

WITHOUT PREJUDICE

MINISTERIAL DRIVERS' SALARIES AND CONDITIONS - NEW SOUTH
WALES PREMIER'S DEPARTMENT

SECTION 130(1) DETERMINATION NO. 953 of 2007

1. INTRODUCTION

- 1.1 The Director of Public Employment has determined, pursuant to section 130 of the *Public Sector Employment and Management Act 2002* the following for Ministerial Drivers employed by the NSW Premier's Department
- 1.2 This Determination replaces and rescinds Determination No. 904 of 1994 – Ministerial Driver/Assistant - Compensation for Out of Hours Work.

2. DEFINITIONS

“Base salary” means the rate of pay specified in Table 2 – Salaries of this Determination.

“Director of Public Employment” means the position held by the Director-General of the Premier's Department in accordance with s121 of the *Public Sector Employment and Management Act 2002*.

“Ministerial Driver” means a person employed by the Premier's Department in accordance with the roles, responsibilities, key accountabilities, knowledge, skills, experience and qualification requirement as described in the Position Description for Ministerial Driver, as approved by Premier's Department from time to time.

3. CLASSIFICATION AND TRANSITION ARRANGEMENTS

- 3.1 From this Determination's date of effect:
- 3.1.1 all Premier's Department positions classified pursuant to Industrial Agreement No. 2478 of 1985 are deleted; and
- 3.1.2 the Premier's Department classification Ministerial Driver is established.
- 3.2 The existing positions of Ministerial Driver/Assistant and Departmental Driver/Assistant under Industrial Agreement No. 2478 of 1985 shall be reclassified as Ministerial Drivers, and are set out below in Table 1 – Classifications:

TABLE 1 – CLASSIFICATIONS

Existing classification	New classification
Ministerial Driver/Assistant	Ministerial Driver
Departmental	Ministerial Driver

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Driver/Assistant	
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4. SALARY AND OTHER REMUNERATION

4.1 *Salary*

4.1.1 The rates of pay for the classification Ministerial Driver are as set out below in Table 2 – Salaries.

TABLE 2 – SALARIES

Ffpp 1/7/06	Ffpp 1/7/07
\$41,868 pa	\$43,543 pa

4.1.2 The rates of pay outlined in Table 2 shall be adjusted in accordance with the Crown Employees (Public Sector – Salaries 2007) Award, or any variation or replacement Award.

4.2 *Allowance*

4.2.1 All out of hours work, with the exception of Sundays and public holidays, shall be compensated by payment of an allowance calculated for 20 hours overtime based on 12 hours at time and one half of base salary and 8 hours at double time of base salary. This is equal to an allowance calculated as 34 hours at ordinary time of base salary.

4.2.2 The out of hours allowance is set out below in Table 3 – Out of Hours Work Allowance:

TABLE 3 – OUT OF HOURS WORK ALLOWANCE

Ffpp 1/7/06	Ffpp 1/7/07
\$37,461 pa	\$38,960 pa

4.2.3 This allowance is to be paid in the nature of salary and is:

4.2.3.1 to be adjusted using the above calculation, subject to changes in the base salary for Ministerial Drivers;

4.2.3.2 recognised for all paid leave, superannuation and termination purposes;

4.2.3.3 fixed as inclusive of overtime (excluding Sundays and public holidays), weekday, weekend and holiday penalty rates and all incidents of employment involving after hours duty (including On Call, On Call [Standby], Recall to Duty, Payment for Overtime or Leave in Lieu, Provision of Transport in Conjunction with Working of Overtime) other than accommodation and meal allowances; and

4.2.3.4 paid on the basis that Ministerial Drivers shall be available for duty as required Monday to Saturday.

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4.2.4 This allowance includes compensation for irregular hours, often with limited notice, and the exclusion of penalty payments in respect of occasional delayed or interrupted meal breaks and any failure to receive the recognised break between the work of successive days.

4.3 *Sundays and public holidays*

4.3.1 Overtime worked on Sundays and public holidays are calculated on base salary and shall be subject to the provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, or any variation or replacement Award.

5. **CONDITIONS**

5.1 *Driving assignments and schedules*

5.1.1 Driving assignments and schedules shall be approved by the Manager (Transport Services), or other authorised officers of the Premier's Department, from time to time.

5.2 *Working hours*

5.2.1 Ordinary working hours shall be 38 per week, Monday to Friday, with a rostered day off each 4 weeks in accordance with the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, or any variation or replacement Award.

5.3 *Daily hours*

5.3.1 Nominal daily hours shall be from 9.00 am to 6.00 pm with a one-hour lunch break.

5.4 *Start/end of duty*

5.4.1 Start/end of duty shall occur at the start/end of driving assignments for any period of duty, or, if there are no planned driving assignments, at the scheduled times of start/end of duty at the Premier's Department's premises.

5.4.2 Start/end of duty times shall be by arrangement between the Minister/Office Holder or other approved user of vehicle transport services and the Ministerial Driver.

5.4.3 Ministerial Drivers shall advise the Manager (Transport Services), or Premier's Department's Officer in Charge of Transport Services of changes in driving assignments to facilitate scheduling of driving assignments and vehicle transport services.

5.5 *Recording hours of duty*

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5.5.1 Start/end of duty and start/end of deep relaxation shall be recorded in the manner approved by Premier's Department from time to time.

5.6 *Meal breaks and meal allowances*

5.6.1 Meal breaks and allowances shall be in accordance with the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, or any variation or replacement Award, subject to Ministerial Drivers being granted meal breaks of one hour duration where possible, but not less than half an hour, as follows:

5.6.1.1 breakfast (where the Ministerial Driver starts duty at or before 6.00 am), between the hours of 7.00 am and 9:00 am;

5.6.1.2 lunch, between the hours of 12 noon and 2.00 pm;

5.6.1.3 dinner, between the hours of 5.00 pm and 7.00 pm; and

5.6.1.4 supper, no more than five hours from the end of the dinner meal break.

5.6.2 For the purpose of award provisions regarding overtime meal breaks, Ministerial Drivers' ordinary hours of duty on weekdays shall end at the times scheduled for end of duty for individual Ministerial Drivers.

5.7 *Disrupted meal and rest breaks*

5.7.1 This Determination recognises (see Clause 4.2.4) that it may not always be possible to observe specified meal breaks or to ensure that Ministerial Drivers have a minimum 8 hour rest break between periods of duty on successive days. In such circumstances, Premier's Department shall ensure that a reasonable period is allowed for a rest break or for deep relaxation as soon as practicable after a disrupted rest break, in the interests of driver safety.

5.8 *Health assessments*

5.8.1 Health assessments shall be undertaken to assess compliance with RTA medical standards to hold a NSW driver's licence, in the following circumstances:

5.8.1.1 pre-employment;

5.8.1.2 before return to duty following serious illness or injury possibly impairing driving capacity; Roads and Traffic Authority (RTA) to be notified of assessment; and

5.8.1.3 as required by Premier's Department in circumstances where impaired fitness for driving duties comes to the Department's notice.

5.8.2 Health assessments shall be conducted by HealthQuest.

5.9 *On road driving assessments*

5.9.1 On road driving assessments shall be undertaken:

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- 5.9.1.1 pre-employment;
- 5.9.1.2 prior to confirmation of appointment; and
- 5.9.1.3 as required by Premier's Department in circumstances such as performance management, physical impairment, occupational health and safety and safe driving.

5.9.2 On road driving assessments shall be conducted by service providers, as approved by Premier's Department from time to time.

5.10 *Clothing*

5.10.1 Premier's Department shall provide clothing to be worn by Ministerial Drivers when on duty.

5.10.2 The items of clothing to be provided, and the quantity and quality of such items, shall be as approved by Premier's Department, in consultation with Ministerial Drivers, from time to time.

5.10.3 Clothing provided by the Department shall be maintained in serviceable condition by Ministerial Drivers. No laundry allowance shall be payable.

5.11 *Other conditions and benefits*

5.11.1 Except as specifically varied by this Determination, the conditions of employment shall be in accordance with the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, or any variation or replacement Award.

6. AREA, INCIDENCE AND DURATION

6.1 This Determination replaces and rescinds Determination No. 904 of 1994 – Ministerial Driver/Assistant - Compensation for out of Hours Work.

6.2 This Determination applies to those persons employed by the Premier's Department under the classification of Ministerial Driver.

6.3 This Determination shall take effect on and from the date of signing, and shall remain in force until varied or rescinded.

C Gellatly
Director of Public Employment

Dated this day of April 2007