

OUR REFERENCE

DIRECTOR'S CHAMBERS



ODPP
New South Wales

J.Kemp 02 9285 8874 02 9285 2588 (fax)

YOUR REFERENCE
MW:mb

DATE

2 August 2018

Mr Stewart Little
General Secretary
Public Service Association of NSW
GPO Box 3365
SYDNEY 2001

Attention: Monika Wunderlin

Dear Ms Wunderlin

I refer to ongoing discussions through the ODPP/PSA Joint Consultative Committee (JCC) in regards to the current ODPP Flexible Working Hours Agreement (FWHA) which will expire in February 2019.

I provide formal notice that I wish to commence the process of negotiating a new Flexible Working Hours Agreement. I'm informed that in JCC discussions to date a continuation of the provisions of the current agreement has *in principle* support.

Further to details discussed at the most recent JCC meeting on 27 June 2018, advice has now been received from NSW Treasury, Public Sector Industrial Relations indicating that if seeking to introduce a new agreement (or effectively to continue an existing one) which provides for any variations from the standard Flexible Working Hours Parameters, the approval of the Wages Policy Taskforce (WPT) is required. I note the existing ODPP FWHA includes a provision, namely the "carry forward" of 50 hours, which is a variation to the standard parameters (a copy of the parameters is attached).

I look forward to your continued support on this important issue and working together, through the JCC, to negotiate a 'new' FWHA for the staff of the ODPP.

If you require further information regarding this matter, please contact Nigel Richardson, Director Human Resources.

Yours faithfully

A handwritten signature in black ink, appearing to read "Lloyd Babb". The signature is written in a cursive, somewhat stylized script.

Lloyd Babb SC
Director of Public Prosecutions

Flexible working hours parameters

The approved new parameters for Flexible Working Hours Agreements (FWHA).

While agencies are not being directed to move to the new arrangements, Wages Policy Taskforce will apply the parameters to any agency seeking to negotiate a new FWHA.

The new FWHA arrangements will

- assist agencies with levers to reform and rationalise their existing flex arrangements to reduce recreation leave balances
- lead to greater sector-wide consistency facilitating future machinery of government changes
- support agency organisational performance and provide flexibility for employees to manage work and personal commitments.

The parameters introduce a range of standard provisions for new FWHA to:

- Include bandwidth and hours provisions that support agency operational requirements and service delivery
- Exclude the banking of accrued flexible working hours credits (that is, no banking of days for future use)
- Limit the settlement period to a maximum of 6 weeks
- Limit the carry forward of accumulated flexible working hours credits into the next settlement period to 21 hours
- Provide that hours worked are to be monitored by employees and their supervisors
- Include core time which is the period during the day when an employee is required to be on duty
- Exclude Senior Officers from coverage
- Exclude the payment of any residual credit hours upon separation
- Link the granting of flex leave to reductions in recreation leave balances consistent with the Premier's directive to reduce accrued leave (Premier's Memorandum 2012-07)
- Provide 3 year maximum term with clear provisions to terminate the FWHA (maximum 12 months notice)
- Accommodate machinery of government changes which provide for the FWHA to be replaced in 3 months
- Rationalise existing agreements
- Retain Wages Policy Taskforce flexibility to allow agencies in exceptional circumstances to negotiate FWHA with different provisions which accommodate operational or specific requirements at an agency level.