

Kempsey, Dillwynia, Wellington and John Morony meal money dispute

A number of centres enacted a ban on overtime of less than eight hours in response to Corrective Service NSW's (CSNSW) decision to stop paying meal money to employees under the *Kempsey, Dillwynia, Wellington and John Morony (KDWJ) Award*.

CSNSW lodged a dispute at the Industrial Relations Commission (IRC), which was attended on our side by David Bartle from the PSA and Nathan Keats from McNally, Jones, Staff Lawyers. At the IRC it became apparent CSNSW and the PSA have a different interpretation of meal money entitlements under the KDWJ Award, which will need to be settled at arbitration.

For the period between now and arbitration, several options were considered in regard to the ongoing payment of meal money. The PSA's position is that the status quo should remain until the issue is settled.

Chief Commissioner Kite proposed two options.

1. A standard form is put to members which authorises CSNSW to recoup meal money from their wages in the event that CSNSW are successful at arbitration; or
2. CSNSW cease paying meal money and keep track of who would be entitled, so if the PSA are successful at arbitration, those employees can be paid.

The two options were put to delegates from the affected area at Kempsey, Dillwynia and John Moroney (the status quo not affecting Wellington). The delegates indicated support for option 1, with the acknowledgement that individual members who did not wish to sign will not be paid but will still have the right to claim if arbitration is successful.

If CSNSW succeed at arbitration, the Department will only be entitled to recover meal money payments from 16 September 2019 onwards.

Chief Commissioner Kite read the following on to the record:

Officers covered by the Crown Employees (Correctional Officers, Corrective Services NSW) Award 2007 for Kempsey, Dillwynia, Wellington and John Morony Correctional Centres will be offered a document requiring any officer who wishes to receive the allowance in dispute to agree to repay that allowance and authorise it to be deducted by Corrective Services NSW from their pay, firstly in a lump sum or in the event of a difficulty at the rate it is received.

If no document is signed the department will maintain records and pay outstanding sums if the PSA is successful in their interpretation of the award.

PSA commits to lift the bans (commitments given orally to lift the bans at John Moroney and Dillwynia).

CSNSW will be consulting with the PSA on the wording of the agreement officers will be asked to sign.

At this time, arbitration will be set for the week of 21 October 2019.

