

INDIVIDUAL EMPLOYMENT AGREEMENT
KAIARAH I TE REO, OCCUPATIONAL THERAPISTS, PHYSIOTHERAPISTS,
ASSISTANTS TO TEACHERS OF STUDENTS WITH DISABILITIES (ATSSD), or
SPECIAL EDUCATION ASSISTANTS
[NEW EMPLOYEES ONLY*]

BETWEEN the Board of Trustees (“the Board”) of
..... *[name of school]* (“the School”) a
statutory body constituted pursuant to section 93 of the Education Act 1989

AND(the Employee)

The Board appoints/continues the employment of *[delete one]* the Employee as a
..... *[job title/work to be performed]*,
working at *[place of work]*, with effect
from either the employee’s first day of employment if after, or
..... where the employee’s first day of employment was less than 30 days before
.....

The Employee’s hours of work would normally be

The employee's salary/hourly *[delete one]* rate shall commence under this agreement at
\$.....

The work to be performed by the Employee is set out in the attached position description.

The terms and conditions of employment under this agreement are those terms and conditions of the
Kaiarahi i te Reo, Therapists, ATSSD and Special Education Assistants’ Collective Agreement 2007-
2009, with all the necessary modifications applicable to an individual employment agreement for the
applicable occupational groups listed above. A copy of the 2007-2009 Collective Agreement is
attached (*available at www.minedu.govt.nz/goto/employmentagreements*).

The terms and conditions of employment set out in this agreement replace any previous arrangements
and understandings.

The Employee acknowledges he/she has had a reasonable opportunity to seek independent advice.

SIGNED by (Employee) on *[date]*

SIGNED for and on behalf of the above named Board of Trustees by

..... *[signature]*
..... *[print name and position]*
..... *[date]*
..... *[school number]*

* **Note:** In accordance with section 63 of the Employment Relations Act this agreement is only
applicable to a new employee who is employed in one of the five occupations listed in the heading
above and who is not a member of NZEI. This agreement is not applicable to an employee who is not
an NZEI member and was employed more than 30 days before 19 March 2008.

REMINDER FOR BOARDS OF TRUSTEES

(NB: this reminder does not form part of the IEA)

INDIVIDUAL EMPLOYMENT AGREEMENT **KAIARAHĪ I TE REO, OCCUPATIONAL THERAPISTS, PHYSIOTHERAPISTS,** **ASSISTANTS TO TEACHERS OF STUDENTS WITH DISABILITIES (ATSSD), or** **SPECIAL EDUCATION ASSISTANTS**

In offering the promulgated Individual Employment Agreement (IEA) to new employees, boards are required to meet their obligations under section 62 and section 63 of the Employment Relations Act 2000. The following adapted extract from Ministry of Education Circular 2000/23 provides a guide to the obligations in relation to new employees where a Collective Agreement (CA) is in place.

New employees – where a collective agreement is in force

- The requirements of the Employment Relations Act (ERA) apply in full to any collective agreement or individual employment agreement negotiated after 2 October 2000.
- New employees who are members of the union (or unions) party to the collective agreement and perform the work covered by a collective agreement will be bound by that collective agreement.
- New employees who are not union members and perform the work covered by a collective agreement shall be offered an individual employment agreement which, for the first 30 days of employment, contains terms and conditions of employment of the collective agreement.
- Before agreeing to the individual employment agreement and before the employee commences work, the employee must be advised:
 - that the collective agreement exists and covers the work to be done by the employee,
 - that the employee may join the union that is party to the collective agreement, and how they can contact the union,
 - the employer will give the employee a copy of the collective agreement, and
 - the employer will inform the union that they have entered into an individual employment agreement with the employee, with the agreement of the employee.
- At the end of the 30 days, if the employee has not joined the union which is party to the collective agreement, the employer and employee may agree to vary the terms and conditions of employment.
- If the parties wish to vary the promulgated individual employment agreement either on appointment or after the 30 day period, they will require concurrence from the Ministry.
- If the employer and employee choose not to vary the terms and conditions of the promulgated individual employment agreement after the 30 day period it remains in force unchanged.