



# Premier & Cabinet

2010/15746 – DPC09/02211-003

## CONDITIONS OF SERVICE FOR PROGRAM SUPPORT OFFICERS, YETTA DHINNAKKAL CENTRE, CORRECTIVE SERVICES NEW SOUTH WALES

### SECTION 130 (1) DETERMINATION NO: 969 of 2011

#### Part 1 PURPOSE

##### 1.1. INTENT

- 1.1.1. Corrective Services NSW 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. The Yetta Dhinnakkal Centre is a special program facility with a maximum trainee population of 55. It is situated on 26,000 acres and is located 65 kilometres south of Brewarrina in north western NSW, 700 kilometres from Sydney.
- 1.1.3. The Yetta Dhinnakkal Program is a primary initiative of the Indigenous Offenders Action Plan and addresses recommendations from the Royal Commission into Aboriginal Deaths in Custody. The Program is an innovative response to the over representation of young male Aboriginal offenders in the correctional system. It recognises the lack of educational and vocational training opportunities and employment opportunities for young offenders from throughout New South Wales.
- 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 at Yetta Dhinnakkal.
- 1.1.5. The remainder of positions located at Yetta Dhinnakkal are not covered by this Determination; their conditions of employment are determined by the Crown Employees (Public Service Conditions of Employment) Award 2009. These positions include, but are not limited to:
- Manager
  - Operations Manager
  - Farm Manager
  - Maintenance Manager
  - Mobile Outreach Program Officer
  - Community Projects Officer
  - Kitchen / Laundry Instructor
  - Farm Instructor
  - Services & Programs Officer

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:

- i. Public Sector Employment and Management Act 2002;
- ii. Public Sector Employment and Management Regulation 2009;
- iii. Crown Employees (Public Service Conditions of Employment) Award 2009 (hereinafter called the "Conditions Award");
- iv. NSW Government Personnel Handbook;

or their replacements.

**Part 2 CLASSIFICATIONS**

Classifications created for the delivery of the "Yetta Dhinnakkal" Program are:

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 2010:

<u>Senior Program Support Officer</u>	
1st year of service	\$68,761
2nd year of service	\$70,929
3rd year of service	\$73,709
Thereafter	\$75,870
<u>Program Support Officer</u>	
1st year of service	\$58,249
2nd year of service	\$60,005
3rd year of service	\$61,878
Thereafter	\$63,781

- 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. SHIFT WORK**

- 4.1.1. The ordinary hours of work for officers covered by this Determination shall be 12 hour shifts and 38 hours per week averaged over a 42 day (6 weekly) roster cycle, Monday to Sunday inclusive. Meal allowances are not applicable.
- 4.1.2. The ordinary hours of work for a casual employee shall not exceed 12 hours on any shift or 228 hours per (6 weekly) roster cycle.
- 4.1.3. Time taken in the partaking of meals shall not count towards working time, unless such meal is taken as a paid meal break.
- 4.1.4. A paid meal break is an entitlement to a paid break of 20 minutes taken between the 3rd and 5th hour after the commencement of a shift. Officers are also entitled to a second 20 minute paid meal break between the 8th and 10th hour after the commencement of a shift.
- 4.1.5. During the Daylight Saving changeover, an officer working a rostered shift will receive payment for a standard shift i.e. 12 hours plus shift allowances and/or shift penalties irrespective of whether the hours actually on duty are 11 or 13. However, if an officer is working an overtime shift, the officer is paid the actual hours worked.

##### **4.2. SHIFT ALLOWANCES AND PENALTY RATES**

- 4.2.1. Officers shall be paid a shift allowance for work performed during the ordinary hours of any such shift, Monday to Friday, which is not a Public Holiday.
- 4.2.2. The shift allowances in this Determination are at a higher rate than the shift allowances contained in subclause 87.1 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.

4.2.3. Officers shall be paid penalty rates for work performed during the ordinary hours of any such shift, on Saturdays, Sundays and Public Holidays.

4.2.4. Officers are entitled to shift allowances and penalty rates on a proportionate basis depending on the span of hours worked:

4.2.4.1. Day shift – commences at 7am and ceases at 7pm. Payment shall be made as follows (shown as normal rate, combined with shift allowances and penalty rates):

Weekday	7 hours at 100% + 5 hours at
115%	
Saturday	12 hours at 150%
Sunday	12 hours at 175%
Public Holiday	12 hours at 150%

4.2.4.2. Night Shift – commences at 7pm and ceases at 7am. Payment shall be made as follows (shown as normal rate, combined with shift allowances and penalty rates):

Weekday into Weekday	5 hours at 115% + 7 hours at
117.5%	
Weekday into Public Holiday	5 hours at 115% + 7 hours at
150%	
Friday into Saturday	5 hours at 115% + 7 hours at
150%	
Friday into Public Holiday	5 hours at 115% + 7 hours at
150%	
Saturday into Sunday	5 hours at 150% + 7 hours at
175%	
Sunday into Weekday	5 hours at 175% + 7 hours at
117.5%	
Sunday into Public Holiday	5 hours at 175% + 7 hours at
150%	
Public Holiday into Weekday	5 hours at 150% + 7 hours at
117.5%	
Public Holiday into Saturday	12 hours at 150%
Public Holiday into Sunday	5 hours at 150% + 7 hours at
175%	
Public Holiday into Public Holiday	12 hours at 150%

- 4.2.5. Officers who regularly perform rostered duty on Sundays and Public Holidays shall receive additional payment on the following basis:

Number of ordinary shifts (or hours) worked on Sundays and/or Public Holidays during a qualifying period of payment 12 months from 1 December one year to 30 November the next year	Additional payment
4 – 10 (32 – 87 hours)	1/5th of one week's ordinary salary
11 – 17 (88 – 143 hours)	2/5ths of one week's ordinary salary
18 – 24 (144 – 199 hours)	3/5ths of one week's ordinary salary
25 – 31 (200 – 255 hours)	4/5ths of one week's ordinary salary
32 or more (256 hours or more)	one week's ordinary salary

**Part 5 ROSTERED DAYS OFF**

Officers 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) roster cycle.
- 6.2. Payment of overtime to a casual employee shall be made in accordance with clause 12 of the Conditions Award.

**Part 7 LEAVE**

- 7.1. Recreation leave shall be granted at the rate of six weeks per annum; that is 228 hours and 23 rest days per annum.
- 7.2. All leave, except for extended leave shall be granted and administered in accordance with the Conditions Award.
- 7.3. Extended leave shall be granted and administered in accordance with Schedule 3 of the Public Sector Employment and Management Act 2002 and the NSW Government Personnel Handbook.
- 7.4. All leave for officers shall be debited in hours.
- 7.5. A least 2 consecutive weeks of recreation leave shall be taken every 12 months, as specified in subclause 77.2.1 of the Conditions Award.

**Part 8 HIGHER DUTIES ALLOWANCE**

- 8.1. Subject to this part, 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 for 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 8 hour shifts or 3 consecutive 12 hour shifts.

**Part 9 CASUAL EMPLOYEES**

- 9.1. A casual employee engaged to undertake the duties of one of the positions listed in Part 2, Classifications shall be entitled to the provisions contained in clause 12 of the Conditions Award.
- 9.2. A casual employee is not entitled to:
- 9.2.1. Shift allowances, shift penalties or an additional payment as prescribed in clause 4.2, Shift Allowances and Penalty Rates; or
- 9.2.2. Leave as prescribed in clauses 7.1 and 7.2.

**Part 10 AREA, INCIDENCE AND DURATION**

This Determination shall apply to Senior Program Support Officers and Program Support Officers who are employed to work in Corrective Services NSW at Yetta Dhinnakkal.

**DATE OF EFFECT**

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



Glenn Bacic  
**Director Industrial Relations  
Public Sector Workforce<sup>1</sup>**

15/4/11

<sup>1</sup> 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*