



WORKFORCE MANAGEMENT AND SYSTEMS IMPROVEMENT
INDUSTRIAL RELATIONS DIRECTORATE

DEPUTY DIRECTOR-GENERAL TAFE
INSTITUTE DIRECTORS
REGIONAL HUMAN RESOURCE MANAGERS

IRC 11/08

Excess Teaching Hours 2011

This Circular reflects the agreement reached between the Department and the NSW Teachers Federation in relation to the effects that leave, part year commencements and separations, and relieving in higher positions, have on TAFE teachers' eligibility for payment of excess teaching hours under an approved program in 2011.

Details related to this agreement are set out in the attached document, the development of which was informed by the following principles:

- teachers receiving averaged excess payments should not be financially advantaged over those teachers who do not elect to receive such payments;
- part year employment of teachers will be considered on a pro rata basis within the context of an annualised program; and
- excess teaching hours will only be paid if worked.

TAFE Teacher Program Diary user documentation is being developed to assist with the implementation of these changes and will be made available to staff in Semester 2.

Should you have any enquiries concerning this advice, please contact the Industrial Relations Directorate on (02) 9561 8780 or email: indrel@det.nsw.edu.au

A handwritten signature in black ink, appearing to read 'Mark Philip'.

Mark Philip
Director, Industrial Relations

19 July 2011

EXCESSTEACHING HOURS 2011

This document reflects the agreement reached between the Department and the NSW Teachers Federation in relation to the effects that leave, part year commencements and separations, and relieving in higher positions, have on TAFE teachers' eligibility for payment of excess teaching hours under an approved program. This document should be read in conjunction with the Award and the Administrative Arrangements.

1. LEAVE

Planned and unplanned leave have different effects on the approved program.

There is a further distinction made between leave that is taken prior to completing the annual hour requirements under the award (i.e. 720 direct teaching hours, 540 related duties hours, and 175 hours in the 5 non-teaching weeks) and absences that occur post 720 hours of direct teaching.

Unplanned Leave

Pre-Completion of 720 direct teaching hours

In circumstances where a teacher is absent on unplanned leave (e.g. sick leave) prior to having completed the annual hour requirements under the award they will be credited with the approved program for the period of their absence.

Post-Completion of 720 direct teaching hours

Unplanned leave will not be approved against programmed excess teaching hours. Also teachers are not entitled to payment for excess teaching hours that are not performed. If teachers have received payment in advance for programmed excess teaching hours that have not been performed, then that money will need to be repaid.

Two examples of how a teacher with programmed excess teaching hours is affected by absences on unplanned leave are set out below:

1. **Teacher A** is programmed to deliver excess teaching hours and is to be paid for the excess hours worked after the completion of 720 direct teaching hours in accordance with the award. Teacher A is absent due to illness and does not deliver the programmed excess teaching hours.

In these circumstances Teacher A is not required to take leave against the programmed excess teaching hours, continues to receive his/her annual salary and is not paid for any programmed excess teaching hours that were scheduled during their absence.

2. **Teacher B** is programmed to deliver excess teaching hours and has opted to be paid in advance of these hours being worked, on a fortnightly basis averaged over the year in accordance with the Administrative Arrangements agreed between the parties in March 2010. Teacher B is absent due to illness and does

not deliver the programmed excess teaching hours i.e. hours in excess of 720 for the year.

In these circumstances Teacher B is not required to take leave against the programmed excess teaching hours, continues to receive his/her annual salary and is not paid for any excess teaching hours that were scheduled during their absence. Teacher B will be required to repay payments made for excess teaching hours that were not performed.

Planned Leave

Planned leave will not be approved against programmed excess teaching hours. Teachers should discuss their leave plans for the year with their line manager when planning and developing the approved program.

Planned leave (e.g. extended leave) to be taken before a teacher meets the annual hour requirements under the award should be incorporated into the approved program.

Where a teacher applies to take a period of extended leave once an approved program is already in place, this application will trigger a variation to the approved program and may result in a reduction in the amount of excess teaching hours included in the program.

Where planned leave is for a period of a week, the 35 hours of required attendance shall be accounted for by timetabling the absent teacher for 20 hours of direct teaching and 15 hours of related duties for each full week they are absent.

Following this approach a single day of absence on planned leave during teaching weeks would be credited as 4 hours of direct teaching and 3 hours of related duties.

If the week of planned leave occurs in a non-teaching week this would be credited as 35 hours of related duties and a single day of absence in a non-teaching week would be credited as 7 hours of related duties.

2. PART YEAR COMMENCEMENTS AND SEPARATIONS

From 2011, teachers who commence with, or separate from, TAFE NSW during the year will have their direct teaching and related duties hours reconciled relative to the proportion of the year worked. Any additional teaching hours above the proportion of annual hours required will be paid at the excess teaching hour rate.

3. RELIEVING IN HIGHER POSITIONS (TEACHING AND NON-TEACHING)

Teachers relieving in teaching roles, such as a Head Teacher, will have a calculation made to determine an adjusted threshold for eligibility for payment of excess

teaching hours. This will be done by multiplying the indicative weekly teaching hours for each classification by the number of weeks in that classification, e.g.:

$(9 \text{ weeks} \times 10 \text{ hours}) + (27 \text{ weeks} \times 20 \text{ hours}) = 630 \text{ annual hours}$

Once the teacher exceeds this adjusted threshold they will be eligible for payment of excess for any further teaching hours performed, at the rate applicable to the classification they are performing at that time.

Teachers relieving in non-teaching roles, such as a Senior Education Officer, will be programmed in the same way as a teacher who commences with, or separates, from TAFE NSW part way through the educational year.

Teachers relieving in non-teaching roles will not be eligible to be paid averaged excess teaching hours. If the employee has previously elected to be paid averaged excess teaching hours, such payments will cease at the point in time that the acting arrangement commences.

If a teacher has already received payment for averaged excess teaching hours, all hours worked to date will be reconciled, and if more than the prorata direct teaching hours required have been delivered then the teacher is entitled to retain those payments, which should reflect the classification held at the time.

Teachers are required to repay averaged excess payments made for excess teaching hours not delivered.