



14 December 2015

PSA industrial bulletin Update for SES members

The NSW SES Departmental Committee (DC) met on Tuesday 1 December 2015 and discussed a number of ongoing issues.

The NSW SES Joint Consultative Committee (JCC) met later that afternoon and below is a precis of the significant issues. Once the minutes and outstanding action items from the meeting are distributed, they will be circulated for the information of members.

Operations Centre (OC) shift roster variation

This issue has been a long standing Agenda item at the PSA/SES Joint Consultative Committee (JCC) meeting.

Currently, the Operations Centre has been working to a unique rostering arrangement which exists outside the award provisions. In 2009, a 12-hour rostering trial commenced for a 30-week period. At the conclusion of the trial, it appeared OC management and PSA members agreed the rostering arrangements were a success. However, the trial's rostering arrangements had never been formally ratified.

PSA members have been attempting for more than five years to have the shift-work rostering arrangements made a permanent part of their award's employment conditions.

The PSA strongly put that it was in the interests of its members in the OC and SES management for the arrangements to be inserted into the award. This would ensure the SES was compliant with the existing employment instrument applicable to workers in the OC.

As the current rostering arrangement had been in place for a number of years, the PSA put that the award variation would be cost neutral to the SES. Since 2009, the roster and associated staff costs had been budgeted for and varying the award would not increase expenditure in the OC. The SES provided a submission to the NSW Wages Policy Taskforce seeking the award be varied.

At the December JCC, the SES advised the PSA that approval to vary the award by consent to make the trial rostering arrangements permanent had been received from the NSW Wages Policy Taskforce.

A consent variation to the award will be lodged in the NSW Industrial Relations Commission in 2016. This is

a great win for PSA members and the SES which has been a result of the JCC's hard work.

Uniform Committee

The PSA currently has no representation on the SES Uniform Committee. At the December JCC, the PSA sought to nominate a delegate to the Committee.

SES management indicated opposition to the PSA participating on the Committee, as its remit was to provide recommendations on uniforms to the Commissioner. No reason was given by the Commissioner for his reluctance to allow a PSA representative on the Committee. At the JCC, it was inferred that as the Uniform Committee does not have any decision-making role, the SES did not believe the PSA needed to be included.

The PSA put that as its members are required as a condition of their employment to wear a uniform, it has an industrial right to contribute to any recommendations which may flow from the committee for the Commissioner's consideration.

There are a number of contemporary issues relating to the NSW SES uniform policy the PSA asserts present a work health and safety concern.

The SES is considering the PSA's position. If the SES remains intractably opposed to allowing a PSA delegate onto the Uniform Committee, the PSA will seek the assistance of the Industrial Relations Commission to resolve the matter.

Award audit

The SES provided a progress report on the following payments:

Time off in lieu (TOIL)

As a result of the award audit, 45 employees have been identified where the TOIL entitlement had not been taken as leave. Further, these employees had also not received payment after three months of earning the TOIL. The SES undertook to contact affected staff in relation to taking the TOIL or making a cash payment.

Overtime

The SES advised that back pay of overtime to Region Controllers had been made in January 2015. The audit failed to identify any claims for staff.

Travel

The SES advised that actuals replaced travel allowance payments in November 2012. The audit failed to identify any claims for staff.

Laundry allowance

Payment of laundry allowance to all staff required to wear a uniform began in January 2014. The audit failed to identify any claims for staff.

OC staff annual leave loading

The PSA sought an interpretation of the relevant award provisions of SES management. Specifically, how Clauses 78.3 and 78.4 of the Crown Employees (Public Service Conditions of Employment) Award related to staff in the OC. The SES then requested advice from the Public Service Commissioner (PSC) and made decisions based on the PSC advice and PSA input clarifying how annual leave loading would be paid in the OC.

The SES developed a factsheet on this entitlement which has been prepared by HR. You can access a copy via EOS.

Public holidays falling on weekends

The PSA has again raised the issue of public holidays falling on weekends and the reimbursement of time for 7 day field award workers. It was unclear at the JCC if the Award audit had identified this issue for investigation of underpayments. The PSA has asked the SES to see if this issue is captured by the audit.

The SES has committed to observing the provisions of the awards in force in the workplace. If an award entitlement is due to staff, the PSA is intent in seeing back pay for any entitlements that have not been paid to its members.

SES is required to back pay all award entitlements to ensure no underpayments are outstanding. If any

PSA member believes they are owed back pay for any of these conditions, please contact one of your DC delegates who will assist in seeking a review of your pay.

Salary sacrificing – GST input credits

The PSA requested a progress report from the SES on the development and implementation of systems to facilitate the payment of Input Tax Credits for GST salary packaging services and vehicle running costs for those members who have novated leases on vehicles. PSA members have been eligible for these entitlements since October 2014, however the SES has not yet developed a system to pay these credits to employees.

The PSA raised this issue as a new agenda item during the December 2015 JCC. The SES has undertaken to investigate this matter. With Christmas/New Year rapidly approaching, the SES has agreed to investigate the matter as soon as possible. The SES will update the PSA off-line from the JCC.

It is likely this matter may be resolved as a priority due to the taxation implications involving the Australian Taxation Office. The PSA will seek a formal report back to the next JCC in February 2016.

Season's greetings

The PSA has been working hard for its members in the SES over 2015. Pleasingly, a number of issues have been finalised. Other issues are close to finalisation. Your local DC Delegates have been instrumental in progressing matters on behalf of members in the SES.

The PSA and your DC delegates wish you warm season's greetings. If you are travelling, please be safe! See you in 2016.

Your local PSA Departmental Committee delegates are:

Anthony Day (Chair)	Mid North Coast Region	02 65925800 / 0409150079
Jenelle Owen	Richmond Tweed Region	02 66257700 / 0458737143
Craig Ronan	Central West Region	02 63348555 / 0418476254
Phil Lalor	Macquarie Region	02 6841 3160 / 0458 737 088
Nicole Harding	State Headquarters	02 42516111 / 0412993548
Michael Langley	State Headquarters	02 42516489 / 0458285070

Join the PSA

membership.psa.asn.au/join

