

- 1. TITLE:** **Terms and Conditions of Employment of Queensland Government Visiting Medical Officers**
- 2. PURPOSE:** To prescribe terms and conditions of employment for Visiting Medical Officers engaged by Queensland Government Agencies.
- 3. LEGISLATIVE PROVISION:** Section 34 (2) of the *Public Service Act 1996*
- 4. APPLICATION:** This directive applies to Visiting Medical Officers employed in Queensland Government Agencies.
- 5. STANDARD:** The terms and conditions prescribed in Schedule 1 apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 April 2002**.
- 7. VARIATION:** The provisions in Schedule 1 may be varied in accordance with certified agreements made under Chapter 6, Part 1 of the *Industrial Relations Act 1999* or decisions of an Industrial Tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Section 34 and 117 of the *Public Service Act 1996* and Section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an Act, regulation or industrial instrument.

SCHEDULE 1

TERMS AND CONDITIONS OF EMPLOYMENT OF QUEENSLAND GOVERNMENT VISITING MEDICAL OFFICERS

PART 1 – PRELIMINARY

1.1 Title

This Schedule shall be known as the Terms and Conditions of Employment, Queensland Government Visiting Medical Officers 2001.

1.2 Arrangement of Clauses

Subject Matter	Clause No
Part 1 – Preliminary	
Title	1.1
Arrangement of Clauses	1.2
Coverage	1.3
Relationship to Legislation, Policy and Other Industrial Instruments	1.4
Part 2 – Terms and Conditions of Employment	
Contact of Employment	2.1
Introduction of Changes, Termination of Employment in Cases of Redundancy	2.2
Grievance Procedures	2.3
Part 3 – Definitions, Salaries/Wages, Allowances	
Definitions	3.1
Payment For Services	3.2
Salaries/Wages	3.3
Commencing Rates	3.4
Movement Within Classification Levels	3.5
Procedures And Criteria For Promotion To Visiting Senior Specialist	3.6
Method of Review	3.7
Appointment Date	3.8
Salary Sacrifice	3.9
Allowances	3.10

Part 4 – Hours of Work, Overtime

Hours of Work	4.1
On Call	4.2
Call Back	4.3
Continuation of Duty	4.4
Self Initiated Attendance	4.5
Notional Sessions	4.6

Part 5 – Statutory Holidays, Leave

Recreation Leave	5.1
Public Holidays	5.2
Sick Leave	5.3
Long Service Leave	5.4
Professional Development Leave – Employees of Health Service Districts	5.5
Professional Development Leave – Employees of Queensland Government Departments and Department of Corrective Services	5.6
Examiners Leave	5.7
Council Leave	5.8
Bereavement Leave	5.9
Parental Leave	5.10

Part 6 – Miscellaneous Provisions

Professional Development Assistance	6.1
Structural Efficiency	6.2
Access to Facility Support Resources	6.3
Rationalisation of Services	6.4
Indemnity	6.5
Radiography “Use” Licence	6.6

Part 7 – Delivery of Services

Performance Management Systems	7.1
--------------------------------	-----

Attachment 1

Parental Leave	
----------------	--

1.3 Coverage

- (1) In accordance with the Directive, this Schedule shall apply to:
 - (a) Those employees of Queensland Government Departments who incur ongoing private practice costs and who are classified as Visiting Senior Specialists, Visiting Specialists and Visiting Medical Officers and to the various Queensland Government Departments as the Employer in relation to such employees.
 - (b) Those employees of Queensland Health who incur ongoing private practice costs and who are classified as Visiting Senior Specialists, Visiting Specialists and Visiting Medical Officers and the various Health Service Districts, constituted under the Health Services Act 1991 as amended (Health Services Amendment Legislation 1996) as Employers in relation to such employees.
- (2) This Schedule does not apply to employees who do not incur private practice costs. They are classified as part time Senior Medical Officers (SMOs) under the Regional Health Authorities Senior Medical Officer and Resident Medical Officer Award – State.
- (3) This Schedule will cease to apply to employees who no longer own and operate an entrepreneurial private practice. They will transfer to part time SMOs under the Regional Health Authorities Senior Medical Officer and Resident Medical Officer Award – State following a three (3) month transition period.

1.4 Relationships to Legislation, Policy and other Industrial Instruments

The provisions of relevant legislation, policy and other employment instruments as amended from time to time shall continue to apply to the employees to whom this Schedule applies, save insofar as the conditions of employment and remuneration to be received by such employees are affected by the provisions of this Schedule.

PART 2 – TERMS OF CONDITIONS OF EMPLOYMENT

2.1 Contract of Employment

- (1) Employees shall be appointed on a permanent basis, subject to a probationary period of six (6) months.
- (2) Tenure of the office of an employee shall depend upon good behaviour and be subject to the following additional conditions viz:-
 - (a) If the employee becomes, in the opinion of the Employer, unable to perform the duties of the position, the Employer shall be at liberty to appoint temporarily a substitute and to terminate the appointment upon the giving of three (3) months' notice;
 - (b) An Employer shall have power to remove an employee from office for serious misconduct subject to the provisions of the relevant legislation.
 - (c) The conditions applying to the appointments and privileges of Medical Officers as laid out in appointments and privileges policy document.
 - (d) The employee continuing to meet the obligations of the employment contract which includes compliance with applicable Office of the Public Service Directives, directives issued by the Minister for Industrial Relations, other Government policies and procedures, Codes of Conduct and the objectives of the Health Rights Commission Act 1991.
- (3) An Employer may engage a Casual Medical Practitioner to perform services for less than one calendar month to cover either short term absences or in the event of a short term increase in service requirements.

- (4) An Employer may appoint a Relieving Temporary Medical Practitioner to perform services to:
- Cover the absence of an employee on leave in excess of one calendar month;
 - Address seasonal workload issues;
 - Undertake a specific program/project; or
 - Temporarily fill a vacancy while a position is being filled.

Upon appointment, a Reliever will be given a letter of appointment which includes –

- The nature of the engagement (i.e. as a Reliever);
- The commencement and completion date of the engagement; and
- The reason for the relieving appointment

- (5) Except as provided in subclause (3), an employee shall be appointed to provide sessional services at times scheduled by the Employer and specified in an instrument of appointment. The number of sessions to be provided may be reviewed from time to time to ensure that the sessional hours match the clinical services provided.

- (6) Where an employee regularly works ordinary hours in excess of the appointed hours for a period of 3 months or more, the Medical Superintendent, how so ever titled, will review the employment contract to ensure:

- Only the hours of engagement are worked; or
- The instrument of appointment is amended to reflect the ordinary hours of service actually worked by the employee; or
- Appropriate overtime is paid for the additional authorised hours.

- (7) Where an employer is considering varying the sessions specified in the instrument of appointment of an employee, the employer shall communicate the proposal to the employee concerned by individual communication in writing.

A standard consultation process will be adopted to ensure the views of all affected medical staff are considered as part of the deliberations prior to a decision being made:

- (a) A proper consultation process shall occur. Consultation is a process where management invites relevant individual employees and their representatives in a timely manner to discuss and express their opinion in order to influence the decision on management proposals.
- (b) Consultation shall occur in the first instance with the individual employee, and the appropriate medical staff body (where relevant) in relation to proposed changes.
- (c) Details of the proposed changes, the reasons for the proposed changes and any other relevant information shall be provided.
- (d) A decision may be taken by the employer only after evidence has been provided in relation to the proposal and the VMOs have been given the opportunity to raise their concerns.

In the instance where it is decided sessions are to be reduced the employer shall give the following notice:

<u>Service as a VMO</u>	<u>Notice Period</u>
Up to 7 years	3 months
7 years & up to 13 years	5 months
13 years & above	6 Months

Provided the employer can elect to pay the employee a sum of money equivalent to the salary for the number of months outlined above in lieu of the notice period.

Provided that the employee can elect to receive salary for the number of months outlined above in lieu of the notice period. If neither party wishes to exercise their relevant option the employee shall work the pre-existing number of sessions during the notice period.

In cases where the variation in sessions would result in a reduction of more than

50% in the number of current working hours per week then the employer will give consideration as to whether a redundancy as outlined in clause 2.2 is more appropriate.

This clause shall not be used as a mechanism to deny an employee access to Professional Development Leave or Professional Development Assistance. Maintenance of entitlement to Professional Development Leave (clauses 5.5 & 5.6) and Assistance (clause 6.1) shall occur for employees with such entitlement prior to the reduction of sessional hours below six (6) per week.

Existing leave balances and assistance credits will be retained. However future accruals of leave shall be on the basis of the sessional hours currently worked per week. The level of financial assistance shall remain unchanged.

The grievance process, clause 2.3 may be instigated in the event that the above consultation process is not followed.

Nothing in this clause overrides the provisions of clause 2.1(5), which is activated to ensure the number of sessional hours provided match the clinical services provided.

- (8) Where an employee desires to vary the sessions specified in an instrument of appointment, a minimum period of three (3) months notice in writing shall be given to the Employer outlining the reasons for the variation. Provided that a lesser period of notice may be mutually agreed in writing between the Employer and the employee. Provided further that final approval in respect of an adjustment to the sessional hours as addressed in this subclause shall rest with the Employer but that no reasonable application by a VMO shall be refused.

Provided the employer can elect to pay the employee a sum of money equivalent to the salary for the number of months outlined above in lieu of the notice period.

- (9) Except in the case of dismissal for misconduct, an employee shall receive three (3) months notice of termination of

employment or receive payment of three (3) months salary in lieu thereof and shall give to the Employer three (3) months notice of leaving such employment or forfeit three (3) months salary in lieu thereof. This clause can not be used to reduce the number of sessions of a Visiting Medical Officer, which is covered by clause 2.1(7), or to manage termination of employment in cases of redundancy, which is covered by clause 2.2.

- (10) The Employer and the employee may mutually agree to a lesser period of notice in lieu of the period specified in this clause.

2.2 Introduction of Changes, Termination of Employment in Cases of Redundancy

Except as provided for in clause 2.1 hereof, Employers and employees to whom this Schedule applies, shall observe the terms and conditions of the Statement of Policy of Termination of Employment, Introduction of Changes and Redundancy contained in the decisions of the Full Bench of the Queensland Industrial Relations Commission dated 16 June 1987, and published in the Queensland Government Industrial Gazette Vol. 125, folios 1119-1121, as amended by 125 QGIG 1377 and 126 QGIG 188:

Provided that the provisions of clause A (Termination of Employment) contained in the aforesaid Statement of Policy shall not have application under this Schedule, except in circumstances resulting from introduction of changes and/or redundancy as set out in clauses B and C respectively of the Statement of Policy. In the instance of redundancy severance payment shall be calculated on the basis of two (2) weeks per year of service in any capacity up to a maximum of fifty two (52) weeks severance.

Redundancy severance payment for service in another capacity shall be payable at the applicable hourly rate for a full time employee and not a VMO, having regard to the employee's current qualifications and experience, in accordance with the appropriate award or industrial instrument.

2.3 Grievance Procedures

The matters to be dealt with in this procedure shall include all grievances or disputes

between an employee and an Employer in respect to any industrial matter and all other matters that the parties agree on and are specified herein. Such procedure shall apply to a single employee or to any number of employees.

- (1) In the event of an employee having a grievance or dispute the employee shall in the first instance attempt to resolve the matter with the immediate supervisor, who shall respond to such request as soon as reasonably practicable under the circumstances.
- (2) If the grievance or dispute is not resolved under subclause 1 hereof, the employee or the employee's representative may refer the matter to the next higher level of management for discussion. Such discussion should, if possible, take place within 24 hours after the request by the employee or the employee's representative.
- (3) If the grievance or dispute is still unresolved after discussions listed in subclause 2 hereof, the matter shall be reported to the employee's nominated Industrial Representative and the relevant Senior Management of the Employer or the Employer's nominated Industrial Representative. This should occur as soon as it is evident that discussions under subclause 2 hereof will not result in resolution of the dispute.
- (4) If, after discussion between the parties, or their nominees mentioned in subclause 3, the dispute remains unresolved after the parties have genuinely attempted to achieve a settlement thereof, then notification of the existence of the dispute is to be given in pursuance of Section 229 of the *Industrial Relations Act 1999*.
- (5) Whilst all of the above procedure is being followed, normal work shall continue except in a case of a genuine safety issue.
- (6) The status quo existing before the emergence of the grievance or dispute is to continue whilst the above procedure is being followed.
- (7) All parties shall give due consideration to matters raised or any suggestion or recommendation made by an Industrial

Commissioner or Industrial Magistrate with a view to the prompt settlement of the dispute.

- (8) Discussion at any stage of the procedure shall not be unreasonably delayed by any party, subject to acceptance that some matters may be of such complexity or importance that it may take a reasonable period of time for the appropriate response to be made. If genuine discussions are unreasonably delayed or hindered, it shall be open to any party to give notification of the dispute pursuant to Section 229 of the *Industrial Relations Act 1999*.

PART 3 – DEFINITIONS, SALARIES/WAGES AND ALLOWANCES

3.1 Definitions

- (1) "Appropriate sessional rate" means the hourly rate including loading where appropriate, prescribed for each classification of employee specified in subclauses (1) and (2) of clause 3.3 (Wages).
- (2) "Casual Medical Practitioner" means a Visiting Senior Specialist or a Visiting Specialist or a Visiting Medical Officer engaged to cover short term absences or to provide short term additional services above those normally provided.
- (3) "Council Leave" means leave which may be deducted from a VMO's existing Professional Development Leave balance, which can be accessed by elected councillors of the Royal Colleges or specialty societies.
- (4) "Employee" means a Visiting Senior Specialist, or, a Visiting Specialist, or, a Visiting Medical Officer.
- (5) "Employer" means the Queensland Government Department, or Queensland Health including the Health Service District in which an employee is employed.
- (6) "Examiners Leave" means leave which may be deducted from a VMO's existing Professional Development Leave balance, which can be accessed

- by a registered examiner of the Royal Colleges for the purposes of conducting and examining registrars or teaching. Such leave shall be granted only for periods that fall within ordinary rostered hours.
- (7) "Notional Sessions" are predetermined periods of time expressed in hours per week, and approved by the Employer, to provide services other than during sessional services, on call, call back or continuation of duty. These sessions would apply for extended periods and not normally relate to short term requirements and may include such matters as self-initiated attendance and post operative follow-up. Approved notional sessions continue to be paid during periods of recreation, paid sick, long service, professional development and bereavement leave and are superannuable for occupational superannuation purposes. These sessions should be defined accurately for individual VMOs.
- (8) "On Call Periods" are from 6.00pm on one day to 8.00am on the following day, and from 8.00am to 6.00pm the same day on Saturdays, Sundays and Public Holidays (or mainly between those hours). On call arrangements are not applicable between 8.00am to 6.00pm the same day on Monday to Friday unless the day is a Public Holiday.
- (9) "Passive Time" means those periods of work time which arise in conjunction with clinical duties and involve travel for escorts or retrievals where a Medical Officer is not required to care for a patient or to exercise medical skills and attention.
- (10) "Professional Development Activities" shall mean appropriate courses, conferences, meetings, study programs and appropriate committees or as an office bearer to an appropriate national or international professional medical body which are beneficial to the maintenance of an employee's professional competence and which are deemed by the Employer to be of benefit to the public health system or prisoners and/or other relevant client groups.
- (11) "Public Holiday" means Good Friday, Easter Saturday, Easter Monday, Show Day, Labour Day, Anzac Day, Christmas Day, Boxing Day, New Years Day, Australia Day, and the Birthday of the Sovereign, or any day appointed under the Holidays Act 1983 to be kept in place of any such holiday.
- (12) "Relieving Temporary Medical Practitioner" means a Visiting Senior Specialist or a Visiting Specialist or a Visiting Medical Officer engaged to cover the absence of an employee on leave, to address seasonal workload issues, to undertake a specific program/project or to provide services while a position is being filled.
- (13) "Sessional Services" may be of any length but shall not exceed 9 hours in any one day and includes the provision of clinical services, attendance at authorised meetings, Undergraduate and Postgraduate teaching, management of a clinical unit, facility or department, formal research programs and quality assurance programs undertaken within a public health facility or other Queensland Government facility as required by the employer.
- (14) "Visiting Medical Officer" means a person who is registered under the provisions of the Medical Act 1939 as amended and who incurs ongoing private practice costs.
- (15) "Visiting Senior Specialist" means a registered practitioner in an appropriate speciality, who incurs ongoing private practice costs, and who is appointed as such by the Employer.
- (16) "Visiting Specialist" means a person registered under the provisions of the Medical Act 1939 as amended as a specialist with respect to a speciality, who incurs ongoing private practice costs and whose name remains on the Register of Specialists, Queensland.

3.2 Payment for Services

- (1) The employee is expected to be punctual for pre-arranged sessions including approved time for clinical teaching, research, attending facility committees and undertaking activities such as planning, accreditation and quality assurance. Where on any occasion an employee is late for the commencement of a session and/or reduces the duration of a session on the employee's own accord, payment shall only be made for the time worked, calculated to the nearest quarter of an hour.
- (2) VMOs travelling to non-metropolitan hospitals shall be compensated for travelling time (up to a maximum of three (3) hours) and sessional hours, as well as reasonable out of pocket expenses (where appropriate). Payment of travelling time and out of pocket expenses will be subject to the provision of accurate timesheets indicating time travel commenced and ceased, as well as presentation of receipts for expenses claimed.

For the purposes of this provision, reasonable out of pocket expenses are mileage allowances in accordance with Minister for Industrial Relations Directive 13/01 and fares and travelling expenses as outlined in Minister for Industrial Relations Directive 1/02 or as approved by an appropriately delegated officer.
- (3) Where an Employer on any occasion has been unable to provide the required amount of pre-arranged services for an employee, then payment shall be made for the full session.

- (4) Where a session is cancelled for any reason by the Employer, employees shall be remunerated as if they had worked in accordance with the projected sessional roster agreed for that particular day provided that payment shall not be made where the session is cancelled at the instigation of the employee, including cancellation of a session where the employee is approved to perform private medical services.

This clause does not apply to the closure of services over the Christmas/New Year period which is covered by clause 5.1(4).

- (5) Anaesthetists shall be paid on the basis of actual time worked, calculated to the nearest quarter of an hour, where pre-operative examinations are undertaken, for necessary resuscitation work and for prolonged after-care of patients.
- (6) A Relieving Temporary Medical Practitioner shall be paid at the appropriate sessional rate to which the employee is entitled under this Schedule and shall be appointed in accordance with clause 2.1(4).
- (7) A Casual Medical Practitioner shall be paid at the appropriate sessional rate to which the employee is entitled under this Schedule plus a loading of 23% as from 01/04/02 in lieu of Recreation Leave, Public Holidays, Sick Leave and Professional Development Leave.
- (8) The following provisions apply in relation to Public Holidays and other absences:-
 - (a) Deductions shall not be made in the remuneration of an employee when a normal session is not worked because it falls on a public holiday.
 - (b) If a session, which would normally fall on a public holiday, is rescheduled to another day by mutual agreement, then no additional remuneration is payable for the rescheduled session.
 - (c) Deductions shall not be made in the remuneration of an employee if an employee is unable to attend a

session for a reason other than sickness or to attend approved professional development activities provided that:-

- (i) The Employee has given a minimum of four weeks prior notification of the intending absence and the reason given is accepted by the Employer and;
 - (ii) The time missed is made up at a time approved by the Employer.
 - (d) In other circumstances, the appropriate deduction in remuneration shall be made.
- (9) Payment for services provided by an employee shall be made at least fortnightly by electronic funds transfer,

provided that payment other than by this method shall be at the discretion of the Employer.

- (10) The employee shall submit completed timesheets or records of attendance at the end of each fortnight.

3.3 Salaries/Wages

(1) Rates of Payment - Base Hourly Rates.

The rates of payment for Visiting Specialist, Visiting Senior Specialist and Visiting Medical Officer are made subject to the completion of timesheets in a reasonable time frame and shall be as follows:

Level	Base Hourly Rate			
	Previous As at 27/11/2000	Stage 1 01/04/2002	Stage 2 01/04/2003	Stage 3 01/04/2004
VISITING SPECIALIST		3%	3%	3%
1 st Year	69.13	71.20	73.34	75.54
2 nd Year	71.65	73.80	76.01	78.29
3 rd Year	74.30	76.53	78.82	81.19
4 th Year	76.70	79.00	81.37	83.81
5 th Year	79.30	81.68	84.13	86.65
6 th Year	81.85	84.31	86.83	89.44
7 th Year & Thereafter	83.91	86.43	89.02	91.69
VISITING SENIOR SPECIALIST				
1 st Year	88.49	91.14	93.88	96.70
2 nd Year & Thereafter	91.16	93.89	96.71	99.61
VISITING MEDICAL OFFICER				
1 st , 2 nd , 3 rd Year	66.60	68.60	70.66	72.78
Thereafter	69.13	71.20	73.34	75.54
VISITING MEDICAL OFFICER WITH FRACGP AND/OR VOCATIONAL REGISTRATION				
1 st Year	66.60	68.60	70.66	72.78
2 nd Year	69.13	71.20	73.34	75.54
3 rd Year & Thereafter	71.65	73.80	76.01	78.29

(2) **Rates of Payment - Loaded Hourly Rates**

Level	Loaded Hourly Rate						
	Previous As at 27/11/2000	Stage 1 01/04/2002		Stage 2 01/04/2003		Stage 3 01/04/2004.	
		Group 1	Group 2	Group 1	Group 2	Group 1	Group 2
VISITING SPECIALIST							
1 st Year	85.72	88.29	89.72	90.94	93.88	93.67	98.20
2 nd Year	88.84	91.51	92.99	94.26	97.30	97.08	101.78
3 rd Year	92.14	94.90	96.43	97.74	100.90	100.68	105.55
4 th Year	95.10	97.96	99.54	100.90	104.15	103.93	108.96
5 th Year	98.33	101.28	102.92	104.32	107.69	107.45	112.65
6 th Year	101.49	104.54	106.22	107.67	111.15	110.91	116.27
7 th Year & Thereafter	104.05	107.17	108.90	110.38	113.95	113.70	119.20
VISITING SENIOR SPECIALIST							
1 st Year	109.73	113.02	114.84	116.41	120.17	119.90	125.70
2 nd Year & Thereafter	113.03	116.43	118.31	119.92	123.79	123.52	129.50
VISITING MEDICAL OFFICER							
1 st , 2 nd , 3 rd Year	82.58	85.06	Not Applicable	87.61	Not Applicable	90.24	Not Applicable
Thereafter	85.72	88.29		90.94		93.67	
VISITING MEDICAL OFFICER WITH FRACGP AND/OR VOCATIONAL REGISTRATION							
1 st Year	82.58	85.06	Not Applicable	87.61	Not Applicable	90.24	Not Applicable
2 nd Year	85.72	88.29		90.94		93.67	
3 rd Year & Thereafter	88.84	91.51		94.26		97.08	

Group 1 refers to those Medical Specialities other than listed in **Group 2**

Group 2 refers to the following Medical Specialities:

- . Dermatology;
- . ENT Surgery;
- . Neurosurgery;
- . Obstetrics & Gynaecology;
- . Ophthalmology;
- . Orthopaedic Surgery;
- . Plastic Surgery;
- . Radiation Oncology; and
- . Urology.

- (3) (a) (i) The base rates of payment specified in clause 3.3(1) include compensation for the 24 hour a day private practice costs.
- (ii) Base rates are paid for recalls and other overtime except for recalls during the hours 8.00am to 6.00pm Monday to Friday, excluding public holidays.
- (b) (i) The loaded rates of payment specified in clause 3.3(2) consist of the following components -
- ◆ Salary
 - ◆ Prime Private Practice Costs (Normally incurred between 8.00am and 6.00pm, Monday to Friday excluding public holidays)
- (ii) Loaded rates are paid for sessional services and recalls during the hours 8.00am to 6.00pm Monday to Friday excluding public holidays.

3.4 Commencing Rates

- (1) The commencing rates for Visiting Specialists engaged under this Schedule shall be as follows:

Visiting Specialist

EXPERIENCE COMMENCING RATE

Less than 1 year
eligibility for specialist registration = 1st year rate

1 year
eligibility for specialist registration = 2nd year rate

2 years
eligibility for specialist registration = 3rd year rate

3 years
eligibility for specialist registration = 4th year rate

4 years
eligibility for specialist registration = 5th year rate

5 years
eligibility for specialist registration = 6th year rate

6 years

eligibility for specialist registration = 7th year rate

- (2) The following special arrangements apply to Visiting Specialists in Country Areas:
- (a) In respect of Health Service Districts and at the discretion of the Employer, positions of Visiting Senior Specialist may be established in lieu of positions of Visiting Specialists. Such positions will be filled by appointment to advertised vacancies.
- (b) A Visiting Specialist who is the sole specialist in a particular field employed in a country area shall be employed at a commencing rate of not less than the 4th year rate.
- (c) In respect of Health Service Districts, a Visiting Specialist employed in a country area shall be employed at a commencing rate one paypoint higher than provided in clause 3.4(1).

For the purposes of this paragraph, a country area will exclude those facilities operated by The Prince Charles Hospital, Royal Brisbane Hospital, Royal Women's Hospital, Royal Children's Hospital, Princess Alexandra Hospital, Queen Elizabeth II Hospital, Bayside, Logan-Beaudesert, Gold Coast, West Moreton, Redcliffe-Caboolture, Sunshine Coast and Gympie Health Service Districts.

- (3) A Visiting Medical Officer shall be employed at the commencing rate provided for the 1st year of service.

3.5 Movement Within Classification Levels

- (1) Incremental advancement for all employees subject to this Schedule shall be dependent upon the individual employee having achieved performance objectives as certified by the Employer pursuant to the provisions of clause 7.1 of this Schedule.

- (2) Subject to clause 3.5(1) above, and in the case of Visiting Specialists, progression shall be by annual increments payable on each anniversary of the date of commencement of duty.
- (3) Subject to clause 3.5(1) above, and in the case of Visiting Medical Officers, progression shall be by a single increment payable on the third anniversary of the date of commencement of duty.
- (4) Subject to clause 3.5(1) above, and in the case of Visiting Medical Officers with FRACGP and/or Vocational Registration, progression shall be by annual increments payable on each anniversary of the date of commencement of duty.

In the case of Visiting Medical Officers with Vocational Registration, continuation of payment will be dependent upon maintaining such registration and providing documentary evidence of same to the employer on an annual basis.

In those circumstances where Vocational Registration is not maintained and/or satisfactory evidence is not provided, the Visiting Medical Officer shall cease to be entitled to be paid on the scale for Visiting Medical Officer With FRACGP and/or Vocational Registration and revert to the scale for Visiting Medical Officer. This could result in a reduction in the hourly rate payable to that Visiting Medical Officer.

3.6 Procedures and Criteria for Promotion To Visiting Senior Specialist

- (1) Visiting Specialists are eligible to apply to be designated as Visiting Senior Specialists only:-
 - (a) By appointment to an advertised vacancy; or
 - (b) In accordance with the following philosophies and criteria, after having been eligible for specialist registration for at least eight (8) years.
 - (2) The excellence/performance criteria recognises that Visiting Senior Specialists are individuals who perform at a demonstrably higher level than that required for career-range Visiting Specialists. The central body of peers must pay particular attention to sustained and on-going meritorious achievement in areas of clinical excellence, major teaching initiatives and responsibilities and a significant level of contribution to fostering and promoting high standards in the provision of public health services. Applications by Visiting Specialists seeking to become Visiting Senior Specialists will in each case be considered by a central body of peers {as provided by clause 3.7(5)} constituted for that purpose, which will make recommendations to the relevant Minister for approval.
 - (3) In assessing whether an application for appointment to Visiting Senior Specialist status is appropriate, consideration will be given to the individual's total contribution to the provision of health services within the individual's area of expertise. Such an assessment will consider whether the Visiting Specialist has special and sustained merit in the Public Health System/Department which would warrant appointment as Visiting Senior Specialist, and shall also have regard to such factors as:-
 - Qualifications and Distinguished Achievement Awards;
 - Recognition of professional excellence by peers, state, national or international agencies;
 - Extent of teaching commitments (both inside and outside the Employing Facility);
 - Publication of papers, books, chapters, videos and tapes;
 - Committee membership relevant to professional activities with demonstrated active participation;
 - Contributions to the advancement of the objectives of professional organisations;

- Recognition of research achievements;
 - Research grants received;
 - Consultancy/Advisory role to Agencies relevant to health service delivery;
 - Professional leadership;
 - Invited lectures;
 - Demonstrated commitment to the provision and enhancement of health services in rural and/or regional community settings;
 - Demonstrated commitment to the monitoring of and adherence to, principles of efficiency and effectiveness in clinical operations eg participation in the development and monitoring of multi-disciplinary clinical pathways; participation in review of resource utilisation activity and costs; and
 - Other evidence which exemplifies the status for appointment to this classification.
- publications (including papers, books, videos and tapes);
 - research results;
 - evidence of senior status by the holding of offices such as Chairman/Secretary of Committees, Colleges, Associations etc.
 - evidence of quality practice demonstrated by performance against appropriate quality assurance indicators eg clinical indicators

(3) All applications will be submitted to a central body of peers for consideration.

- ◆ For Queensland Health employees, the Medical Superintendent will forward all applications to the District Manager who will submit the applications;
- ◆ For other Departments, the Chief Executive Officer (or delegate) will submit the applications.

Applications will be accompanied by certification that:-

- (a) the Visiting Specialist has been eligible for specialist registration in the speciality for at least eight (8) years;
- (b) the Visiting Specialist has achieved Senior Status as a full time specialist with the employer, where appropriate and
- (c) endorsement of whether or not the Visiting Specialist has special sustained merit in the Public Health System/Department.

3.7 Method of Review

- (1) Applications will be invited on the first day of July each year.
- (2) Visiting Specialists seeking Visiting Senior Specialist status will submit the following details to:
 - ◆ the Medical Superintendent of their hospital in the case of employees of Queensland Health;
 - ◆ the Chief Executive Officer of their Department in the case of employees of other Departments.
- (a) a written application, together with a curriculum vitae addressing the criteria outlined in clause 3.6(3) and including specific reference to the Speciality or sub Speciality in which senior recognition is being sought; and
- (b) in addition the following documentation should be provided in support of the application:-

(4) The central body of peers will be established to consider all applications submitted in accordance with subclause (3) hereof and make recommendations accordingly.

- (5) The central body of peers shall comprise of a representative from the following:-
 - College or learned society;
 - Australian Medical Association, Queensland Branch; - two (2) representatives;
 - The CEO of the relevant Department or approved delegate;

- For Queensland Health employees, a Health Service District representative; and
- For employees of other Departments, a Departmental/Facility representative.

Recommendations for appointment to positions of Visiting Senior Specialist shall be arrived at by consensus between members of the body of peers and then such recommendations will be submitted to the relevant Minister for approval.

The central body of peers shall recommend applicants for positions of Visiting Senior Specialist based upon merit.

Merit shall be determined by assessing the applicant against the criteria detailed in clause 3.6 of this Schedule.

An unsuccessful applicant shall receive feedback from the central body of peers and will be eligible to reapply on 1 July of the subsequent year.

3.8 Appointment Date

For successful applicants, the date of appointment to a position of Visiting Senior Specialist shall be:-

- the date of approval for those employees appointed internally to an advertised vacancy; or
- the date of commencement of duty for those employees appointed from an external source to an advertised vacancy; or
- the first day of July for those employees appointed in accordance with clause 3. 7.

3.9 Salary Sacrifice

Salary sacrifice arrangements will continue for employees as introduced in Stage 2 of the 1995 Visiting Medical Officers' Agreement as amended from time to time by the CEO of the relevant Department and noting the significant reduction in the benefit due to Federal Taxation Law changes regarding FBT. As from the commencement of the current Schedule, employees will be able to sacrifice/package up to 30% of their salaries or a grossed up figure of \$17,000 whichever is the greater.

The employee's right to sacrifice/package up to 30% of their salaries or a grossed up figure of \$17,000 whichever is the greater as mentioned in the preceding paragraph is expressly made subject to any federal taxation laws affecting salary sacrifice/packaging or rulings of the Australian Taxation Office in relation to salary sacrifice/packaging which may be introduced or amended from time to time during the term of this Schedule.

If any federal taxation laws passed by the Commonwealth Parliament or rulings by the Australian Taxation Office in relation to salary sacrifice/packaging have the effect that salary sacrifice/packaging for employees is reduced or eliminated at any time during the term of this Schedule, the employees' rights under this Schedule in respect of salary sacrifice/packaging will be varied accordingly and the rest of the Schedule will continue in force.

The Employer will be under no obligation to negotiate or agree to any changes to this Schedule as a trade-off for salary sacrifice/packaging rights which have been reduced or eliminated as a result of new or amended federal taxation laws or rulings by the Australian Taxation Office.

3.10 Allowances

Where an employee is recalled to perform work to provide a clinical service during an off duty period, outside normal sessional times the employee shall be refunded the cost of transport as follows:

- taxi fares where a taxi is utilised
- the motor vehicle allowance as determined from time to time by the Governor-in-Council and reflected in Directive 13/01 issued by the Minister for Industrial Relations as amended from time to time.

PART 4 – HOURS OF WORK, OVERTIME

4.1 Hours of Work

- (1) Unless otherwise agreed between the Employer and an employee, an employee shall provide sessional services between 8 00am and 6 00pm Monday to Friday.

- (2) A session may be of any length but shall not exceed 9 hours in any one day. The total of sessional attendances scheduled per week shall not exceed 32 hours for any employee.

Provided that with mutual agreement, the total sessional attendances scheduled for an employee may be averaged so as not to exceed 64 hours in any one fortnight.

- (3) Where an employee is required to attend an authorised meeting by the employer, at the facility at which the employee is engaged, such time will be deemed work time and paid at the normal sessional rate.
- (4) In relation to clauses 4.2, 4.3, 4.4 and 4.5 an employee shall only be entitled to the payment of overtime in respect of clinical duties performed.
- (5) Telephone support - Employees must continue to provide advice to other staff members by telephone or facsimile for which no additional payment is made.

4.2 On Call

- (1) If on call arrangements are required by the Employer the following will apply:-
- (a) General - When, in the opinion of the Employer after considering the clinical needs of the Facility/Department, the availability of an employee is advisable at other than sessional times, such an employee shall be rostered to be 'on call'. Provided that without mutual consent an employee shall not be rostered on call for more than fourteen (14) on call periods, as defined in clause 3.1(8), in any fourteen (14) day period commencing 8.00am on Monday.
- (b) The Employer undertakes to ensure that on call services are equitably shared amongst all appropriately skilled and available medical practitioners within the public health facility or work unit, where possible.

Wherever possible, a VMO should have one (1) weekend in two (2) free from On Call duty and one (1)

day per week free from On Call duty. For the purposes of this provision, a weekend is deemed to be from 8.00am Saturday to 8.00am the following Monday.

Where insufficient medical practitioners are available to provide coverage for the required on call services, discussions shall occur between the VMO and the Employer to negotiate a reasonable/equitable on call commitment having consideration of the clinical demand for the services and the Employer's duty of care obligations.

It should be noted that the level of participation in On Call duty may increase or reduce periodically due to changing or emergent organisational circumstances, however, the Employer shall ensure that such variations are of a temporary nature.

- (2) Duties - During each on call period for which an employee is rostered the employee shall:

- (a) be available to provide professional service of a clinical nature; and
- (b) be capable of being contacted without undue delay by the Employer or a delegate.

- (3) Payment - Payment for each on call period for which an employee is rostered shall be at the rate of \$6.00 per hour for those employees included in Group A and \$9.00 per hour for those employees included in Group B.
- (4) For Queensland Health employees, the facilities in each of Groups A and B as outlined in clause 4.2(3), shall be as follows -

Group A

All Health Service Districts based in Brisbane, Cairns, Townsville, Toowoomba, Ipswich, Gold Coast, Redcliffe/Caboolture, Nambour, Redlands (Bayside), and Logan.

Group B

All other centres.

- (5) For employees of Queensland Government Departments, the groups in relation to clause 4.2(3) shall be as follows:

Group A

All facilities in Brisbane, Cairns, Caboolture, Townsville, Toowoomba, Ipswich, Gold Coast, Redcliffe, Nambour, Noosa, Caloundra, Redlands and Logan.

Group B

All other centres.

4.3 Call Back

- (1) Call back refers to the attendance of an employee at the Facility/Department to provide services of a clinical nature at times other than scheduled sessions. In this situation the employee is requested to attend by the Employer or a delegate.
- (2) Attendance When Rostered on Call - When an employee is rostered on call, the employee shall when requested by the Employer or a delegate forthwith attend at the Facility/Department and provide the necessary services of a clinical nature.
- (3) Non Rostered Attendance - An employee who is not rostered on call and who receives an urgent request as above to attend the Facility/Department for call back, may elect not to attend. In making a decision to accept or to reject the request the employee should consider any existing clinical responsibilities and ethical issues in regard to patient needs. If the employee accepts the request then all necessary treatment shall be provided in an appropriate timeframe.
- (4) Payment - Payment for call back during the hours 8am to 6.00pm Monday to Friday excluding public holidays and when not rostered on call, shall be at the rate of one and a half times (1½) the appropriate loaded rate as specified in clause 3.3(2) with a payment for actual time including travel.
- (5) Payment - Payment for call back at other times shall be at the rate of one and a half (1½) times the appropriate
- base hourly rate specified in clause 3.3(1). Such time is to be calculated as from home and back to home with a payment for a minimum time of two (2) hours for the first call back, and one (1) hour for any subsequent call back in any period of 24 hours. Any subsequent call back within the respective minimum periods of two (2) and one (1) hours, shall not be regarded as a separate call back. Time in excess of the above minimal periods shall be calculated to the nearest quarter of an hour.
- (6) Where an employee is called back to duty during an off duty period such employee shall be refunded the cost of such transport in accordance with clause 3.10.

4.4 Continuation of Duty

- (1) General - When circumstances arise during a session which require an employee to continue providing service for more than the scheduled length of the session, then the payment provisions of this clause will apply.

These provisions will also apply when after a request from the Employer or a delegate, an employee agrees to continue to provide services after the scheduled session has been completed.

For the purposes of this clause only time worked in addition to the scheduled length of the session will be considered as extra time and eligible for payment as continuation of duty.

- (2) Payment-
- (a) Payment for continuation of duty will be at the appropriate loaded hourly rate specified in clause 3.3(2) calculated to the nearest quarter of an hour up to a maximum of ten (10) hours on any one day;
- (b) Payment for continuation of duty where the employee is required to work more than ten (10) hours but less than fourteen (14) hours on any one day, for such excess hours, will be paid overtime at the rate of one and a half (1½) times the appropriate base hourly

rate specified in clause 3.3(1) taken to the nearest quarter of an hour;

- (c) Payment for continuation of duty where the employee is required to work more than fourteen (14) hours on any one day, for such excess hours, will be paid overtime at the rate of double the appropriate base hourly rate specified in clause 3.3(1) taken to the nearest quarter of an hour;
- (3) In relation to clauses 4.4(2)(b) and (c), any periods of passive time as defined in clause 3.1(9) shall not count toward the calculation of the ten (10) hour or fourteen (14) hour time periods. Passive time is paid at the ordinary sessional rate.

4.5 Self-initiated Attendance

- (1) General - When a need exists for an employee to provide services other than during sessions, (including predetermined notional sessions), call back or continuation of duty, then an entitlement expressed in hours per week for self-initiated attendances may be established by the Employer from time to time.

When an employee feels that a need for such services exists an application is to be made to the employer. The Employer may determine an entitlement for self initiated attendance. Normally such an entitlement would be expected to apply for extended periods and not be used for short term requirements. In these circumstances the self-initiated attendance entitlement will be deemed a notional session.

In those cases where self initiated attendance is more irregular the employer may determine an entitlement in hours per week, however, this entitlement will not be considered a notional session.

In any case no more than three hours per week of self-initiated attendance shall be granted.

- (2) Payment -
 - (a) The employee shall be paid at the appropriate loaded hourly

rate specified in clause 3.3(2) for the number of hours determined as a notional session in accordance with clause 4.5(1).

- (b) This remuneration will be paid regardless of the amount of service actually performed in each week.
- (c) Those self initiated attendances deemed notional sessions continue to be paid for periods of paid leave as outlined in clause 4.6.
- (d) Those self initiated attendances not deemed notional sessions are not paid during absences on leave (either paid or unpaid).

4.6 Notional Sessions

- (1) Notional Sessions are predetermined periods of time expressed in hours per week, and approved by the Employer, to provide services other than during sessional services, on call, call back or continuation of duty.
- (2) Notional sessions apply for extended periods and do not normally relate to short term requirements. They may include such matters as self-initiated attendance and post operative follow-up.
- (3) Notional sessions must be clearly defined and set out the duties, functions and/or responsibilities to be undertaken/accepted by the employee.
- (4) Payment –
 - (a) The employee shall be paid at the appropriate loaded hourly rate specified in clause 3.3(2) for the number of hours determined as a notional session in accordance with clause 4.6.
 - (b) This remuneration will be paid regardless of the amount of service which is recognised for the notional session.
 - (c) Approved notional sessions continue to be paid for periods of recreation, paid sick, long service, professional development and bereavement leave and are superannuable for occupational superannuation purposes.

- (5) Notional Sessions will be reviewed annually by the Employer. In those cases where a change is required the process as outlined in clause 2.1(7) will be followed.

PART 5 – STATUTORY HOLIDAYS, LEAVE

5.1 Recreation Leave

- (1) An employee (other than a casual employee) is entitled to four (4) weeks recreation leave per annum:

Provided that where work is ordinarily required to be performed on public holidays, every employee so engaged who has completed a full year of employment shall be allowed an additional one (1) week recreation leave.

The additional week's leave shall be in lieu of extra payment for the work performed on public holidays. Employees will be notified annually of their recreation leave entitlement status (ie four or five weeks entitlement).

For the purposes of clause 5.1, the following shall constitute work if undertaken on a public holiday when determining eligibility for the additional weeks leave -

- performance of an ordinary session or part thereof;
- recalled to duty by the employer;
- approved self-initiated recall to duty;
- attendance on public patients for clinical purposes including undertaking of ward rounds; and
- phone consultation initiated by the employer or authorised delegate eg. Medical Superintendent, Nursing Staff, Resident Medical Officer.

Where the accumulation of annual leave exceeds the two-year entitlement the employer shall commence negotiating with the employee to take annual leave.

- (2) Leave shall be taken at a time which is mutually convenient to the Employer and the employee. An employee is

expected to provide four (4) weeks notice of leave, paid or unpaid.

- (3) A recreation leave loading of seventeen and one half percent (17 ½ %) shall be payable to employees calculated on a period of four (4) weeks. No loading is payable on the additional weeks leave for work performed on public holidays available under clause 5.1.

- (4) Where there is a compulsory closure of services over the Christmas/New Year period, employees scheduled to provide services during that period shall have their recreation leave entitlement debited by the number of working days between Christmas Day and New Year's Day inclusive. The amount, in hours to be debited, shall not exceed the number of sessional hours which otherwise would have been worked. This debit will not exceed the number of sessional hours ordinarily worked in any given week.

5.2 Public Holidays

For the purposes of this Schedule, the first day of January, the twenty-sixth day of January, Good Friday, Easter Saturday (the day after Good Friday), Easter Monday, the twenty-fifth day of April (Anzac Day), Labour Day, the Birthday of the Sovereign, Christmas Day, Boxing Day or any day appointed under the Holidays Act 1983, to be kept as a holiday in relation to the annual agricultural, horticultural or industrial show held at the principal town or city or any day appointed under the Holidays Act 1983 to be kept in the place of any such holidays.

5.3 Sick Leave

- (1) An employee shall be allowed sick leave of absence, providing that the amount of leave so granted does not exceed two (2) weeks on full pay for each completed year of service, having regard also to the number of sessions worked from time to time.

- (2) Where employees become ill during a period of recreation or long service leave, they may apply for sick leave in lieu of such leave, provided that:-

- (a) In the case of recreation leave the period of illness is in excess of three (3) days duration, and

- (b) In the case of long service leave the period of illness is in excess of one (1) week.

Each application shall be:

- supported by a medical certificate covering the period of illness; and
- considered on its merits by the Employer.

- (3) No deduction in payment will be made for absence due to sickness when approval has been obtained in accordance with this clause and an entitlement to paid sick leave exists.
- (4) In the instance where a Visiting Medical Officer has exhausted their existing sick leave credits, undrawn sick leave accrued in another capacity shall be recognised if further certificated sick leave is required.
Payment for sick leave accrued in another capacity shall be at the applicable hourly rate for a full time employee and not a VMO, having regard to the employee's current qualifications and experience, in accordance with an appropriate award or industrial instrument.
- (5) No cash payment shall be made in lieu of sick leave, including upon resignation, retirement or termination of services.

5.4 Long Service Leave

- (1) An employee shall be entitled to long service leave in accordance with the provisions of Directive 1/01 issued by the Minister for Industrial Relations under Section 34(2) of the Public Service Act 1996. For the purposes of full pay in an employees substantive position, the arrangements as set out in clause 5.4(2) will apply.
- (2) As the base hourly rates contain a component for 24 hour private practice costs and the loaded rates include components for the prime time practice costs, payment for long service leave will be made as follows:
- Service as a Visiting Medical Officer or Visiting Specialist at the applicable loaded rate under this Directive ;

- Service in another capacity at the applicable hourly rate for a full time employee having regard to an employee's current qualifications and experience in accordance with an appropriate award or industrial instrument (eg. a Visiting Specialist who had previous service as a full time Registrar would be paid for this period of long service leave accrual at the hourly rate for a full time specialist under the Regional Health Authorities Senior Medical Officer and Resident Medical Officers Award – State).

5.5 Professional Development Leave - Employees of Health Service Districts

- (1) For employees of a Health Service District, leave with pay for four (4) weeks per year to attend professional development activities as defined in clause 3.1(10) shall be granted provided satisfactory arrangements can be made for services to be carried on where necessary. Professional Development Leave shall not be unreasonably withheld by the Employer. Such leave may be allowed to accumulate for up to four (4) years. Where paid leave is granted, payment shall be in accordance with the employee's projected weekly roster over the approved period of leave.
- (2) Where an employee is required by the employer to be an official representative at a training forum, such employee shall be entitled to full pay in accordance with the projected weekly sessional roster. In addition, reasonable expenses will be paid for fares and accommodation.
- (3) Professional Development Leave may also be used for the purposes of Examiners and Council Leave.
- (4) No cash payment shall be made in lieu of Professional Development Leave, including upon resignation, retirement, termination of services or exceeding the maximum accumulation.

5.6 Professional Development Leave - Employees of Queensland Government Departments

- (1) In the case of employees employed by Government Departments, leave with pay for four (4) weeks per year to attend professional development activities as defined in clause 3.1(10) and that are deemed by the employer to enhance the provision of core services shall be granted provided satisfactory arrangements can be made for services to be carried out where necessary. Professional Development Leave shall not be unreasonably withheld by the Employer. Such leave may be allowed to accumulate for up to four (4) years. Where paid leave is granted, payment shall be in accordance with the employee's weekly sessional roster over the approved period of leave.
- (2) Where an employee is required by the employer to be an official representative at a conference, such employee shall be entitled to full pay in accordance with the projected weekly sessional roster. In addition, reasonable expenses will be paid for fares and accommodation.
- (3) Professional Development Leave may also be used for the purposes of Examiners and Council Leave.
- (4) No cash payment shall be made in lieu of Professional Development Leave, including upon resignation, retirement, termination of services or exceeding the maximum accumulation.

5.7 Examiners Leave

- (1) Visiting Medical Officers are entitled to access Examiner's Leave which may be deducted from a VMO's existing Professional Development Leave balance. Such leave shall be granted only for periods that fall in ordinary rostered hours. Examiner's Leave may be accessed by a registered examiner of any of the Royal Colleges for the purpose of conducting and examining registrars, or teaching.

- (2) For the purposes of Examiner's Leave, a day means the ordinary rostered hours that would be worked by the Visiting Medical Officer on any one day.
- (3) No cash payment shall be made in lieu of Examiner's Leave, including upon resignation, retirement or termination of services.

5.8 Council Leave

- (1) Visiting Medical Officers who are current elected councillors of the Royal Colleges or specialty societies, are entitled to access Council Leave, which may be deducted from a VMO's existing Professional Development Leave balance. Such leave shall be granted only for periods that fall within ordinary rostered hours. A maximum of ten (10) days per annum may be accessed. Any additional paid leave requested may be deducted from existing accrued leave balances.
- (2) For the purposes of Council Leave, a day means the ordinary rostered hours that would be worked by the Visiting Medical Officer on any one day.
- (3) The periods of Council Leave outlined in clause 5.8(1) are not cumulative.
- (4) No cash payment shall be made in lieu of Council Leave, including upon resignation, retirement or termination of services.

5.9 Bereavement Leave

Employees shall be entitled to Bereavement Leave in accordance with the following provisions.

- (1) Entitlement
An employee shall be granted bereavement leave on full pay on the death of a member of the person's immediate family or household. The leave shall be granted for a death occurring either within Australia or overseas. Up to 2 working days on full pay shall be granted on each occasion. The employee may be granted additional bereavement leave without pay as determined by the Chief Executive or delegate.

Bereavement leave entitlements are the same as those for permanent part-time officers (ie on a working day basis).

(2) Satisfactory Proof

	<u>As at</u> 01/04/02	<u>As from</u> 01/04/02
Country Area	\$2500	\$3000
Other Areas	\$1500	\$2000

The employee is to furnish evidence of the death or funeral arrangements satisfactory to the chief executive or approved delegate.

(3) Definitions

"Immediate Family" includes:-

- a) the employee's spouse
- b) a child, ex-nuptial child, stepchild, adopted child, ex-foster child, parent, grandparent, grandchild or sibling of the employee or employee's spouse; and
- c) step-father, step-mother, half-brother, half-sister, step-brother, and step-sister.

"Spouse" of an employee includes-

- a) a former spouse; and
- b) a defacto spouse, including a spouse of the same sex as the employee.

- (4) Payment shall be in accordance with the employee's ordinary rostered hours over the period of approved leave.

5.10 Parental Leave

Parental Leave entitlements and conditions (including Maternity, Spousal and Adoption Leave) for all Visiting Medical Officers are outlined in Attachment 1 to this Schedule.

PART 6 – MISCELLANEOUS PROVISIONS

6.1 Professional Development Assistance

• **Health Service District Employees**

- (1) For the purposes of clause 6.1, a country area will exclude those facilities operated by The Prince Charles Hospital, Royal Brisbane Hospital, Royal Women's Hospital, Royal Children's Hospital, The Princess Alexandra Hospital, Queen Elizabeth II Hospital, West Moreton, Bayside, Logan-Beaudesert, Gold Coast,

Sunshine Coast, Redcliffe-Caboolture, and Gympie Health Service Districts.

- (2) An amount of money per annum is available to assist employees engaged by Health Service Districts towards the cost of professional development activities. Commencing from the date of this Schedule, the following amounts shall be available per annum.

The above amounts are accumulative for a maximum period of four (4) years and shall be drawn upon in conjunction with periods of professional development leave.

- (3) To qualify for the full professional development assistance prescribed in clause 6.1(2), an employee must be engaged for at least six (6) hours per week by a Health Service District

- (4) Payment will be made by the employer to the employee upon provision of invoices/receipts, or may be made directly, to pay for such matters as registration fees, fares (including taxi fares), accommodation or other expenses associated with approved professional development. To obtain reimbursement for fares (including air, bus and train) and accommodation, these must be booked as per the Queensland Health Corporate Policy on Travel and Accommodation. In instances where non "preferred" accommodation is sought, this must first have been approved by the District Manager as per the guidelines.

A daily personal allowance of \$23 per day, as amended from time to time, may be claimed without receipts for other expenses associated with approved professional development, this allowance covers expenses such as newspapers and magazines, private phone calls, snacks, tea and coffee, postage, tips and portage, laundry and necessary personal items. No further expenses can be claimed for items covered by this allowance. The daily personal allowance outlined in this paragraph is debited from the relevant amount outlined in clause 6.1(2) and is not additional to those amounts.

- (5) Application should be made by the employee to the employer seeking approval for the assistance towards

professional development activities as defined in clause 3.1(10) at least six (6) calendar weeks prior to the event.

- (6) Unsuccessful applicants can lodge a grievance in accordance with clause 2.3 of this Schedule.
- (7) No cash payment shall be made in lieu of the assistance available including upon resignation, retirement, termination of services or exceeding the maximum accumulation.
- **Various Government Department employees**
- (8) For the purposes of this clause 6.1, a country area will exclude those facilities operating in the Shires of Brisbane, Redlands, Ipswich, Logan, Pine Rivers, Strathpine, Caboolture, Redcliffe, Maroochydore, Noosa, Caloundra, Gympie and Gold Coast.

- (9) An amount of money per annum is available to assist employees towards the cost of professional development activities. Commencing from the date of the Schedule, the following amounts shall be available per annum:

	<u>As at</u> <u>01/04/02</u>	<u>As from</u> <u>01/04/02</u>
Country Area	\$2500	\$3000
Other Areas	\$1500	\$2000

The above amounts are accumulative for a maximum period of four (4) years and shall be drawn upon in conjunction with periods of professional development leave.

- (10) To qualify for the full professional development assistance prescribed in clause 6.1(9), an employee must be engaged for at least six (6) hours per week by a Department.
- (11) Payment will be made by the employer upon production of invoices/receipts, or may be made directly, to pay for such matters as registration fees, fares, accommodation or other expenses associated with professional development.

A daily personal allowance of \$23 per day, as amended from time to time, may be claimed without receipts for other expenses associated with approved professional development, this allowance covers expenses such as newspapers and magazines, private phone calls, snacks, tea and coffee, postage, tips and portorage, laundry and necessary personal items. No further expenses can be claimed for items covered by this allowance. The daily personal allowance outlined in this paragraph is debited from the relevant amount outlined in clause 6.1(9) and is not additional to those amounts.

- (12) Application should be made by the employee to the employer seeking approval for the assistance towards professional development activities as defined in clause 3.1(10) at least six (6) calendar weeks prior to the event.
- (13) Unsuccessful applicants can lodge a grievance in accordance with clause 2.3 of this Schedule.
- (14) No cash payment shall be made in lieu of the assistance available including upon resignation, retirement, termination of services or exceeding the maximum entitlement.

6.2 Structural Efficiency

Incidental or Peripheral Tasks - Arising out of the decisions of the State Wage Case of October 1989 and in consideration of the wage increases resulting from the first structural efficiency adjustment, operative from the twenty-seventh day of November 1989, employees are required to perform a wider range of duties, including work which is incidental or peripheral to their main task or functions.

6.3 Access to Facility Support Resources

VMOs will have access to library, photography, computer or other relevant information technology equipment from within available existing resources and other support facilities, provided that:

- a) computers are not supplied on a sole access basis;

- b) computers and related equipment and services would be supplied from within available existing resources;
- c) only employer approved software and hardware will be made available and utilised.

Any usage must be directly related to activity within the Hospital/Facility and recognition should be given to the Hospital/Facility in any published material.

VMOs are to minimise costs wherever possible.

6.4 Rationalisation of Services

To maximise the effective use of public funding towards the delivery of public health care, it is often necessary to review and re-align services. This is acknowledged as a necessary ongoing process designed to maximise the application of available resources including staffing and infrastructure, while considering changing community needs or organisational priorities.

The mobility of employees from one facility to another is required to assist this process. Considerations will include the distance involved (no more than ½ an hour travelling time or 30kms), the obligations and responsibilities of the employee, impact on family responsibilities, the medical speciality, reasonableness and any undue inconvenience caused.

A proper consultation process is to occur to effect such changes. Consultation is a process where management invites relevant individual employees and their representatives in a timely manner, to discuss and express their opinions in order to influence decisions relating to management proposals. Consultation shall occur in the first instance with the appropriate facility medical staff body in relation to proposed changes.

As an alternative it could be agreed as part of the consultation process that a rotation scheme involving all or some of the medical staff in the Department could be adopted rather than an individual VMO being transferred to the new facility on a permanent basis.

In the instance where it is decided to vary the site at which an employee will provide sessions the Employer will provide an amended instrument of appointment providing a minimum of three months notice in writing of

the change. Provided that this period can be reduced by mutual agreement between the employer and the employee.

6.5 Indemnity

The employer agrees to indemnify the employee in accordance with Government policy as amended from time to time.

6.6 Radiography 'Use' Licence

The *Radiation Safety Act 1999* makes it a mandatory requirement for any person who uses a radiation apparatus to be a holder of a 'use' licence. The employer agrees to pro-rata reimbursement of the application and 'use' licence fees upon production of a receipt by the following formula,

- ◆ (number of ordinary hours per fortnight) divided by 80 hours multiplied by \$35.00 = pro rata reimbursement.

PART 7 – Delivery of Services

7.1 Performance Management Systems

- (1) Various Government Department employees Performance appraisal and development is a management tool that enables staff at all levels to assist in the achievement of sustainable improvements in organisational performance and to respond effectively to a constantly changing environment. In accordance with Directive 18/97 on Performance Management, every Government agency is required to have a performance appraisal and development system in place that is able to be used by all employees.
- (2) Health Service District Employees For Queensland Health employees, Governor in Council Directive No 1/98 applies to all health service employees other than casual employees and temporary employees appointed for periods of less than three months. The Performance Appraisal and Development process is a two way communication process between the employee and the employer.
- (3) Areas of performance for Visiting Medical Officers to be assessed in the Performance Appraisal process will include:

- quality improvement activities implemented;
- results of benchmarking activities for good patient care and outcomes;
- clinical audit results;
- teaching activities undertaken during the appraisal period;
- results/progress of research;
- code of conduct; and
- in the case of Queensland Health employees, commitment to and support for, the principles of the Quality Improvement and Enhancement Program including attending training offered and implementing the initiatives into their clinical practice.

Superseded

Parental Leave
(including Spousal, Maternity and Adoption Leave)

1. PURPOSE

This document provides the framework and associated guidelines for the application of parental leave provisions to eligible Visiting Medical Officers (VMOs).

2. APPLICATION

These arrangements apply to Visiting Medical Officers engaged in accordance with this Directive.

3. PRINCIPLES

The following principles apply with respect to parental leave entitlements.

- An application for parental leave must not be unreasonably refused.
- Employees must meet the qualifying service period to be eligible to access paid parental leave provisions.

4. ENTITLEMENT

Eligible VMOs (covered by this policy) who meet the *Qualifying Service Period*, are entitled to access parental leave entitlements (ie. spousal, maternity and adoption leave) in accordance with the conditions and guidelines outlined herein.

The *Qualifying Service Period* for the purposes of paid leave, is at least 12 months service in any government department or public service office. This service:

- is to be unbroken; or
- may be inclusive of paid and unpaid leave which is credited towards service.

VMOs who are **ineligible** are those who:

- are casual employees and do not accrue an entitlement to paid sick leave, or
- are solely remunerated by fees, allowances or commission including contract VMOs; or
- are on unauthorised absence immediately before the start of the minimum period of maternity leave; or
- do not have a period of unbroken employment of at least 12 months.

5. GENERAL CONDITIONS

The following general conditions apply with respect to parental leave entitlements.

5.1 Period of Parental Leave

Except where specifically provided, a period of parental leave must not exceed 52 weeks.

A period of parental leave is taken to include:

- (a) the period of parental leave (paid or unpaid) taken by the employee's spouse in relation to the same pregnancy or child/children;
- (b) paid parental leave accessed; and
- (c) any sick leave, recreation leave or long service leave ("other leave") which is applied for in relation to the period of parental leave (refer section 5.7 *Access to Other Leave*).

An employee shall confirm their intention of returning to work by notice in writing to the employer, given not less than four (4) weeks prior to the expiration of the period of parental leave.

5.2 Parental Leave Restrictions

- (i) *Parental Leave may be taken by only one (1) caregiver at a time.*

Exceptions to this provision include:

- (a) where an employee takes a period of not more than one (1) weeks spousal leave from the time of confinement of the employee's spouse; or
- (b) in the case of an adoption, where an employee takes a period of not more than three (3) weeks on the placement of the child with the employee.

In these cases, both caregivers are able to take parental leave at the same time.

- (ii) *An employee may only access one form of approved leave at any time.*

For example, an employee is on approved leave without pay (LWOP) until 10 September. The employee becomes pregnant with the minimum period of maternity leave due to commence two (2) weeks prior to 10 September. As a result, the approved period of LWOP overlaps with the minimum period of maternity leave by two (2) weeks. As the employee can only be on one form of approved leave at any one time and is already on approved LWOP, the period of paid maternity leave is reduced by the corresponding period that is, reduced by two (2) weeks to four (4) weeks.

5.3 Making Application

An application for maternity or spousal leave is to be submitted at least 10 weeks before the expected birth of the child/children or, if the employee proposes to commence leave before that time, 10 weeks before the date at which leave is to commence.

An application for adoption leave is to be submitted as soon as possible before the proposed period of leave.

5.4 Payment

Payment for periods of paid parental leave (including maternity, spousal or adoption leave) will be made on the basis of the VMO's ordinary sessional hours.

5.5 Variation of Period of Parental Leave

If the period of parental leave taken by an employee is less than 52 weeks, the employee, at least 14 days before the end of the period, may make written application to the Chief Executive (or delegate) **to extend the period** up to the 52 week maximum.

The Chief Executive (or delegate):

- a) must approve the first application to extend the period; and
- b) must not unreasonably refuse to approve a subsequent application to extend the period.

The Chief Executive (or delegate) may extend the period of leave beyond 52 weeks if in their opinion, there are reasons, for example, the health and well-being of the employee, the

employee's spouse or the employee's child, that warrant an extension being granted. An employee, by 14 days written notice, may apply to the Chief Executive (or delegate) to shorten the period of Parental leave. The Chief Executive (or delegate) may approve or reject such an application.

5.6 Relieving Temporary Employees

A relieving temporary employee cannot be granted leave of any kind beyond the date on which the temporary employment contract terminates. An employee's past, present or likely pregnancy must not influence a decision on the renewal of a temporary employee's contract.

5.7 Access to Other Leave

Where there is an entitlement employees may use recreation and long service leave during the period of parental leave that would otherwise be unpaid.

However, except where authorised by the Chief Executive (or delegate) the total period of parental leave **must** not exceed 52 weeks and is not extended where the employee accesses other forms of leave.

Other forms of leave without pay, other than parental leave without pay, cannot be granted.

An employee:

- (a) cannot access paid sick leave whilst on paid maternity leave.
- (b) may be granted sick leave in lieu of recreation leave and long service leave accessed during a period of parental leave.
- (c) may apply for paid sick leave during unpaid parental leave, however the normal requirements for paid sick leave apply.

5.8 Second Period of Parental Leave

An employee:

- who becomes pregnant while on parental leave; or
- whose spouse becomes pregnant while that employee is on parental leave; or
- who is to adopt a child/children while on parental leave;

is eligible, without resuming duty, for a second period of parental leave in accordance with the provisions of this policy.

An employee can only be on one form of approved leave at any one time. If there is an overlap between the period of unpaid maternity leave and the second minimum period of paid maternity leave, the second period of paid maternity leave is reduced to the extent of the overlap.

5.9 Recognition of Service

Continuity of Service: Continuity of employment is not broken by authorised leave, paid or unpaid. However absences on unpaid leave do not count as service except as provided under the applicable industrial instrument.

Paid Leave Counted as Service: Periods of paid leave during parental leave count as service for all purposes except as time served for probation.

For employees with less than 12 months qualifying service, the first 12 weeks of parental leave (even though it is without pay) counts as service for leave purposes. The first month of leave without pay is recognised for salary increment purposes.

For the purposes of probation, parental leave does not extend the time period allowed for probation in the relevant industrial instruments.

5.10 Superannuation

Superannuation contributions for both the employee and the employer shall be in accordance with the employee's existing scheme options.

5.11 Cancellation of Leave/Recall to Duty

Subject to agreement between the employee and the employer, or provisions of any industrial instrument/legislation, the employee may be temporarily recalled to duty. This recall does not extend the period of this leave.

A recall to duty that is accepted shall be remunerated at the casual rate for the time worked.

Should the employee be on unpaid leave at the time of recall then any earnings will be subject to the *Commonwealth Government's Superannuation Guarantee (Administration)*

Act 1992. In particular, if the employee's earnings for the calendar month amount to \$450 or more then GoSuper contributions must be paid by the employer. This does not apply to general superannuation contributions such as QSuper. It only applies to the occupational superannuation component.

Subject to the provisions of the relevant industrial instrument/legislation, a recall to duty while on paid or unpaid leave is voluntary on the part of the employee. An employee who declines the offer of a recall to duty under these circumstances is not to be discriminated against as a result of that decision.

5.12 Resumption of Duty

An employee is required to confirm their intention of returning to work by notice in writing to the employer, giving not less than 4 weeks prior to the expiration of the period of parental leave.

5.13 Grievance Procedure

Normal grievance processes will apply in accordance with clause 2.3 of this Directive.

6. MATERNITY LEAVE

Eligible VMOs may access Maternity Leave entitlements of up to 52 weeks, which includes 6 weeks paid maternity leave and up to 52 weeks of unpaid maternity leave. NB the maximum period of maternity leave is 52 weeks.

6.1 Paid Maternity Leave

An eligible employee whose expected date of confinement has been confirmed in writing by a medical practitioner, will be entitled to six (6) weeks paid maternity leave, to be taken as the initial absence on such leave regardless of when the leave is accessed. This six-week period of leave is inclusive of any public holidays arising within that time.

The eligible employee will be entitled to a further period of maternity leave in accordance with the unpaid maternity leave provisions detailed below.

6.2 Preservation of Paid Maternity Leave

Any unused portion of paid maternity leave cannot be banked or preserved in any way. For example, where an employee has an

entitlement to six (6) weeks paid maternity leave and has medical advice stating that she is fit to work up to two (2) weeks before the expected date of birth and can return to work three (3) weeks after the birth, the period of paid maternity leave is five (5) weeks. The balance of one (1) week cannot be banked or preserved in any way.

6.3 Effect of Resignation upon Paid Maternity Leave

Should an employee resign while on paid maternity leave then the resignation takes effect by its own force. The provision of paid maternity leave has no element of bonding or penalty for any employee who resigns at or after the conclusion of the period of maternity leave.

Normal action must be taken where an employee's resignation date precedes the end date of a period of paid maternity leave and there is insufficient leave accrual to cover the extent of the overlap.

6.4 Unpaid Maternity Leave

A female employee is entitled to take approved unpaid maternity leave in one unbroken period at any time after she becomes pregnant, irrespective of the period of service. This does not apply to maternity leave that an employee is directed to take under *Transfer to Safe Duties* (refer section 6.6), which may be taken over one or more periods.

Maternity leave must finish not later than the first birthday of the child in relation to whom the leave is granted except where the leave is extended by the Chief Executive (or delegate).

6.5 Minimum Period of Maternity Leave

- (a) Subject to paragraph (b) below, an eligible employee who is pregnant, whether or not she has made application in accordance with section 5.3 *Making Application*, must commence maternity leave at least 6 weeks prior to the expected date of birth of a child/children and remain on maternity leave until at least 6 weeks after the birth of the child/children.
- (b) The Chief Executive (or delegate) may reduce the minimum period of maternity leave at the request of an employee.

This request must be supported by a certificate from a medical practitioner certifying that, in the opinion of the medical practitioner, the employee is fit for duty until a specified date or fit to resume duty.

6.6 Transfer to Safe Duties

Managers are responsible for ensuring that a pregnant employee has a safe working environment. This may call for reasonable modification to conditions of work including appropriate clothing to accommodate special needs arising from her pregnancy. If, notwithstanding any modifications made to the employee's work conditions, in the opinion of a medical practitioner -

- a) an illness or risk arising out of an employee's pregnancy; or
- b) a hazard connected with the work of an employee having regard to the employee's pregnancy

makes it inadvisable for the employee to continue her existing duties; the employee may be assigned to other duties that she can perform safely and efficiently.

The assignment -

- a) may only be made with the agreement of the employee; and
- b) must not involve a reduction in the employee's status or salary.

If a transfer to other duties is impractical, the employee may be directed to take unpaid maternity leave for a period certified as necessary by a medical practitioner.

6.7 Termination of Pregnancy

Where a pregnancy terminates in other than the birth of a living child, the employee shall notify the Chief Executive (or delegate) of the changed circumstances as soon as practicable.

Where, after the first twenty weeks, a pregnancy terminates in other than the birth of a living child or where the child dies during the period of paid maternity leave, the employee shall continue to be entitled to six weeks paid leave.

The employee must resume duty on a date to be determined by the Chief Executive (or delegate) in consultation with the employee.

The date of resumption must be nominated within 28 days of receipt of the notification from the employee. This does not preclude an employee from applying to access other leave entitlements, eg. recreation or long service leave where it is agreed that the employee would benefit from further time off. If the employee wishes to resume duty within six (6) weeks of the termination, her application must have attached a certificate from a medical practitioner certifying that in the opinion of the medical practitioner she is fit for duty. The Chief Executive (or delegate) will consult with the respective area regarding the employee's return to work.

7. SPOUSAL LEAVE

Eligible VMOs may access Spousal Leave entitlements of up to 52 weeks, which includes 1 weeks paid spousal leave and up to 52 weeks of unpaid spousal leave. NB the maximum period of spousal leave is 52 weeks.

7.1 Paid Spousal Leave

An eligible employee who produces a certificate from a medical practitioner which states their spouse's expected date of confinement, will be entitled to one (1) weeks paid spousal leave in connection with the birth of a child/children for whom that employee has accepted responsibility. This period of paid leave will be taken as the initial absence on spousal leave and is inclusive of any public holidays arising within that time.

The eligible employee will be entitled to a further period of spousal leave in accordance with the unpaid spousal leave provisions detailed below.

7.2 Unpaid Spousal Leave

The following provisions apply to unpaid spousal leave:

- (a) An eligible employee is entitled to take approved spousal leave –
 - (i) in not more than two (2) unbroken periods in accordance with this clause; and
 - (ii) if application for the leave is made under paragraph (c) below, only if the employee is the primary care giver for the child in relation to whom the application is made.
- (b) An employee may take one period of spousal leave of not more than one (1) week from the time of confinement of the employee's spouse.
- (c) An employee may take one period of spousal leave of not more than 52 weeks from the birth of the employee's child to the first birthday of the child.

8. ADOPTION LEAVE

Eligible VMOs may access Adoption Leave entitlements of up to 52 weeks, which includes 6 weeks paid adoption leave for a primary caregiver, one weeks paid adoption leave for a secondary caregiver and up to 52 weeks of unpaid adoption leave. NB the maximum period of adoption leave is 52 weeks.

8.1 Paid Adoption Leave

An eligible employee who presents a letter from the Director-General, Department of Families, confirming that an adoption order has been made for the relevant child/children, will be entitled to:

- six (6) weeks paid adoption leave at the time of adoption of a child/children if he or she is the primary care giver; or
- 1 weeks paid adoption leave if he or she is the secondary caregiver.

This period of paid leave is inclusive of any public holidays arising within that time.

If the employee is the primary caregiver, that employee will be entitled to access a further period of leave in accordance with the unpaid adoption leave provisions detailed below.

8.2 Unpaid Adoption Leave

The following provisions apply to unpaid adoption leave:

- (a) An eligible employee is entitled to take approved adoption leave –
 - (i) in not more than two unbroken periods in accordance with this clause; and
 - (ii) if application for the leave is made under paragraph (c) below, only if the employee is the primary caregiver for a child the employee has adopted or applied to adopt.
- (b) An employee may take one period of adoption leave of not more than three

(3) weeks on the placement of the child/children with the employee. Both parents may access this provision at the same time.

- (c) An employee may take one period of adoption leave of not more than 52 weeks from the day on which the employee intends to be the primary caregiver for the child/children.
- (d) Adoption leave must finish not later than the fifth birthday of the child in relation to whom the leave is granted except where the leave is extended by the Chief Executive (or delegate).

9. DEFINITIONS

Adoption/Maternity/Spousal Leave

Absence is taken to mean the entire period of leave taken for the purposes of adoption/maternity/spousal leave. It is inclusive of all forms of leave taken including recreation, long service leave, sick leave, paid and unpaid parental leave.

Child under the provisions of this Directive means –

- (i) in relation to maternity or paternity (spousal) leave -
- a child of an employee; or
 - a child of an employee's spouse;
- who is under 1 year of age; and
- (ii) in relation to adoption leave -
- a child under five years of age who is adopted by an employee; or
 - a child placed with the employee and whom the employee has applied to adopt other than a child who -
 - (A) has turned five years of age; or
 - (B) is a child or stepchild of the employee or the employee's spouse; or
 - (C) has continuously resided with the employee for a period of 6 months before the day the employee applies for adoption leave

Confinement is the birth of a child/children, or the ending of the pregnancy in other circumstances, that occurs no earlier than 20 weeks before the expected date of birth.

Paid Maternity Leave refers to the initial 6 weeks of an approved period of maternity

leave absence for eligible employees who meet the qualifying service period and whose expected date of confinement has been confirmed in writing by a medical practitioner.

Parental Leave shall mean maternity, spousal (or paternity) and adoption leave.

Paternity Leave shall be referred to as spousal leave for the purposes of parental leave.

Primary Caregiver means a person who assumes the principal role of providing care and attention to a child/children.

Secondary Caregiver means a person who assumes the secondary role of providing care and attention to a child/children and is used in reference to adoption leave.

Spouse shall be in accordance with the definition provided in Schedule 5 (Dictionary) of the *Industrial Relations Act*. ie

"spouse of an employee includes –

- *a former spouse; and*
- *a de facto spouse, including a spouse of the same sex as the employee".*

Unauthorised Absence is an absence for which leave has not been authorised. Employees on unauthorised absence at the time of commencing the minimum period of maternity leave are not entitled to paid maternity leave.

Unpaid Adoption/Maternity/Spousal Leave is the period of adoption/maternity/spousal leave during which there is no paid leave accessed.