

VICTORIAN CATHOLIC EDUCATION MULTI-ENTERPRISE AGREEMENT

**Clause 15: Variation of Hours and/or Days
and/or Times of Attendance for
Part-time Employees**
Information guide for schools

Updated March 2020

CECV

catholic education commission of victoria ltd
ACN 119 459 853

Contents

Background	3
Step 1: Identify the need for a variation	3
Step 2: Consult with the Employee and consider alternatives	4
Step 3: Notice of the decision	5
Significant reduction in hours	6
What is a significant reduction in hours?	6
What options does an Employee have?	6
What constitutes a significant reduction?	7
What if an Employee does not accept a significant reduction?	7
Termination payments	8
Severance payment – clause 15.2(e).....	8
Termination notice period – clause 19.3	8
Annual leave and school holiday pay – clause 25	8
Leave loading – clause 25.8.....	8
Long service leave – clauses 4 and 7 of Appendix 3.....	8
Queries and additional information	9

Background

The purpose of this guide is to outline the process for an Employer to vary a part-time Employee's hours and/or days and/or times of attendance. The process is in accordance with clause 15 of the Victorian Catholic Education Multi-Enterprise Agreement (VCEMEA).

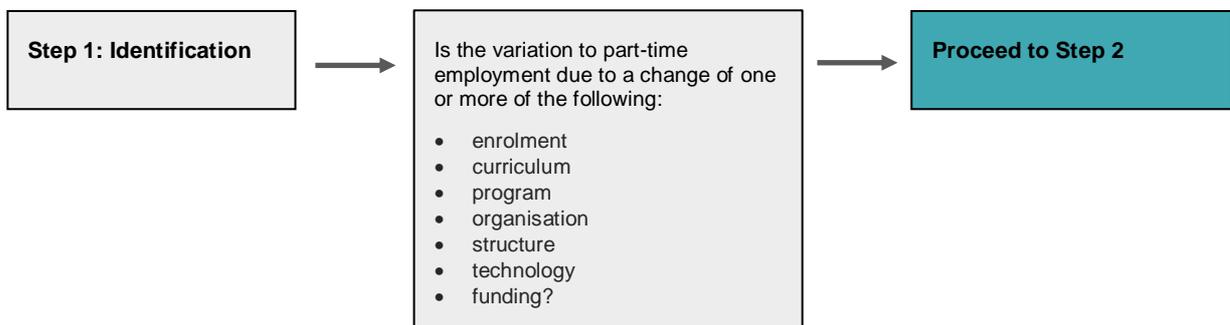
This guide does not apply to:

- full-time Employees
- Employees who have returned to work on a part-time work agreement following a period of parental leave (refer to clause 24(8) of Appendix 1 to the VCEMEA)
- Employees who request to vary their hours of work.

For school services officers, these provisions apply when there are changes to the hours of work only. However, when proposing a change to days and/or times of attendance, the Employer should apply the provisions of clause 74.12 of the VCEMEA.

Generally, principals and school leaders deal with variations to a part-time Employee's hours, days and times of attendance.

Step 1: Identify the need for a variation

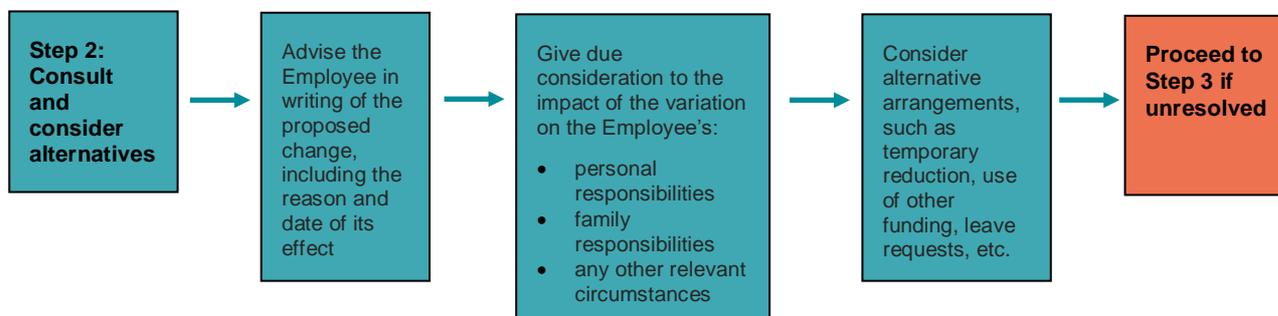


An Employer can only make a variation to a part-time Employee's number of hours and/or days and/or times of attendance when it can be demonstrated that such a variation is required. The variation must be because of a change in one or more of the following areas: enrolment, curriculum, program, organisation, structure, technology and funding.

Examples of the reasons that may justify a variation in the hours and/or days and/or times of attendance for part-time Employees under the VCEMEA are:

- the number of enrolments is decreasing at the school
- the requirement for some specialist classes is decreasing
- there is a change in the delivery of a program (for example, a change of day or times)
- the use of new technology is decreasing the number of hours required to undertake a task
- there is a reduction in funding for a particular program.

Step 2: Consult with the Employee and consider alternatives



An Employer must *first consult* with an affected part-time Employee regarding a *proposal* to vary that person's hours and/or days and/or times of attendance. Consultation under clause 15 of the VCMEA involves the following:

- The Employer must advise the part-time Employee in writing of the proposed change to hours and/or days and/or times of attendance, as well as the reason for the proposed variation (that is, a change in enrolment, curriculum, program, organisation, structure, technology or funding).
- The Employer must give the Employee the opportunity to provide details on the impact the change will have on the Employee's personal and family responsibilities, as well as any other relevant circumstances. This is usually done via a meeting.
- The Employer must consider any matters raised by the Employee in relation to how the change affects the Employee's personal and family responsibilities, as well as any other relevant circumstances.
- If the proposal significantly reduces the hours of work of an Employee (or if an Employee has had their hours of work reduced within the preceding two years and the cumulative reduction in working hours is significant), the Employee should be advised that they have two options: accept the proposed reduction in working hours or elect to receive a severance payment. In the latter case, the Employee's employment would be terminated in accordance with clause 19 of the VCMEA. (See 'Significant reduction in hours' below.)

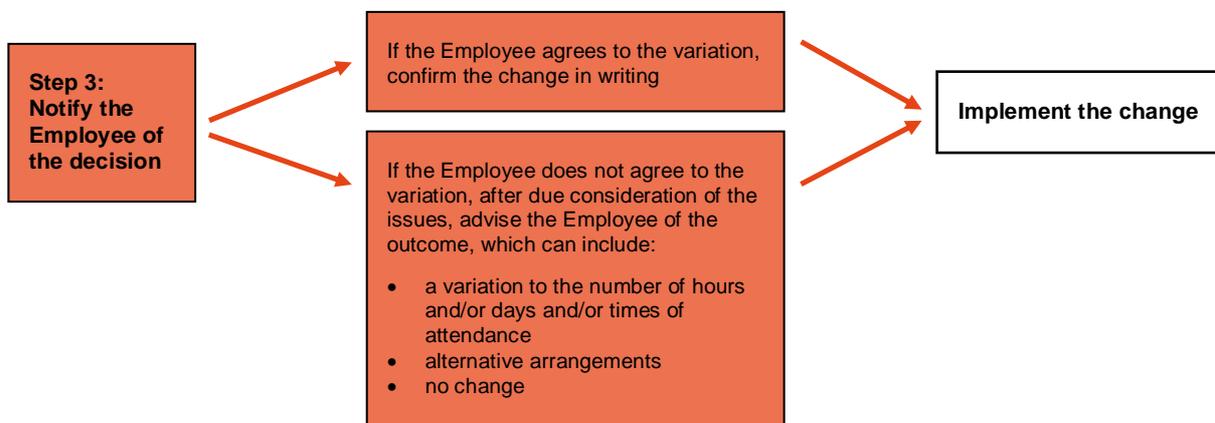
It is important that the Employer considers the matters raised by the Employee and any alternatives that are possible at the local level, including:

- a temporary reduction
- the use of other funding
- leave requests from other staff.



A template letter to advise a part-time Employee of the proposal to vary their hours and/or days and/or times of attendance is available on the CECV website www.cecv.catholic.edu.au under *Employee Relations / Templates / General Templates*.

Step 3: Notice of the decision



Employee agrees

If the Employee accepts the proposed variation of hours and/or days and/or times of attendance, the Employer must confirm the change in writing and include:

- the new number of hours (full-time equivalent (FTE)) and/or days and/or times of attendance
- the date of effect of the change. (Note that if the change involves an increase in the Employee's FTE, the variation can come into effect on the date agreed. If the change involves a decrease in FTE, while the change can come into effect on the date agreed, the Employee's salary must be maintained for any notice period not given – i.e. eight weeks)
- the part-time Employee's new salary (if appropriate)
- confirmation of payment where the required notice has not been provided.



A template letter to confirm a part-time Employee's agreement to vary their hours and/or days and/or times of attendance is available from the ['General Templates'](#) section of the CECV website.

Employee does not agree with the variation

In the circumstances that the part-time Employee does not agree with the variation, the Employer can vary the hours and/or days and/or times of attendance of a part-time Employee. This is provided the Employer has:

- given eight weeks' written notice (noting that Employers are encouraged to give 10 weeks' notice) of the variation
- given due consideration to the part-time Employee's personal, family and other responsibilities
- fully considered other alternatives (and, if practicable, implemented the alternative arrangements).

Prior to making any change, the Employer must first advise the part-time Employee of the change in writing (see above).

Note: Where the change involves a drop in salary, the part-time Employee's salary should be maintained for the notice period (eight weeks) prior to the effective date of the variation.



A template letter to advise a part-time Employee of the decision to vary their hours and/or days and/or times of attendance is available from the '[General Templates](#)' section of the CECV website.

Significant reduction in hours

What is a significant reduction in hours?

In accordance with clause 15.2 of the VCMEA, a *significant reduction* in working hours occurs where either:

- the reduction in working hours is significant; or
- the part-time Employee has had their hours of work reduced within the preceding two years, and the cumulative reduction in working hours is significant.

What options does an Employee have?

When an Employer proposes a significant reduction in hours, the Employee can either:

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

Note that if a part-time Employee accepts a significant reduction in working hours instead of receiving a severance payment, the Employee cannot claim a severance payment in relation to that reduction in working hours.

What constitutes a significant reduction?

The VCMEA does not provide a quantum for a significant reduction in hours; assessment is made on a case-by-case basis. However, the following illustrative examples provide guidance to Employers.

Example	Description	Comment
Example 1	An ongoing part-time Employee's FTE is reduced from 0.8 to 0.4 from the start of the school year, resulting in their FTE being halved	Significant reduction; the Employee may elect to accept a severance payment
Example 2	An ongoing part-time Employee's FTE is reduced from 0.8 to 0.75 from the start of the school year	Not a significant reduction
Example 3	An ongoing part-time Employee's FTE was reduced from 0.4 to 0.32 from the start of the school year and further reduced by 0.1 in the middle of the school year. A further reduction of 0.15 is proposed at the start of the next school year, resulting in an overall reduction of 0.33 FTE within a 12-month period	Significant reduction over two years; the Employee may elect to accept a severance payment
Example 4	An ongoing part-time Employee's FTE was reduced from 0.8 to 0.4 at the start of the school year. The Employee was offered a severance payment in lieu of a significant reduction in working hours, but chose instead to accept the reduction in hours. At the start of the next school year, the Employee's hours were reduced by a further 0.05 FTE	Significant reduction over two years, but does not trigger a severance payment. This is because the Employee was offered a severance payment at the time their hours were reduced from 0.8 to 0.4 FTE, but they rejected the severance payment and instead accepted the reduction in working hours. Since the Employee rejected the severance payment, they cannot claim a severance payment in relation to the 0.05 reduction in FTE

What if an Employee does not accept a significant reduction?

When a part-time Employee *does not agree* to the variation *and* there is a *significant reduction* in hours, the Employee is entitled to a severance payment.

The Employee must provide notice of their election to receive a severance payment in writing to the Employer within 21 working days of receiving notification of the decision to decrease their hours of work.

In the event the Employee does not advise the Employer in writing within 21 days of their decision to accept the proposed reduction or to receive a severance payment, the proposed reduction in hours will be deemed to have been accepted.



A template letter to advise a part-time Employee of the reduction in hours in the circumstances that they did not respond to the decision and a template letter to confirm the Employee's election to vary their hours or receive a severance payment are available from the '[General Templates](#)' section of the CECV website.

Termination payments

A part-time Employee who elects to receive a severance payment where there is a significant reduction in hours is entitled to the following payments, as appropriate:

- severance payment
- payment in lieu of notice (when the employment ends before the conclusion of the notice period)
- pro rata annual leave/school holiday pay
- pro rata leave loading
- payout of any long service leave entitlement.

Severance payment – clause 15.2(e)

A severance payment is based on the Employee's length of continuous service in Victorian Catholic education.

Where the significant reduction arises because of more than one change of hours, the severance payment will be paid on the highest FTE of the Employee in the preceding two-year period. An exception to this is when the Employee has previously rejected a severance payment for a significant variation.

Termination notice period – clause 19.3

Where the Employee elects to accept a severance payment in lieu of a significant reduction in working hours, the Employee must either work through the notice period or receive payment in lieu of notice if the employment ends prior to the conclusion of the notice period.

Annual leave and school holiday pay – clause 25

An Employee who has elected to accept a severance payment is entitled to either a payment for any untaken annual leave or the appropriate amount of pro rata school holiday pay.

Leave loading – clause 25.8

The termination payment should also include the appropriate leave loading payment.

Long service leave – clauses 4 and 7 of Appendix 3

An Employee who has an entitlement to long service leave (LSL) at the time of the termination of employment may make a request to forgo the payment of the LSL entitlement, provided that the Employee intends to resume work in Catholic education within four full school terms. Appropriate template forms are available on the CEVN website <https://cevn.cecv.catholic.edu.au> under *Staffing and ER / [Long Service Leave](#)*.



A template letter to advise a part-time Employee of the conclusion of their employment when they have elected to receive a severance payment is available from the [‘General Templates’](#) section of the CECV website.

Queries and additional information

Any queries in relation to this information guide or the VCEMEA should be directed to the Employee Relations Unit on 03 9267 0431 or ceoir@cem.edu.au.

A full copy of the [Victorian Catholic Education Multi-Enterprise Agreement 2018](#) is available on the CECV website under *Employee Relations* / [VCEMEA 2018](#).