

Memorandum of Agreement

Temporary State School Teachers and Instrumental Music Instructors

between

Department of Education

and

the Queensland Teachers' Union of Employees

Application and Purpose

1. This Memorandum of Agreement (the MOA) applies to Department of Education (DoE) employees who are temporary state school teachers and instrumental music instructors who meet the eligibility criteria for conversion to tenured status (subject employees).
2. The purpose of the MOA is to prescribe arrangements for the subject employees that are binding on, and enforceable by, the parties in accordance with the MOA and *Department of Education and Training State School Teachers' Certified Agreement 2016* (the Certified Agreement).
3. This MOA does not alter or detract from s.2.13 *Maximisation of Permanency and Conversion* of the Certified Agreement.
4. The parties agree to abide by the terms of the MOA, having regard to the application and purpose of this MOA.

Objective

5. The objective of this agreed position is to provide a framework for the terms and conditions of service for the subject employees. Any review of this position should occur through consultation and review between the parties.

Date and Period of Operation

6. This MOA replaces all previous versions and shall remain in force for the operative lifetime of the Certified Agreement.
7. The parties may agree to vary the MOA by written agreement signed by the parties during the life of the MOA/Agreement.

Termination of Agreement

8. Either party may terminate this MOA by providing written notice to the other party.

9. This MOA will cease to have effect 16 weeks after a party provides such written notice of termination to the other party.

Dispute Resolution

10. In accordance with the Dispute Resolution provision (Part 3) of the Certified Agreement, either party may seek the assistance of the Queensland Industrial Relations Commission (QIRC) in relation to a dispute arising from the application of the MOA.
11. The parties may not seek the assistance of the QIRC in relation to the creation of this or a replacement MOA.
12. In accordance with s.234 of the *Industrial Relations Act 2016* (Qld), the parties must not engage in industrial action in relation to the MOA.

Arrangements

13. The following arrangements will apply to subject employees:

12.1 Eligibility for Conversion to Tenured Status

Temporary teachers with three years continuous service in the same role or cumulative service of three years in the same role; provided that breaks in employment do not exceed a total of three months during the accumulation of said three years, will be eligible for conversion to tenured status.

Further, the following criteria will be applied in assessing temporary teachers' eligibility for conversion:

- continuous service will be deemed to include periods of casual employment where the total period of casual work does not exceed 20% of the total period of employment within any one school year; and
- eligible non-continuous service will be deemed to include a cumulative total of three years' service in the same role provided that the breaks in employment do not exceed a total of three months during designated school terms in the previous three year period.

Three months is defined as 60 working days excluding days which fall during school vacation periods. School vacation periods include the period of time prior to the end of the school year in those schools in which programs finish or when there may be operational requirements to cease temporary engagements prior to the last day of the school year.

12.2 Appointment and Transfer

The parties acknowledge DoE's policy and practice of making offers of permanent employment subject to acceptance of placement at a location anywhere within the state of Queensland and confirm application of this appointment policy and practice to the temporary teacher conversion process.

The parties acknowledge that temporary teachers, following conversion to tenured status, will be subject to the usual requirement for transfer in accordance with Teacher Transfer Guidelines.

The parties agree that the effect of DoE's appointment and transfer policies, practices and procedures is such that there is no guarantee that an eligible temporary teacher will receive an offer of permanent employment in the departmental region within which they are working at the time they become eligible for conversion. Personal circumstances will be reviewed in considering the appointment in accordance with exceptional hardship circumstances as prescribed under the Teacher Transfer Guidelines.

The conversion processes will take effect from the date of eligibility for conversion (on an ongoing basis as positions become available) or at the latest the first pupil free day in January of the following year. This will take place during the annual transfer process.

Where an eligible teacher is identified in the term four round of the school year and confirmation is unable to be secured by the time frames above, identified teachers who have engaged in the process will continue to be provided with access to ongoing temporary engagements, from the first pupil free day of the school year.

12.3 Temporary Teacher Conversion Process

The following will apply during the conversion process:

- The employee will not be considered for conversion to tenured status for a further one year should the eligible teacher elect not to participate in the conversion to permanency process.
- The employee will not be considered for conversion to tenured status for a further one year should the employee fail to respond as this will be deemed to indicate that the employee does not wish to participate in the conversion process.
- Should the employee decline the offer of permanent employment, the employee will not be considered for conversion to tenured status until such time as required under relevant Directives.

A joint DoE and Queensland Teachers' Union committee will consider eligible temporary employees personal circumstances that may affect the employee's initial appointment as required.

12.4 Maternity Leave

Temporary teachers, who have engaged in the conversion process, are able to access paid parental leave. A detailed section on maternity leave and parental leave can be located in the Temporary State School Teachers and Instrumental Music Instructors to Permanent Conversion Business Process Document.

12.5 Changes to the Temporary State School Teachers and Instrumental Music Instructor to Permanent Conversion Business Process.

Any changes to the business process are subject to consultation between the parties.

12.6 Part Time Teachers

Unless otherwise agreed, teachers identified in the process who have worked part time are made an offer no less than the average fraction worked over the three year period.

SIGNING

Signed by the Parties on the dates set out below.

Tony Cook

Signed for and on behalf of the **State of Queensland** represented by the **Department of Education**

by

Tony Cook
Director-General

this *23rd* day of *May* 2018

G. Moloney

Signed for and on behalf of the **Queensland Teachers' Union of Employees** by the person named below who warrants they are duly authorised to sign for and on behalf of the **QTU**

by

Graham Moloney
General Secretary

this *29th* day of *May* 2018