

1987/224



**THE EDUCATION AUTHORITIES EMPLOYMENT REGULATIONS
1982, AMENDMENT NO. 1**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of July 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

- 1. Title and commencement
- 2. Interpretation
- 3. Appointment criteria

- 4. Reappointment after absence due to child care
- 5. Salary dependent on grade
- 6. Salary increments
- 7. Classification and grading
- 8. Functions of Grading Committee

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Education Authorities Employment Regulations 1982, Amendment No. 1, and shall be read together with and deemed part of the Education Authorities Employment Regulations 1982* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of August 1987.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by repealing the definition of the term “employee”, and substituting the following definition:

“ ‘Employee’ means, in relation to an Education Authority, any person employed by that Authority other than—

“(a) A person employed under an individual contract of service under section 21A of the State Services Conditions of Employment Act 1977; or

“(b) A person who is employed to advise teachers; or

“(c) A person who is employed as—

“(i) A teacher; or

“(ii) A teacher-aide employed in a primary school; or

“(iii) A teacher-aide, teacher-assistant, library-assistant, laboratory-assistant, audio-visual technician, or nurse-aide in a secondary school or composite school; or

“(iv) A technical assistant in a teachers college; or

“(v) An occupational therapist, physiotherapist, or speech therapist; or

“(vi) A community worker; or

“(vii) A pre-school worker; or

“(viii) A caretaker, cleaner, or groundsman.”.

(2) Regulation 2 of the principal regulations is hereby further amended by inserting, after the definition of the term “employee organisation”, the following definition:

“ ‘Enterprise Unit’ has the meaning given to it by section 2 of the State Services Conditions of Employment Act 1977.”.

(3) Regulation 2 of the principal regulations is hereby further amended by repealing the definition of the term “promotion”, and substituting the following definition:

“ ‘Promotion’—

“(a) Means advancement from one grade to another within an occupational class or transfer from one occupational class to another involving in either case an increase in maximum salary; but

“(b) Does not include—

“(i) An appointment to an occupational class from an enterprise unit or vice versa; or

“(ii) An appointment to or from a position for which there is a range of rates of remuneration prescribed by determination under the State Services Conditions of Employment Act 1977.”.

3. Appointment criteria—Regulation 6 of the principal regulations is hereby amended by adding the following subclause:

“(5) The Education Authority, in making an appointment to—

“(a) A position in an enterprise unit; or

“(b) A position for which a range of rates of remuneration is prescribed under the State Services Conditions of Employment Act 1977—

shall have regard to the foregoing provisions of this regulation notwithstanding that the appointment may not be a promotion as defined in these regulations.”

4. Reappointment after absence due to child care—The principal regulations are hereby amended by revoking regulation 11, and substituting the following regulation:

“11. (1) An officer who resigns from a position in an Education Authority in order to care for his or her pre-school child may, on satisfaction of such terms and conditions as for the time being apply in respect of officers of the Public Service, apply to the Education Authority for reappointment.

“(2) If—

“(a) The terms and conditions mentioned in subclause (1) of this regulation are met; and

“(b) At the time of application the applicant has the necessary skills to fill competently a vacancy available in his or her former Education Authority; and

“(c) The position is substantially the same in character as the position previously held; and

“(d) The position either—

“(i) Does not have a current maximum salary that exceeds the current maximum salary for the grade or the nearest equivalent grade accorded, at the time at which the reappointment is made, to the position held at the time of resignation; or

“(ii) In the case of a person who held, at the time of resignation, a position in an enterprise unit or a position in respect of which a range of rates of remuneration was prescribed under the State Services Conditions of Employment Act 1977, entitles the person to a rate of remuneration substantially the same as the current rate of remuneration of the position held at the time of resignation,—

the applicant shall be appointed in preference to any other applicant for the position.

“(3) Notwithstanding subclauses (1) and (2) of this regulation, where an applicant to whom those subclauses refer applies for a vacancy and the Education Authority considers that preference should not be accorded to that applicant, the approval of the Grading Committee shall be obtained before an appointment is made to the vacancy; and, with the consent of the Grading Committee, some other applicant may be appointed.

“(4) On appointment to a position under this regulation the appointee shall resume officer status on the date of taking up the appointment but shall not have any retrospective rights as an officer in respect of the period of absence, which shall not count as service in respect of entitlement to leave.

“(5) Regulation 37 (1) of these regulations shall not apply to any appointment made under this regulation.”

5. Salary dependent on grade—Regulation 17 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Except where a position is in an enterprise unit or where a determination under the State Services Conditions of Employment Act 1977 prescribes a range of rates of remuneration for the grade in which an employee is placed, salary shall be payable to each employee according to the grading of the position held by that employee.”

6. Salary increments—Regulation 20 of the principal regulations is hereby amended by adding the following subclause:

“(3) This regulation shall not apply in respect of any employee—

“(a) Who holds a position in an enterprise unit; or

“(b) Who holds a position for which a range of rates of remuneration is prescribed under the State Services Conditions of Employment Act 1977.”

7. Classification and grading—Regulation 22 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) The Grading Committee shall place every position (other than a position placed in an enterprise unit) in a grade or range of grades in one of the occupational classes determined by the Director-General.”

8. Functions of Grading Committee—Regulation 27 of the principal regulations is hereby amended by revoking paragraphs (a) and (b), and substituting the following paragraphs:

“(a) To place every position (other than a position in an enterprise unit) in an occupational class determined by the Director-General under the State Services Conditions of Employment Act 1977:

“(b) To determine for every position in each occupational class (other than a position in an enterprise unit) a grade that accords to the level of responsibility and skill required to be exercised in the performance of the duties of that position:

“(ba) To conduct a continuous review of the classification and grading of positions under these regulations:

“(bb) To ensure, in discharging the responsibility placed on it by paragraph (ba) of this subclause,—

“(i) That all positions (other than positions placed in enterprise units) are placed in the occupational class most closely related to the nature of the duties involved; and

“(ii) That the grade determined for every position in each occupational class (other than a position in an enterprise unit) accords to the level of responsibility and skill required to be exercised in the performance of the duties of that position:

“(bc) To ensure that every position in each enterprise unit is placed at a level that accords to the level of responsibility and skill required to be exercised in the performance of the duties of that position.”

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 August 1987, amend the Education Authorities Employment Regulations 1982. The amendments take account of the recent amendments to the State pay-fixing legislation.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 July 1987.

These regulations are administered in the Department of Education.