



**CONDITIONS OF SERVICE FOR PROGRAM SUPPORT
OFFICERS, TABULAM,
DEPARTMENT OF CORRECTIVE SERVICES**

SECTION 130 (1) DETERMINATION NO: 964 of 2008

PART 1 PURPOSE

1.1 INTENT

- 1.1.1 The Department of Corrective Services is the lead agency responsible in the NSW State Plan for the reduction of re-offending by 10 per cent by 2016 to improve the effectiveness of the justice system in reducing crime and building safer communities.
- 1.1.2 A new facility at Tabulam has been opened to run the Balund-a Program for unsentenced offenders (bailees) from court, offenders sentenced to community based options who are deemed to be at risk of re-offending and minimum security offenders.
- 1.1.3 The Balund-a Program is a primary objective of the Department's Indigenous Offenders' Action Plan and addresses recommendations of the Royal Commission into Aboriginal Deaths in custody. It provides an innovative method of managing predominantly Aboriginal trainees. The program will be managed by Community Offender Services and aims to address the employment and learning needs of young trainees and to provide pathways for their rehabilitation and opportunities to enhance productive community involvement upon release.
- 1.1.4 This Determination provides for the classification of Program Support positions, the hours of work and other conditions of service applicable to staff working in these positions on the Balund-a Program at Tabulam.

1.2 CONDITIONS FIXED BY OTHER INSTRUMENTS OF EMPLOYMENT

Except as expressly provided by this Determination, the conditions of employment for staff employed in classifications of work contained in Part 2 of this Determination shall be determined by the provisions of the:

1. Public Sector Employment and Management Act 2002,
2. Public Sector Employment and Management (General) Regulation 1996,
3. Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006 (hereinafter called the "Conditions Award"), or any replacement award, and

PART 2 CLASSIFICATIONS

Classifications created for the delivery of the Balund-a Program are:

Co-ordinator Program Support & Security
Senior Program Support Officer
Program Support Officer

PART 3 SALARIES

3.1 The following annual salary rates shall apply with effect from the first full pay period to commence on or after 1 July 2008:

Co-ordinator Program Support & Security	
1 st year of service	\$72,247
2 nd year of service	\$74,408
3 rd year of service	\$77,508
Thereafter	\$79,972

Senior Program Support Officer	
1 st year of service	\$63,573
2 nd year of service	\$65,578
3 rd year of service	\$68,148
Thereafter	\$70,146

Program Support Officer	
1 st year of service	\$53,855
2 nd year of service	\$55,478
3 rd year of service	\$57,210
Thereafter	\$58,969

3.2 The above salaries shall be varied to reflect any variations to the Crown Employees (Public Sector - Salaries 2008) Award or to an award replacing it by way of general salary increase.

PART 4 HOURS OF WORK

4.1.1 The ordinary hours of work for day workers shall be 38 hours per week averaged over a 28 day (4 weekly) roster cycle Monday to Friday inclusive, provided that ordinary hours up to a maximum of 12 hours per day may be worked without the payment of overtime. Meal allowances are not applicable.

4.1.2 The ordinary hours of work for shift workers shall be 38 hours per week averaged over a 42 day (6 weekly) for 12 hour shift worker or 28 day (4 weekly) for 8 hour shift worker roster cycles, Monday to Sunday inclusive, provided that up to 12 hours per day may be worked without the payment of overtime. Meal allowances are not applicable.

4.1.3 Time taken in the partaking of meals shall not count towards working time, unless such meal is taken as a crib break.

4.1.4 A crib break is an entitlement to a paid break of 20 minutes taken between the 3rd and 5th hour after the commencement of shift. Officers working 12 hour shifts are entitled to two paid crib breaks per 12 hour shift.

4.2 SHIFT WORK AND ALLOWANCES

4.2.1 8 HOUR SHIFT WORKERS

“Early morning shift” shall mean any period of 8 hours commencing before 6.00 am.

“Day shift” shall mean any period of 8 hours where the shift commences at or after 6.00 am and before 11.00am.

“Afternoon shift” shall mean any period of 8 hours where a shift commences at or after 12 noon and before 3.00 pm.

“Night shift” shall mean any period of 8 hours where a shift commences at or after 9.00 pm and at or before midnight.

4.2.2 A shift worker shall be paid for work performed during the ordinary hours of any such shift, Monday to Friday which is not a Public Holiday, ordinary hourly rates plus the following additional shift allowance depending on the commencing time of the shift:

Early morning shift	10%
Day shift	Nil
Afternoon shift	15%
Night Shift	17.5%

4.2.3 These shift allowances are at a higher rate than the shift allowances contained in Clause 88 (a) Shift Work of the Conditions Award. The higher rates recognise that there may be additional time involved at the beginning or end of a shift for a shift handover for which there shall be no additional remuneration.

4.2.4 12 HOUR SHIFT WORKERS

Officers regularly working 12 hour shifts shall be entitled to the shift allowances described above on a proportionate basis depending on the span of hours worked and shall be paid these allowances in accordance with the Departmental Roster Procedures Manual.

4.3 WEEKEND & PUBLIC HOLIDAY PENALTY RATES

4.3.1 Officers who work their ordinary hours on weekends and Public Holidays shall be entitled to penalty rates as follows:

Saturday: When working on an ordinary rostered shift, between midnight on Friday and midnight on Saturday which is not a Public Holiday, shall be paid ordinary salary and an additional payment at the rate of half time.

Sunday: When working on an ordinary rostered shift, between midnight on Saturday and midnight on Sunday which is not a Public Holiday, shall be paid ordinary salary and an additional payment at the rate of three quarter time.

Public Holiday When working on an ordinary rostered shift on a Public Holiday, shall be paid ordinary salary and an additional payment at the rate of half time.

- 4.3.2 Officers who regularly perform rostered duty on Sundays and Public Holidays shall receive compensation in accordance with Clause 88 (h) Shift Work of the Conditions Award.

PART 5 ROSTERED DAYS OFF

8 HOUR SHIFT WORKERS

- 5.1 Officers working an 8 hour shift and who are on a 28 day roster cycle are entitled to a rostered day off each roster cycle. Time for a rostered day off accrues at 0.4 of an hour for each 8 hours worked.
- 5.2 The maximum number of rostered days off shall be 12 days per annum.
- 5.3 There shall be no accrual to a rostered day off during the first 4 weeks of recreation leave.
- 5.4 All other paid leave shall contribute towards the accrual of rostered days off except where paid workers compensation and extended leave is current throughout the roster cycle.
- 5.5 In the event of unforeseen circumstances or the Department's operational requirements, a rostered day off may be deferred and taken at a later more suitable time.
- 5.6 Where seasonal or other considerations affect Departmental operations, rostered days off may be accrued and taken at a later time.
- 5.7 A rostered day off is not to be re-credited if an officer is ill or incapacitated on a rostered day off.

12 HOUR SHIFT WORKERS

Officers rostered to work regular 12 hour shifts do not accrue time towards a rostered day off.

PART 6 OVERTIME

- 6.1 Officers shall be entitled to the payment of overtime for those hours worked in excess of the ordinary hours of work of 38 hours per week averaged over a 42 day (6 weekly) for 12 hour shift workers or 28 day (4 weekly) for 8 hour shift workers, roster cycle.
- 6.2 Where overtime is required to staff a 12 hour shift, the overtime shift may be allocated between officers.
- 6.3 Where an officer completes an ordinary rostered shift, and at the direction of the supervisor is required to continue work without a break and complete a full overtime shift, whether an 8 hour shift or an extended shift, the officer will receive an additional payment equivalent to the Dinner rate for overtime prescribed under clause 95(a) Overtime Meal Allowances of the Conditions Award.

- 6.4 Payment for directed overtime may be made either by payment of the appropriate rate, or with the agreement of the officer, by the grant of time off in lieu.
- 6.5 Time off in lieu shall be calculated at the same rate as would have applied to the payment of overtime.
- 6.6 Time off in lieu must be taken at the convenience of the Department but must be granted and taken by the officer within three months of accrual.

PART 7 LEAVE - GENERAL

- 7.1 Recreation leave shall be granted at the rate of six weeks per annum, that is, 30 working days plus 12 rest days (8 hour shift workers); and 228 hours per annum and 23 rest days (12 hour shift workers). All leave except for extended leave shall be granted and administered in accordance with Part 6 of the Public Sector Employment and Management (General) Regulation 1996 and the Conditions Award.
- 7.2 Extended leave shall be granted and administered in accordance with Schedule 3 of the Public Sector Employment and Management Act 2002 and the NSW Public Service Personnel Handbook.
- 7.3 For 12 hour shift workers all leave shall be debited in hours.
- 7.4 Additional payment for the number of ordinary shifts worked on Sundays and/or Public Holidays during a qualifying period of 12 months shall be granted in accordance with Clause 88 (h) Shift Work of the Conditions Award.
- 7.5 At least 2 consecutive weeks of recreation leave shall be taken every 12 months, as specified by subclause 78 (b) (1) Recreation Leave of the Conditions Award.

PART 8 HIGHER DUTIES ALLOWANCE

- 8.1 Subject to this clause, an officer who is required to perform duties in a higher position from time to time shall, provided such officer performs the whole of the duties and assumes the whole of the responsibilities of the higher position, be paid an allowance at the difference between the officer's present salary and the salary and allowance where applicable, prescribed for the higher position.
- 8.2 Higher duties allowances are not payable for a period of relief of less than 5 consecutive working days or 3 consecutive 12 hour shifts.

PART 9 MOBILE WORK CAMPS

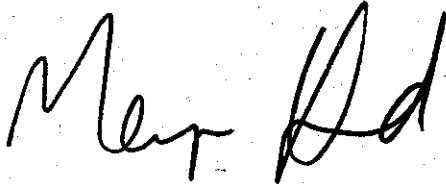
An allowance of \$110 per day in addition to a normal shift payment at single time is payable to officers rostered to work on a mobile work camp which involves remaining with the mobile camp overnight. This allowance is to compensate for all out of hours activities outside of the rostered shift hours and for the additional responsibilities for the security of equipment on a 24 hour basis, absence from their families and disabilities for being exposed to the elements.

PART 10 AREA, INCIDENCE AND DURATION

- 10.1 This determination shall apply to Co-ordinators Program Support & Security, Senior Program Support Officers and Program Support Officers who are employed to work in the Department of Corrective Services on the Balund-a Program at Tabulam.
- 10.2 This Determination rescinds and replaces Determination 959 of 2008.

DATE OF EFFECT

This Determination shall take effect on and from the date of signing.



18 DECEMBER 2008

Maryann Hazard
A/Director, Workforce Policy & Advice
Public Sector Workforce Office¹

¹ Effective January 2007 this position is authorised to act in the name of or on behalf of the Director of Public Employment with certain respects to the functions in s 130 (1) of the *Public Sector Employment and Management Act 2002*