



MEMBERS' STAFF CONDITIONS OF EMPLOYMENT

DETERMINATION OF THE
PRESIDING OFFICERS

FEBRUARY 2014



Handwritten signature of Don Harwin in black ink.

The Hon. Don Harwin MLC
President of the Legislative Council

Handwritten signature of Shelley Hancock in blue ink.

The Hon. Shelley Hancock MP
Speaker of the Legislative Assembly

Members' Staff Conditions of Employment

Determination of the Presiding Officers

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Chapter 1 – Introduction

Legislative Framework

Part 3 of the *Members of Parliament Staff Act 2013* (the Act) provides the legislative framework for the employment of staff by Members (including Members who are Special Office Holders), to assist them in their electorate and parliamentary duties. The *Government Sector Employment Act 2013* does not apply to staff working for Members in the Legislative Assembly or Legislative Council. Due to the nature of their engagement the employment period is subject to the limitations provided for in the Act, and in this Determination.

Application and Duration of Determination

This Determination applies to all those staff employed pursuant to Part 3 of the Act.

This Determination was first issued effective 24 February 2014 and will remain in force until a replacement Determination is issued by the Presiding Officers. This Determination replaces all previous employment and recruitment policies for Members' staff including but not limited to the *Crown Employees (Parliamentary Electorate Officers) Award* and the Legislative Council's *Recruitment and Determination of Salary for Secretary/Research Assistants*.

Definitions

Clerk means Clerk of the Parliaments or Clerk of the Legislative Assembly

Department means either the Department of the Legislative Assembly, Department of the Legislative Council or the Department of Parliamentary Services

Department Head means either the Clerk of the Legislative Assembly, Clerk of the Parliaments or the Executive Manager, Parliamentary Services

Determination means this Determination of the Presiding Officers

Employee or Staff means a person or persons employed to assist a Member of the Legislative Assembly or a Member of the Legislative Council pursuant to Part 3 of the *Members of Parliament Staff Act 2013*, such employees being covered by this Determination

Human Services means the branch of People & Engagement, Parliamentary Services that handles human resourcing matters

Legislature means The Parliament of New South Wales

Member of Parliament or Member means a Member of the Legislative Assembly or Member of the Legislative Council and includes a Member who is a *Special Office Holder*

Presiding Officer means President of the Legislative Council or Speaker of the Legislative Assembly

Relevant Member means the Member of either the Legislative Assembly or the Legislative Council for whom staff work

Staff has the same meaning as *Employee* in this Determination

Special Office Holder has the same meaning as in the *Members of Parliament Staff Act 2013* and the same meaning as *Member or Member of Parliament* in this Determination.

Members' Staffing Entitlements

The Parliamentary Remuneration Tribunal (PRT) determines staffing entitlements of Members annually pursuant to section 11 of the *Parliamentary Remuneration Act 1989*. Changes to staff entitlements and allocations are communicated to all Members by the Presiding Officers. For information on Members' staffing entitlements, see the Annual Report and Determination of Additional Entitlements for Members of the Parliament of New South Wales and the Members' guide for the relevant House.

Special Office Holders have their staffing entitlements for that Special Office determined locally on a case by case basis and such staff are in addition to their PRT determined staff allocation.

Staffing Administration

All Members must comply with the *Members of Parliament Staff Act 2013*, this Determination and any guidelines that are issued in relation to areas covered by this Determination. Members must also comply with any other relevant legislation, regulation and Parliament of NSW policies covering the employment of staff.

The three Parliamentary departments provide staffing support, advice and administrative services to Members and staff.

In assisting a Member performing any duty under this Determination a Department Head may be substituted where the relevant Member does not, or is unable to fulfil any obligation under this Determination in relation to staff.

A Department Head may take compliance action in the event of any breach of this Determination.

Code of Conduct for Members' Staff

It is a condition of employment that staff abide by the Code of Conduct for Members' Staff.

Dispute Resolution Process

The process below will be used to resolve disputes related to the operation of this Determination.

Principles

- Members, Members' Staff and Department Heads are committed to the early and local resolution of grievances and disputes resulting from the employment of Members' staff, or the operation of this Determination.
- There is also a mutual commitment to resolution of grievances and disputes without recourse to external parties or entities where possible.
- Nothing in this process prevents staff from being assisted by a support person, including from any relevant organisation - for example the Public Service Association of NSW if the employee is a member of that organisation .
- Work will continue while this process is followed unless there is any threat to the health or safety of any party.
- Human Services in the Department of Parliamentary Services can provide early advice on the operation of this process to both Members and staff.
- Each party to a dispute or grievance under this section is required to act in good faith in resolving the dispute or grievance.

Process

- 1) Staff will initially discuss the matter with the relevant Member. Every effort by both parties should be made to resolve the matter at this stage.
- 2) Where step 1 does not resolve the matter, or where the circumstances of the grievance or dispute mean that attempting to resolve the issue at step 1 is clearly inappropriate, the issue may be raised with the relevant Department Head. The relevant Department Head will attempt to resolve the matter.
- 3) Should the matter remain unresolved following stage 2, the Department Head will consider what further action is required, including the involvement of a mediator if initial attempts at this stage do not resolve the issue.
- 4) If the issue involves the relevant Department Head, following stage 1 the matter may be referred to an alternate Department Head.

Other Parliamentary Policies

There are a number of subject-matter policies that cover various issues that relate to both the role and the work performed. Staff are required to acquaint themselves with these policies and comply where required.

For further information on the Code of Conduct for Members' Staff, Grievance Policy, Equal Employment Opportunity Policy or other Parliamentary policies please contact [Human Services](#) or the information can be viewed on the intranet.

Chapter 2 – Terms of Employment

Employment Relationship

A Member of Parliament or Special Office Holder may only employ staff in accordance with Part 3 of the Act in accordance with: this Determination; the Model Contract (Annexure 2); and/or any other arrangements approved by the relevant Presiding Officer.

Members and Special Office Holders are prohibited from engaging family members or relatives as staff. This applies to all classifications of employment including temporary, ongoing, relief, and additional temporary staff.

Classification of Employment

The Parliamentary Remuneration Tribunal (PRT) determines the allocation of staff for both Legislative Assembly and Legislative Council Members. Staff will be employed in line with the following arrangements:

- Temporary Employment
- Ongoing Employment
- Relief Staff (Short Term < 3 months)
- Relief Staff (Long Term 3 months +)
- Additional temporary staff as provided by the PRT (Legislative Assembly only).

Temporary Employment

All new staff will be employed to fill a vacant position for an initial period of up to 6 months as stated in the Contract of Employment. Staff may also be engaged for a defined temporary period with start and end dates.

Ongoing Employment

Staff who have been temporarily employed for 6 months or more may then convert to an ongoing employment contract subject to satisfactory performance, attendance and conduct, and where supported by the relevant Member. The duration of the period of employment is set out in the letter of offer and is subject to the termination provisions of this Determination.

Relief Staff – Short Term (< 3 months)

Short term relief employment can be used where an employee normally occupying the position is absent on sick, recreation or extended leave.

Short term relief staff may be employed on the following conditions:

- Where the substantive occupant (temporary or ongoing) is absent on approved leave or providing relief in another position for 1 full working day or longer (5 working days for Legislative Council Members who have an entitlement to more than 1 staff member)
- Short term relief staff can be employed for less than 1 full working day, but the substantive occupant must be absent for at least the full working day. (5 working days respectively for Legislative Council Members with an entitlement to more than 1 staff member).

There is no entitlement to engage relief staff while the substantive occupant is attending an approved training course or is otherwise considered on duty, unless approved by the relevant Department Head. Relief staff are not entitled to paid leave and will be paid 1/12th of gross earning in lieu of recreation leave on termination. Further guidance can be found in the Members' guide for the relevant House.

Relief Staff - Long Term (3 months +)

Long term relief arrangements can be used where there is a temporary vacancy in a substantive position in excess of three months, for example due to longer term leave arrangements. Long term relief staff are entitled to accrue leave entitlements over the course of their employment. The duration of the relief period of employment is set out in the letter of offer.

Additional Temporary Staff (ATS) – Legislative Assembly only

The PRT provides funds for the employment of additional temporary staff to assist the Member at Parliament House on sitting days, or to provide assistance in the electorate office during busy periods. In addition ATS can be engaged on a regular recurring basis assisting the day to day work within the electorate office. Such staff are engaged on an hourly or daily basis and do not accrue any forms of leave. ATS staff are paid a 15% casual loading in lieu of other entitlements.

Recruitment and Selection of Staff

The Members' guide for the relevant House provides guidance on the recruitment and selection of staff.

Appointment and Contract of Employment

The standard Contract of Employment at Annexure 2 must be used for all staff.

Full Time, Part Time, and Job Share Arrangements

Members may employ staff on a full time (35 hours per week), part time (less than 35 hours per week) or job share arrangement, as long as the staffing allocation does not exceed that provided by the PRT. A number of employees can share a position provided the total number of hours does not exceed 35 hours per week. Members need to assess the allocation of office space, equipment and resources when considering part time arrangements as extra resources are not provided to accommodate staff in job share situations.

Part Time Work

A part time staff member is to work fewer than full time equivalent hours. Part time work may be undertaken with the agreement of the relevant Member.

Unless otherwise specified in this Determination, part time staff receive full time entitlements on a pro rata basis calculated according to the number of hours an employee works in a part time position or under a part time arrangement. Entitlements to paid leave will accrue on the equivalent hourly basis.

Before commencing part time work, the Member and an employee must complete a Part Time Work Agreement (hyperlink) which will provide:

- The hours to be worked by the employee, the days upon which they will be worked, daily commencing and ceasing times, and the period the part time arrangement will operate for (including the end date)
- The terms of the agreement must be in writing and may only be varied with the consent of both parties
- Incremental progression for part time staff is the same as for full time staff, that is, part time staff who are eligible are granted an increment review on an annual basis
- Subject to staffing entitlements, a Member may request, but not require, part time staff to work additional hours. For the time worked in excess of the employee's usual hours and up to the normal full time hours for the classification, part time staff will be paid for additional hours at their hourly rate plus a loading of 1/12th in lieu of recreation leave. Part time staff who work additional hours as Additional Temporary Staff will be paid the appropriate allowance, and will not accrue any leave or receive any loading in lieu of leave accrual.

Employment with Multiple Members or Engagements

Staff can be employed by more than one Member, however only at the equivalent graded position (with the exception of ATS engagements). For example a part time Senior Electorate Officer may be employed by another Member on a part time basis, but not as an Electorate Officer. Staff cannot be engaged at different grades with the same Member (with the exception of ATS engagements).

Job Share arrangements

The Parliament of NSW's job share arrangement policies or guidelines as amended from time to time will apply to staff.

Hours of Work and Breaks

The ordinary hours of work for staff are 35 hours per week, 9.00am to 5.00pm, Monday to Friday (or as directed by the Member), less one hour for lunch daily.

Staff are paid an All Incidence of Employment Allowance in recognition that Members may require staff to perform duty beyond the 9.00am to 5.00pm timespan, but only if it is reasonable for staff to do so. Please see Chapter 3 for more information on allowances.

What is reasonable will depend on:

- the employee's prior commitments outside the workplace, particularly the employee's family and carer responsibilities
- community obligations or study arrangements
- any risk to the employee's health and safety
- the urgency of the work required to be performed during additional hours
- the impact on the operation and commitments of the office, and/or
- the notice (if any) given by the Member regarding the working of the additional hours and by the employee of their intention to refuse the working of additional hours.

Members may not require staff to work on weekends or public holidays without reasonable prior consultation with the staff, except in exceptional circumstances.

Two paid lactation breaks are available to staff who are lactating mothers of up to 30 minutes each day when working 4 hours per day or more, or one paid lactation break of up to 30 minutes for staff who are lactating mothers working 4 hours or less on any one day. For further information please refer to the Parliament's Breastfeeding Policy.

Overtime

No overtime is payable to staff under this Determination. The remuneration prescribed in this Determination includes payment for all incidence of work including overtime.

Position Descriptions

The PRT Annual Determination provides for the staffing entitlement for Members. Special Office Holders have staff entitlements determined locally. The Members' guide for the relevant House outlines the different position descriptions for relevant staff classifications. Those classifications are:

Legislative Council Members – Secretary/Research Assistants

Legislative Assembly Members – Electorate Officer

Legislative Assembly Members – Senior Electorate Officer

Legislative Assembly Members – Additional Temporary Staff

Staff are not to engage in campaigning or electioneering activities during work hours, or using parliamentary resources. Please refer to the Code of Conduct for Members' Staff for further information.

Principal Places of Work

The principal place of work for Legislative Assembly staff is at either the Electorate Office or at Parliament House on days directed by the Member. Travel costs incurred by Electorate Office based staff directed to work at Parliament House are not provided for in this Determination, but may be met by the Member from their Logistic Support Allowance (LSA) in certain circumstances – see Travel Allowances section.

The principal place of work for Secretary Research/Assistants is at Parliament House.

From time to time, Members may direct staff to accompany them to places outside of their principal place of work to assist Members in undertaking their parliamentary duties. For example, this may involve staff accompanying Members to a meeting with constituents, to a function in the electorate or other parliamentary duties.

Secondary Employment

Staff are required to seek approval from the relevant Member prior to engaging in any secondary employment. Please refer to the Code of Conduct for Members' Staff. All secondary employment approvals must be notified to the Department Head in writing.

Chapter 3- Salary and allowances

Existing Staff

All staff employed prior to the commencement of this Determination shall have their classification, pay scales, and incremental progression retained for the period of their current employment.

Classifications

Electorate Officers (EO), Legislative Assembly

Senior Electorate Officers (SEO), Legislative Assembly

Additional Temporary Staff (ATS), Legislative Assembly

Secretary/Research Assistants (SRA), Legislative Council

Salary Rates and Increases

Salary Rates are contained in Annexure 2. Salary increases will apply the relevant Government Wages Policy.

Determination of Commencing Salaries

Staff will commence on the Year 1 rate for their classification and will progress to the next rate on the anniversary date of appointment unless specific criteria are met. The Members' guide for the relevant House gives information on relevant skills, qualifications and experience that may result in a preferred applicant being eligible for a higher commencing salary rate than Year 1.

Commencing salaries must be determined prior to the commencement of staff on their first engagement in accordance with Part 3 of the Act. This includes relief, temporary and ongoing employment, provided that the employment period is continuous.

A commencing salary rate, once accepted by a new employee signing their contract, cannot be retrospectively adjusted or renegotiated under any circumstances.

Increments

Once salary has been established prior to commencement, incremental progression will only occur after 12 months service on a particular rate of pay, for example, from the date of appointment or the last increment paid. No consideration will be given to reviewing the salary level as a result of staff being awarded additional tertiary educational qualifications during the course of employment.

Payment of increments is subject to the certification by the relevant Member of satisfactory conduct, attendance and performance of duties by an employee over the preceding 12 months. Increments are then confirmed by the relevant Department Head, subject to the receipt of a satisfactory report of the employee's conduct and work performance, and having regard to the satisfactory nature of the employee's sick leave record.

If any leave without pay in excess of 5 days has been taken during the increment period, the date of payment of the increment is deferred by the equivalent number of days.

Deferral of increments due to unsatisfactory performance, or any other reason, must be notified to the employee in writing, and cannot be deferred by more than 12 months at any one time.

All Incidence of Employment Allowance

Relief, Temporary and Ongoing staff will be entitled to the All Incidence of Employment Allowance contained in Annexure 2 in lieu of overtime, flex time or rostered days off. The All Incidence of Employment Allowance is defined as salary for superannuation and leave purposes. The All Incidence of Employment Allowance shall be regarded as salary for the purpose of the application of salary movements. Please see Chapter 2 for more information on hours of work.

Higher Duties Allowances – Electorate Officers

An Electorate Officer who acts in the position of Senior Electorate Officer for 5 working days or more and who, in the opinion of the Member, assumes the whole of the responsibilities of that position during that period shall be paid by allowance any difference between the employee's present salary and the salary to which the employee would be entitled if appointed to that position.

Higher duties will be paid where the absence of the Senior Electorate Officer is due to approved leave for 5 working days or more. No higher duties will be allowed to relieve an employee who travels to Parliament House for training or familiarisation with the organisation and the employee is otherwise considered on duty.

Higher duties allowance can be paid at 100% of the difference between normal and acting salaries, or can be assessed by the Member as being a percentage of the difference, based on whether the employee acting is undertaking the full range of the tasks of the higher level position.

Where a public holiday falls at the beginning of a period of relief the allowance will not be paid, unless 5 consecutive working days are worked following the public holiday. Where the period of relief is 5 working days or more and a public holiday falls at the end of the relief period the allowance will be paid for the public holiday.

Where an employee has an absence of 5 days or more during a period of relief, including public holidays or any other form of approved leave, higher duties allowance will not be paid for that period of absence.

Travel Expenses

Authorised official travel and associated expenses, properly and reasonably incurred by staff required to perform their duties at a location other than their normal headquarters shall be met. In determining the maximum amount reasonable in the circumstances regard will be given to the Australian Taxation Office determinations on reasonable travel and meal allowance expense amounts.

All official travel that is paid or reimbursed by a staff member's Department must be authorised by the Member and approved by the relevant Department Head prior to travel commencing, eg. for approved training related travel.

Travel expenses met from a Member's Logistic Support Allocation (LSA) eg. most other work-related travel will require the Member's approval prior to expenses being incurred. The Members' guide for

the relevant House provides guidance for staff on requirements for reimbursements of work-related travel expenses from a Member's LSA.

Where available at a particular centre or location, the overnight accommodation to be occupied by staff who travel on official business shall be the middle of the range, referred to generally as three star standard of accommodation.

Staff are to retain receipts of expenses incurred on authorised travel in order for these to be reimbursed. Such travel will include attendances at training courses at Parliament House, or other locations.

Where use of a private motor vehicle is authorised by the relevant Member the rates in Annexure 2 will apply.

Payroll Cycle

Staff pay is administered by the Payroll section within Human Services on a fortnightly basis every second Thursday. Payment is made by Electronic Funds Transfer into a nominated bank, building society or credit union account. Employees are required to complete the necessary paperwork, including Tax File Number Declaration and choice of superannuation fund, when they commence to enable payment to be made.

Chapter 4 – Leave

General Provisions

Leave provisions contained in this Determination apply to all staff, however where a provision is less advantageous to an employee who was employed prior to the commencement of this Determination, that employee retains any leave entitlement, balance or accrual methods that applied prior to this Determination for as long as they continue in that current employment.

Unless otherwise specified, part time staff will receive the conditions of this clause on a pro rata basis, calculated according to the number of hours worked per week.

Where paid and unpaid leave available to be granted under this clause are combined, paid leave must be taken before unpaid leave. No paid leave will be granted during a period of unpaid leave.

A leave application must be submitted for all absences.

Absence from Duty

Staff must not be absent from work unless reasonable cause is shown.

Staff absent from duty because of illness or other emergency must notify or arrange for another person to notify their Member as soon as possible of the absence and the reason for the absence.

If a satisfactory explanation for the absence is not provided, an employee will be regarded as absent from duty without authorised leave and the relevant Member must advise Human Services in order for the amount equivalent to the period of the absence to be deducted from the pay of the employee.

The minimum period of leave available to be granted shall be a quarter day. Leave may be taken as quarter, half, three quarter or full days.

Nothing in this clause affects any proceedings for a breach of discipline against staff who are absent from duty without authorised leave.

Applications for Leave

Applications by staff for leave under this Determination shall be made to and dealt with by the relevant Member.

The relevant Member will deal with the application for leave according to the wishes of the employee and the operational requirements of the Member's office.

All leave applications are to be submitted by way of an online leave application via the SAP portal. The relevant Member is also required to approve the leave application via the SAP portal. Where staff absences are not supported by an online leave application, the relevant Member should inform Human Services as soon as possible.

Leave for ATS and Relief Staff (Short Term)

ATS and Relief Staff (Short Term) staff are not entitled to paid leave.

Relief Staff (Short Term) are paid a loading of 1/12th in lieu of annual leave. ATS staff receive a casual loading in lieu of leave accrual.

Recreation Leave

Accrual

Staff are entitled to paid recreation leave of 20 working days per year (pro rata for part time or job share staff) which accrues from day to day.

Limits on Accumulation

At least two (2) consecutive weeks of recreation leave shall be taken by all staff every 12 months for recreation purposes, except by agreement with the relevant Member in exceptional circumstances.

Excess Leave Management Plans

Human Services will notify staff in writing when accrued recreation leave reaches 6 weeks or its hourly equivalent, and at the same time the relevant Department Head may direct such staff to take at least 2 weeks recreation leave within 3 months of the notification at a time convenient to the relevant Member's office.

Staff will take their recreation leave to reduce all balances below 8 weeks or, for part time staff, its hourly equivalent. The relevant Department Head will request the relevant Member's office to cooperate in this process, and may direct a staff member with more than 8 weeks to take their recreation leave so that it is reduced to below 8 weeks immediately, below 7 weeks by 30 June 2014, and further reduced to 6 weeks by 30 June 2015.

If the relevant Department Head is satisfied that an employee is prevented by operational or personal reasons from taking sufficient recreation leave to reduce the accrued leave below an acceptable level then an Excess Leave Management Plan may be entered into by the employee and the relevant Member. The plan will specify in writing the period of time during which the excess leave shall be conserved; and on the expiration of the period during which conservation of leave applies, grant sufficient leave to the employee at a mutually convenient time to enable accrued leave to be reduced to an acceptable level.

Other provisions

Recreation leave cannot be granted for a period less than a quarter day or in other than multiples of a quarter day.

Recreation leave does not accrue in respect of any period of absence from duty without leave or without pay, except leave without pay which when aggregated does not exceed 5 days in a year, or leave without pay due to military or sick leave where that paid leave has been exhausted.

Recreation leave accrues at half its normal accrual rate during periods of extended leave on half pay.

Recreation leave may only be taken on half pay in conjunction with and subject to the provisions applying to adoption, maternity or parental leave - see Parental Leave.

On cessation of employment, staff are entitled to be paid the money value of accrued recreation leave, which remains untaken.

Annual Leave Loading

Staff are entitled to be paid annual leave loading equal to 17.5% on the monetary value of the 4 weeks recreation leave accrued in a leave year. A leave year commences on 1 December each year and shall end on 30 November of the following year.

Payment of the annual leave loading will be made on the recreation leave accrued during the previous leave year and is payable on the first occasion in a leave year, other than the first leave year of employment, when staff take at least two consecutive weeks recreation leave.

Where two weeks leave is not taken in a leave year, then the payment of the annual leave loading entitlement for the previous leave year shall be made to staff as at 30 November of the current year.

Staff who have not been paid the annual leave loading for the previous leave year, will be paid unclaimed annual leave loading on resignation, retirement or termination by the employer for any reason other than where the employee has been found to have engaged in misconduct.

Sick Leave

Granting of sick leave

Sick leave may be granted for physical and psychological illness or injury, medical treatment and the period of recovery or rehabilitation from an illness or injury.

Paid sick leave will be granted where evidence (if required – see below) is provided and staff inform the relevant Member as soon as reasonably practicable that they are unable to perform duty because of illness. This must be done as close to the employee's starting time as possible. Sick leave without pay can be granted if staff have used all their sick leave accrual and provide the required medical evidence.

The relevant Member may direct staff to take sick leave if they are satisfied that the employee is unable to carry out their duties without distress; or risks impairment of their health by reporting for duty; or is a risk to the health, wellbeing or safety of anyone in the office or members of the public.

The relevant Member may direct an employee to participate in a return to work program if the employee has been absent on a long period of sick leave.

Entitlement

At the commencement of employment staff eligible for leave are granted an accrual of 5 days sick leave. Staff will then accrue sick leave at the rate of 10 working days per year for the balance of the first year of service, including staff that convert to ongoing employment.

After the first year of service all staff will accrue sick leave day to day at the rate of 15 working days per year of service.

Sick leave without pay shall count as service for the accrual of recreation leave and paid sick leave. In all other respects sick leave without pay shall be treated in the same manner as leave without pay.

Paid sick leave cannot be granted during a period of unpaid leave.

No paid sick leave shall be granted to ATS or Relief Staff (Short Term) staff.

Requirement for Medical Certificates

Staff absent from duty for more than 2 consecutive working days because of illness must provide evidence of illness to the relevant Member and then to Human Services in respect of the absence. Aside from the more than 2 consecutive day requirement, staff may be absent on sick leave for a total of 5 working days due to illness in a calendar year without the provision of documentary evidence of illness to the relevant Member and then to Human Services. Staff who are absent in excess of 5 working days in a calendar year will be required to furnish evidence of illness for each

occasion absent for the balance of the calendar year. Medical certificates must specify the general nature of the illness and the estimated duration of incapacity.

Backdated medical certificates will not be accepted. However, if staff provide evidence of illness that only covers the latter part of the absence, they can be granted sick leave for the whole period if the relevant Member is satisfied that the reason for the absence is genuine.

If an employee is required to provide evidence of illness for an absence of 2 consecutive working days or less, the relevant Member will advise them in advance.

If the relevant Member is concerned about the diagnosis described in the evidence of illness produced by an employee, after discussion with the employee, the evidence provided and the application for leave can be referred to Medibank Solutions (or any replacement provider) for advice.

If staff suffer an incapacitating illness during recreation leave or extended leave they may apply to have that leave converted to sick leave if they provide a medical certificate, and in the case of extended leave that period certified is more than 5 days. Conversion of recreation or extended leave does not apply if the employee is taking leave prior to resigning or retiring.

Using Sick Leave to Care for a Family Member

Where family and community service leave is exhausted or unavailable, staff with responsibilities in relation to a category of person set out below who needs the employee's care and support, may elect to use available paid sick leave, subject to the conditions specified, to provide such care and support when a family member is ill.

Unless exceptional circumstances require it, the sick leave available to use for caring purposes is sick leave accumulated over the previous 3 years.

If required by the relevant Member or Human Services, staff must establish by production of a medical certificate or statutory declaration, the illness of the person concerned.

To be granted sick leave for caring purposes staff must be required to care for any of the following: an employee's spouse; de facto partner to the employee who lives with an employee as their partner on a bona fide domestic basis although not legally married; child or an adult child (including an adopted child, step child, foster child or ex-nuptial child); parent (including a foster parent or legal guardian); grandparent; grandchild or sibling of the employee or of the spouse or de facto spouse of the employee.

An employee may be also granted sick leave to care for a relative of an employee who is a member of the same household, where "relative" means a person related by blood, marriage, affinity or Aboriginal kinship structures; "affinity" means a relationship that one spouse or partner has to the relatives of the other; and "household" means a family group living in the same domestic dwelling.

Workers Compensation

All staff are covered by the provisions of the *Worker's Compensation Act 1987* and the *Workplace Injury and Management Act 1998*.

Other Compensation for Illness

If an employee receives or recovers damages or compensation pursuant to a claim for loss of salary or wages during any such period of sick leave, they will be required to repay to the relevant

Department the monetary value of any such period of sick leave. The relevant sick leave credit will then be restored.

Parental Leave

Parental leave includes maternity leave, adoption leave and other parent leave.

Maternity leave applies to staff who are pregnant. Maternity leave may be granted for a period up to nine weeks prior to the expected date of birth and for a further period up to twelve months after the actual date of birth.

Adoption leave applies to staff who will be the primary caregiver of an adopted child. It is granted for up to twelve months if the child is below school age at the time they enter the adoptive parent's custody, or for up to twelve months at the determination of the relevant Member if the child has already commenced school. Staff are also entitled to special adoption leave (without pay) for up to two days to attend interviews or examinations for the purposes of adoption.

Staff taking maternity or adoption leave are entitled to their ordinary rate of pay for up to 14 weeks if they have 40 weeks continuous service.

Other Parent Leave applies where adoption or maternity leave does not apply. Other parent leave is available to male and female staff who apply for leave to look after their children.

Short other parent leave may be taken for up to eight weeks from the time of birth or adoption. Staff taking such leave are entitled to their ordinary rate of pay for one week.

Extended other parent leave may be taken for up to twelve months, less any short other parental leave already taken. It may commence any time up to two years from the time of birth or the time the child enters the adoptive parent's custody. Extended other parent leave is unpaid.

Payment for maternity, adoption or short other parent leave may be made:

- fortnightly as normal
- as a lump sum
- fortnightly at half pay
- a combination of full pay and half pay

Paid or Unpaid Parental Leave

While staff must have been employed for 40 weeks to be eligible for paid maternity, adoption or short other parent leave, they remain eligible for all forms of parental leave on an unpaid basis if they have less than 40 weeks service. Other forms of leave such as recreation or extended leave can also be used in combination with either paid or unpaid parental leave.

Payment for any paid parental leave will be at the rate the employee was being paid immediately before the leave is taken.

Notification Requirements

Staff should, within a reasonable timeframe, notify the relevant Member and Human Services when they are pregnant, their spouse is pregnant, or if either they or their spouse are adopting a child. Human Services will then inform the employee of their entitlements and obligations under this Determination and ensure any duty of care measures are adopted.

Staff who wish to take parental leave must notify the relevant Member and Human Services in writing at least 8 weeks (or as soon as practicable) before the expected commencement of parental leave, including the expected date of the birth or adoption.

At least 4 weeks before an employee's expected date of commencing parental leave an employee will need to advise the date on which the maternity, adoption or other parent leave is intended to start, and the period of leave requested.

An employee on maternity leave is to notify Human Services of the date on which she gave birth as soon as she can conveniently do so. An employee must also notify Human Services as soon as practicable of any change in her leave intentions as a result of premature delivery or miscarriage.

Staff on maternity or adoption leave may make minor changes to the period of leave or arrangement, once without the consent of the relevant Member and any number of times with the consent of the relevant Member. In each case she/he must give the relevant Member at least 14 days notice of the change unless the relevant Member decides otherwise.

Right to Request provisions

Staff who are granted parental leave may request that the relevant Member extend their period of unpaid parental leave for a continuous period of up to a further 12 months.

Staff may also request, subject to approval, a request to return to work on a part time basis until the child reaches school age. If the request is approved and the substantive duties cannot be undertaken part time, then the part time position occupied is to be at the same classification and grade as the substantive position.

Where staff take approved leave, or part time work on the above basis, and they have resumed full time duty immediately afterwards they will have the right to return to the pre-leave position they held. Staff do not have the automatic right to their substantive position on a part time basis unless this is their substantive employment status, however this can be approved if the request can be accommodated.

Communication during Parental Leave

Any plans to make significant changes to an employee's status which could affect that employee's pre-parental leave status must be communicated to staff on Parental Leave as soon as possible and allow for staff to make any appropriate submissions in response.

Family and Community Service (FACS) Leave

Staff will be granted accrued Family and Community Service Leave on full pay, for reasons relating to unplanned and emergency family responsibilities or other emergencies. Staff should schedule non-emergency appointments or perform personal duties outside of normal working hours or through approved use of other appropriate leave.

Unplanned and emergency situations may include but not be limited to the following:

- compassionate grounds - such as the death or illness of a close member of the family or a member of an employee's household
- emergency accommodation matters up to one day - such as attendance at court as defendant in an eviction action, arranging accommodation, or when required to remove furniture and effects
- emergency or weather conditions - such as when flood, fire or snow etc. threaten property and/or prevent an employee from reporting for duty

- Attending to emergency or unplanned or unforeseen family responsibilities, such as attending a child's school for an emergency reason or emergency cancellations by child care providers
- attendance at court by an employee to answer a charge for a criminal offence, if the relevant Member considers the granting of Family and Community Service leave to be appropriate in a particular case.

The definition of 'family' or 'relative' for FACS leave has the same meaning as that provided in Sick Leave to Care for a Family Member.

The entitlement to Family and Community Service leave accrues for all staff on the following basis:

- 2.5 days in the first year of service
- 2.5 days in the second year of service
- 1 day per year thereafter.

If available Family and Community Service leave is exhausted as a result of natural disasters, Human Services will consider applications for additional family and community service leave, if some other emergency arises.

If available Family and Community Service leave is exhausted on the death of a family member or relative, additional paid Family and Community Service leave of up to 2 days may be granted on a discrete, per occasion basis to an employee.

Other forms of leave may be used for Family and Community Service leave related matters if FACS leave credits have been exhausted.

Observance of Essential Religious or Cultural Obligations

Staff of any religious faith who seek leave for the purpose of observing essential religious obligations of that faith, or staff of any ethnic or cultural background who seek leave for the purpose of observing any essential cultural obligations may be granted their accrued recreation, extended leave or leave without pay to do so provided adequate notice as to the need for leave is given.

Staff of any religious faith who seek time off during daily working hours to attend to essential religious obligations of that faith may be granted such time off by the relevant Member, subject to adequate notice being given; prior approval being obtained; and the time off being made up in the manner approved by the relevant Member.

Extended Leave

Extended leave shall accrue and shall be granted to staff in accordance with the provisions that apply to public sector employees.

Leave Without Pay

The relevant Member may grant leave without pay to staff if good and sufficient reason is shown. Leave without pay may be granted on a full time or a part time basis. Applications are usually not accepted for leave without pay in excess of 12 months.

Where staff are granted leave without pay for a period not exceeding 10 consecutive working days, they will be paid for any proclaimed public holidays falling during such leave without pay.

Where staff are granted leave without pay which, when aggregated, does not exceed 5 working days in a period of twelve (12) months, that leave shall count as service for incremental progression and accrual of recreation leave.

Staff who have been granted leave without pay, are not to engage in private employment of any kind, or any activities that may lead to a possible conflict of interest during the period of leave without pay, unless prior written approval has been obtained from the relevant Member. See also Secondary Employment in Chapter 2.

Staff are not be required to exhaust accrued paid leave before proceeding on leave without pay but, if staff elect to combine all or part of accrued paid leave with leave without pay, the paid leave must be taken before leave without pay.

No paid leave will be granted during a period of leave without pay except where otherwise provided in this Determination.

Military Leave

During the period of 12 months commencing on 1 July each year, and on approval by the relevant Member, staff who are a volunteer part time member of the Defence Forces may be granted military leave on full pay to undertake compulsory annual training and to attend schools, classes or courses of instruction, compulsory parades conducted by an employee's unit or any other ordinary Defence Reserve Service. This is in compliance with the *Defence Reserve Service (Protection) Act 2001 (Cth)*.

Up to 24 working days military leave per financial year may be granted on approval by the relevant Member to members of the Naval and Military Reserves; and up to 28 working days per financial year to members of the Air Force Reserve for the activities mentioned above.

Subject to approval by the relevant Member, staff may be granted special leave of up to 1 day for staff to attend medical examinations and tests required for acceptance as volunteer part time members of the Australian Defence Forces.

Staff who are requested by the Australian Defence Forces to provide additional military services requiring leave in excess of the entitlement above may be granted Military Leave Top Up Pay. Military Leave Top up Pay is calculated as the difference between an employee's ordinary pay as if they had been at work, and the Reservist's pay which they receive from the Commonwealth Department of Defence.

During a period of Military Leave Top up Pay, staff will continue to accrue sick leave, recreation and extended leave entitlements, and Human Services will continue to make superannuation contributions at the normal rate.

At the expiration of any granted military leave, staff must furnish to Human Services a certificate of attendance confirming the nature of the duties complies with conditions for the grant of leave above and must include details of the reservist pay signed by the commanding officer or other responsible officer.

Special Leave

The relevant Member will consider applications for any special leave on the merits of each specific absence. Absences which may attract the consideration of the granting of special leave include:

- witness at court in an official capacity, or as a Crown witness
- staff who identify as Aboriginal or Torres Strait Islander may be granted up to one day's special leave per year to enable the employee to participate in the National Aborigines

and Islander Day of Commemoration Celebrations (NAIDOC). Leave can be taken at any time during NAIDOC week, or in the weeks leading up to and after NAIDOC week as negotiated between the relevant Member and the employee.

Leave for Matters Arising from Domestic Violence

Domestic violence in this section means domestic violence as defined in the *Crimes (Domestic and Personal Violence) Act 2007*.

Leave entitlements provided for in Family and Community Service Leave and Sick Leave (including leave to care for a family member) may be used by staff experiencing domestic violence. Where these leave entitlements are exhausted, the relevant Member shall grant up to five days per calendar year as special leave.

The relevant Member will need to be satisfied, on reasonable grounds, that domestic violence has occurred and may require proof presented in the form of an agreed document issued by the Police Force, a court, a doctor, a domestic violence support service or lawyer. Any personal information concerning domestic violence is to be forwarded to, and will be kept confidential by Human Services.

The relevant Member, where appropriate, may in consultation with the relevant Department Head and/or Human Services, facilitate flexible working arrangements subject to operational requirements, including changes to working times and changes to work location, telephone number and email address.

Purchased Leave

Staff may apply to enter in an agreement with the relevant Member to purchase either 10 days (2 weeks) or 20 days (4 weeks) additional leave in a 12 month period where operational requirements permit. Any applications will take into account the Member's work requirements as well as the employee's personal needs.

Purchased leave must be taken in the 12 month period specified in the Purchased Leave Agreement and will not attract any leave loading and the leave will count as service for all purposes.

The purchased leave will be funded through the reduction in an employee's ordinary rate of pay.

Purchased leave rate of pay means the rate of pay staff receive when their ordinary salary rate has been reduced to cover the cost of purchased leave.

To calculate the purchased leave rate of pay, an employee's ordinary salary rate will be reduced by the number of weeks of purchased leave and then annualised at a pro rata rate over the 12 month period.

Purchased leave is subject to the following provisions:

- purchased leave cannot be accrued and will be refunded where it has not been taken in the 12 month period
- other leave taken during the 12 month purchased leave agreement period i.e. sick leave, recreation leave, extended leave or leave in lieu will be paid at the purchased leave rate of pay
- sick leave cannot be taken during a period of purchased leave
- the purchased leave rate of pay will be the salary for all purposes including superannuation and any All Incidence of Employment Allowance
- Relief staff or higher duties allowances will not be approved or paid in respect of any absences resulting from staff on purchased leave.

Compulsory Christmas / New Year Closedown Period

Parliament House closes for business for approximately two weeks over the Christmas and New Year period, under long standing arrangements. Accordingly, employees are required to take leave (e.g. recreation, extended or leave without pay) during the closure.

While Legislative Assembly Members are encouraged to adopt the same arrangements as Parliament House, electorate offices must close on the public holidays and Members are encouraged to close their electorate offices on the working days in between the Christmas and New Year public holidays. If Members elect to open their electorate office during the close-down period, they are requested to contact Human Services by the first Friday of December that year.

Chapter 5 – Termination of Employment

Termination of Employment

An employee's employment may be terminated by the giving of two weeks notice either by the employee or the relevant Member (note Separation from Service provisions below override this notice period if the employee is eligible) . Members must advise the relevant Department Head in writing of upcoming staff resignations and terminations. The advice should include:

- Name of staff member
- Proposed separation date
- Reason for separation e.g. resignation, poor performance, misconduct, or other nature of the separation.

Before ceasing their employment an employment termination checklist must be completed to ensure all departmental equipment and keys are returned. This form is available from Human Services.

Where there are misconduct or underperformance issues, the policies and guidelines that apply to the Parliament of NSW will also apply to Members' staff, including instances where summary dismissal for serious and wilful misconduct applies. The Dispute Resolution Process outlined in Chapter 1 of this Determination also provides a process to resolve employment difficulties.

In some circumstances the relevant Department Head may require a relevant Member and employee to undertake a form of mediation prior to a termination of employment taking place.

Separation from Service Provisions

Not all staff are eligible for Separation from Service provisions. Please see the exclusions on page 24.

Staff whose services are terminated in circumstances where the relevant Member has ceased to hold office for any reason will be eligible for a separation payment at any date up to three months following the poll provided that they continue to work in their existing location until the separation. Staff who choose to resign during this three month period will also be entitled to a separation payment.

Separation Payments

Staff who begin employment after the commencement of this Determination, are not excluded from separation payments, and whose employment is terminated other than for an excluded reason will be entitled to the following termination payments:

- Notice period of 4 weeks (5 weeks for staff over 45 years of age and more than 5 years service); plus
- Severance benefit of 3 weeks per year of service to a maximum of 39 weeks; plus
- An additional payment based on length of service equal to:

more than 1 but less than 2 years	– 4 weeks
more than 2 but less than 3 years	– 6 weeks
More than 3 years	– 8 weeks

Additional Payments – Member ceasing to hold office

Where a Member ceases to hold office by way of resignation, retirement, illness, death, not recontesting, or not successfully retaining their seat following an election, or for any other reason pursuant to Clause 20 of the Members of Parliament Staff Act 2013 the following additional payments may be made to staff who leave their employment as a result (note, exclusions from separation from service payments continue to apply to this provision):

- Where the Australian Taxation Office does not consider the separation to be a bona fide redundancy an allowance of 30% will be applied to the severance, notice and pro-rata leave loading benefits
- Assistance for specific retraining costs can also be provided in line with the guidelines for providing job assistance in place at the time of the cessation.

Entitlements for Existing Staff

Staff employed immediately prior to the commencement of this Determination retain any entitlement to previous separation from service entitlements.

Exclusions from Separation Payments

Excluded from entitlement to separation payments are:

- staff with 12 months service or less
- Relief Staff (short or long term)
- Additional Temporary Staff, or other casual staff
- staff on workers' compensation whose claim is based on compensation for termination
- staff subject to termination on the grounds of misconduct or unsatisfactory services
- staff who resign for any reason
- staff whose appointments were facilitated by way of leave without pay from the Public Service (on the basis that they will return to employment in the Public Service upon displacement)
- staff who move to, or are intending to take up employment with another Member, Minister or other service of the Crown in any capacity.

Repayment of Separation Monies

Staff who have received payment of any monies, however described, resulting from a separation from service, are liable to reimburse the Parliament of NSW all or part thereof (on a pro-rata basis) any sum paid should they be re-employed or appointed to another position as a staff member, employee or contractor to the Crown.

Superannuation

Staff who are contributors to either the State Authorities Superannuation Scheme (SASS) or the State Superannuation Fund (SSF) who are eligible for separation payments in accordance with this chapter shall be regarded as having been retrenched, as defined in the *State Authorities Superannuation Act 1987*, for the purpose of determining their entitlements to benefits under those schemes.

Annexure 1

SALARY RATES

Effective 1 July 2016

Classification	Annual Rate	Allowance	Total
ATS 1	\$45,800	15%	Paid on an hourly basis
ATS 2	\$53,060	15%	
ATS 3	\$61,921	15%	
ATS 4	\$71,438	15%	
ATS 5	\$79,384	15%	
Electorate Officer y1 (EO)	\$60,154	\$ 6,246	\$ 66,401
Electorate Officer y2 (EO)	\$61,921	\$ 6,246	\$ 68,168
Electorate Officer y3 (EO)	\$67,248	\$ 6,246	\$ 73,495
Electorate Officer y4 (EO)	\$69,276	\$ 6,246	\$ 75,522
Senior Electorate Officer y1	\$71,438	\$ 8,328	\$ 79,767
Senior Electorate Officer y2	\$73,635	\$ 8,328	\$ 81,963
Senior Electorate Officer y3	\$79,384	\$ 8,328	\$ 87,712
Senior Electorate Officer y4	\$81,888	\$ 8,328	\$ 90,216
Secretary/Research Assistant y1	\$71,438	\$ 8,328	\$ 79,767
Secretary/Research Assistant y2	\$73,635	\$ 8,328	\$ 81,963
Secretary/Research Assistant y3	\$79,384	\$ 8,328	\$ 87,712
Secretary/Research Assistant y4	\$81,888	\$ 8,328	\$ 90,216

**Existing staff employed prior to the commencement of this Determination retain their existing classification and/or salary for the duration of their employment.*

MOTOR VEHICLE ALLOWANCES

Effective 1 July 2015

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Use of private motor vehicle	Cents per kilometre
Car allowance (40% of the official business rate)	26.4
Motor cycle allowance (50% of the official business rate)	33.0
Towing trailer or horse float (13% of the official business rate)	8.6

Annexure 2

Ref: D00/0000

(date)

Select title Addressee
Address line 1
Address line 2

Dear Select Title Surname

Employment Agreement – Select Classification, Location/Member (Part-time)

I am pleased to confirm your Select engagement in the above position, effective from Select Start Date up to Select End Date. Your Select salary \$Salary per annum equivalent to Select Classification, Year Select year, pro-rata (hrs hours per week). Salary includes an All Incidence of Employment Allowance of \$Allowance per annum, pro-rata.

Your employment is conditional upon a satisfactory criminal records check, provision of evidence of Australian citizenship/permanent resident status (ongoing only) or valid Australian visa with work rights, and provision of signed copies of the following: Health Declaration; Employee Declaration found in the Code of Conduct for Members' Staff; and your position description. Please note the Employee Declaration is included on the final page of the Code of Conduct. This declaration must be signed and returned with your acceptance.

Employment is to the electorate office of Select title Member's name, Select MP/MLC only and does not constitute appointment to the Public Service, the Department of the Legislative Assembly, Department of the Legislative Council or to other Parliamentary or Public Sector employment.

Enclosed are copies of the Members' Staff Conditions of Employment Determination of the Presiding Officers (February 2014), the Parliament's Code of Conduct for Members' Staff, and other relevant information which should be retained by you.

In accepting this position you agree to support the core values of cultural diversity, equity and ethical practice, and a healthy, safe and fair workplace.

If you were previously employed by the NSW Public Sector and the recipient of a Government redundancy payment, it is your responsibility to advise Parliament of this information, prior to your commencement.

To confirm your acceptance please sign the attached Terms and Conditions of Select Engagement and return it to Your name, Select your title – Human Services. Attached for completion are the following forms: <DELETE IF ALREADY SUBMITTED> Health Declaration including a Functional Job Demand Description; Application for National Criminal History Records Check; Tax File Number Declaration form; Choice of Superannuation Fund form; Bank Details form; Personal Details form; Electronic Pay Advice form; and EEO survey, which should all be returned with your acceptance.

Yours sincerely

Select Department Head
Choose a title



TERMS AND CONDITIONS OF SELECT TYPE
SELECT CLASSIFICATION, LOCATION/MEMBER – SELECT TYPE

Name of Staff Member	Full name
Date of Birth	Type date of birth
Private Address	Address line 1 Address line 2
Period of Employment	Ongoing from Select Date up to Select date
Terms of Employment	<p>Employment is conditional upon a satisfactory criminal records check, provision of evidence of Australian citizenship/permanent resident status (ongoing only) or valid Australian visa with work rights, and provision of a signed Health Declaration, Employee Declaration found in the Code of Conduct for Members' Staff, and your position description. During the period of Employment your conduct, attendance and work performance will be monitored by the Member.</p> <p>Employment is subject to the separation from service provisions contained in the Members' Staff Conditions of Employment Determination of the Presiding Officers (February 2014), or any replacement, including any applicable grandfathered entitlements. – grandfathered only</p> <p>The employment may be terminated by the giving of two weeks' notice by either party at any time, or upon the end of the term of office held by the Member.</p> <p>Employment is to the electorate office of Select title Member's name, Select MP/MLC only and does not constitute appointment to the Public Service, the Department of the Legislative Assembly, the Department of the Legislative Council or to other Parliamentary or Public Sector employment.</p>
Hours of Duty	Hrs per week hours per week, Roster e.g. Monday to Friday, plus reasonable additional hours, in accordance with the Member's Staff Conditions of Employment Determination of the Presiding Officers (February 2014). Given that remuneration includes an All Incidence of Employment Allowance, no payment will be made for additional hours worked on your normal rostered days - part time staff only.
Location	The principal work location will be the electorate office and/or Parliament House office of Select Title Member's Name, Select MP/MLC.
Leave Entitlements	<p>20 days recreation leave per annum and 15 days sick leave per annum, fully cumulative.</p> <p>All unplanned absences from duty must be notified immediately by contacting the Member. A leave application must be completed for all absences.</p> <p>As part of a long-standing industrial arrangement, Parliament House closes each year between Christmas and New Year LA vs LC Members' staff LA vs LC be required to take leave during this period.</p>
Salary	<p>\$Salary per annum (Select Classification, Year Select year, pro-rata), with annual incremental progression to Select Classification, Year Select year. Salary includes an All Incidence of Employment Allowance of \$Allowance per annum, pro-rata, in lieu of overtime and all other incidents of employment.</p> <p>Employer-funded superannuation contributions and leave loading are additional to this figure.</p>

I accept / I do not accept this position under the terms and conditions indicated:

(signature)

(date)



Parliament of New South Wales

CODE OF CONDUCT FOR MEMBERS' STAFF

FOREWORD

This Code applies to staff of Members of Parliament based in Electorate Offices or Parliament House. It is designed to help you meet the high standards of integrity and ethical behaviour expected of a publicly funded employee, and to give you a basis for making day-to-day decisions.

This Code is designed to convey the behaviour expected of you as a staff member. It was developed by management considering the recommendations of the Independent Commission Against Corruption, the Ombudsman's Office, the model public sector code published by Premier's Department and staff comments on early drafts. The Code was developed in consultation with the PSA and will be reviewed periodically. Your feedback is welcome and should be directed to the Clerk of the Legislative Assembly or the Clerk of the Parliaments.

It is not possible for any Code of Conduct to cover all possible issues that may arise. If you are uncertain about any aspect of this Code, or have an ethical problem you cannot resolve, you should talk to the Clerk of the Legislative Assembly or the Clerk of the Parliaments. You could also read our policy document on Ethical Dilemmas at Work, which is available on our Intranet site.

This Code applies equally to permanent and temporary staff of Members of the Legislative Assembly and the Legislative Council. It also applies to volunteers and people engaged in work experience programs with Members.

Russell Grove
Clerk of the Legislative Assembly

John Evans
Clerk of the Parliaments

Part One – Ethical Values

1.0 GENERAL VALUES

Staff of Members of Parliament must undertake their duties with regard to:

- *Integrity – you should consider your employment obligations and duties when you take action*
- *Honesty – you should abide by the law and relevant policies and procedures*
- *Impartiality – put aside personal interests, biases and views, and disclose any real or apparent conflict of interests as soon as possible*
- *Accountability - employees accept responsibility for their acts and omissions*
- *Respect – your actions and decisions as an employee of the Parliament should be based on consideration of the relevant facts*
- *Professionalism - act professionally during the course of your employment with the Parliament and ensure your actions do not compromise the reputation of Parliament or your Member*
- *Loyalty – be loyal to your Member within the workplace, in the electorate, and within their political party or supporters group if applicable*
- *Confidentiality - maintain appropriate confidentiality of information received in the course of your duties*
- *Value for money- public resources should be used for the purpose for which they are provided, and you should seek to achieve best value for money*

Part Two – Code of Conduct

2.0 INTEGRITY

2.1 Responsibility as a public employee

- As a public employee, you are employed using public resources, and responsibilities flow from this.
- Your role is to support the electorate, the constituents and the Parliamentary role of your Member.
- You have a responsibility to stay up-to-date and informed on the policy and guidelines affecting your role, including Members' entitlements, allowances and the provisions of the Members' Handbook.

2.2 Responsibility to the Member for your actions

- Your Member will be required to take responsibility for all actions he or she has directed you to take, and is answerable to the Parliament and the public for those acts.
- You are responsible for your own acts and omissions when not directed by your Member. You should ensure that your activities are not unlawful, against the public interest, against the interest of your Member, or contrary to established policy or procedure.

2.3 Ethical decision making

You should always act in a way that a reasonable person would not see as improper.

If you are faced with an ethical dilemma, you may find it useful to consider:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Parliament House policy and this Code?
- What will be the outcome for you, for your colleagues, for your Member?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?

3.0 HONESTY

All staff are required to act honestly and abide by lawful directions, policies, procedures and legislation.

3.1 Gifts, benefits and bribes

You should not seek or accept any gift or benefit if such action could be perceived by reasonable members of the public as intended or likely to cause you:

- to act in a particular way (including making a particular decision)
- to fail to act in a particular circumstance, or
- to otherwise deviate from the proper course of your official duties.

A reputation for integrity and professionalism can only be achieved and maintained if the community is confident that employees are not influenced by gifts, bribes or other inducements.

You may accept a gift, benefit, travel or hospitality only if it is of a token kind, and when refusal would be unnecessarily rude. All offers of gifts and benefits should be reported to your Member, whether you accept them or not. If you are uncertain

whether it is appropriate to accept an offered gift, discuss it with your Member or Manager prior to acceptance. If you need to decline an offered gift, you could do so by explaining that the Parliament does not permit its employees to accept such gifts or services.

4.0 IMPARTIALITY

4.1 Conflict of interest

Conflicts of interest exist where it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their employment duties. Your personal interests (financial and non-financial), associations and activities must not conflict with your duties.

4.2 Outside (or secondary) employment

You should inform your Member of the outside employment you wish to undertake and you are required to obtain prior approval from the Clerk of the Legislative Assembly or the Clerk of the Parliaments before engaging in any paid outside employment.

It is not necessary to obtain approval for voluntary or unpaid activities, unless a conflict of interest arises in relation to those activities and your official responsibilities.

Generally, outside employment will be approved as long as:

- the work is not associated with your work duties or knowledge gained in the course of your duties,
- the work is carried out in your own time,
- the work does not involve a conflict of interest, and
- there is no adverse impact upon your work attendance and performance or increased health and safety risks.

4.3 Post-separation employment

You should not allow yourself or your work to be influenced by plans for, or offers of, employment outside the Parliament, which give rise to or a perception of a conflict of interest where your integrity, and that of your Member or the Parliament, is at risk.

5.0 ACCOUNTABILITY

You are responsible for your own acts and omissions and will be held responsible for them. If you receive directions to perform actions you know to be illegal or improper, you should query them and refuse to perform them, and explain why.

If you have staff under your supervision, you are responsible for their acts and omissions if they are so serious, repeated or widespread that you should know of them and correct them. You should therefore ensure that staff under your supervision, understand what their duties are, how they are expected to perform them, and what results are expected.

5.1 Whistleblowing

Disclosures may be made, anonymously if necessary, to the Clerk of the Legislative Assembly or the Clerk of the Parliaments, to the ICAC, the Ombudsman or to the Auditor-General, in accordance with the *Protected Disclosures Act 1994*. The *Protected Disclosures Act* ensures that all staff making protected disclosures are protected from reprisals, provided they meet the criteria set out in the Act.

Further information about reporting corrupt conduct, maladministration and serious and substantial waste of public funds can be found in the Parliament's policy on Protected Disclosures.

6.0 RESPECT

6.1 Anti-discrimination and harassment

You must not discriminate against Members, staff or the public on the grounds of:

- sex, age, marital status, pregnancy, or Carer's responsibilities
- race, colour, nationality, ethnic or social background
- physical or intellectual disability or impairment
- homosexuality , or transgender,

Harassment and discrimination on these grounds is prohibited by law and will not be tolerated by the Parliament. Refer to Parliament's Harassment Free Workplace Policy and Equal Employment Opportunity Policy on the Intranet.

7.0 PROFESSIONALISM

Professionalism requires that you act at all times with courtesy, efficiency and thoroughness in dealing with the public, constituents and other groups in your official capacity.

8.0 LOYALTY TO YOUR MEMBER

8.1 Loyalty

Be loyal to your member within the workplace, in the electorate, and within your political party if applicable. Ensure your actions and comments do not detract or disparage the Member's reputation and role in Parliament and the electorate. Loyalty is subject to the requirement to act legally, professionally and honestly.

9.0 CONFIDENTIALITY

9.1 Public comment

Public comment includes public speaking engagements, comments to journalists, statements on radio and television or in letters to newspapers, as well as expressing views in books, journals, the Internet and notices where it is expected that the comments will spread to the wider community.

You must ensure that public comments you make on behalf of your Member or that represent the views of your Member have been authorised by him or her. If you choose to make a personal public comment you must ensure that your comments do not appear to be an official comment on behalf of your Member.

9.2 Confidentiality of information

Information you have gained in the course of your official duties must only be used for the work-related purpose intended, and not for personal benefit. All employees must make sure that confidential information, in any form (including computer files) cannot be accessed by unauthorised people and that sensitive information is only discussed with people who are authorised to have access to it.

9.3 Use of official information

You may only disclose information that is already on the public record, or which would normally be available to members of the public who seek that information.

10.0 VALUE FOR MONEY

10.1 Use of official resources

Public resources should be used for the purpose for which they are provided, and you should seek to achieve best value for money. Office facilities, funds and equipment should be used according to any rules or guidelines published by the Parliamentary Remuneration Tribunal or the Presiding Officers and Clerks.

11.0 PARTICIPATION IN ACTIVITIES OF POLITICAL PARTIES OR SUPPORTERS GROUPS

Clause 11.1 and clause 11.2 give effect to the Guidelines and general conditions regarding additional entitlements for Members. The code should be read in the conjunction with the most recently published Parliamentary Remuneration Tribunal (PRT) Determination for Members Entitlements.

Clause 11.1 – Political party activities – electioneering, political campaigning and political fundraising.

Members' staff are not permitted to engage in activities of a direct electioneering, or political campaigning, or political fundraising nature during the ordinary hours of work or as part of their role as an employee of the Parliament.

Clause 11.2 Political Party Membership and Activity

Political party membership is voluntary. Staff cannot be directed to participate in political party activities nor directed in their work by party officials or other party members.

Members' staff can assist Members in the efficient performance of the Members duties, including:

(The Member's) Participation in the activities of recognised political parties, including (the Member's) participation in national, State, and regional conferences, branch meetings, electoral council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.

For a Member elected to the Parliament as an independent, this applies to participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.

The PRT prohibits resources (including staff resources) being used for political party activities, specifically:

1. Party membership drives
2. Mail distributions for non-electorate or non-Parliamentary activities
3. Election campaigning
4. Fund raising for political parties or other Members
5. Costs/activity previously borne by political parties which are not principally related to the Member's parliamentary or electorate duties

A further guide to staff is that the assistance to a Member participating in their political party should be consistent with the work performed by the Members staff as described in their position description and duties statements.

For example – the staff may organise for the Member's attendance at a party conference, organise travel and accommodation, prepare speaking notes, or research items on the agenda as background information for the Member's attendance. However, the staff cannot assist the political party in organising the conference.

Clause 11.3 Members' staff contesting State and Federal elections

Members' staff contesting State or Federal elections should consult with their Personnel Section and refer to the Parliament's Policy 'Employees Contesting State and Federal Elections dated 17 March 2003



PARLIAMENT OF NEW SOUTH WALES

CODE OF CONDUCT FOR MEMBERS' STAFF

12.0 EMPLOYEE DECLARATION

I have received and read the Code of Conduct for Members' staff. I agree to abide by this Code.

Print name

Signature

____/____/____

Date

Please return this declaration to your Personnel section to be placed on your personal file.



LEGISLATIVE COUNCIL POSITION DESCRIPTION

POSITION DETAILS			
Department:	Legislative Council	Position Title:	Secretary/Research Assistant
Business Unit:	N/A	Grade:	Secretary /Research Assistant Years 1-4
Position No.:	SAP	Reports to:	Member of the Legislative Council
Location:	Parliament House	Positions reporting to this position:	Nil

Primary Purpose of the Position

Provide research and administrative support services to a member of the Legislative Council that assist the member to carry out their parliamentary duties.

Key Context

The Parliamentary Remuneration Tribunal determines the allocation of staff to Members of the Legislative Council. Members will be entitled to either one or two staff members, depending on their party and position. The Secretary/Research Assistant will be located in the Member's Office at Parliament House and will work with a large degree of independence as the member may often be absent during parliamentary sittings and when attending to other related commitments.

Key Outcomes/Accountabilities

- Prepare correspondence, including letters, newsletters, press releases, speeches, research papers, drafting instructions, reports and minutes
- Provide a reception service and respond and direct inquiries from constituents, members, media and other internal and external sources
- Undertake office administration including establishment of office systems, organisation of mail, filing and records management
- Manage the procurement of stationery supplies and organise maintenance and replacement office equipment.
- Coordinate the member's diary, organise appointments, assist the member to prepare for meetings, and arrange travel and accommodation.
- Manage the member's personal and Parliamentary records, allowances and other entitlements.
- Respond to research and information requests and provide both written and oral advice to the member.
- Undertake word processing and provide other information technology support to the member, including production of labels and mail merge documents.

Key Challenges and Influences

- Planning and prioritising high volumes of work with conflicting and critical deadlines, particularly on sitting days.
- Attending to inquiries from ministers, members, government departments and members of the public

while displaying tact, discretion and diplomacy.

- Responding quickly to requests from the member for information.

Knowledge, skills and experience – selection criteria

- Excellent oral and written communication skills including well developed interpersonal abilities
- Experience in dealing with a variety of people in circumstances requiring tact, discretion and diplomacy.
- Proven analytical skills and sound experience in undertaking research and presenting concise and sound information and briefings.
- Sound office administration skills and experience in using information technology to undertake duties.
- Demonstrated initiative and proven capacity to work unsupervised, prioritise work and meet strict deadlines.
- Understanding of parliamentary functions, including the passage of legislation and workings of Government.

CERTIFICATION

.....//
Clerk of the Parliaments	Date:		



LEGISLATIVE ASSEMBLY POSITION DESCRIPTION

Position Details

Department: Legislative Assembly

Position title: Electorate Officer

Reports to: Member of the Legislative Assembly

Salary range:

Positions reporting to this position: None

Purpose

Electorate officers are the initial point of contact for all constituent enquiries. The role involves administrative and secretarial functions to support the Member and ensure the efficient operation of the electorate office.

Hours of work

The ordinary hours of work are 9am to 5pm, Monday to Friday, with one hour for lunch. These apply irrespective of whether duties are performed at the electorate office or Parliament House. An All Incidence of Employment Allowance is paid to compensate for any reasonable overtime worked. A Higher Duties Allowance is also in place.

Location

The primary place of work for an electorate officer is the Member's electorate office and if directed, Parliament House.

Key accountabilities and skills (shall include some or all of the following)

Interpersonal:

- good listening, judgement and empathy to provide the initial point of contact and information for constituent enquiries, both written and verbal
- liaise with community stakeholder groups, constituents, government and non-government agencies.

Oral and written communication:

- present often complex ideas and issues in a clear and concise manner
- communicate information clearly and concisely by making representations on behalf of constituents to various government agencies and non-government organisations, and maintaining confidentiality
- to gather, comprehend and analyse complex information
- inform the Member and other electorate office staff of constituent or community group issues within the constituency
- prepare briefing notes, submissions, speeches, newsletters, media releases and correspondence
- understand the use of contemporary media including social media communication.

Political awareness:

- understand parliamentary procedures and processes
- understand the Australian political system, and the structure and operation of political parties
- be alert to issues impacting on community groups, organisations, and the media.

Key accountabilities and skills continued (shall include some or all of the following)

Research and analytical:

- undertake in-depth research and analysis of policy and legislation

Planning and organisational:

- assist in the day-to-day running of the electorate office, including providing secretarial support to the Member, filing, and documenting and reconciling petty cash.

Selection criteria

Excellent oral communication and interpersonal skills including the ability to hear from and liaise with community groups, government and non-government organisations, and the media.

Excellent writing skills including the ability to prepare correspondence, briefing notes, submissions, speeches, newsletters and media releases.

Demonstrated superior organisational skills to work effectively under pressure and manage competing priorities and deadlines.

Demonstrated capacity to exercise sound judgement and ability to perform at a high standard under limited supervision and within a team environment.

An interest in, and understanding of, the Australian political context and Australian parliamentary procedures and processes.

Good word processing/keyboard and computer skills in an office environment.

Demonstrated research and analytical skills including the ability to analyse policy and legislation.

Decision-making and reporting relationships

- Seek advice from the Member on relevant, contentious or politically sensitive issues raised by constituents, community groups or the media.
- Keep the Member up to date and informed about a range of policy issues and the progress of legislation.
- Refer all written documentation to the Member for sign-off and approval
- Provide guidance and support to additional temporary staff (ATS) employed in the electorate office
- The electorate officer reports to the Member and receives direction and guidance from the senior electorate officer.

Other relevant information

- The successful applicant will be appointed under the provisions of the Members of Parliament Staff Bill 2013.
- Remuneration for an electorate officer includes an All Incidence of Employment Allowance to compensate for any reasonable overtime worked. Members and electorate officers should consult about workload issues to ensure that unreasonable hours are not worked.
- Electorate officers are not permitted to engage in activities of a direct electioneering or political campaigning nature during ordinary hours of work nor as part of their role. Political party membership and participation in any party activities are voluntary. Attendance at party meetings or functions is in the individual's own time. In the case of electorate officers working for independent Members, this restriction applies to participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.

Please forward a signed copy of this position description to Human Services, Department of Parliamentary Services (DPS).

CERTIFICATION

Member's Signature:

Date:

Employee's Name:

Employee's Signature:

Date:



LEGISLATIVE ASSEMBLY POSITION DESCRIPTION

Position Details

Department: Legislative Assembly

Position title: Senior Electorate Officer

Reports to: Member of the Legislative Assembly

Salary range:

Positions reporting to this position: Electorate officer, additional temporary staff

Purpose

The senior electorate officer's primary function is to be the initial point of contact for all constituent enquiries. The role involves assuming overall responsibility for the day-to-day management of the electorate office and supervision of staff, both permanent and additional temporary, to ensure efficient and effective operations.

Hours of work

The ordinary hours of work are 9am to 5pm, Monday to Friday, with one hour for lunch. These apply irrespective of whether duties are performed at the electorate office or Parliament House. An All Incidence of Employment Allowance is paid to compensate for any reasonable overtime worked. A Higher Duties Allowance is also in place.

Location

The primary place of work for a senior electorate officer is the Member's electorate office and if directed, Parliament House.

Key accountabilities and skills (shall include some or all of the following)

Interpersonal:

- good listening, judgement and empathy to provide the initial point of contact and information for constituent enquiries, both written and verbal
- liaise with community stakeholder groups, constituents, government and non-government agencies.

Oral and written communication:

- present often complex ideas and issues in a clear and concise manner
- communicate confidential information clearly and concisely by making representations on behalf of constituents to various government agencies and non-government organisations
- to gather, comprehend and analyse complex information
- inform the Member and other electorate office staff of constituent or community group issues within the constituency
- prepare briefing notes, submissions, speeches, newsletters, media releases and correspondence
- understand the use of contemporary media including social media communication.

Political awareness:

- understand parliamentary procedures and processes
- understand the Australian political system, and the structure and operation of political parties
- be alert to issues impacting on community groups, organisations, and the media.

Key accountabilities and skills (shall include some or all of the following) continued

Research and analytical:

- undertake in-depth research and analysis of policy and legislation
- keep up to date with developments in policy and social issues
- maintain an interest in current affairs and ability to recognise issues of importance and relevance to the Member.

Planning and organisational:

- take control of day-to-day management of the electoral office, delegate tasks and responsibilities and provide supervision and direction as needed.

Selection criteria

Excellent oral communication and interpersonal skills including the ability to liaise with community groups, government and non-government organisations, and the media.

Excellent writing skills including the ability to prepare correspondence, briefing notes, submissions, speeches, newsletters and media releases.

Demonstrated superior organisational skills to work effectively under pressure and manage competing priorities and deadlines.

Demonstrated capacity to exercise sound judgement and ability to perform at a high standard under limited supervision and within a team environment.

Demonstrated ability to undertake responsibility for the day-to-day management of the electorate office and undertake supervisory responsibility of staff.

An interest in, and understanding of, the Australian political context and Australian parliamentary procedures and processes.

Good word processing/keyboard and computer skills in an office environment.

Demonstrated research and analytical skills including the ability to analyse policy and legislation.

Decision-making and reporting relationships

- Seek advice from the Member on relevant, contentious or politically sensitive issues raised by constituents, community groups or the media.
- Keep the Member up to date and informed about a range of policy issues and the progress of legislation.
- Refer all written documentation to the Member for sign-off and approval.
- Manage office expenditure within the limits and guidelines as prescribed by the Parliament.
- The senior electorate officer reports to the Member and provides guidance and supervision to the electorate officer and additional temporary staff (ATS).

Other relevant information

- The successful applicant will be appointed under the provisions of the Members of Parliament Staff Bill 2013.
- Remuneration for a senior electorate officer includes an All Incidence of Employment Allowance to compensate for any reasonable overtime worked. Members and electorate officers should consult about workload issues to ensure that unreasonable hours are not worked.
- Electorate officers are not permitted to engage in activities of a direct electioneering or political campaigning nature during ordinary hours of work and as part of their role. Political party membership and participation in any party activities are voluntary. Attendance at party meetings or functions is in the individual's own time. In the case of electorate officers working for independent Members, this applies to participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.

Please forward a signed copy of this position description to Human Services, Department of Parliamentary Services (DPS).

CERTIFICATION

Member's Signature:

Date:

Employee's Name:

Employee's Signature:

Date:



LEGISLATIVE ASSEMBLY POSITION DESCRIPTION

Position Details

Department: Legislative Assembly

Position title: Additional Temporary Staff

Reports to: Member of the Legislative Assembly, senior electorate officer, electorate officer

Salary: Range between \$27.45 per hour and \$47.58 per hour, which includes a 15% casual loading

Positions reporting to this position: None

Purpose

The primary function of additional temporary staff (ATS) is to provide administrative and clerical support to the Member of Parliament and their electorate office staff. ATS are not permitted to engage in activities of a direct electioneering or political campaigning nature during ordinary hours of work and as part of their role.

Hours of work

ATS work within the range 8am-6pm Monday to Friday and are not to be employed outside normal business hours including weekends and public holidays. The minimum period an ATS employee can work in any one day is three hours and the maximum is nine hours. No overtime is payable.

Location

The Parliamentary Remuneration Tribunal Determination specifies that the work of an ATS must be undertaken in the Member's electorate office or if directed, at Parliament House.

Key accountabilities and skills (shall include some or all of the following)

Provide administrative and clerical support to the Member and electorate office staff.

Communication and interpersonal:

- good listening, judgement and empathy to provide the initial point of contact and information for constituent enquiries, both written and verbal
- liaise with community stakeholder groups, constituents, government and non-government agencies
- present often complex ideas and issues in a clear and concise manner
- communicate confidential information clearly and concisely by making representations on behalf of constituents to various government agencies and non-government organisations.

Information:

- to gather, comprehend and analyse complex information
- inform the Member and other electorate office staff of constituent or community group issues within the constituency
- prepare briefing notes, submissions, speeches, newsletters, media releases and correspondence
- understand the use of contemporary media including social media communication.

Selection criteria

Good organisational skills and judgement.
Excellent oral communication and interpersonal skills.
Good writing skills and ability to draft correspondence and other written information.
Good word processing/keyboard and computer skills in an office environment.

Decision-making and reporting relationships

Seek advice and support from electorate officers in relation to the overall efficient running of the office.
Seek advice from the electorate officers on unusual, difficult, contentious or politically sensitive issues raised by constituents.
Refer all written documentation developed to communicate with the electorate to the electorate officers for sign-off and approval.
An ATS employee has no supervisory responsibilities and reports to the senior electorate officer.

Other relevant information

The successful applicant will be appointed under the provisions of the Members of Parliament Staff Bill 2013.
There is no capacity for ATS to be compensated for overtime, but a 15% allowance is built into their salary. ATS and Members should consult about workload issues to ensure unreasonable hours are not worked. See the Code of Conduct.
ATS are not permitted to engage in activities of a direct electioneering or political campaigning nature during ordinary hours of work and as part of their role. Political party membership and participation in any party activities are voluntary. Attendance at party meetings or functions is in the individual's own time.

Please forward a signed copy of this position description to Human Services, Department of Parliamentary Services (DPS).

CERTIFICATION**Member's Signature:****Date:**

Employee's Name:

Employee's Signature:**Date:**
