included during the planning process. The aim is to minimise the use of fixed term temporary employment during the organisational change process.

Delegates have an obligation to make decisions and act in ways that are compatible with the *Human Rights Act 2019* and the Code of Conduct for the Queensland Public Service. When making a decision under this policy, decision-makers must comply with those obligations.

### 3 Engagement of fixed term temporary employees

Fixed term temporary base grade appointments may be established for periods of less than 12 months on the basis of operational convenience. In accordance with section 2 above and the provisions of PSC Directive 12/20: Recruitment and Selection, vacancies for base grade (entry level) roles are not required to be advertised.

In circumstances exceeding 12 months, and when there is a sufficient applicant pool identified from within existing casual and temporary pools, the selection process for a fixed term temporary base grade appointment may be limited to the specific health facility or work unit.

Engagement of fixed term temporary employees (other than base grade) are to meet the advertising requirements of Recruitment and Selection HR Policy B1.

### 4 Checking early retirement, redundancy or retrenchment status

Prior to re-employment within the Queensland public sector, the line manager is to check with the potential employee as to whether they have received an early retirement, redundancy or retrenchment package, and take appropriate action.

If the fixed term temporary employee is in receipt of an early retirement, redundancy or retrenchment package, in which the severance benefit period has not expired, a total accumulative period not greater than 20 days can be worked without any further action being required.

An appointee who was paid an early retirement, redundancy or retrenchment package, and works greater than 20 working days is required to refund the Crown that unexpired portion of the severance benefit period to which the employee is not entitled. Refer Separation of Employment HR Policy H1.

### 5 Appointment letters

The terms of any fixed term temporary engagement are to be clearly stated in writing and given to the employee prior to the commencement of employment.

Letters of appointment are to include:

- starting and finishing dates of employment, or in lieu of a finishing date notification of the specific circumstance/s or contingencies relating to a specific task, project, or reason upon the occurrence of which the term of employment is to expire
- details of the conditions of employment, including the relevant Award
- a copy of the Code of Conduct
- a statement articulating the expected compliance with the policies and protocols of Queensland Health and the Hospital and Health Service or equivalent
- the provisions and working arrangements normally applying to permanent employees within the discipline/work unit

- the hours to be worked per week shown as part of the ordinary hours of the work unit
- the anticipated hours of duty (when they are less than full-time) are to be shown as a part and/or component of the ordinary working day/week/fortnight, i.e. engaged for a four hour period as part of the standard shift/day being eight hours.

## 6 Probation

The *Industrial Relations Act 2016* automatically applies a probation period to health service employees.

Fixed term temporary public service employees are not required to serve a probationary period.

Refer to Probation HR Policy B2.

## 7 Fixed term temporary employee rights and responsibilities

Fixed term temporary employees who are engaged for a period of three months or more are required to participate in the formal performance management system of Queensland Health. Refer to Performance and development HR Policy G9.

A fixed term temporary employee has access to flexible working arrangements in accordance with the Flexible working arrangements HR Policy C5.

## 8 Extensions to fixed term temporary engagements

Fixed term temporary engagements are not to be extended for any reason other than when there is a continued need to meet the fixed term temporary circumstances specified in the original appointment letter. When fixed term temporary positions are extended, the fixed term temporary employee is to be advised in writing of the new finishing date and/or conditions of the extension, as outlined above, at the earliest opportunity.

Any extension to a fixed term temporary engagement is to comply with the advertising requirements of Recruitment and Selection HR Policy B1.

## 9 Conversion of fixed term temporary employees to permanent status

The Public Service Act sets out the matters a delegate must consider when deciding whether to offer to convert the employment of a fixed term temporary employee to employment as a permanent employee. Refer Conversion of fixed term temporary employees to permanent status HR Policy B52.

## 10 Permanent appointment to fixed term temporary positions

When a permanent employee is temporarily engaged in a fixed term temporary position or acting in another role, the employee is to retain their permanent status and their substantive classification level. During the term of the fixed term temporary engagement, all entitlements and conditions of employment are to be paid at the rate applicable to the fixed term temporary position.

For fixed term temporary positions under temporarily funded programs, consideration for permanent appointment should be made. Refer Appointments – Permanent and/or Temporary – Commonwealth and/or State Funded Programs HR Policy B24.

## 11 Recognition of previous service

Any period of employment for a fixed term temporary employee is to be counted as continuous service for the purpose of calculating entitlements, having regard to arrangements in relation to breaks in service.

## 12 Cash equivalent payments

When the services of the fixed term temporary employee are continued, leave entitlements are to continue to accrue in accordance with the relevant Award.

A cash equivalent payment for recreation leave and long service leave is not to be made unless the fixed term temporary employee ceases duty with Queensland Health.

### Definitions:

Fixed term temporary employee	A person appointed to meet temporary circumstances existing within the organisation. Reference to relevant Awards and Agreements is to be made to ensure adherence to specific provisions.
Non-industrial instrument employee	A person who works, or has worked, as a public sector employee other than under an industrial instrument. For example, a Health Executive Service employee.

### History:

April 2021	<ul style="list-style-type: none"> <li>• Policy:             <ul style="list-style-type: none"> <li>– formatted as part of the HR Policy review</li> <li>– amended to update references and naming conventions reviewed in accordance with clause 2.8.1 of the Queensland Health Building, Engineering &amp; Maintenance Services Certified Agreement (No.7) 2019 (BEMS7)</li> <li>– updated to incorporate provisions outlined in the PSC Directive 09/20 – Fixed term temporary employment.</li> </ul> </li> </ul>
April 2010	<ul style="list-style-type: none"> <li>• Protected IRM 1.2 reformatted as part of the HR policy consolidation project.</li> </ul>
December 2004	<ul style="list-style-type: none"> <li>• Amended IRM 1.2 Temporary/Fixed Term Appointment</li> </ul>
September 2003	<ul style="list-style-type: none"> <li>• IRM 1.2 Temporary /Fixed Term Appointment</li> </ul>