

CROWN EMPLOYEES (DEPARTMENTAL OFFICERS) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act* 1996.

(No. IRC 152 of 2012)

Before The Honourable Mr Justice Staff

29 March 2012

REVIEWED AWARD

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Arrangement

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MONETARY RATES

Table 1 - Departmental Officer Salary Rates - Classification and Grades

1. Parties to the Award

The parties to this Award are:

Director of Public Employment, the NSW Department of Trade & Investment, Regional Infrastructure & Services and the NSW Department of Finance and Services; and

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales (PSA).

This Award shall be binding upon all parties defined herein.

2. Intention/Aims of the Award

This Award provides a framework for management and officers to work together to ensure the ongoing high-level achievement of the Department's Mission and Objectives. Within this context the parties are committed to the development of a highly motivated, suitably skilled and productive workforce.

The parties will work collaboratively to ensure that the Department's workforce has and continues to have the necessary skills, knowledge and attributes to maintain and enhance its credibility, expertise and standing.

Effective workforce development and succession development are seen as critical to the Department's future performance and its ability to innovate, respond positively to changes in its operating environment and avail itself of future business opportunities. The Award therefore focuses not only on the revision of conditions of employment, but stresses workforce management and development. It is based on maintaining, improving, developing and rewarding the skills, knowledge and attributes required of its workforce and provides a commitment to ongoing employment.

In providing more flexible working conditions for officers, the Award also recognises the need to accommodate work and family issues through flexible working arrangements.

The parties recognise the need to strive to achieve best practice in human resource management and to resolve any issues that may currently exist preventing effective workforce management, officer development and the ability to utilise skills. To this end the parties agree to work, during the life of the Award, towards:

The creation of a culture which acknowledges the importance and fosters the development of technical, managerial and business skills; together with a progressive outlook;

Organisation and classification structures that support the business needs of the Department in the most effective way, provide for appropriate managerial and specialist career paths and allow for innovative opportunities in development and multi-skilling;

Training and development programs and activities aimed at meeting corporate requirements and priorities as well as individual job and career development needs, (with the support of senior management):

Equitable development of officers to be achieved by managers conducting performance reviews and offering guidance and direction regarding training and development initiatives. This aims to: facilitate improved on the job performance; provide greater job promotion potential, and prepare for future challenges and opportunities from both the domestic and international environments;

Senior management supporting managers and officers working co-operatively together to resolve issues that prevent workforce development and to identify opportunities for continuous improvement in departmental operations;

Development and maintenance of open communication between all levels of the workforce and improvement in communication skills across the organisation;

Ongoing improvements in safety, quality service and efficiency; and

A workplace environment that is supportive of management and officers maximising their contribution to the business of the Department.

3. Definitions

"Act" means the *Public Sector Employment and Management Act 2002*.

"Association" or "PSA" means the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

"Department" means the NSW Department of Trade & Investment, Regional Infrastructure & Services and the NSW Department of Finance and Services, as specified in Schedule 1 of the *Public Sector Employment and Management Act 2002*.

"Departmental Officer" means officers employed in the Land & Property Information Division of the NSW Department of Finance and Services and officers who were formerly part of the Land and Property Management Authority in accordance with Clause 20 of the Public Sector Employment and Management (Departments) Order 2011, who are now employed in the NSW Department of Trade & Investment, Regional Infrastructure & Services.

"DPE" means the Director of Public Employment, as established under the *Public Sector Employment and Management Act 2002*.

"Director General" means the Director General of the NSW Department of Trade & Investment, Regional Infrastructure & Services and the NSW Department of Finance and Services.

"Grade/Level" means a single grade: General Scale; Grade 1-2; Grade 3-4; Grade 5-6; Grade 7-8; Grade 9-10; Grade 11; Grade 12; Senior Officer Grade 1; Senior Officer Grade 2; Senior Officer Grade 3, as set out in Table 1 Departmental Officer Salary Rates and applied to positions created in terms of Section 9 (2) of the *Public Sector Employment and Management Act 2002* and evaluated in accordance with the Department's approved Job Evaluation system and the conditions of this Award.

"Officer" means and includes all persons permanently or temporarily employed either as a full time or part time officer, in any capacity under the provisions of Part 2 of the Public Sector Employment and Management Act 2002 and includes an Officer on probation, but does not include the Director General, statutory appointees or a member of the Senior Executive Service as defined under the Act.

"Public Service" means the Public Service of New South Wales, as defined in the *Public Sector Employment and Management Act 2002*.

"Position" means a position as defined in Section 9 of the *Public Sector Employment and Management Act 2002*.

"Service" means continuous service for salary purposes.

4. Classification and Salary Rates

- 4.1 The classification under this Award is titled "Departmental Officer", eg Senior Surveyor, Departmental Officer Grade.
- 4.2 The salary rates are set out in Table 1 - Departmental Officer Salary Rates - Classification and Grades, of Part B Monetary Rates. The rates of pay are set in accordance with the Crown Employees (Public Sector - Salaries 2008) Award or any variation or replacement award.

5. Preservation of Conditions for Staff Employed under Previous Awards

- 5.1 Preservation Rights: A Memorandum of Understanding regarding progression rights of PSA members was agreed in conjunction with the former Crown Employees (NSW Department of Lands - Conditions of Employment) Award 2004 published 2 September 2005 (353 IG 542), which took effect from 22 February 2005.
- 5.2 Lands Officers

Officers previously employed under the Crown Employees (Lands Officers - Department of Land and Water Conservation and Department of Information Technology and Management 1999) Award published 23 June 2000 (316 I.G. 728) transferred to this award; however, officers who transferred to levels of General Scale, Grade 1-2 and Grade 3-4 shall be entitled to progress, subject to satisfactory performance, on an annual incremental basis in accordance with the prior award, to the equivalent salary of Lands Officer Level 3 year 2.

Lands Officers Level 4 transferred to this award. Any structural anomalies within Administrative and Clerical Officers grade 5/6 created by the transition will be addressed in any new structure developed to meet the future business objectives of the Department.

5.3 Officers with a substantive salary equivalent to Grade 11 who occupy positions presently graded at A&C 11/12 or DITM Officer Grade 11/12

Officers previously employed under the Crown Employees (Administrative and Clerical Officers - Salaries 2003) Award published 23 April 2004 (344 I.G. 155) or the Crown Employees (NSW Department of Information Technology and Management) Conditions of Employment Award 2002 published 12 March 2004 (343 I.G. 628), with a substantive salary equivalent of A&C Grade 11, year 1 or year 2, and currently permanently occupying positions of Grade 11/12 shall be entitled to progress, subject to satisfactory performance, on an annual incremental basis, to the equivalent salary of Clerk Grade 12, year 2.

5.4 Surveyors

Officers previously employed under the Surveyors, Trigonometrical and Cartographic Surveyors Agreement No. 2449 of 1982 transferred to this award (except that the progression barrier for registration requiring a Surveyor to become registered in terms of Section 10 of the Surveyors Act, 1929 will be included in Position Descriptions where it would be a requirement to carry out the accountabilities of positions). Preservation of rights to progression under the prior award will apply to Surveyors employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

5.5 Valuers

Officers previously employed under the Crown Employees (Regional Directors and Valuers - All Classes - Valuer General's Office, Department of Information Technology and Management) Award published 28 April 2000 (315 I.G. 238) transferred to this award. Preservation rights to progression under the prior award apply to Valuers employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

5.6 DITM Officers

Officers previously employed under the Crown Employees (NSW Department of Information Technology and Management) Conditions of Employment Award 2002 published 12 March 2004 (343 IG 628) transferred to this award. Preservation rights to progression under the prior award apply to DITM Officers employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

5.7 Clerks

Officers previously employed under the Crown Employees (Administrative and Clerical Officers - Salaries 2003) Award published 23 April 2004 (344 I.G. 155) transferred to this award. Preservation rights to progression under the prior award will apply to Clerks employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

5.8 Clerical Officers

Officers previously employed under the Clerical Officers All Departments Agreement No 2515 of 1988 transferred to this award.

5.9 Field Hands and Instrument Man

Officers previously employed under the Surveyors' Field Hands (State) Award published 23 November 2001 (329 IG 889) became permanent officers upon commencement of this Award on 22 February 2005 and classified as Departmental Officers and transferred to this award at their current salary. The grading of their jobs will then be determined in accordance with the outcome of job evaluation.

6. Job Evaluation

- 6.1 The job evaluation system agreed by the parties to this award is the Mercer CED Job Evaluation System. The systematic and objective process of assessing the work value of positions within the Department will continue to be applied utilising the approved Job Evaluation policy and procedures.
- 6.2 The Job Evaluation Committee will comprise the Director, Corporate People and Performance Group as chair, the Senior Manager, HR Development and Planning, and two PSA representatives. The Job Evaluation Committee will identify those positions that should be evaluated.
- 6.3 The priority in which positions are to be evaluated will be determined by agreement between Management, the Job Evaluation Committee, and the PSA. Highest priority will be given to areas of the Department where the greatest benefit to officers in terms of equity will result. Evaluation of identified positions will be completed within 12 months.
- 6.4 Job Evaluation will be managed by the Corporate People and Performance Group. Officers and consultants participating in the job evaluation process will be accredited in the Mercer C E D Job Analysis and Job Evaluation process. Where required, Mercer Human Resource Consulting (Cullen Egan Dell CED consultants), a management representative and a PSA representative will perform a quality control check on Position Descriptions to ensure consistency in format and content.
- 6.5 Job evaluation allowance: Where an existing position has been incorporated into a new or revised organisation structure and the work hasn't changed substantially but job evaluation indicates a higher salary level for the same work, and the current occupant is performing satisfactorily in the position, the current occupant of the position may be paid by way of Job Evaluation allowance. Payment by way of Job Evaluation allowance is also subject to the existing occupant of the position having been appointed following a process of competitive merit selection. Where the work has changed substantially or the position falls vacant the position should be filled by merit selection. Payment of a Job Evaluation allowance is an option available for consideration in light of the particular circumstances. The allowance is subject to approval of the Director General on a case-by-case basis, as set out in Premier's Department Circulars No. 97-35 and 98-50, implementation of job evaluation outcomes.
- 6.6 All anomalies with the outcomes of job evaluation will be referred for resolution to the Transition Committee established under clause 5, Transition Arrangements of this award.

7. Qualifications Review Committee

- 7.1 A Qualifications Review Committee shall be convened and shall include representatives from management, unions and officers with expertise in the area of qualification. Such representation shall consist of two management representatives, two union nominees and may call on officers or external advisers with expertise in the area of the qualification being discussed. The Committee shall be constituted for the period of this award for the purpose of making recommendations to the Director General.
- 7.2 The Committee shall from time to time sit to determine the appropriate skills and qualifications required for given positions within the Department. The Committee shall from time to time also consider the current status of qualifications that are used in this award in relation to the various levels of Departmental Officers as set out in the award. If agreement cannot be reached in this committee, the Director General will facilitate a resolution.

8. Working Hours and Arrangements

The provisions of the Department of Lands Flexible Working Hours Agreement 2004 will apply with the exception of those officers exempted in that Agreement.

9. Conditions of Employment

Officers regulated by this award shall be entitled to the conditions of employment as set out in this award and, except where specifically varied by this award, existing conditions as provided for under the *Public Sector*

Employment and Management Act 2002, Public Sector Employment and Management Regulation 2009, the Crown Employees (Public Service Conditions of Employment) Award 2009 and the Crown Employees (Public Sector - Salaries 2008) Award or any awards replacing these awards.

10. Training

The parties agree that all officers shall be provided with opportunities for career, professional and personal development. The joint aim is to develop a highly skilled and efficient workforce and to ensure that all officers are sufficiently skilled to meet the present and future needs of the Department.

The Department's commitment to training and development will include (but will not be limited to):

The reimbursement of course fees for officers undertaking tertiary or vocational studies shall be 100% on successful completion where the study relates directly to the position occupied. Where a Manager considers that the study does not relate directly to the position but will be beneficial to the organisation, and so approves, reimbursement of fees, upon successful completion, may be within the range of 50% to 100%. The Director General or their delegate will determine any appeal relating to decisions concerning payment of course fees.

A commitment to the provision of external training programs;

Implementation of a Performance Development Program;

The provision of training and re-training wherever re-organisation creates new skill requirements;

Equipping all officers with skills and ability to enable them to pursue, where possible, their preferred career paths and to improve their opportunities for career advancement;

Providing training in information technology to enable officers to use the technological tools required to perform their duties;

Providing the training needed to ensure that those officers, whose performance has been identified as requiring improvement have every opportunity to improve their performance;

Equity of access to training and development opportunities for all officers, including part time officers;

Dependent care assistance (dependant care, by way of payment, may be provided to enable officers with dependant responsibilities to pursue training and development opportunities).

During the life of this award, the Department agrees to examine and implement various options to facilitate skill enhancement and career development for all officers. These options may include:

Job rotation;

Secondments;

Participation in work forums;

Placements in other organisations with the agreement of the officer;

Mentor and coaching programs;

Attendance at conferences and seminars;

Officers exchange programs with the agreement of the officer.

In order to meet these aims, the following have been agreed by the parties:

A commitment to updating skill profiles from the Training Needs Analysis process to assist officers and management to determine appropriate training needs;

To include officers training and development responsibilities in the key accountabilities of all managers and supervisors;

Individual officers will assume personal responsibility to participate in appropriate training and development and skill-enhancing activities.

Furthermore, the parties agree to an ongoing commitment to the Vocational Education and Training (VET) system - that is, the promotion and implementation of the Public Sector training package through the NSW Public Sector Industry Training Advisory Body (NSW PSITAB).

This includes embracing the development of a National Competencies training project encompassing:

An increase in the number of workplace trainers and assessors within the Department;

Time for trainers and assessors to recognise the current competencies held by departmental officers;

All in-house training to be in line with National Competency Standards so officers can work toward a nationally recognised public sector qualification.

11. Use of Consultants and Contractors

In line with Government commitments, the parties agree to develop programs to reduce the use of consultants/contractors by greater reliance on the expertise of professional public servants and the development of strict quality control procedures for the engagement of outside assistance.

The Department agrees to consult with the Association on engagement and use of consultants and contractors

12. Employee Assistance Program

The Department will continue to make available to all its officers a free and confidential Employee Assistance Program.

The Employee Assistance Program is an independent and confidential counselling service which provides counselling free of charge for a wide range of personal and/or work related problems.

13. Travel Passes

The Department undertakes to allow salary deduction for public transport travel passes.

14. Grievance and Dispute Procedures under This Award

- 14.1 All grievances disputes or difficulties relating to the provisions of this award shall initially be dealt with as close to the source as possible, with graduated steps for further attempts at resolution to higher levels of authority in the Department, if required.
- 14.2 Officers are required to notify (in writing or otherwise) their immediate supervisor or manager, as to the substance of the grievance, dispute or difficulty, request a meeting to discuss the matter, and if possible state the remedy sought.
- 14.3 Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the Anti-Discrimination Act 1977) that makes it impractical for the staff member to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Director General or delegate.
- 14.4 The immediate supervisor, manager, or other appropriate officer, shall convene a meeting in order to resolve the grievance, dispute or difficulty within seven (7) days of the matter being brought to attention.

- 14.5 If the matter is unresolved with the immediate supervisor or manager, the officer may request to meet with the appropriate person at the next level of management in order to review the matter. This officer shall respond within seven (7) days. If there are matters or issues that still remain unresolved by both parties then they should be referred to the Senior Manager of the work area who should include a representative from Human Resource Services in discussions.
- 14.6 In the event that the matter remains unresolved, the Director General shall provide a written response within 21 days to the officer and any other party involved in the grievance, dispute or difficulty, concerning the action to be taken, or the reasons for not taking action, in relation to the matter.
- 14.7 An officer who is a member of an Association may request to be represented by an Association representative at any stage of the procedures.
- 14.8 The officer or Association on his/her behalf, or the Director General, may refer the matter to the New South Wales Industrial Relations Commission if the matter is unresolved following the use of these procedures.
- 14.9 The officer and/or Association and/or the Director General shall agree to be bound by a lawful recommendation, order or determination by the New South Wales Industrial Relations Commission in relation to the grievance, dispute or difficulty.
- 14.10 Whilst the procedures are being followed, normal work undertaken prior to the notification of the grievance or dispute shall continue, except in the case of a dispute involving Occupational Health and Safety. If practicable, normal work shall proceed in such a manner to avoid any risk to the health and safety of any officer, or member of the public.
- 14.11 These procedures should be read in conjunction with the Department's Grievance Resolution Policy and Procedures and in no way diminish Grievance resolution procedures contained in that policy.

15. Saving of Rights

At the time of making this award, no officer covered by this Award will suffer a reduction in his or her rate of pay or any loss or reduction in his or her conditions of employment as a consequence of making this award.

16. Area, Incidence and Duration

- 16.1 The award shall apply to all officers employed in the classification of Departmental Officer in the Department of Lands.
- 16.2 The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act* 1996 and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales of 28 April 1999 (310 I.G 359) take effect on and from 29 March 2012
- 16.3 Changes made to this award subsequent to it first being published on 26 December 2008 (366 I.G. 1501) have been incorporated into this award as part of the review.

PART B

MONETARY RATES

Table 1 - Departmental Officer Salary Rates

Effective from the beginning of the first pay period to commence on or after 1 July 2011.

Departmental Officer			
Classifications and Grades		Common Salary Point	1.07.11 Per annum \$
General Scale	Year 1	7	33,193
	Year 2	11	37,729
	Year 3	17	40,662
	Year 4	20	41,771
	Year 5	23	43,539
	Year 6	25	44,329
	Year 7	28	45,428
	Year 8	32	47,108
	Year 9	36	48,816
	Year 10	40	50,619
Grade 1-2 (Level 1)	Year 1	46	53,407
	Year 2	49	54,977
	Year 3	52	56,509
	Year 4	55	58,060
Grade 3-4 (Level 2)	Year 1	58	59,705
	Year 2	61	61,505
	Year 3	64	63,425
	Year 4	67	65,376
Grade 5-6 (Level 3)	Year 1	75	70,480
	Year 2	78	72,702
	Year 3	82	75,552
	Year 4	85	77,767
Grade 7-8 (Level 4)	Year 1	88	80,096
	Year 2	91	82,491
	Year 3	95	85,928
	Year 4	98	88,660
Grade 9-10 (Level 5)	Year 1	101	91,303
	Year 2	104	93,870
	Year 3	108	97,702
	Year 4	111	100,613
Grade 11 (Level 6)	Year 1	116	105,602
	Year 2	120	110,079
Grade 12 (Level 7)	Year 1	126	116,974
	Year 2	130	122,128

Senior Officer	Year 1	-	136,651
Grade 1 (Level 8)	Year 2	-	147,245
Senior Officer	Year 1	-	149,737
Grade 2 (Level 9)	Year 2	-	160,294
Senior Officer	Year 1	-	165,658
Grade 3 (Level 10)	Year 2	-	181,844

C. G. STAFF J.

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