

# Appointments: Continuing (Contingent Funded) Procedure



## 1 Purpose

To outline the terms, conditions, options and process for continuing (contingent funded) employment at the University.

## 2 Scope

This Procedure must be read in conjunction with the Recruitment Selection and Appointment Policy and is subordinate to it.

This Procedure applies to all Employees whose employment is funded by Contingent Funding.

## 3 Procedure Overview

This Procedure outlines the process for appointing to continuing (contingent funded) employment which is a continuing appointment dependent on Contingent Funding being available.

## 4 Procedures

### 4.1 Appointment

A person who would otherwise be appointed to a fixed-term position, in accordance with Clause 13.4 of the USQ Enterprise Agreement may, at the discretion of the University, be appointed to a contingent funded position where the available funding is Contingent Funding, in accordance with the Recruitment and Selection Procedure. Appointments funded by Contingent Funding include, but are not limited to:

- Externally funded research appointments;
- Student Services and Amenities Fee appointments; and
- Higher Education Participation and Partnerships Program appointments.

An existing fixed-term Employee appointed to a position funded by Contingent Funding for a period of 12 months or more may be employed on a contingent funded contract of employment in accordance with this Procedure. The contract of employment will specify the contingency

upon the occurrence of which the term of the employment will expire.

A continuing (contingent funded) Employee may be engaged on either a full-time or fractional basis.

## **4.2 Funding**

### **4.2.1 Internal funding**

A new continuing (contingent funded) appointment may be made, at the discretion of the Delegate, using internal funds where:

- the use of internal funding is for a limited period of up to six months; and
- the area has a reasonable expectation that Contingent Funding or a continuing appointment will become available within six months; and
- the alternative would be the separation of the Employee from their position with the University.

For an existing continuing (contingent funded) appointment, the University may continue to fund employment for a limited and defined period of up to three months, where current Contingent Funding has ceased and further funding is actively being sought.

### **4.2.2 Cessation of funding**

Where funding that supports an Employee's Contingent Funded Employment ceases, the following will apply:

1. the University may transfer the Employee to another equivalent position;
2. if, during the notice period in Section 4.3, Contingent Funding for the appointment is renewed, the notice period ceases to apply and employment continues;
3. if an application for renewal of funding for the Contingent Funded Employment is still pending, following an initial three month period where approved, the period of employment may continue for any period of paid leave the Employee is entitled to, and thereafter, unpaid leave to retain the employment relationship until a decision on Contingent Funding for the appointment is made. By agreement, payment of leave may be delayed for six weeks to facilitate continuation of service, but will be paid on termination if it is agreed the Employee is not likely to be offered further employment by the University; or
4. the University may terminate the employment of the Employee at the end of the notice

period (and any such approved leave in accordance with (3) above, the employment relationship will cease and the severance will be paid in accordance with Section 4.3 Termination.

Where funding for the contingent funded position ceases, the following provisions do not apply to Employees on contingent funded employment:

1. the consultation provisions of Clause 28 of the USQ Enterprise Agreement;
2. redundancy provisions outlined in Clause 30 of the USQ Enterprise Agreement;
3. conditions applying to Employees employed on fixed-term appointments as outlined under Clause 13.4 of the USQ Enterprise Agreement.

## 4.3 Termination

The University will not terminate the employment of an Employee on a contingent funded basis unless:

- the Contingent Funding that supports the position ceases or is insufficient;
- the inherent nature of the work required has changed significantly and the skills and experience of the Employee will not enable them to complete the requirements of the position;
- termination is under the probation or disciplinary provisions of the USQ Enterprise Agreement;
- the nominated end date of the funding arrangement is reached;
- the resignation of the eligible Employee is received before completion of the appointment;
- the Employee's performance is unsatisfactory; or
- the University terminates the appointment, but only in the case of serious misconduct in accordance with Clause 34 and 35 of the USQ Enterprise Agreement.

Where an Employee's contingent funded employment is terminated, the Employee will be provided notice and severance payments in accordance with the following:

- a minimum of five weeks' notice for professional Employees and English Language

Teaching Employees, or four months' notice for academic Employees in accordance with the Termination of Employment Procedure;

- a contingent funded employee will be eligible for severance payments when the same or similar duties are no longer required by the University. Severance pay will be paid in accordance with the following:

Less than and up to 1 year	Nil
More than 1 year and up to 3 years	6 weeks' pay
More than 3 years and up to 4 years	8 weeks' pay
More than 4 years and up to 8 years	10 weeks' pay
More than 8 years and up to 10 years	12 weeks' pay
More than 10 years	14 weeks' pay

For the purposes of severance pay, 'weeks' pay means the ordinary time rate of pay for the Employee concerned.

## 5 Delegated responsibilities

Approver	Level of Delegation
Vice-Chancellor	Approve recruitment action for, and appointment to, continuing (contingent funded) positions at senior executive level.
Category 2 Delegate	<p><b>Deputy Vice-Chancellors</b> Approve recruitment action for, and appointments to, continuing (contingent funded) positions at academic level E.</p> <p>Approve recruitment action for, and appointment to, continuing (contingent funded) positions at academic levels A to D.</p> <p>Approve recruitment action for all continuing (contingent funded) positions at professional Employee Levels 1 to 10.</p> <p>Approval of internal funds to support the continuation of a continuing (contingent funded) appointment.</p>

Category 3 Delegate	<p>Approve appointments to all continuing (contingent funded) positions at professional Employee Levels 1 to 10.</p> <p><b>Executive Director, Human Resources</b> Make all formal offers of appointment for all positions at the University.</p>
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## 6 References

Nil.

## 7 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

## 8 Procedure Information

<b>Subordinate Schedules</b>	
<b>Accountable Officer</b>	Executive Director (Human Resources)
<b>Responsible Officer</b>	Executive Director (Human Resources)
<b>Policy Type</b>	University Procedure
<b>Approved Date</b>	13/6/2019
<b>Effective Date</b>	13/6/2019
<b>Review Date</b>	3/4/2022
<b>Relevant Legislation</b>	<a href="#">USQ Enterprise Agreement</a>
<b>Related Policies</b>	<a href="#">Code of Conduct Policy</a>  <a href="#">Performance, Development and Recognition Policy</a>  <a href="#">Recruitment, Selection and Appointment Policy</a>  <a href="#">Termination and Separation Policy</a>
<b>Related Procedures</b>	<a href="#">Appointments: Continuing Procedure</a>  <a href="#">Appointments: Fixed-term Procedure</a>

	<p><a href="#">Appointments: Modes of Employment Procedure</a></p> <p><a href="#">Appointments: Probationary Procedure</a></p> <p><a href="#">Disciplinary Action for Misconduct or Serious Misconduct Procedure</a></p> <p><a href="#">Performance Planning and Review Procedure</a></p> <p><a href="#">Recruitment and Selection Procedure</a></p> <p><a href="#">Termination of Employment Procedure</a></p> <p><a href="#">Voluntary Severance, Redundancy and Redeployment Procedure</a></p>
<p><b>Related forms, publications and websites</b></p>	<p><a href="#">Human Resources Website</a></p>
<p><b>Definitions</b></p>	<p><b>Terms defined in the Definitions Dictionary</b></p> <p><a href="#">Delegate (noun)</a></p> <p>Delegate (noun) means the officer, Employee or committee of the University to whom, or to which, a delegation of authority has been made under this Policy.</p> <p><a href="#">Employee</a></p> <p>A person employed by the University and whose conditions of employment are covered by the USQ Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.</p> <p><a href="#">Policy</a></p> <p>A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.</p> <p><a href="#">Procedure</a></p> <p>An operational instruction that sets out the process to operationalise a Policy.</p> <p><a href="#">University</a></p> <p>The term 'University' or 'USQ' means the University of Southern</p>

	<p>Queensland.</p> <p><a href="#">USQ Enterprise Agreement</a></p> <p>University of Southern Queensland Enterprise Agreement 2018-2021.</p>
	<p><b>Definitions that relate to this procedure only</b></p>
	<p><b>Contingent Funding</b></p> <p>Limited term funding provided from external sources, or revenue from fees received by the University, which must be allocated to a related employment activity.</p>
	<p><b>Supervisor</b></p> <p>Any person responsible for leading the activities of others. In the context of this procedure, a Supervisor includes Employees at any classification level or title who have responsibilities for leading, managing or supervising work teams and/or individual Employees.</p>
<b>Keywords</b>	Fixed-term employment, Contingent Funding, contingent funded employment, continuing employment, flexible employment
<b>Record No</b>	18/995PL