

CROWN EMPLOYEES (OFFICE OF ENVIRONMENT AND HERITAGE AND THE OFFICE OF ENVIRONMENT PROTECTION AUTHORITY) GENERAL AWARD 2015

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by the Industrial Relations Secretary.

(Case No. 2017/98265)

Before Commissioner Murphy

7 April 2017

VARIATION

1. Insert in clause 2 Definitions, of the award published 15 January 2016 (378 I.G. 1273) the following new definitions:

"Delegate" means an employee who has been delegated certain powers by the Chief Executive, the Chairperson or the Departmental Secretary where appropriate pursuant to section 17 of the *Government Sector Employment Act 2013*.

"Departmental Secretary" means the Secretary of the Department of Planning and Environment.

"DPE" means the Department of Planning and Environment (DPE).

"Employer for all purposes other than Industrial" means, for the Office of Environment and Heritage, the Chief Executive, for the Office of the Environment Protection Authority, the Chairperson and for Department of Planning and Environment, the Secretary.

"Organisation Head" means the Chief Executive of the Office of Environment and Heritage, the Chairperson of the Environment Protection Authority or the Secretary of the Department of Planning and Environment.

2. Delete paragraph (i) of subclause 4.1 of clause 4 Parties, and insert in lieu thereof the following:
 - (i) Secretary, Industrial Relations, Chief Executive of the Office of Environment and Heritage (OEH) and the Chairperson of the Environment Protection Authority (EPA), Secretary of the Department of Planning and Environment (DPE).
3. Delete subclause 6.1 of clause 6 Salary System and insert in lieu thereof the following:
 - 6.1 The rates of pay for employees of the OEH, EPA and in the DPE those staff employed pursuant to this award (engaged in the function of providing human resource, information technology, finance, procurement and property services) will be in accordance with the rates contained in Schedule 1, subject to any agreed Salary and Benefit Packaging arrangement.
4. Delete subparagraphs 6.8.4, 6.8.5, and 6.8.6 of clause 6, Salary System, and insert in lieu thereof the following
 - 6.8.4 Employees with a recognised 3 year degree or qualifications deemed by the OEH, EPA or DPE as equivalent will be assigned to point 1 on the EO 2 -7 salary scale.
 - 6.8.5 Employees with a recognised 4 year degree or higher or qualifications deemed by the OEH, EPA or DPE as equivalent will be assigned to point 2 on the EO 2-7 salary scale.

- 6.8.6 Employees on the above scale shall be eligible to progress beyond Class 6 Salary Point 2 subject to:
- (i) the availability of work at the higher level in the employee's discipline/s; and
 - (ii) demonstrated ability and capacity to undertake more responsible work, as deemed appropriate by the OEH, EPA or DPE having regard to the employee's discipline/s.
5. Delete subclause 8.3 of clause 8 On Call Allowance for Public Affairs Officers and Information Management & Communications Technology (IM&CT) Officers, and insert in lieu thereof the following:
- 8.3 Only in exceptional circumstances would the OEH, EPA or DPE require an employee to be on call for a period of less than 7 days. Where a period of on call is for less than 7 days, a pro-rata to a minimum of one day will apply for each day the employee is required to be on call. The daily allowance will equate to \$26.43 per day.
6. Delete subclauses 12.1, 12.2 and 12.6 of clause 12 Irregular Shiftwork and insert in lieu thereof the following:
- 12.1 From time to time the OEH, EPA or DPE may request an irregular or infrequent shift to be performed during the period Monday to Friday.
- 12.2 Where shift work is irregular or infrequent, the OEH, EPA or DPE shall pay a shift allowance of 30% on the normal daily rate.
- 12.6 After an employee has worked an irregular shift, the employee must take a break of 10 hours prior to recommencing work. However, if requested by the OEH, EPA or DPE because of special circumstances to recommence work without completing a 10 hour break, overtime shall be paid from the time work is recommenced until such a break is taken.
7. Delete subparagraph 15.3.1 of subclause 15.3 of clause 15 After Hours Incident Service (AHIS), and insert in lieu thereof the following:
- 15.3.1 An employee rostered on the AHIS and called out by a person/organisation so authorised by the OEH, EPA or DPE in order to investigate pollution complaints, surveillance of potential pollution sources, or in other emergency situations outside normal working hours, will be paid a minimum of three (3) hours at overtime rates.
8. Delete subclause 25.1 of clause 25 Area Incidence and Duration and insert in lieu thereof the following:
- 25.1 This Award shall apply to employees in the Office of Environment and Heritage, the Environment Protection Authority and the Department of Planning and Environment.
9. These variations shall take effect on and from 7 April 2017.

J. V. MURPHY, Commissioner.

Printed by the authority of the Industrial Registrar.