

Serial Number 1952/86



THE HOSPITAL EMPLOYMENT REGULATIONS 1952

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 7th day of
May 1952

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Hospitals Act 1926, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Hospital Employment Regulations 1952.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. These regulations shall apply only to persons who are employed by Hospital Boards and whose conditions of employment are not for the time being fixed by any award of the Court of Arbitration or by any industrial agreement entered into under the Industrial Conciliation and Arbitration Act 1925, or any order made by the Court of Arbitration under section 13 of the Apprentices Act 1948.

3. In these regulations, unless the context otherwise requires,—

“Connected service” in relation to an employee means his connected service as defined in or determined in accordance with subclause (9) of regulation 6 hereof; and includes service recognized as connected service under subclause (11) of that regulation :

“Employee” means any person to whom these regulations apply :

“Grade employee” means any employee whose scale of salary is, in accordance with regulations forming a Part of these regulations, determined by a salaries grading committee, having regard to the employee’s personal qualifications and experience as well as to his duties and responsibilities :

“ Inmate ” means a person for the time being maintained in an institution for the purpose of receiving general care, but not for the purpose of receiving medical or surgical treatment or nursing care and attendance ; but does not include a baby in a maternity hospital, maternity ward, or maternity annex :

“ In-patient ” means a person for the time being maintained in an institution for the purpose of receiving medical or surgical treatment and nursing care and attendance :

“ Institution ” means an institution under the control of a Hospital Board for the reception of in-patients or inmates :

“ Minister ” means the Minister of Health :

“ Occupied beds ” when used with reference to any institution, ward, or annex means the average number of beds daily occupied by in-patients and inmates during the last ended financial year :

“ Week ” means a period of seven days ending at twelve o'clock on Sunday night :

“ Year ” means,—

(a) In respect of the remuneration of a grade employee, a period of twelve months commencing with the date on which, in accordance with a determination of that employee's salary grading, a specified scale of salary first becomes applicable to him :

(b) In respect of the remuneration in any position of an employee other than a grade employee, a period of twelve months computed from the commencement of that person's connected service in that position, whether before or after the commencement of these regulations ; and “ first year ” and other years shall be computed from the same date.

4. (1) Every employee to whom these regulations apply shall, on and after the commencing date shown in or determined in accordance with any regulations forming a Part of these regulations in which his position is specified (in these regulations referred to as the commencing date), be paid a salary or wages computed as hereinafter provided, according to the scale of salary or wages so shown or determined in respect of his position, and shall be paid such allowances and granted such other emoluments and such other conditions of employment as are so shown or determined.

(2) For the purpose of computing the rate of salary payable to an employee according to that scale, unless otherwise expressly provided in these regulations, the rate of salary during the first year shall be the rate stated as the minimum in the scale, and during every succeeding year shall be the rate so stated increased by the annual increments shown in the scale up to the rate stated as the maximum in the scale.

(3) Where only one sum is stated in the scale as an annual increment it is the increment for each year till the maximum salary is reached, and where more than one sum is so stated the respective sums are the increments for successive years in the order in which they are set out in the scale.

(4) Where no increment is set out in the scale the rate of salary, although set out in the column headed “ Minimum ”, is not subject to increments.

5. The salary and allowances paid and the other emoluments and other conditions of employment granted in accordance with these regulations shall be in lieu of those paid or granted immediately before the commencing date :

Provided that nothing in these regulations, except the provisions affecting sick leave, shall have the effect of reducing the salary and emoluments or the leave or other privileges properly enjoyed by any employee so long as he continues to occupy the position that he occupied immediately before the commencing date, but the provisions in these regulations affecting sick leave shall apply in every case whether or not they result in a reduction of former privileges affecting sick leave.

Commencing Rates of Salary

6. (1) This regulation shall apply only to employees who are not grade employees.

(2) An employee in the employ of a Board immediately before and at the commencing date shall on and from that date be paid a salary at the rate he would have reached had the scale been in operation during his connected service in the position in which he is employed.

(3) An employee who is appointed on or after the commencing date to a position to which a name or description is given in a schedule of salaries and wages and who had connected service in a position to which the same name or description is so given shall, on and from the date on which the appointment takes effect, be paid at the rate of salary he would have reached had the scale been in operation during that service.

(4) An employee who is appointed to a position on or after the commencing date and who had connected service in a related position (as hereinafter defined) for which there is prescribed a maximum rate of salary lower than that prescribed for the new position shall forthwith be paid at the rate prescribed in the scale for the new position the amount of which is next above the amount last received.

(5) For the purposes of subclause (4) of this regulation any two positions shall be deemed to be related positions if substantially the same professional and technical qualifications are required to be held by an employee in each of them.

(6) An employee appointed to a position on or after the said commencing date and having had connected service in a position to which a name or description is given in the same schedule of salaries and wages and for which there is prescribed a higher maximum rate of salary than that prescribed for the new position shall,—

(a) If he had in the old position last been paid at a rate of salary equal to or higher than the maximum rate of the new position, forthwith be paid at that maximum rate ; or

(b) If he had in the old position last been paid at a rate of salary lower than the maximum rate of the new position, be paid at the rate at which he was last paid, and on and from the date on which he would have been due to receive an annual increment in his old position shall be paid at the rate prescribed in the scale for the new position the amount of which is next above the amount last received in the old position.

(7) Where a different scale of salary becomes applicable to an employee because of a change in the status or grading of the position in which he is employed, he shall be regarded as having been thereupon appointed to a new position, and for the purpose of determining the salary thereupon payable the provisions of subclause (5) or subclause (6) hereof shall apply according to whether a higher or a lower maximum rate of salary is prescribed in respect of the new status or grading :

Provided that, if the application of this subclause would result in the payment of a reduced rate of salary, the Board may, in the case of an employee who has had at least twenty years' service, at its discretion, or, in the case of any other employee where in the Board's opinion special circumstances exist, with the approval of the Director-General, continue to pay him at the rate of salary paid immediately before the date when the different scale of salary became applicable.

(8) Except where otherwise expressly provided in these regulations, where a different scale of salary becomes applicable to an employee because of his having acquired a qualification whilst continuing to be employed in a position, he shall be regarded as having been thereupon appointed to a new position, and for the purpose of determining the rate of salary then payable the provisions of subclause (5) hereof shall apply.

(9) For the purposes of this regulation the connected service of an employee shall be deemed to comprise all periods of his service, in the employ whether of a Board, a separate institution, or the Crown, that are continuous one with another :

Provided that where an employee breaks such service only for the period required to take an approved course of training or for a period of not more than twelve months for any other reason the service preceding that period and the service succeeding that period shall be regarded as continuous :

Provided also that in any special case a Board may, with the approval of the Director-General, determine that part or all of an employee's other previous non-continuous service may be regarded as continuous.

(10) For the purposes of subclause (9) of this regulation an approved course of training means a course of training approved by the Director-General as appropriate to a person seeking advancement in the kind of work in which the employee concerned is engaged.

(11) In respect of an employee who prior to his appointment to a position has had service which is not connected service but which is similar in nature and responsibility to that required in the position, a Board may, with the approval of the Director-General, recognize part or all of that prior service as connected service or additional connected service, as the case may be, for the purpose of determining the commencing salary of the employee in the position and the date on which annual increments (if any) shall accrue.

(12) For the purposes of subclause (11) of this regulation the commencing salary for any position means—

(a) In the case of an employee in the employ of a Board immediately before and on the commencing date, the salary payable on and from that date ; and

(b) In the case of an employee appointed to the position after the commencing date, the salary payable on and from the date of appointment.

Employees Temporarily Performing Higher Duties

7. (1) This regulation shall apply only to employees who are not grade employees.

(2) An employee of a Board performing with the same Board for a consecutive period of not less than sixty-one days all the duties of a position for which the minimum salary payable is higher than the salary he is receiving in his regular position shall be paid for that period an allowance sufficient to make his total rate of salary equal to the minimum rate of the position the duties of which he so performs.

(3) Where an employee of a Board performs with the same Board for two or more periods each of less than sixty-one days but in the aggregate of not less than ninety-one days in any one year of his employment the duties of a position for which the minimum salary payable is higher than the salary he is receiving in his regular position, the Board may at its discretion pay the allowance provided for in the last preceding subclause in respect of the whole or part of the aggregate period.

(4) Where an employee has during two or more periods each of less than sixty-one days but in the aggregate of not less than ninety-one days in any one year of his employment performed the duties of different positions for each of which the minimum salary payable is higher than the salary he is receiving in his regular position and the Board decides to pay an allowance for the aggregate period, the rate of the allowance shall be determined at the discretion of the Board having regard to the respective minimum rates of salary of the positions in which the employee has acted and the respective periods for which he has so acted.

(5) Where an employee of a Board performs with the same Board for a consecutive period of not less than sixty-one days or for two or more periods each of less than sixty-one days but in the aggregate of not less than ninety-one days a substantial part but not all of the duties of a position for which the minimum salary payable is higher than the salary he is receiving in his regular position, the Board may at its discretion grant in respect of the period or periods during which he is so employed an allowance not exceeding the difference between the salary payable in his regular position and the minimum salary payable in respect of the position the duties of which he is so substantially performing as aforesaid.

Bereavement Leave

8. Where a Board is satisfied that the circumstances warrant it, the Board may on the death of an employee's husband, wife, child, father, mother, brother, or sister, or in any other case where the employee is responsible for making funeral arrangements, grant the employee leave on full pay for a period not exceeding three days, and, if satisfied that the circumstances warrant it, for a further period not exceeding two days occupied in travelling.

Employees Not Provided For in Other Parts of Regulations

9. (1) This regulation shall apply to all employees in respect of whom provision is not made in other Parts of these regulations for the fixing or determining of their salaries and other conditions of employment.

(2) In respect of any employee to whom this regulation applies, the conditions of employment, the conditions subject to which leave of absence may be granted, the scale of salary or wages according to which the employee's salary is to be computed, the other emoluments, the commencing date of each scale, and the conditions under which payment is to be made shall be such as may from time to time, with the approval of the Minister, be determined in each case as the Minister may decide either by a General Advisory Committee appointed under the Hospital Board Employees (Conditions of Employment) Regulations 1947* or by the Board concerned.

(3) Any determination in accordance with the last preceding subclause may be made in respect of a specified employee personally or in respect of a specified position or class of position :

Provided that where the scale of salary or wages of an employee is determined in respect of him personally, the provisions of regulations 6 and 7 hereof shall not apply.

(4) The salary or wages and any other remuneration and any other conditions of employment fixed in respect of an employee under and by virtue of any contract of service between a Board and the employee subsisting or in force at the commencement of these regulations shall, unless the contract provides for an earlier determination, remain in force until such time as a determination in respect of the same matter is approved by the Minister in accordance with the last preceding subclause and for such further period as may be necessary in any case where the proviso to regulation 5 of these regulations is applicable :

Provided that upon that determination being approved the holder of the position shall also be entitled to receive payment of any arrears of remuneration which may be payable by virtue of the determination being retrospective in effect.

Revocations and Savings

10. (1) The regulations specified in the Schedule hereto are hereby revoked.

(2) All payments, allowances, computations, determinations, and approvals, and generally all acts of authority that originated under any of the regulations hereby revoked and are subsisting or in force at the commencement of these regulations shall enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and shall, where necessary, be deemed to have so originated.

(3) All matters that have been commenced under any of the regulations hereby revoked, and are pending or in progress at the commencement of these regulations, may be continued or completed under these regulations.

* Statutory Regulations 1947, Serial number 1947/69, page 252.
Amendment No. 1 : Statutory Regulations 1950, Serial number 1950/83, page 253.
Amendment No. 2 : Statutory Regulations 1950, Serial number 1950/89, page 271

SCHEDULE
REGULATIONS REVOKED

Title.	Serial Number.
The Hospital Employment Regulations 1948	1948/62
The Hospital Employment Regulations 1948, Amendment No. 1 ..	1948/108
The Hospital Employment Regulations 1948, Amendment No. 2 ..	1948/192
The Hospital Employment Regulations 1948, Amendment No. 3 ..	1948/216
The Hospital Employment Regulations 1948, Amendment No. 4 ..	1948/217
The Hospital Employment Regulations 1948, Amendment No. 5 ..	1948/218
The Hospital Employment Regulations 1948, Amendment No. 6 ..	1948/219
The Hospital Employment Regulations 1948, Amendment No. 7 ..	1949/19
The Hospital Employment Regulations 1948, Amendment No. 9 ..	1950/57
The Hospital Employment Regulations 1948, Amendment No. 10 ..	1950/82
The Hospital Employment Regulations 1948, Amendment No. 11 ..	1950/87
The Hospital Employment Regulations 1948, Amendment No. 12 ..	1950/88
The Hospital Employment Regulations 1948, Amendment No. 13 ..	1950/118
The Hospital Employment Regulations 1948, Amendment No. 14 ..	1950/125
The Hospital Employment Regulations 1948, Amendment No. 15 ..	1950/126
The Hospital Employment Regulations 1948, Amendment No. 16 ..	1950/193
The Hospital Employment Regulations 1948, Amendment No. 17 ..	1950/221
The Hospital Employment (Occupational Therapists) Regulations 1951	1951/18
The Hospital Employment (Dental Officers) Regulations 1951 ..	1951/69
The Hospital Employment (Engineers) Regulations 1951	1951/70
The Hospital Employment (Orthopædic Technicians) Regulations 1951	1951/71
The Hospital Employment Regulations 1948, Amendment No. 18 ..	1951/72
The Hospital Employment (Male Nurses) Regulations 1951	1951/140
The Hospital Employment Regulations 1948, Amendment No. 19 ..	1951/150
The Hospital Employment Regulations 1948, Amendment No. 20 ..	1952/58

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations consolidate without material amendment the provisions of the Hospital Employment Regulations 1948 and the amendments of those regulations that apply generally to all classes of employees of Hospital Boards. The rates of salary and allowances and the conditions of employment that apply to particular occupational groups of employees are prescribed by separate sets of regulations, each of which relates to a separate occupational group, which are being issued at the same time as these general regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 May 1952.

These regulations are administered in the Department of Health.

(H.-Hosp. 62.)