



DTIRIS Flexible Working Hours Agreement (FWHA)

Towards the end of September the PSA organised an electronic ballot of the membership in DTIRIS to seek their endorsement of the proposed single FWHA. The Ballot was divided into two groups as follows:

- **Group 1**- members currently deriving their flexible working hours conditions from a pre-existing FWHA
- **Group 2** members who currently derive their flexible working hours conditions from the *Crown Employees (Departmental Officers) Award* and the *Crown Employees DECC General and Parks & Wildlife Group Awards*.

Prior to the polls for the ballot being opened a PSA communiqué was sent to all members providing them with information on the negotiations, the proposed FWHA and the need for a ballot. The members were provided with an opportunity to review this information and raise any concerns with the union in the week leading up to the ballot.

The Ballot opened on 30 September 2013 and closed 18 October 2013 with 24% of the membership returning a vote with the following results:

- **Group 1** - 98.22% of respondents in favour of moving onto the DTIRIS FWHA

- **Group 2** – 92.31% of respondents in favour of moving onto the DTIRIS FWHA

The PSA Executive has endorsed the decision of the membership to move to a single DTIRIS FWHA. The next steps in the process will involve the parties jointly signing the DTIRIS FWHA.

The implementation date of the FWHA will require further discussion between the parties as there needs to be a fair and reasonable amount of time given to members to use up existing accrued or banked flex and for SAPbyDesign to be able to record working hours under the new FWHA.

NB – Members who derive their flexible working hours conditions from the *Crown Employees (Department of Trade & Investment, Regional Infrastructure & Services) Fisheries Staff Award* are exempt from having to move onto the DTIRIS FWHA.

DTIRIS JOINT CONSULTATIVE COMMITTEE (JCC)

The PSA and APESMA met with the Director General (DG) and his management team on 19 September 2013 to discuss a number of matters. The main areas of discussion centred on change management plans, the new flex agreement, decade of decentralisation and SAPbyDesign.

The DG advised that 32 change management plans of various magnitudes had been implemented since the formation of the Department. He indicated that all current saving requirements were on track and did suggest we meet again when the next state budget is delivered and discuss any impacts it may have on the Department.

Despite strong feedback from the PSA in respect to the rigidity and the one size fits all approach of the DTIRIS FWHA, the DG simply re-affirmed his position. Should his proposal not be endorsed all current FWHAs will be terminated and all employees moved onto the less favourable conditions of clause 21 of the *Crown Employees (Public Service Conditions of Employment) Award 2009*.

- 1 flex a month
- 10 hours credit
- 10 hours debit

The PSA illustrated the flaws with the current version of the SAPbyDesign flex sheeting (recoding of work hours) not working, problems with Superannuation Payments and other payroll deductions.

The DG and his management team acknowledged that there had been problems and delays with Superannuation payments but no late payment fines had been incurred from the ATO. The Department believes it has resolved all the problems however if members are still experiencing problems with payments please contact the PSA.

In relation to decentralisation the discussion was around consolidation of Sydney CBD to be eventually reduced to 2 locations; MLC and 323 Castlereagh. There will be office rationalisation taking

place elsewhere once lease agreements expire and efficiencies can be gained by co location of DTIRIS staff.

The DG did advise that his door was always open to consultation on industrial issues on a formal and informal basis and he remained committed to the peak JCC occurring at a minimum of once per year or more frequently if necessary.

There was a commitment given to hold other sub JCCs of the major and industry divisions of the Department. Due to the large number of change management plans it has not been feasible to implement these processes. The PSA will move to realign the composition of Departmental Committee Delegates Groups to represent these major divisions of DTIRIS.

LOCAL LAND SERVICES AWARD NEGOTIATIONS

Delegates from the CMAs and LHPAs started negotiations on an industrial instrument in early July and after an exhaustive series of meetings an 'in principal agreement' was reached between the parties in late September 2013.

We acknowledge and thank the role played by Delegates who were required to travel to Sydney on some 14 odd occasions to meet face to face with the Government's representatives.

This process involved a lot of research and reading by Delegates either side of the face to face meetings. Initial consultation meetings required a commitment to two days in a row for the first five weeks.

The Delegates conducted themselves in a very professional manner without fear

or favour despite being placed in some very confronting circumstances during the negotiations. Likewise the PSA acknowledges the professionalism of the Government's representatives who acted in good faith during the bargaining period despite our previous differences and difficulties.

In late August 2013 the CMA and LHPA members were provided with an opportunity to provide feedback on the draft instrument. The significant feedback from the membership aided the parties in arriving at the final draft proposal that now sits at version 9.4!

Importantly the proposed LLS Industrial Instrument will be comprised of an LLS Award and FWHA modelled on the DTIRIS FWHA. This is a good win for the members as the Government was initially seeking an Enterprise Agreement which would have allowed non-unionists a voice and a vote over your conditions of employment.

The PSA is in a process of conducting an electronic ballot of the concerned members to seek their endorsement of the proposed LLS Award and LLS FWHA.

The broad aim of the parties is to have an LLS Award and FWHA agreed and finalised prior to the implementation of LLS in January 2014. Therefore on the basis that the members endorse the LLS Award and FWHA the parties will be able to take the following steps:

- Lodge a 'consent award application' with the NSW Industrial Relations Commission before the end of November 2013

- Ratify the LLS FWHA between the General Secretary of the PSA and the Chair of LLS Board of Chairs.

The LLS Award

The spirit of the LLS Award is modelled upon the existing conditions and entitlements that currently apply to the members working in the CMAs. It consolidates and modernises several conditions of employment from the awards that currently apply to the CMAs and LHPAs.

Importantly for the LHPA members it addresses historic inequities in pay and conditions and provides greater parity in the work value of roles going forward.

Many transition issues have been negotiated by the PSA to ensure no loss in salary and conditions with the provision of robust grand parenting arrangements and other measures as detailed below.

Members currently on the 35 Hour Week

The conditions of the 35 hour week are grand parented under 'Schedule C' of the LLS Award.

Essentially a member will not lose their 35 hour week until they accept an employee initiated transfer into a new role within the LLS. Members on a 35 hour week who act in a higher graded position will not have to revert to a 38 hour week.

NB- the protection of the 35 hour week is a *significant win* especially for our most vulnerable members currently employed as temporary employees in the CMAs.

Former Professional Officers from DPI

The former Professional Officers from DPI whose existing salary is higher than that of the LLS role will have their existing salary grand parented including their 35 hour week until such time as they win a promotion or accept an employee initiated transfer into a new role in LLS. We understand that this will be applied to eight individuals only.

Former LHPA Redundancy Provisions

It has been agreed that, should any current LHPA staff member be made redundant in LLS during 2014, they will be entitled to the same severance payment as they would have been entitled to under the LHPA Award. From 1 January 2015, severance payments for all staff will be in accordance with the NSW government's Managing Excess Employees Policy.

Former LHPA Salary points and allowances

The reduction of available pay points from the current 118 to 36 pay points and the absorption of LHPA allowances have provided a pay increase for about 80 per cent of LHPA staff moving into LLS.

These increases will apply from the first full pay period commencing on or after 1 January 2014. Staff may have the opportunity to progress through incremental increases in their grade during the following years of their LLS employment subject to a satisfactory performance review.

Where the new salary applicable to a former LHPA staff member does not completely absorb the old allowances, the balance in excess of the new salary will be paid to the employee as a personal allowance. This personal allowance will be further absorbed by future pay increases obtained by way of incremental or personal progression and in the event of a promotion to a higher salary.

Trade Union Leave and Consultation

Current rights of all members and delegates to conduct trade union related activities and trade union training leave have been preserved.

Robust consultation provisions on all employment related matters and preservation of the Joint Consultative Committee have been retained.

LLS Leave Arrangements

The ability for all members to take leave in one minute increments has been introduced. Harmonisation in standard leave entitlements and accruals for all staff has been achieved. Former LHPA staff will have parity in; Purchased Leave, 15 days sick leave p.a. and FACS Leave.

Future Increases in Salary and Allowance

LLS will be a non-public sector division of the Government thus breaking the nexus with our Public Sector Conditions and Salaries Awards. The Government has agreed to allow a mechanism (Clause 7 of the LLS Award) that provides an automatic flow of increases to salaries and allowances when awarded in the Public Sector. Thus causing no delays and ensuring parity.

The LLS FWHA

The provisions of the LLS FWHA will be available to all members and is essentially a mirror of the DTIRIS FWHA. As with the DTIRIS FWHA it is subject to current Government Policy that prevents banking and non-forfeiture of Flex Credits upon separation of employment.

The main difference was the LLS FWHA is modelled on a 38 hour week and will provide LHPA members an improvement on their current arrangements. Some of the Key elements of the FWHA:

- 12 week settlement period with a maximum of 6 flex days (or 12 half days)
- 6 consecutive flex days - irrespective of settlement period with the approval of management
- 48 hours carry forward flex credit limit (42 hours for 35 hour p/w employees)
- 16 hours flex debit limit (14 hours for 35 hour p/w employees).

What's next?

We remain confident that the proposed Award and FWHA provide good sound industrial rights and protections for our members going forward in LLS. CMA and LHPA members are encouraged to vote here:

<https://www.surveymonkey.com/s/LLS-Ballot>

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