

## Negotiation of a Single Flex Agreement – Department of Justice

The tables below detail the status of the items following negotiations across 2016.

### Agreed Items:

All agreements are subject to the eventual settlement of all outstanding issues.

No	Description	Agreed / Not Agreed	Notes
1	12 week settlement period.	Agreed	Subject to approval by NSW Treasury which the Department supports.
3	Ability to take a quarter day's flex leave.	Agreed	
4	Carry over hours of 42 per period.	Agreed	This represents a significant increase for employees in most areas.
4	Carry over of negative 14 hours.	Agreed	
5	Employees may choose the form of paid leave to cover a shortfall.	Agreed	Subject only if there are system limitations but unlikely.
7	Transitional arrangements that do not have employees forfeiting hours.	Agreed	Subject only that employees should not forfeit hours as a result of the change to a new agreement, but will still be subject to the normal limits on hours.
8	No annual limit on the number of flex days that can be taken.	Agreed	The limits of 6 days each settlement period will apply, but there will not be an annual limit.
9	An available lunch break of up to 2.5 hours.	Agreed	
13	The ability to take consecutive flex days.	Agreed	
14	Defined emergency response and recovery operations.	Agreed	
16	Easter flex leave arrangements as provided in the Award (clause 21.19)	Agreed	
19	That Non-Standard Hours will only be entered into by way of a	Agreed	

WITHOUT PREJUDICE  
FOR NEGOTIATIONS ONLY

No	Description	Agreed / Not Agreed	Notes
	written agreement between the employee and the manager.		
21	Other Local Agreements will continue to be observed.	Agreed	All other Local Agreements made under clause 10 Local Arrangements of the Award will be observed.
22	Reports will be provided to the Peak JCC on working time and the use of flex time.	Agreed	As reporting is enabled through online flex systems.
23	A gender, carers responsibility and WHS Impact assessment be conducted prior to implementation.	Agreed	Terms of reference to be proposed by the PSA.

**Unable to Agree:**

The following items have not agreed to as they do not meet the requirements of the NSW Government Expenditure Review Committee Guidelines (that are binding on the Department of Justice).

No	Description	Agreed / Not Agreed	Notes
10	The Agreement not to include forfeiture of hours clause.	Unable	Unable to agree as a result of ERC parameters of NSW Government.
15	The ability to bank up to 5 days flex leave.	Unable	Unable to agree as a result of ERC parameters of NSW Government.
17	A clause stating the agreement cannot be terminated for less than 12 months due to machinery of government changes.	Unable	Unable to agree as a result of ERC parameters of NSW Government.
20	Any hours remaining on the termination of employment to be paid out.	Unable	Unable to agree as a result of ERC parameters of NSW Government.

**Items not yet agreed between the parties:**

No	Description	Agreed / Not Agreed	Notes
2	Core time. PSA seeks a floating core time between 10:00am – 2:00pm.	Not Agreed	Department has compromised on its early position and offered 10:00am – 3:00pm.
6	Bandwidth to finish at 9:00pm.	Agreed	Whilst the Department has agreed to move the finish time to 9pm, this item has links to item 11 (below), hence appears in this list.
11	Overtime to apply if directed to work after 7 hours.	Not agreed	Department offers the conditions in existing Agreements, that work after 6:00pm or 7:00pm where it already states will apply.
12	The ability to work 5 hour days only.	Not Agreed	This item links to core-time (Item 2). There are issues to be discussed further in areas where employees work a varied core time and have existing practices they wish to maintain. The Department views that if these arrangements meet the operational needs of the work area to the managers' satisfaction, they are capable of being re-made under the new agreement. Further work to do.
18	AWT can be accrued beyond minimum hours at the employees' discretion, consistent with the operational requirements.	Not Agreed	The principles of the Agreement include various terms for establishing a balance between operational needs and employees needs but state that the manager should have final decision on what operational needs require. Further work to do.

**Summary:**

Agreed items	15
Not Agreed items	5
ERC items	3