



2010/44787 – DPC09/02211-002

**CONDITIONS OF SERVICE FOR CASE WORKERS, COMPULSORY DRUG
TREATMENT CORRECTIONAL CENTRE (CDTCC),
CORRECTIVE SERVICES NEW SOUTH WALES**

SECTION 130 (1) DETERMINATION NO: 968 of 2010

PART 1 PURPOSE

1.1 INTENT

- 1.1.1 Corrective Services New South Wales (CSNSW) is the lead agency responsible in the NSW State Plan for the reduction in 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 The Compulsory Drug Treatment Correctional Centre (CDTCC) was gazetted in August 2006 to accommodate sentenced drug-related offenders ordered by the NSW Drug Court to serve a sentence in which they can progress from secure detention (Stage 1) to semi-secure detention (Stage 2) to community custody (Stage 3) until eligible for parole authorised by the Drug Court. Alternatively, offenders can be regressed or revoked if they fail to meet the conditions of the Compulsory Drug Treatment Order.
- 1.1.3 The CDTCC is administered under unique legislation.
- 1.1.4 The CDTCC is designed to meet the objectives of the legislation and balances managing offender risk and meeting offender needs. Staff roles are based on a dynamic and intensive case management model that includes operational staff and programs staff and interagency cooperation between the Drug Court, Justice Health and CSNSW. Case management procedures in the CDTCC are designed to engage offenders in behaviour change. A review of the staffing structure indicates a transfer of classification from custodial to administrative will better meet the needs of the CDTCC.
- 1.1.5 This Determination provides for the classification of Case Worker positions, the hours of work and other conditions of service applicable to staff working in these positions in the CDTCC.

1.2 CONDITIONS FIXED BY OTHER INSTRUMENTS OF EMPLOYMENT

- 1.2.1 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 Regulation 2009,
3. Crown Employees (Public Service Conditions of Employment) Award 2009 (hereinafter called the "Conditions Award"), or any replacement award,
4. NSW Public Service Personnel Handbook, and
5. Crimes (Administration of Sentences) Act 1999, s235.

1.2.2 The functions of the roles herein are exercised under s235 of the Crimes (Administration of Sentences) Act 1999.

PART 2 CLASSIFICATIONS

Classifications created for the delivery of the CDTCC programs are:

Operations Manager
 Assistant Operations Manager
 Senior Case Worker
 Case Worker
 Case Worker (casual)

PART 3 SALARIES

- 3.1 The salaries are in line with the rates of pay for Clerks, Crown Employees (Administrative and Clerical Officers – Salaries) Award 2007 as varied by the Crown Employees (Public Sector – Salaries 2008) Award.
- 3.2 The following annual salary rates shall apply with effect from the first full pay period to commence on or after 1 January 2011:

Operations Manager – Clerk 11/12	
1 st year of service	\$103,026
2 nd year of service	\$107,394
3 rd year of service	\$114,121
Thereafter	\$119,149

Assistant Operations Manager – Clerk 9/10	
1 st year of service	\$89,076
2 nd year of service	\$91,580
3 rd year of service	\$95,319
Thereafter	\$98,159

Senior Case Worker – Clerk 5/6	
1 st year of service	\$68,761
2 nd year of service	\$70,929
3 rd year of service	\$73,709
Thereafter	\$75,870

Case Worker – Clerk 3/4	
1 st year of service	\$58,249
2 nd year of service	\$60,005
3 rd year of service	\$61,878
Thereafter	\$63,781

Case Worker (casual) – hourly rate \$29.38
plus loading of 1/12th in lieu of annual leave and:

Monday – Friday	15%
Saturday	50%
Sunday	75%
Public Holiday	150%

- 3.3 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 shift workers shall be 38 hours per week averaged over a 28 day roster cycle (4 weekly) for an 8 hour shift worker, Monday to Sunday inclusive. Meal allowances are not applicable.
- 4.1.2 The ordinary hours of work for a casual employee shall not exceed 9 hours on any shift without the payment of overtime.
- 4.1.3 Time taken in the partaking of meals shall not count towards working time.

4.2 SHIFT WORK AND ALLOWANCES

4.2.1 8 HOUR SHIFT WORKERS

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

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

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

“Night shift” shall mean any period of an 8 hour shift where a shift commences at or after 9.00pm 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 subclause 87.1 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 A casual employee engaged to undertake shift work, is not entitled to a shift allowance as prescribed in subclause 4.2.2 of this Determination. Payment shall be made in accordance with clause 12 Casual Employment, of the Conditions Award.

4.3 **WEEKEND & PUBLIC HOLIDAY PENALTY RATES**

4.3.1 Staff, other than casuals, 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 subclause 87.8.6 Shift Work of the Conditions Award.

4.3.3 A casual employee engaged to undertake work on a weekend or a Public Holiday is not entitled to a shift penalty as prescribed in subclause 4.3.1 of this Determination. Payment shall be made in accordance with clause 12 Casual Employment, of the Conditions Award.

PART 5 ROSTERED DAYS OFF

8 HOUR SHIFT WORKERS

- 5.1 Officers working an 8 hour shift 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 CSNSW'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 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.

PART 6 LEAVE – GENERAL

- 6.1 Recreation leave shall be granted at the rate of six weeks per annum, that is, 30 working days plus 12 rest days. All leave except for extended leave shall be granted and administered in accordance with clause 22 of the Public Sector Employment and Management Regulation 2009 and the Conditions Award.
- 6.2 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.
- 6.3 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 subclause 87.8.6 Shift Work of the Conditions Award.
- 6.4 At least 2 consecutive weeks of recreation leave shall be taken every 12 months, as specified by subclause 77.2.1 Recreation Leave of the Conditions Award.

PART 7 HIGHER DUTIES ALLOWANCE

- 7.1 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.
- 7.2 Higher duties allowances are not payable for a period of relief of less than 5 consecutive working days.

PART 8 CASUAL EMPLOYEES

- 8.1 Case Worker (casual) shall be employed under sections 38 and 39 of the Public Sector Employment and Management Act 2002 and in accordance with the Commentary and Guidelines on Temporary Employment and Casual Employment.
- 8.2 Conditions of employment for Case Worker (casual) shall be in accordance with clause 12 Casual Employment of the Conditions Award unless otherwise provided by this Determination.
- 8.3 Part 5 and 7 of this Determination do not apply to casual employees. Leave entitlements for casual employees are provided for in subclauses 12.5, 12.6 and 12.7 Casual Employment of the Conditions Award.

PART 9 AREA, INCIDENCE AND DURATION

- 9.1 This Determination shall apply to Operations Managers, Assistant Operations Managers, Senior Case Workers, Case Workers and Case Workers (casual) who are employed to work in CSNSW at the CDTCC at Parklea.

DATE OF EFFECT

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



Glenn Bacic

Director Industrial Relations

Public Sector Workforce¹ 26/10/10

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*