



VCEMEA Implementation Update – October 2014

The following update is provided to principals to assist with the implementation of the [Victorian Catholic Education Multi Enterprise Agreement 2013 \(VCEMEA\)](#).

1. Checklist for Term 4 and Planning for 2015

A [Checklist](#) has been prepared for principals to assist with the requirements of the VCEMEA in relation to:

- School holiday pay, notice periods and leave loading which need to be implemented prior to the end of term 4
- Planning for the 2015 school year.

2. End of 2014 school year

2.1 Part time return from parental leave (Clause 22(2), Appendix 1)

Employees are required to give 8 weeks' notice (wholly within a school term) of their intended return to work from parental leave (previously it was 7 weeks). Where practicable, an employee is encouraged to give one term's notice.

Employees who wish to return to work part-time are also required to give 8 weeks' notice (wholly within a school term) of their request for part-time work.

Where possible, an employee is encouraged to give one term's notice.

[Template documents](#), which include guidance notes are available on the CECV IR website.

2.2 Paid parental leave – fixed term employees (Appendix 1, clause 4.11)

Fixed term employees whose contract ends during their parental leave are now entitled to be paid out the balance of their paid parental leave.

For example, a fixed term employee who takes 8 weeks of parental leave immediately prior to the end of their contract will be paid the remaining 6 weeks as a lump sum.

2.3 Variation of hours / days or times of attendance for part time employees (clause 15.1)

Prior to making a variation to the number of hours and/or days and/or times of attendance of the part time employee, the principal must:

- (i) Consult with the part time employee and give due consideration to the impact of the variation on the part time employee's family and personal responsibilities as well as other relevant circumstances
- (ii) Advise the part time employee whether the proposed variation is required because of a change in enrolment, curriculum, program, organisation, structure, technology or funding
- (iii) Advise the part time employee of the proposed change to hours and/or days and/or times of attendance in writing.

The number of hours and/or days and/or times of attendance of a part time employee can then only be varied if the principal has consulted with employees as outlined above and:

- (i) the part time employee agrees in writing; or
- (ii) the principal provides **eight weeks'** (calendar weeks not term weeks) written notice of the variation to the part time employee. Principals are encouraged to give 10 weeks' notice where possible.

In the absence of the 8 weeks' notice, and where the change involves a decrease in salary, the part time employee's salary will be maintained at its former level for the period of the notice not given.

[Template letters](#) are available from the IR section of the CECV website.

2.4 Significant reduction in hours (clause 15.2)

Where the proposed reduction in hours (FTE) of a part-time employee is significant or over the past two years the cumulative reduction in working hours is significant, then the employee may either

- (i) accept the proposed reduction in working hours; or
- (ii) elect to receive a severance payment.

Where the part time employee elects to receive a severance payment, then the severance pay is calculated in accordance with the following table:

Period of continuous service	Under 45 years of age	45 years of age or over
Less than 1 year	Nil	Nil
1 year but less than 2 years	4.0 weeks pay	5.0 weeks pay
2 years but less than 3 years	7.0 weeks pay	8.75 weeks pay
3 years but less than 4 years	10.0 weeks pay	12.5 weeks pay
4 years but less than 5 years	12.0 weeks pay	15.0 weeks pay
5 years but less than 6 years	14.0 weeks pay	17.5 weeks pay
6 years and over	16.0 weeks pay	20.0 weeks pay
15 years and over	21.0 weeks pay	25.0 weeks pay

"continuous service" is defined in accordance with clause 6 of the VCEMEA

"weeks pay" means the ordinary rate of pay for the employee concerned in accordance with clause 5(p) of the VCEMEA.

2.5 Fixed term employees and on-going vacancies (clause 11.2(e))

Where an on-going position is advertised at a school, the principal must provide each suitably qualified fixed term employee at the school with notice of the on-going vacancy in writing. Written notice can be provided by attaching a copy of the advertisement to a letter to the employee, or by sending an email to the employee attaching the advertisement.

If a suitably qualified fixed term employee at the school applies for the on-going vacancy, the employee must be interviewed for the position. Note that any subsequent appointment to the ongoing position should still be based on an assessment as to who is most qualified and suited to the position

2.6 Notice for fixed term employees (clause 11.2(f))

If an employer is not going to immediately re-employ or extend the contract of an employee whose contract period will expire, then the employer **must**, not less than 7 weeks' (calendar weeks, including school holidays) prior to the expiry date, issue the employee with a letter advising them that their employment is terminating.

If an employer fails to issue this letter, then the employee is entitled to be paid an amount equal to their ordinary wages for any part of the 7 weeks' notice not given (for example, if only 4 weeks written notice has been provided, then the employer is obliged to pay 3 weeks' notice in lieu of the notice not given).

It is recommended that as a matter of practice, employees are provided with as much notice as possible of the fact they will not be offered a further contract. This is in order to provide employees with a reasonable opportunity to seek alternative employment if necessary.

A [template letter](#) is provided on the CECV website.

2.7 Positions of Leadership (POL) – end of tenure (clause 58.4)

Where an employee's Position of Leadership is not going to be renewed the employee must be provided with not less than seven weeks' (calendar weeks not school weeks) notice prior to the end of the appointment.

Note that if the employer does not provide 7 weeks' notice of the termination of the POL, then the employee should continue to receive the POL allowance for any part of the 7 weeks' notice not given.

Although such notice is not required to be provided in writing, it is recommended that principals provide written notice in these circumstances.

A [template letter](#) is provided on the CECV website.

2.8 Deputy principal – non renewal (clause 54.5)

If a deputy principal contract is not renewed then at the end of the appointment:

- (i) If the employee is in receipt of the deputy principal salary, they will revert to salary point T2–6 of the Teacher's salary scale; or
- (ii) If the employee is in receipt of the deputy principal allowance, the employee will no longer be entitled to the deputy principal allowance.

Although there is no prescribed notice period and no requirement to put the notice in writing, it is good practice that principals provide written notice of 7 weeks where possible.

A [template letter](#) is provided on the CECV website

2.9 Pro-rata school holiday pay (clauses 25.5 -25.7)

From the start of 2014, new arrangements apply for the calculation of pro-rata school holiday.

[Part 5](#) of the VCMEA Implementation Guide provides details and examples of the calculation of pro-rata school holiday pay.

2.10 Annual leave loading (clause 25.8)

Annual leave loading is paid:

- At the time of termination of an employee's employment
- In all other cases, no later than the last two working weeks of the school year (8 December to 19 December 2014).

A new formula applies for the calculation of annual leave loading for employees who have an entitlement to pro-rata school holiday pay.

Part 5 of the VCMEA Implementation Guide provides details and examples of the calculation annual leave loading.

2.11 Leave without pay – return to work (clause 26.1)

An employee who is returning to work from an extended period of LWOP (4 months or more) should be allocated duties commensurate with their qualifications and experience.

The employee should confirm their intention to return to work at least 7 working weeks (i.e. school term weeks) (clause provides for between 7 and 10 weeks) prior to the end of their LWOP. This should be in writing.

If the 7 weeks' notice is not provided then the principal should contact the employee in writing to notify the employee that:

- The employee is not entitled to return to work until the employee has provided 7 working weeks' written notice of their intention to return to work
- The return to work will not take place until the start of the next school term.

A [template letter](#) is provided on the CECV website.

If the employee continues to not respond then the principal may consider taking action in accordance with the procedures in relation to abandonment of employment (clause 20) after consultation with the Industrial Relations Unit.

2.12 Long Service Leave at half pay (Appendix 3, clause 8.9)

A [guide](#) is now available on the CECV /IR website which provides additional information in relation to implementation issues concerning long service leave at half pay.

It is important to note that an employee is entitled to be paid their ordinary rate of pay for school holidays that fall during any period of LSL.

For example, a full time employee who takes LSL at half pay is entitled to payment during school holidays at their full time rate of pay.

Note that where pro rata school holiday pay applies (Clause 25.6) then the employee will not be entitled to payment for all of the school holidays.

2.13 Recall Allowance – Category B employees (clause 25.9)

Category B education support employees and school services officers are entitled to payment of a recall allowance for all work performed on a recall day.

In summary the arrangements are as follows:

- the recall allowance is 72.47% of the employee's daily rate of pay
- the allowance is only payable for re-call during gazetted school holiday periods (for example the term 4 holidays between 22 December 2014 to 27 January 2015)
- the maximum number of recall days is 6 (pro-rata for part-time employees) during a school year.

The current [recall rates](#) for both education support employees and school services officers can be found on the CECV IR website.

3. Planning for 2015 school year

3.1 Key workload changes 2015

The two key changes for the 2015 school year in relation to teacher workload are as follows:

- The reduction of the maximum scheduled class time for primary teachers from 23 to 22.5 hours per week (clause 56.4(a))
- The reduction of the maximum number of extras per annum for secondary teachers from 18 hours to 14 hours per annum.

3.2 Changes to Scheduled Class Time for Primary Teachers - 2015 School Year

The change to the maximum limit of scheduled class time (SCT) for primary teachers will decrease from 23 to 22.5 hours per week. Note that there is no change to the minimum release time of 2 hours per week for full time primary teachers.

The change to SCT may also impact on the following for primary teachers:

- (i) Release Time (clause 55.2(b))
- (ii) Time fraction calculation 2015– Part-time teachers (clause 54.2(a))
- (iii) Changes to Time Fraction – Part-time teachers (clause 54.2(a))
- (iv) Payment for ad hoc additional hours – part-time teachers (clauses 54.2(a) and 55.2(e))

The impact of these changes are detailed in the information provided in [Changes to Scheduled Class Time for Primary Teachers - 2015 School Year](#) which is located on the CECV website.

For primary teachers in their first year of experience the maximum SCT for a full time teacher will reduce to 21 hours per week (clause 56.8(a)).

3.3 Workplace consultation (clause 16)

It is a requirement of the VCEMEA that there is a process of consultation which includes the Consultative Committee in relation to class sizes, workloads and Positions of Leadership (POLs).

3.4 2015 Salaries and allowances

Detailed information in relation to salaries and allowances for school staff covered by the VCEMEA has been provided in [Implementation Guide for Schools: Part 3A:Salary and Allowances 2015 School Year \(Guide\)](#).

During the 2015 school year:

- there are two salary increases effective from the first full pay periods on or after 1 February and 1 August 2015
- there are some changes to classification structures for Education Support employees from 1 May 2015 which may alter classification level and incremental progression
- there are special arrangements for the 2015 school year for fixed term education support employees and school services officers who are re-appointed at the start of the 2015 school year without a break of service.

It is important that salary tracker tables in the Guide are used to ensure that the correct classification and salaries are implemented for all staff covered by the VCEMEA during the 2015 school year. The use of the tables in this guide will also minimise instances of both under and overpayment of employees covered by the VCEMEA.

3.5 2015 POL pool arrangements (clause 58.2(b))

For the 2015 school year the POL pool will continue to be calculated based on student numbers as follows:

School / Enrolment	Amount per student
Primary – greater than 150	\$78
Primary – less than 150	\$110
Secondary	\$115

The amount per student which will apply for 2015 takes account of the increases to POL allowances during the 2015 school year and therefore there is no requirement to change the POL pool during the 2015 school year.

3.6 Induction new employees (clause 23)

An induction program must now be provided to all newly appointed employees upon their commencement of employment with a school. The program must include:

- materials relevant to the ethos and mission of the school
- provision of and training on school policy and procedures documents
- identification of lines of support and contact persons
- salary assessment information.

4. Further queries and information

Any queries in relation to the implementation of the VCMEA should be directed to the Industrial Relations Unit on (03) 9267 0431 or by email on ceoir@ceomelb.catholic.edu.au.