



DIOCESE OF SALE CATHOLIC EDUCATION LTD.

2017 Memorandum of Understanding Implementation Update – January 2018

1.0 INTRODUCTION

The 2017 [*Memorandum of Understanding*](#) (MOU) between the Catholic Education Commission of Victoria Ltd (CECV) and the Independent Education Union Victoria Tasmania (IEU) provides for additional entitlements and conditions of employment for staff covered by the [*Victorian Catholic Education Multi Enterprise Agreement 2013*](#) (VCEMEA).

During 2017, the CECV and the IEU agreed to the suspension of negotiations until 1 August 2018. The MOU was developed as an interim arrangement for the 2017 and 2018 school years.

The VCEMEA and the MOU covers all schools in the Diocese of Sale.

To assist schools with the interim arrangements, a [*Start of School Year IR Checklist for Principals*](#) has been developed to assist Principals with the following:

- letters of appointment
- salaries and allowances
- arrangements for Education Support (ES) Level 3 employees
- personal leave deductions (teachers)
- consultation
- teacher workload

This *VCEMEA 2013 Implementation Update* provides comprehensive details of requirements for schools during the 2018 school year.

Any queries in relation to the implementation of the VCEMEA or the MOU should be directed to the Industrial Relations / Human Resources Unit on (03) 5622 6600 or email employment@ceosale.catholic.edu.au.

2.0 SALARIES AND ALLOWANCES

2.1 Back pay for overtime and additional hours during 2017

In August 2017, to give effect to back pay to employees, the implementation of new salary rates were provided. No information was provided in relation to back pay for overtime (non-teaching staff) and additional hours (teachers).

It is now recommended that schools make the necessary adjustments to facilitate payment for back pay for overtime and additional hours for eligible employees.

The same eligibility requirements apply as for back pay of salaries that occurred in August 2017.

To simplify administrative arrangements schools may chose an averaging of hours and salary to simplify the calculation of back pay in consultation with eligible staff.

It is recommended that back pay for eligible employees be paid as soon as possible, but no later than 30 April 2018.

2.2 Salary Increases

The following salary increases will apply for the 2018 school year:

First full pay period on or after	Primary Principals	All other staff
1 April 2018	2.0%	1.50%
1 October 2018	2.0%	1.75%

2.3 Level 1 Primary Principals

The entry level for a Primary Principal 1-1 will be the equivalent to the entry point of a principal in the Department of Education and Training (DET):

First full pay period on or after	Primary Principal 1-1
1 April 2018	\$121,580
1 October 2018	\$124,012

2.4 Emergency Teachers

Emergency Teacher rates will increase in accordance with the table below from the date shown in the table (not the first full pay period):

Effective date	Per day	Per hour
Start of 2018 school year	\$347.81	\$57.97
1 April 2018	\$353.03	\$58.84
1 October 2018	\$359.21	\$59.87

Emergency Teachers will be entitled to an unpaid lunch break of not less than 30 minutes free from duties. Payment must be made for school recess periods.

2.5 Positions of Leadership pool arrangements (clause 58.2 of VCEMEA)

The amount per student for 2018 will be as follows:

Level	2018
Primary – greater than 150	\$88
Primary – less than 150	\$123
Secondary	\$129

2.6 Positions of Leadership allowances

The following table sets out the POL allowances for the 2018 school year:

First full pay period on or after	POL 1	POL 2	POL 3	POL 4
Start of 2018 school year	\$2,594	\$5,260	\$8,004	\$10,822
1 April 2018	\$2,633	\$5,338	\$8,124	\$10,984
1 October 2018	\$2,679	\$5,432	\$8,266	\$11,176

2.7 Graduate Teacher Payment (clause 51 of VCEMEA)

A graduate teacher who commences ongoing employment at subdivision T1-1 prior to 1 May in any year shall be paid a lump sum on progression to subdivision T1-2 in May of the following year. This payment only applies to **ongoing teachers**. The lump sum payment is based on their commencement date as set out in the table below:

Commencement on or before	2018
1 November	\$0
1 December	\$1,021
1 January	\$817
1 February	\$613
1 March	\$408
1 April	\$204

3.0 TEACHER WORKLOAD

The MOU provides, from the commencement of the 2018 school year, 20 hours of release (pro rata for part time teachers) from their school's scheduled class time to focus on improved delivery of high quality teaching and learning (Professional Practice Time).

The work done during this time will be consistent with school priorities and selected from the following areas:

- i. planning
- ii. preparation
- iii. assessment of student learning
- iv. collaboration
- v. curriculum development
- vi. relevant professional development.

The timing and focus of the time release will be nominated by the teacher and be agreed in consultation with the Principal. Where the timing and/or focus are not agreed, the timing will be determined by the Principal and the focus will be determined by the teacher consistent with the focus areas set out above.

It is a requirement that Professional Practice Time arrangements and any additional consultation for newly appointed teachers be finalised early in Term 1, 2018.

Further information can be found in the [Teacher Workload – 2018 School Year](#) Guidance Note for Schools.

4.0 PRO RATA SCHOOL HOLIDAY PAY FORMULA

4.1 Pro rata school holiday pay (clause 25.6 of VCEMEA)

Pro rata school holiday pay is calculated using the following formula:

$$P = \frac{S \times C}{B} - D$$

	Explanation	Notes
P	Is the payment due	School holiday payment
S	Is the total salary paid in respect of term weeks	
C	Is the number of non-term weeks in the 2018 school year	11.4 weeks
B	Is the number of term weeks in the 2018 school year	40.8 weeks
D	Is the total salary already paid in the school holidays	

For the 2018 school year, the calculation for pro rata school holiday pay and pro rata leave loading should take into account the number of term weeks (40.8 weeks) and non-term weeks (11.4 weeks).

The following table sets out the term dates for the 2018 school year:

Term	Dates	Term Weeks	Non-Term Weeks
1	29 January – 29 March 2018	8.8	2.2
2	16 April – 29 June 2018	11.0	2.0
3	16 July – 21 September 2018	10.0	2.0
4	8 October – 21 December 2018	11.0	5.2
TOTAL WEEKS		40.8	11.4

Note that the 2018 school year commences on **29 January 2018** and finishes on **28 January 2019**.

4.2 Pro rata payment for annual leave loading (clause 25.8 of VCMEA)

An employee who has an entitlement to pro-rata school holiday pay is entitled to a pro-rata payment of annual leave loading which is calculated as follows:

Annual leave loading = (W / 40.8) X 4 X 17.5% X Employee's weekly rate of pay
W = the number of term weeks worked by the employee in the 2018 school year.

Where the employee's rate of pay is the employee's rate of pay on 1 December 2018 or date of termination.

5.0 EDUCATION SUPPORT (ES) LEVEL 3 EMPLOYEES

5.1 Translation

From 29 January 2018, the salary rates at ES 3-1 and ES 3-2 will cease to apply. All staff on these salary rates will be moved to ES 3-3 effective from the commencement of the 2018 school year as follows:

28 January 2018	29 January 2018
ES 3-1	ES 3-3
ES 3-2	ES 3-3

Employees properly classified below ES 3-5 will continue to move through the structure to ES 3-5.

5.2 Classification Review (clause 41.2 of VCMEA)

Prior to 1 May 2018, the CECV will review the salary level of each employee (ES 3-1 to ES 3-5) to identify any employees who have not been appointed to the appropriate ES 3 level.

This review will focus on:

- i. Fixed term employees on new contracts or those who have been reappointed in 2018, and
- ii. Employees appointed on or after 20 November 2013.

Where an employee is not at the appropriate level, adjustments will be made to the employee's salary and back pay provided (where required).

Prior to this review being undertaken, schools should review the classification of any ES Level 3 employees and provide appropriate back pay.

6.0 NOTICE: NON-RENEWAL OF FIXED TERM APPOINTMENTS

From 29 January 2018 and where the total period of continuous service of an employee will, by the end of their fixed term contract, be at least 12 months (or one gazetted school year) or more, will be entitled to receive a notice period of non-renewal of their contract of 7 weeks in term time.

Template letters can be downloaded from www.cecv.catholic.edu.au / Industrial Relations / Template Letters / [Notice of Conclusion](#).

7.0 PERSONAL LEAVE – TEACHERS

The requirements for the deduction of personal leave are set out in clause 30.1(g) of the VCMEA as follows:

The Employer shall deduct from the Employee's personal leave credit to the limit of the credit available any hours the Employee has been absent.

The IEU and the CECV agreed, as part of clause 3.22 of the MOU to replace the previous guidance note ([Personal Leave Deductions](#)) with the gross up model for personal leave deductions for teachers.

An *Implementation Guide for Schools – [Personal Leave Deductions](#)*, provides examples for the deduction for personal leave for both full-time and part-time teachers. The new deductions model will be effective from the commencement of the 2018 school year.

Please note that the diagrams and examples below are indicative only, and may change based on each individual schools' instruction time.

7.1 Definitions

Hours absent during instruction time means the number of hours that the teacher is absent during the school's instruction time.

Hours of Instructional Time in a day means the number of hours that the school has for student instruction during the school day (excluding recess and lunch time) subject to the following:

- includes scheduled home room duties for secondary schools
- commences when students are required to be in attendance in their classroom for the start of the school day for primary schools.

The formula for deducting personal leave for teachers is as follows:

$$\text{Personal leave deduction} = \frac{\text{Hours absent during instruction time}}{\text{Hours of Instructional Time in a day}} \times 7.6$$

7.2 Full day absence

Where a full-time teacher, or a part-time teacher who normally works for the whole school day, is **absent for the whole day** due to personal leave, 7.6 hours should be deducted from the teacher's personal leave credits.

Home room / students in class	Class	Class	Recess	Class	Class	Lunch	Class
						1.30 – 2.30	2.30 – 3.30

Teacher is absent for the whole school day (5.25 hours of instructional time)

$$\frac{\text{Hours absent during instruction time}}{\text{Hours of Instructional Time in a day}} \times 7.6 = (5.25 / 5.25) \times 7.6 = 7.6 \text{ hours}$$

7.3 Part day absence

Where a full-time is **absent for part of a school day** due to personal leave, deductions are based on the proportion of the instructional day for which the teacher is absent using the formula below:

Home room / students in class	Class	Class	Recess	Class	No Class	Lunch	Class
8.45 – 9.00	9.00 – 10.00	10.00 – 11.00	11.00 – 11.30	11.30 – 12.30	12.30 – 1.30	1.30 – 2.30	2.30 – 3.30

Teacher is absent from recess until the end of the school day

$$\frac{\text{Hours absent during instruction time}}{\text{Hours of Instructional Time in a day}} \times 7.6 = (3.0 / 5.25) \times 7.6 = 4.34 \text{ hours}$$

Further information and examples for the deduction of personal leave for teachers can be found in the *Implementation Guide for Schools – [Personal Leave Deductions](#)*.

8.0 PROPORTIONAL DUTIES FOR PART-TIME TEACHERS

A part-time teacher in a school shall be expected to undertake a proportional number of duties normally expected of a full-time teacher in that school (e.g. yard supervision, staff meetings, etc).

9.0 CATEGORY B RECALL AND END OF YEAR PROCEDURES

The IEU and the CECV agreed the recommended approach set out in the *Category B Staff – Recall and end of year procedures* [Guidance Note](#).

9.1 Recommended approach – end of year procedures

It is recognised that school principals have made local arrangements in relation to working patterns for category B employees prior to 2014, and it is not the intention of either IEU or CECV to alter these arrangements where these arrangements have been fair and workable.

Principals should consult with Category B staff each year about the last day of attendance at the end of the school year.

Category B staff should commence school holidays at the end of the year on or around the same day as teachers. Any requirement for Category B staff to work beyond the last day of attendance for teachers for term 4 must be demonstrably based on a need to perform purposeful tasks which are relevant to the employee's normal duties.

Principals are not required to change arrangements for the finish dates for Category B staff that were in place in 2013, where those arrangements have been fair and workable.

9.2 Recall

Subject to local arrangements, the recall allowance of 72.47% is generally only payable for recall days worked during the gazetted school holidays.

9.3 Education Support work – Levels 1 and 2

An Education Support employee (Level 1 or 2) cannot be required to work in isolated circumstances or to attend for duty in accordance with clause 25.9 of the VCMEA unless a responsible manager is present.

An Education Support employee may only be required to perform duties consistent with his or her role.

10.0 LEAVE

The MOU provides for additional leave entitlements for staff covered by the VCCEMA. These leave entitlements include:

- Parental leave – half pay
- Parental leave return to work arrangements
- Family and Domestic Violence Leave
- Cultural and Ceremonial Leave
- IEU Committee of Management meetings

Further information on these leave entitlements can be found in *Implementation Guide for Schools* [Part 2A: Leave Entitlements](#).

11.0 FURTHER QUERIES AND INFORMATION

Any queries in relation to the implementation of the VCCEMA or the MOU should be directed to Ms Shard Goodwin, Industrial Relations / Human Resources Unit on (03) 5614 5104 or email employment@ceosale.catholic.edu.au.