

CROWN EMPLOYEES (SCHOOL ADMINISTRATIVE AND SUPPORT STAFF) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by NSW Department of Education and Training.

(No. IRC 530 of 2011)

Before The Honourable Mr Justice Staff

12 May 2011

VARIATION

1. Insert in numerical order in the Arrangement of the award published 31 October (366 I.G. 887) the following new clause number and subject matter:

16A. Leave for Matters Arising from Domestic Violence

2. Insert after subclause 2.22, of clause 2, Definitions the following new subclause:
2.23 Domestic Violence means domestic violence as defined in the *Crimes (Domestic and Personal Violence) Act 2007*.
3. Insert after clause 16 Leave, the following new clause:

16A. Leave for Matters Arising from Domestic Violence

- 16A.1 The definition of domestic violence is found in clause 2.23, Definitions, of this award;
 - 16A.2 Leave entitlements provided for in sub clause 16.4 Family and Community Service Leave, 16.7, Personal Carers Leave, and 16.9, Sick Leave, may be used by an employee experiencing domestic violence;
 - 16A.3 Where the leave entitlements referred to in subclause 16A.2 are exhausted, the Director-general shall grant Special Leave as per clause 16.14.11;
 - 16A.4 The Director-General will need to be satisfied, on reasonable grounds, that domestic violence has occurred and may require proof presented in the form of an agreed document issued by the Police Force, a Court, a Doctor, a Domestic Violence Support Service or Lawyer;
 - 16A.5 Personal information concerning domestic violence will be kept confidential by the agency;
 - 16A.6 The Director-General, where appropriate, may facilitate flexible working arrangements subject to operational requirements, including changes to working times and changes to work location, telephone number and email address.
4. Delete subclause 16.4 of clause 16, and insert in lieu thereof the following:
 - 16.4.1 The Director-General shall grant to a permanent or long term temporary employee some, or all of their accrued family and community service leave on full pay, for reasons relating to unplanned and emergency family responsibilities or other emergencies as described in subclause 16.4.2 of this clause. The Director-general may also grant leave for the purposes in subclause 16.4.3 of this clause. Non-emergency appointments or duties shall be scheduled or performed outside of normal working hours or through approved use of appropriate leave.

16.4.2 Such unplanned and emergency situations may include, but not be limited to, the following:

- (i) Compassionate grounds - such as the death or illness of a close member of the family or a member of the staff member's household;
- (ii) Emergency accommodation matters up to one day, such as attendance at court as defendant in an eviction action, arranging accommodation, or when required to remove furniture and effects;
- (iii) Emergency or weather conditions; such as when flood, fire, snow or disruption to utility services etc, threatens a staff members property and/or prevents a staff member from reporting for duty;
- (iv) Attending to unplanned or unforeseen family responsibilities, such as attending child's school for an emergency reason or emergency cancellations by child care providers;
- (v) Attendance at court by a staff member to answer a charge for a criminal offence, only if the Department Head considers the granting of family and community service leave to be appropriate in a particular case.

16.4.3 Family and community service leave may also be granted for:

- (i) An absence during normal working hours to attend meetings, conferences or to perform other duties, for staff members holding office in Local Government, and whose duties necessitate absence during normal working hours for these purposes, provided that the staff member does not hold a position of Mayor of a Municipal Council, President of a Shire Council or Chairperson of a County Council; and
- (ii) Attendance as a competitor in major amateur sport (other than Olympic or Commonwealth Games) for staff members who are selected to represent Australia or the State.

16.4.4 Family and community service leave shall accrue as follows:

1. two and a half days in the staff members first year of service;
2. two and a half days in the staff members second year of service; and
3. one day per year thereafter.

16.4.5 If available family and community service leave is exhausted as a result of natural disasters, the Director-General shall consider applications for additional family and community service leave, if some other emergency arises. On the death of a person defined in paragraph 16.7.3 of this clause, additional paid family and community service leave of up to two days may be granted on a discrete, per occasion basis to a permanent or long-term temporary employee

16.4.6 In cases of illness of a family member for whose care and support the employee is responsible, paid sick leave in accordance with subclause 16.7 of this clause shall be granted when paid family and community service leave has been exhausted or is unavailable.

5. Insert after clause 16.14.10 the following new subclause.

16.14.11 Matters arising from domestic violence situations.

When the leave entitlements referred to in clause 16A. Leave for Matters Arising From Domestic Violence have been exhausted, the Department Head shall grant up to five days per calendar year to be used for absences from the workplace to attend to matters arising from domestic violence situations.

6. This variation is effective from 15 February 2011.

C.G. STAFF *J*

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