



Service recognition for determining salary under standards-based remuneration

This document applies to classroom teachers in NSW public schools. It does not apply to:

- teachers in promotions or non-school-based positions
- school counsellors and others not paid under standards-based remuneration¹
- teachers appointed under sponsorship or scholarship arrangements.

It should be read in conjunction with the *Standards-Based Teacher Salary Procedure* (www.teach.nsw.edu.au/documents/hr/salary/DOC16-1249032-Standards-Based-Teacher-Salary-Procedure-26_05_2017.pdf), *The Salary Determination for Classroom Teachers: Information Guide* (www.teach.nsw.edu.au/documents/hr/salary/DOC17-501029-Salary-Determination-for-Classroom-Teachers-Information-Guide_26.05.2017.pdf), *The Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award* (the Award) (ircgazette.justice.nsw.gov.au/irc/ircgazette.nsf/LUPublications/FBA6661A7F84272BCA2581160011216A?OpenDocument) and Federation's industrial bulletins, *Standards-Based Pay for Permanent and Temporary Teachers* and *Standards-Based Pay for Casual Teachers* (available in the Members' area of Federation's website).

Prior to the introduction of standards-based remuneration the Department used to recognise teaching service outside NSW public schools as well as periods of full-time childrearing and some military service, for the purpose of determining salary. Relevant service was assessed by the Department and teachers could progress up the common incremental salary scale by one or more increments.

In 2016, the Department unilaterally changed this procedure and abandoned recognition of a range of relevant experience when determining a teacher's rate of pay. Many hundreds of teachers were suddenly being significantly underpaid; some by as much as a third of their income. It was only through Federation's intervention that a new procedure was developed. After long and difficult negotiations, a methodology for continuing to recognise teachers' experience in the context of standards-based remuneration was developed. In May 2017, the *Standards-Based Teacher Salary Procedure* was finally published, and teachers who have been underpaid since January 2016 are now able to receive the appropriate pay rate adjustment and may be eligible for back pay for the intervening period.

What is relevant service?

In addition to teaching service in NSW public schools, the Department may recognise the following toward the service requirement for standards-based remuneration:

¹ The procedures for these groups are being finalised. Updated advice will be provided to members as soon as it is available.

- teaching at schools (other than public schools) in NSW
- teaching at schools in another Australian state or territory
- teaching in a recognised overseas primary or high school (or teaching students aged five to 18 years in a recognised school or system)
- periods of full-time childrearing.

When does the Department determine a teacher's rate of pay?

The Department will determine a teacher's rate of pay at the following points:

- approval to teach
- permanent appointment
- if a teacher applies for a review of their salary (a "salary determination") while they are engaged in casual or temporary employment with the Department.

The Department will make the determination based on the information it has available. It is the teacher's responsibility to provide appropriate evidence to the Department of any eligible service outside of NSW public schools. However, unlike under the previous *Assessment of Prior Service* procedure, the Department will advise teachers of their entitlements under the procedure as part of the approval to teach and permanent appointment processes. For determinations made at approval to teach or permanent appointment, evidence must be provided within six months of the date of approval or acceptance of the permanent appointment for the Department to consider it.

A teacher must be employed by the Department at the time of seeking a review of their salary. The Department will only assess service equivalent to a year's full-time teaching. How this is calculated for each type of relevant service is outlined below.

After a teacher has been permanently appointed, only service with the NSW Department of Education will count for further salary progression. Work outside NSW public schools while on leave without pay will not be recognised for the purpose of salary.

Any pay adjustments arising from a salary determination application will apply from the first pay period commencing on or after the date the application is received by the Department.

Have you taught in a NSW public school before?

Each time you commence employment with the Department (including each time you begin a new temporary engagement or a day's casual work) you will be defined as either a "new" or "existing" teacher for the purpose of salary.

- If you have never worked in a NSW public school before, you will be a "new" teacher and will be paid under standards-based remuneration, described in Clause 3.5–3.12 of the award.
- If you have worked in a NSW public school before but have had a break in employment with the Department of five years or more you will be a "new" teacher and will be paid under standards-based remuneration, described in Clause 3.5–3.12 of the award.
- If you have worked in a NSW public school before and you have had a break of less than five years (including no break in employment), you will be an "existing teacher" and be paid according to the transitional provisions described in Clause 3.17–3.18 of the award.

A “new” teacher will be placed by default on either Band 1 or Band 2 according to their level of accreditation. If you have relevant service as described in this leaflet, you will need to submit a salary determination application, with supporting evidence, to have it recognised for your pay.

An “existing” teacher will be paid a salary equivalent to the rate paid on last employment. If you have additional relevant service to be recognised from the intervening period you will need to submit a salary determination application, with supporting evidence, to have it recognised in your pay.

Combining all service in NSW public schools

For teachers first employed in NSW public schools prior to 1 January, 2016, casual and temporary service will continue to be counted separately. This means that only casual service will count toward the casual rate of pay and only temporary service will count toward the temporary rate of pay. All casual and temporary service will, however, be combined for determining salary on permanent appointment.

For teachers first employed after 1 January, 2016, all casual and temporary service will be counted together for salary purposes.

Proficient (Pending) Status

Proficient (Pending) Status enables teachers who have significant teaching experience but who are not currently accredited as Proficient teachers, to be paid within the steps of Band 2 while they complete their Proficient accreditation.

Teachers returning to teaching in NSW following a break of five or more years will be eligible for Proficient (pending) status if they:

- are provisionally accredited
- have previously completed at least 406 days (two years FTE) of teaching service, and
- have previously been accredited at Proficient (or were a pre-2004 teacher who did not require accreditation).

Such teachers will have 203 days’ teaching service in which to complete proficient level accreditation to maintain the Proficient pay rate.

Teachers who were previously teaching in another Australian state or territory will be eligible for proficient (pending) status if they:

- are provisionally accredited
- have previously completed at least 406 days (two years’ FTE) of teaching service, and
- held full teacher registration in another state/territory and are eligible for mutual recognition of proficient accreditation with NESAs.

They will have 50 days’ teaching service in which to provide evidence of completed mutual recognition from NESAs to maintain the Proficient pay rate.

Teachers who were previously teaching overseas will be eligible for proficient (pending) status if they:

- are provisionally accredited, and
- have previously completed at least 406 days (two years’ FTE) of teaching service.

They will have 203 days of teaching service in which to complete Proficient-level accreditation to maintain the Proficient pay rate.

A teacher who does not secure proficient level accreditation in the appropriate time period as stated above will revert to Band 1 salary until such time as Proficient accreditation is attained. Once this accreditation is achieved, service will be recredited.

Salary-matching

Salary-matching is only available for teachers eligible to be paid in Band 2 of the standards-based remuneration structure.

Teachers must have been employed as either an accredited (Proficient) teacher in NSW (in the non-government sector) or a fully registered teacher in another Australian state or territory to be eligible for salary matching. Teachers can apply for salary matching by providing the Department with evidence of their last rate of pay with their previous employer. Base salary, excluding allowance and loadings, must be readily available on the evidence provided.

The Department will match their salary to the appropriate step within Band 2 (2.1, 2.2 or 2.3). Where the salary paid by the former employing authority does not match a step within Band 2, the Department will pay the next highest step within the band, up to a maximum of Band 2.3.

Teachers with overseas teaching experience

The Department will recognise casual, temporary and permanent qualified teaching employment in a recognised primary or high school (students aged five to 18 years) to the value of full time equivalent whole school years only. Any residual periods will not be carried over to a future salary determination or combined with Departmental service.

The teacher will need to provide evidence, such as statements of service and/or employment contracts, which show dates worked, unpaid leave taken (or confirmation that none was taken) and full-time equivalent or number of school days worked during the period.

Each full school year of recognised overseas teaching experience will be credited as 203 days' service for a teacher's pay.

Teachers with experience in other Australian states or territories

The Department will recognise casual, temporary and permanent school teaching employment whilst delivering courses of study recognised by the teacher registration authority in another state or territory. It will credit recognition to the value of full time equivalent whole school years only completed in blocks of at least one school term. Any residual periods will not be carried over to a future salary determination or combined with Departmental service.

The teacher will need to provide evidence, such as statements of service and/or employment contracts, which show dates worked, unpaid leave taken (or confirmation that none was taken) and full-time equivalent or number of school days worked during the period.

Each full school year of recognised interstate teaching experience will be credited as 203 days of service for a teacher's pay.

Teachers with experience in other NSW schools

The Department will recognise casual, temporary and permanent school teaching employment in independent or Catholic schools to the value of full time equivalent whole school years only completed in blocks of at least one school term. Any residual periods will not be carried over to a future salary determination or combined with Departmental service.

The teacher will need to provide evidence, such as statements of service and/or employment contracts, which show dates worked, unpaid leave taken (or confirmation that none was taken) and full-time equivalent or number of school days worked during the period.

Each full school year of recognised teaching in NSW non-government schools will be credited as 203 days of service for a teacher's pay.

Recognition of full-time childrearing

A teacher who is commencing (or recommencing) employment with the Department following a period of full-time childrearing may receive credit for salary progression purposes if:

- the care period immediately precedes this period of employment as a teacher (subsequent to completing a teacher qualification or previous employment as a teacher)
- the teacher has not engaged in any paid employment during the care period
- the teacher has not been on any form of paid leave from an employer during the period
- the teacher has not been on any form of unpaid leave from the Department that is recognised as full service for salary (maternity, adoption and parental leave).

The teacher will be credited with 203 days of teaching service for each three years of full-time childrearing. The three years do not need to be successive. A maximum of 12 years of caring (812 days' teaching service equivalent) will be recognised. The service will only be credited once a teacher has achieved proficient level accreditation with NESAs.

Teachers who were seeking a review of their salary between January 2016 and June 2017

While the *Standards-Based Teacher Salary Procedure* was published in May 2017 it rescinds and replaces the previous procedure (*Interim Teacher Salary Review Procedure*) and as such has a retrospective application date to 1 January, 2016.

The Department will process the backlog of claims made during this time before processing any new applications for salary determinations. It aims to process them in this order:

- teachers who were permanently appointed in 2016
- temporary and casual teachers who applied for recognition of relevant service in 2016
- teachers who were permanently appointed in early 2017
- temporary and casual teachers who submit an application for salary determination from 2017 onwards.

Teachers who submitted an application for a salary review (or recognition of prior service) between January 2016 and Term 2, 2017 will have any relevant salary adjustments applied from the date the

original application was submitted and will receive back pay accordingly. *To be certain of obtaining recognition of all relevant service and receive appropriate back pay, members should submit a new application and attach their original application and supporting documentation to their submission.*

Teachers who were permanently appointed in 2016 or 2017 will have any relevant salary adjustments related to the combination of casual and temporary service applied to the entry on duty date and will be receiving back pay accordingly.

Teachers who did not previously submit an application should do so as soon as possible. If they have records of having made inquiries with the Department and were told they could not apply, they should submit those records with their application and request that the earlier date be considered as their application date.

Temporary and casual teachers who commenced with the Department prior to 2016 will have six months from the date of publication (up to 29 November, 2017) to submit an application. After that time, only relevant service completed after the start of 2016 will be considered.

How to apply

The Procedure and Information guides are available on the Department's website at dec.nsw.gov.au/about-us/careers-centre/resources/salaries-and-allowances.

Teachers wishing to apply for a salary determination should complete the application form at teach.nsw.edu.au/documents/hr/salary/DOC17-514905-Salary-Determination-for-Classroom-Teachers-Application.pdf and submit it, with all relevant supporting documentation, via email at salarydetermination@det.nsw.edu.au.

If you are unhappy with the Department's determination

If you have received a salary determination from the Department, after publication of the new procedure in May, 2017, and you believe you have other relevant service which is not being recognised, contact the Federation's Professional Support section by calling 1300 654 367 or by sending an email to professionalsupport@nswtf.org.au with your salary determination application and Department's response attached.