



Commission Chief Executive directive: fixed term contracts of employment – executive employees

Directive 18/18
Supersedes 12/17

1. Purpose

This directive sets out:

- the requirements and administrative arrangements where a public service officer's appointment is to be on contract for a fixed term with remuneration equal to, or higher than, the remuneration payable to a senior officer (SO)
- the conditions for an entitlement to granted leave days for officers engaged on an applicable contract for a fixed term who are participating in the Christmas/New Year compulsory closure.

2. Effective date

16 November 2018.

3. Legislative provisions

Section 53(1)(b), 121 and 122 of the *Public Service Act 2008* (PS Act).

4. Application

This directive applies to the engagement of public service officers on a contract of employment for a fixed term with remuneration equal to, or higher than, the remuneration payable to a SO, except public service employees covered by an industrial instrument.

5. Previous references

Directives 12/17, 07/17, 16/08, 2/08 and 11/04.

6. Related information

- Directives relating to recruitment and selection, attraction and retention incentives, senior executive service (SES) employment conditions, and SO employment conditions.
- Approved contract templates for engagements under section 122 of the PS Act.

Directive

7. Requirements

- 7.1 Fixed term contracts are to be for a period appropriate to the special circumstances of the employment situation. A fixed term contract must not:
- a) be used for continuing and ongoing roles that should be within the SES
 - b) exceed a term of five years
 - c) be extended through a variation to the expiry date.
- 7.2 If a fixed term contract reaches its expiry date, the chief executive may enter into a further contract (i.e. new contract, not an extension to original contract) with the officer for the same role, without requiring approval from the Commission Chief Executive (CCE), provided the cumulative term of all contracts does not exceed five years.
- 7.3 The use of fixed term contracts under a scheme, initiative or employment strategy that are not covered by another directive must be approved by the CCE.



8. Remuneration

- 8.1. In deciding to engage an officer on a fixed term contract, the chief executive must ensure that a job evaluation, benchmarking process or job market assessment is used to determine the appropriate remuneration level for the position. Remuneration and employment conditions must be transparent and justifiable.
- 8.2. The total remuneration under a fixed term contract must not exceed SES 4.2 package point as set out in the directive relating to SES employment conditions.
- 8.3. Where total remuneration is equal to, or within, the remuneration ranges applying to SES, the officer must be paid at the minimum package point of the work value range for the role on initial appointment, as applicable to SES under the directive relating to SES employment conditions.
- 8.4. Remuneration increases, including package point increases, for officers on fixed term contracts must not exceed increases for officers remunerated at a level equal to, or within, the remuneration ranges applying to:
 - a) SO and SES – as set out in directives relating to SO and SES employment conditions
 - b) chief executives – as approved by the Premier.
- 8.5. A chief executive may decide not to pass on a remuneration increase to an officer without requiring approval from the CCE.

9. Christmas/New Year compulsory closure

- 9.1. Officers participating in the Christmas/New Year compulsory closure, including those on recreation leave or long service leave, are granted leave on full pay without debit to any leave account for those days during the compulsory closure period that are not public holidays or weekend days (granted leave days). Officers on any other form of leave do not qualify for the granted leave days.
- 9.2. Where an officer is on approved recreation or long service leave on any of the granted leave days, the officer's relevant leave balance is to be adjusted to reflect the granted leave days instead of the recreation or long service leave.
- 9.3. A chief executive may, in exceptional circumstances, determine that individual officers do not qualify for the granted leave days. Where a chief executive makes such a determination, but that officer is not required for duty, the officer is required to apply for leave.

10. Administration

- 10.1. The CCE will determine any administrative arrangements required when a fixed term contract is being considered, including the standard contract(s) to be used.
- 10.2. Chief executives must report to the CCE (in a form required by the CCE) on the number and details of fixed term contracts approved or ended in their agencies, within a reasonable time of that occurring.

11. Approval for exemption

- 11.1. Any arrangements outside the provisions of this directive, for example:
 - a) the use of a fixed term contract for a continuing and ongoing role under clause 7.1 a)
 - b) the maximum term or cumulative term of contracts under clauses 7.1 b) and 7.2
 - c) remuneration above SES 4.2 package point under clause 8.2
 - d) remuneration above that permitted under clause 8.3
 - e) a remuneration increase at a higher level than that permitted under clause 8.4
 - f) any variations to the template contract approved by the CCE under clause 10.1
 - g) under exceptional circumstances, a full exemption from compliance with this directive, must be supported by a business case submitted by the chief executive and approved by the CCE in advance of the arrangement commencing.