

CROWN EMPLOYEES (DEPARTMENT OF FINANCE AND SERVICES) WAGES STAFF AWARD 2013

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by NSW Department of Finance and Services.

(No. IRC 404 of 2013)

Before The Honourable Justice Boland

10 September 2013

VARIATION

1. Delete the title of the award, Crown Employees (Department of Finance and Services) Wages Staff Award 2012, published 27 November 2009 (369 I.G. 702), as varied, and insert in lieu thereof the following:

Crown Employees (Department of Finance and Services) Wages Staff Award 2013

2. Delete clause 4, Incidence and Period of Operation and insert in lieu thereof the following:

4. Incidence and Period of Operation

This Award will apply to all existing and future wages employees in the Department, engaged under this award. Such employees are deployed throughout the State of New South Wales as required by the Department to meet client service obligations.

This award remains in force until 30 June 2014 or until varied or rescinded.

The contents of this Award may be varied in accordance with Section 17 of the Industrial Relations Act 1996.

3. Delete clause 7, Rates of Pay and insert in lieu thereof the following:

7. Rates of Pay

The classifications and salary rates are set out in Table 1 of Part B, Monetary Rates of this Award.

From the first pay period commencing on or after the date of granting of variation of this Award the rates of pay set out under the heading shall be payable.

4. Delete Part B, Rates & Allowances and insert in lieu thereof the following:

PART B

RATES & ALLOWANCES

Rates

- (1) Rates of Pay

From the first full pay period commencing on or after 1 July 2013 the rates of pay set out under the heading FPPOOA 1.7.2013 shall be payable. These rates represent a 2.27% wage increase from the first full pay period commencing on or after 1 July 2013.

Table 1 - Wages Classification and Salary Schedules

Classification		Rate per fortnight FFPOOA 1.7.2013 \$
L1	(92%)	1,779.01
L2	(95%)	1,838.43
L3	(97.5%)	1,888.60
L4	(100%)	1,933.63
L5	(105%)	2,042.69
L6	(110%)	2,127.14
L7	(115%)	2,223.95
L8	(120%)	2,320.22
L9	(126%)	2,436.70
L10	(133%)	2,564.14
	(135%)	2,619.15
L11	(139%)	2,695.86
		2,753.13
	(147%)	2,853.37
L12	(152%)	2,942.03
	(156%)	3,028.09

Progression from Level 6 to Level 7 and from Level 10 to Level 11 shall be on the basis of satisfactory performance and the demonstration of appropriate competency. Such progression shall be on the determination of the Department.

- (2) Employees required to hold trade certificates, or the equivalent, for the below named trades shall be paid a Special Allowance for all purposes of this Award as follows:

	Rate per fortnight FFPOOA 1.7.2013 \$
Stonemason-carvers	129.37
Electricians	129.37
Plumbers	20.45
Welder (Special)	20.45

- (3) The Definition, Scope of Work, Level of Skill and Quality, Safety and General Responsibilities for each level is detailed in the 12 Level classification structure, set out at Appendix 1.

Table 2 - Survey and Spatial Classification and Salary Schedules

		FFPOOA 1.7.2013 \$
L1	(92%)	1,771.09
L2	(95%)	1,838.43
L3	(97.5%)	1,888.60
L4	(100%)	1,933.63

Table 3 - Apprentice Classification and Safety Schedules

	FPPOOA 1.7.2013 \$
1st year	940.01
2nd year	1,204.33
3rd year	1,513.51
4th year	1,729.30

Allowances

Conditions of Employment - Allowances

In general, the conditions of the Crown Employees (Skilled Trades) Award shall apply to employees to simplify administration and provide consequent savings.

Specific conditions relating to;

- Excess Fares and Travelling Time
- Distant Work
- Payment for Loss of Tools
- Overtime
- Tool Allowance

shall operate as provided by this clause.

(1) Fares And Travelling Time

An allowance of \$22.70 per day, comprising of \$13.60 for fares and \$9.10 for travelling time, (including the Rostered Day Off) shall be paid to employees to compensate for fares and travelling time to and from places of work, provided that only the travelling time component of the allowance shall be payable if the Department provides, or offers to provide transport free of charge to the employee and that offer is refused.

An employee, who on any day is required to work at a site away from their accustomed workshop and who shall, at the direction of the Department, present for work at such site at the usual starting time, shall be paid this allowance for each such day.

Where an employee is sent during working hours from a shop to a site, or a site to a shop, or from a shop to a shop, or from a site to a site, the Department shall pay all travelling time and fares incurred in addition to the amounts the Department may be liable to pay under this clause.

Where an employee is required to use their private vehicle to transfer from one work site to another during working hours the employee shall be paid an allowance of \$0.81 per kilometre.

An employee using a motor vehicle for work must have for the vehicle a valid Third Party insurance policy and a comprehensive motor vehicle insurance policy to an amount and in a form approved by the Department.

The provisions of Clause 16 - Dispute Resolution of this Award shall be used to resolve any problems concerning the operation of this clause.

The provisions of this subclause do not apply to employees classified as Staff (Wages) Level 8 or above.

(2) Distant Work

The provisions of this clause apply only to employees employed in non-metropolitan Departmental Regions. This clause does not apply to employees employed in the Newcastle, Central Coast, Sydney and Wollongong metropolitan areas.

For the purpose of this clause, Distant Work is that in respect of which the distance or the travelling facilities to and from such places of work make it reasonably necessary that the employee should live and sleep at some place other than their usual place of residence at the time of commencing such work. Provided that if the employee, whilst employed on Distant Work, changes their usual place of residence or any further change thereof (if made whilst employed on Distant Work) shall be the usual place of residence for determination whether the work is Distant Work within the meaning of this clause.

Provided further that after the expiration of four weeks, this clause shall not apply to an employee who is appointed to work as a regular employee at a permanent workshop whilst working at such workshop.

While on Distant Work, a majority of employees concerned and Departmental management may mutually agree that ordinary working hours may be worked up to a maximum of twelve hours per day on any day of the week.

Providing that the employees concerned and Departmental management will mutually agree, in accordance with the Department's convenience, whether additional time worked is taken as time off in-lieu of payment at ordinary rates at either:

the completion of the project; or

within three months of its being worked; or

is paid at ordinary rates.

An employee engaged on Distant Work shall be conveyed with tools to and from at the Department's expense. Such conveyance shall be made only once unless the employee is recalled and sent again to the place of work when it shall be made each time that this happens, provided that the return fares and travelling time need not be paid to a employee:

who leaves of their own free will; or

is dismissed for misconduct

before the completion of the job, before being three months in such employment, whichever first happens, or is dismissed for incompetence within one week of engagement.

Time occupied in travelling to and from Distant Work shall be paid for at ordinary rates, provided that no employee shall be paid more than an ordinary day's wages for any day spent in travelling unless the employee is on the same day occupied in working for the Department. The employee shall be paid also an amount of \$21.00 to cover the expenses, if any, of reaching home and of transporting tools.

On Distant Work the Department shall provide reasonable board and lodging or pay an allowance of \$64.00 per day for each day residing away from the usual place of residence or \$447.10 per week of seven days but such allowance shall not be wages.

Reasonable board and lodging for the purpose of this clause shall mean lodging in a well-kept establishment with adequate furnishings, good bedding, good floor coverings, good lighting, good heating, hot and cold running water in either a single room or a twin room if a single room is not available.

Where an employee is engaged upon distant jobs and is required to reside elsewhere than on site they shall be paid the fares and travelling time allowance prescribed by this clause.

An employee on Distant Work, after three months continuous service, and thereafter at three monthly intervals, may return home at the weekend and shall be paid the fares reasonably incurred in so travelling home and to the place of work, provided however, that if the work upon which the employee is engaged will be completed within twenty-eight days after the expiration of any such period of three months, as hereinbefore mentioned, then the provision of this subclause shall not be applicable.

The employee shall inform the Department in writing of subsequent change to the usual place of residence.

If the Department and an employee engaged on Distant Work agree in writing, the paid Rostered Day Off prescribed in the Award may be taken and paid for at a time mutually agreed. The agreement shall only apply for a paid day or days off work up to maximum accrual of five days.

In general terms, the Department's policy for employees is that the provisions of the Distant Work Clause apply where the work site is situated more than 95 kilometres from the Depot or Post Office of the town in which the employee is based and the employee lives away from home for the period of the job.

The only exceptions to this rule would be in rare cases, such as where road conditions or special circumstances make it unreasonable or uneconomic to apply. In such circumstances local Departmental management has discretion to apply Distant Work provisions on sites situated less than 95 kilometres from the Depot or Post Office, subject to written justification being recorded on the job file and signed by the local Departmental management representative. The employee must live away from home to receive payment under these circumstances.

(3) Payment For Loss of Tools

- (a) An employee shall be reimbursed by the Department to a maximum of \$1628.00 for loss of tools or clothes by fire or breaking and entering whilst securely stored at the direction of the Department in a room or building on Department premises, job or workshop or in a lock-up or if the tools are lost or stolen while being transported by the employee at the Department's direction, or if the tools are accidentally lost over water or if tools are lost or stolen during an employee's absence after leaving the job because of injury or illness.

Provided that an employee transporting their own tools shall take all reasonable care to protect those tools and prevent theft or loss.

- (b) Where an employee is absent from work because of illness or accident and has advised Department, then the Department shall ensure that the employee's tools are securely stored during the employee's absence.

- (c) Provided that for the purposes of this subclause:

Only tools used by the employee in the course of their employment shall be covered by this subclause.

The employee shall, if requested to do so, furnish the Department with a list of tools so used.

Reimbursement shall be at the current replacement value of new tools of the same or comparable quality.

The employee shall report any theft to the police prior to making a claim on the Department for replacement of stolen tools.

It is assumed that the Department has directed staff to store their tools (as detailed above) unless otherwise directed not to.

(4) Overtime

Overtime provisions, including payment for meals, as provided by clause 9, Overtime of the Crown Employees (Skilled Trades) Award shall apply to all employees.

An employee may opt to take time-off in lieu of paid overtime at the same rate at which the overtime was accrued, subject to management agreement. Any such time-off will be taken within an agreed time and not later than 3 months of the working of the overtime. An employee, subject to management agreement, may take part time-off in lieu and part payment for overtime.

(5) Tool Allowance

Tool Allowances payable to Wages Staff shall be those set out in the following table:

Trade Description	Rate per fortnight \$
Carpenter/Joiner	56.40
Stonemason-carver	56.40
Stonemason	56.40
Plumber	56.40
Electrician	56.40
Metal Tradespersons	56.40
Plasterer	56.40
Bricklayer	41.60
Tilelayer	41.60
Slater & Tiler	30.40
Painter	14.20

(6) Thermostatic Mixing Valves Allowance

An employee who is required by the Department to act on their thermostatic mixing valve licence shall be paid \$0.65 per hour, while undertaking inspection and certification of thermostatic mixing valves.

(7) Allowances Review

Increases in Expense Related Allowances payable under the Awards listed in Clause 22 of this Award shall be paid, as appropriate, to employees covered by this Award. Payment of increases shall be made from the same operative date as Award variations.

Expense Related Allowances include:

- Tool Allowance
- Meal Allowance
- Excess Fares and Travelling Time
- Distant Work Allowances

Wage Related Allowances shall increase by the same percentage amount, and from the same operative date, as rates of pay increase under this Award.

(8) All Purpose Payment in Lieu of Certain Allowances

The provisions of this subclause do not apply to:

Wages Staff employees Levels 9, 10, 11 and 12.

Wages Staff employees who have no entitlement to allowances payable under the Crown Employees (Skilled Trades) Award.

All allowances set out in clauses 4 and 15, other than the exemptions mentioned below, of the Crown Employees (Skilled Trades) Award shall not be paid to Wages Staff employees of any Level.

At clause 4, Allowances, all subclauses except:

- (4) Electricians
- (6) Plumber and Drainer
- (12) Registration Allowance
- (41) Asbestos
- (44) Asbestos Eradication

In recognition that employees will continue to work under circumstances that previously attracted allowance payments pursuant to the above specified clauses, payments for all purposes of this Award shall be made. The payments shall be as follows:

From 5.7.2013

\$56.40 per fortnight for all Heritage and Building Services Group employees other than slaters, plumbers and plumbing apprentices.

\$64.02 per fortnight for slaters, plumbers and plumbing apprentices.

(Plumbers and plumbing apprentices will no longer be able to claim separate payment for chokages or fouled equipment.)

Should circumstances arise where the payment of the allowance prescribed by this subclause for plumbers becomes consistently disadvantageous when compared to payment through the claiming of allowances as set out in the Crown Employees (Skilled Trades) Award, then the Department and the Union will review the situation. Any result of such a review that results in the requirement to amend this subclause will be presented as a consent matter by the Department and the Union.

- (9) Driving Van Allowance

Department Wages Staff employees allocated and responsible for commercial vehicles containing Departmental plant and equipment, which are parked at the premises of the employee overnight, shall be paid a flat allowance of \$2.69 per day. This allowance is paid daily for each day worked and is not paid for all purposes of this Award. It shall be treated as a wage related allowance for the purpose of future increases.

- 5. This variation shall take effect from the first full pay period to commence on or after 1 July 2013.

R. P. BOLAND *J*

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