

1 Title: Temporary employment

2 Purpose:

- (a) To ensure the effective and efficient provision of services through the employment of temporary employees, and
- (b) To set criteria for the review of the status of temporary employees.

3 Application:

- (a) This directive applies where a chief executive employs a person as a temporary employee on a full-time or part-time basis under section 147 or section 148 of the *Public Service Act 2008*.
- (b) This directive does not apply where a chief executive employs a person on a casual basis under section 147 or section 148 of the *Public Service Act 2008*.

4 Legislative provision:

Public Service Act 2008 - sections 53, 147, 148, 149 and 194(1)(e)

5 Effective date: 1 November 2010

6 Definitions:

For the purposes of this directive:

agency means a department or public service office as defined in sections 7 and 21 of the *Public Service Act 2008*.

employees requiring placement means employees registered under section 7.2 of the directive relating to employment arrangements following workplace change.

7 Provisions:

7.1 *Appropriate use of temporary employment*

- (a) A chief executive of an agency may employ a person on a temporary basis to meet temporary circumstances.

- (b) Temporary circumstances refer to the temporary or urgent demand for particular skills for a period of time, whether or not the time has been fixed, to ensure the continuity of service delivery.¹
- (c) Where it is apparent that there is an ongoing requirement for the role, a chief executive should consider filling the role permanently rather than by extended temporary employment.

7.2 Conditions of temporary employment

- (a) Requirements of the directive relating to recruitment and selection must be met for advertising temporary vacancies above entry-level.
- (b) Prior to engaging or extending a temporary employee to tenured status at level, employees requiring placement must be considered in filling temporary vacancies, in accordance with the directive relating to workplace change.
- (c) For each separate period of engagement, a temporary employee is to be provided with a notice of engagement.
- (d) Temporary employees must participate in their agencies' employee performance management systems in accordance with the directive relating to employee performance management.
- (e) Temporary employees should also be provided with reasonable access to flexible working arrangements where practicable.

7.3 Review of temporary employment status

- (a) Where a temporary employee completes two years of continuous service in the same role in an agency, the agency must conduct a review of the temporary status of the employee.
- (b) For the purposes of this clause, continuous service in the same role can include:
 - (i) a role which is essentially the same (e.g. a payroll officer may provide a service to different client groups), or
 - (ii) rotation through a range of duties within a generic role description (e.g. rotation through financial and payroll processing duties under a generic entry-level role description).
- (c) The review of temporary status referred to at section 7.3(a) also applies to non-continuous service where a temporary employee has performed a cumulative total of two years service in the same role in an agency, provided that the breaks in employment do not exceed a total of three months in the previous two year period.

¹ Circumstances where temporary employment may be appropriate include but are not limited to –

- (i) Temporary and/or urgent demand for particular skills for a period limited by time, whether or not the time has been fixed;
- (ii) The evolution of a tenured role during which knowledge and skill requirements are expected to undergo a period of transition;
- (iii) Fluctuating service delivery needs or temporary increases in workload;
- (iv) Roles which are funded for a specified period with no reasonable anticipated renewal of funding;
- (v) A one-off project or specified body of work which will be completed within a finite timeframe;
- (vi) Replacement of employees who are absent on leave and who are expected to return to the role on the completion of that leave;
- (vii) Temporary vacancies arising from the temporary reassignment or secondment of employees; and (viii) Temporary filling of a vacant role prior to the approval of a tenured appointment.

- (d) In conducting the review and deciding whether a temporary employee is to be converted to tenured status at level, the chief executive (or delegate) of the agency must:
 - (i) establish whether the temporary circumstances continue to exist and if the role is ongoing
 - (ii) consider the availability of funding for the role
 - (iii) consider agency employees requiring placement
 - (iv) ensure the requirements of the recruitment and selection directive for advertising temporary vacancies above entry-level are met, and
 - (v) consider whether the person satisfactorily meets the agreed performance objectives of the role.
- (e) The review of the temporary status of the employee must be finalised, and the employee notified in writing of the decision, within 28 days of the employee becoming eligible for review.

7.4 Outcome of review of temporary employment status

- (a) Conversion of a temporary employee to tenured status at level may occur only with the employee's consent.
- (b) Where the outcome of the review is a decision not to convert the temporary employee to tenured status at level, written notification to the employee must include the reasons for the decision to continue the person in a temporary role.
- (c) Where the review does not result in the conversion of the temporary employee to tenured status at level and the employee continues in the role on a temporary basis, the employment status of the employee is to be reviewed on the completion of each additional year of continuous service.
- (d) Subsequent reviews must be undertaken in accordance with sections 7.3(d) and (e), and sections 7.4(a), (b) and (c) of this directive.

7.5 Complaints and appeals

- (a) Employee complaints and appeals are to be lodged in accordance with the provisions of relevant directives issued by the commission chief executive.

7.6 Transitional arrangements

- (a) An initial transition period of 12 months will apply from the effective date of this directive.
- (b) During the transition period an agency must review the employment status of all temporary employees who have completed two years of continuous service in the same role in an agency, and were not reviewed under the previous directive.
- (c) Within one month of the expiry of the transition period, the review must be finalised and the temporary employees notified as per the provisions of this directive.
- (d) A temporary employee who was reviewed under the previous directive continues to be eligible for subsequent reviews every 12 months, on the anniversary date of the initial review.