



**CONDITIONS OF SERVICE
PROGRAM SUPPORT OFFICERS,
OFFENDER EXTERNAL LEAVE PROGRAM.
DEPARTMENT OF CORRECTIVE SERVICES**

SECTION 130 (1) DETERMINATION NO: 966 of 2009

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 major component of the Department's strategy to reduce re-offending is the diversion of resources from custodial to community corrections. Amendments made to the Crimes (Administration of Sentences) Act 1999 No 93 provide for the establishment of *residential facilities* in the community as distinct from correctional centres for offenders. Residential facilities may be used to accommodate certain inmates prior to their release from custody, and other offenders who are subject to non custodial orders.
- 1.1.3 The Offender External Leave Program is being introduced to replace the Pre-Work Release and Work Release Work Program at Correctional Centres across the State.
- 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 in the Offender External Leave Program.

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,

4. Crown Employees (Transferred Employees Compensation) Award
5. NSW Public Service Personnel Handbook

PART 2 CLASSIFICATIONS

Classifications created for the delivery of the Offender External Leave Program are:

Assistant Manager – Non-continuous shift worker
 Co-ordinator Program Support & Security – Non-continuous shift worker
 Senior Program Support Officer – continuous shift worker
 Program Support Officer – continuous shift worker
 Program Support Officer – casual

PART 3 SALARIES

3.1 The following annual salary rates shall apply:

Assistant Manager	
1 st year of service	\$82,356
2 nd year of service	\$84,671
3 rd year of service	\$88,128
Thereafter	\$90,754
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 shall be 38 hours per week averaged over a 28 day roster cycle, Monday to Sunday inclusive. Meal allowances are not applicable.
- 4.1.2 Time taken in the partaking of meals shall not count towards working time, unless such meal is taken as a crib break.
- 4.1.3 A crib break is a paid meal break of 20 minutes usually taken between the 3rd and 5th hour after the commencement of shift. Wherever possible, a crib break is to be taken

away from offenders but still within the work location, with staff members being available to respond to any situation should they be required during the crib break.

4.2 SHIFT WORK AND ALLOWANCES

4.2.1 "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 Officers 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 determined by the commencing time of the shift:

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

4.2.3 Casual Employees 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 a loading of 15% in lieu of the shift allowances prescribed in Clause 4.2.2 of this Determination.

4.2.4 The shift allowances prescribed in Clause 4.2.2 of this Determination 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.

4.3 WEEKEND & PUBLIC HOLIDAY PENALTY RATES

4.3.1 For the purpose of this clause, any shift, the major portion of which is worked on a Saturday, Sunday or a Public Holiday shall be deemed to have been worked on a Saturday, Sunday or Public Holiday and shall be paid as such.

4.3.2 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.

- 4.3.3 Casual Employees shall be paid for work performed during the ordinary hours of any shift between midnight on Friday and midnight on a Sunday which is not a Public Holiday, ordinary hourly rates and an additional payment at the same rate prescribed in Clause 4.3.2 of this Determination. For work performed during the ordinary hours of any shift on a Public Holiday, shall be paid ordinary salary and an additional payment at the rate of time and one half.
- 4.3.4 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 DAY OFF

- 5.1 Officers 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 or 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 A rostered day off is not to be re-credited if an officer is ill or incapacitated on 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 i.e. beyond the 8 hours of a rostered shift or 152 hours per roster cycle.
- 6.2 Where an officer completes a rostered shift, and at the direction of the supervisor is required to continue work without a break and complete a full overtime 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.
- 6.3 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.
- 6.4 Time off in lieu shall be calculated at the same rate as would have applied to the payment of overtime.

- 6.5 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. Any time off in lieu not taken within 3 months of accrual, shall be paid to the officer.
- 6.6 Casual Employees shall be paid for overtime in accordance with Clause 12 of the Conditions Award.

PART 7 LEAVE - GENERAL

- 7.1 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. Shift workers shall be granted an additional 10 days recreation leave per annum to that granted under the Regulation making a total of six weeks per annum, as compensation for being available for rostered duty on Public Holidays and working a continuous shift arrangement.
- 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 All leave will accrue and be debited in actual time, which will require an officer to only apply for leave to cover the actual time absent from a rostered shift rather than submit a claim for leave in multiples of a quarter day.
- 7.4 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.
- 7.5 Shift workers receiving the 10 days additional recreation leave per annum may cash out this additional leave as provided for by Clause 78(i) of the Conditions Award.
- 7.6 Annual Leave Loading shall be paid in terms of Clause 79(a) of the Conditions Award i.e. 17½% shall be paid on the monetary value of up to 4 weeks recreation leave accrued in a leave year.

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 prescribed for the higher position.
- 8.2 Higher duties allowances are not payable for a period of relief of less than 5 consecutive rostered shifts.

PART 9 CASUAL EMPLOYEES

- 9.1 Program Support Officer (casual) shall be employed under sections 38 and 39 of the *Public Sector Employment & Management Act 2002* and the Commentary and Guidelines on Temporary Employment and Casual Employment.
- 9.2 Conditions of employment for Program Support Officer (casual) shall be in accordance with Clause 12 Casual Employment of the Conditions Award unless otherwise provided by this Determination.

- 9.3 Part 5 and 7 of this determination do not apply to casual employees. Leave entitlements for casual employees are provided for in subclauses 12(d), (e) and (f) Casual Employment of the Conditions Award.

PART 10 AREA, INCIDENCE AND DURATION

- 10.1 This determination shall apply to Assistant Managers, Co-ordinators Program Support & Security, Senior Program Support Officers and Program Support Officers who are employed to work in the Offender External Leave Program of the Department of Corrective Services.

DATE OF EFFECT

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



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A / Director Workforce Policy and Advice
Public Sector Workforce Office¹

30 March 2009

¹ Effective 3 November 2004 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*