



Public Service Association of NSW

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In reply please quote: **SVV:cr**

20 February 2020

Ms Erica Machon
Director People and Relations
Government and Corporate Services
Department of Customer Service
2-24 Rawson Place
SYDNEY NSW 2000

By email: Erica.Machon@service.nsw.gov.au

Dear Ms Machon,

Re: Transition Management Plans – Notification of Dispute

The PSA writes to notify the Department of Customer Service (the Department) of an urgent dispute in accordance with clause 6 of the *Crown Employees (Public Sector – Salaries) Award 2019* (PS Award) and clause 45 of the *Service NSW Salaries and Conditions Award 2018* (SNSW Award) in relation to the Transition Management Plan (TMP) for the transfer of Service NSW Corporate Services Staff finalised on 18 November 2019 and the current TMP for the transfer of staff from the PS Award onto the SNSW Award as part of the Customer Engagement Integration (CEI).

As the 2019 Administrative Orders provided no mechanism for the transfer of employees onto different industrial instruments the Department has relied upon section 64 of the *Government Sector Employment Act 2013* (GSE Act) and Rule 29 of the *Government Sector Employment (General) Rules 2014* (GSE Rules) to transfer employees.

This requires that the remuneration of an employee who is transferred is not to be reduced without the approval of the employee.

With the Service NSW Corporate Services TMP the 'salary maintenance' provisions offered by the TMP are in effect a 'salary freeze', in that staff who transition will be denied any future salary increases until such time as the PS Award reaches parity with the SNSW Award through annual salary increases. Consequently, this equates to a reduction in salary. The difference in the salary at the top of the scale is \$18,883.

The PSA is aware of at least one member who sought a review in December 2019 of the decision to reduce their salary and has not as yet received any response from the Department.

Current TMP for the transfer of staff from the PS Award onto the SNSW Award as part of the Customer Engagement Integration (CEI).

Further, employees in the proposed TMP for the CEI are being transferred from a Clerk Grade 3/4 to a Customer Service Representative (CSR) SNSW Award Salary Grade 3/4 who may be at the entry level of the grade will be denied the future increments of their original grading. Further Rule 29 of the Rules provides that an employee can only be transferred (unless they consent) at the same or equivalent grade and the ANC grade Clerk Grade 3/4 and CSR under the SNSW Award are not the same or equivalent grade.

There are no common salary points between the PS Award and the SNSW Award. Therefore, the same or equivalent grade for a Clerk Grade 3/4 would be closest to SNSW Award Salary Grade 5.

It is for these reasons that the PSA contends that the Department has not complied with section 64 of the GSE Act and rule 29 of the GSE Rules and has reduced the remuneration of transferred employees.

In resolution of this dispute the PSA seeks:

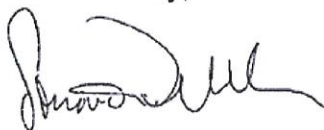
1. Staff transferred under the Service NSW Corporate Services TMP whose salary was greater than the transferred role be provided with full salary maintenance with ongoing annual salary increases on or after the first pay period from 1 July 2020.
2. That in addition to full salary maintenance, affected employees from both TMP's also have the salary increments of their original grade recognised and be allowed to progress to the highest level of that grade.

In the circumstances we that the current consultation on period be extended for a further reasonable period to 6 March 2020.

Due to the urgency matter we request a response by Wednesday 26 February 2020 or we advise that the PSA will file a dispute in the NSW IRC.

To respond to this letter please contact Simon van Vegchel, Industrial Officer by email svanvegchel@psa.asn.au or by phone 0409 922 797.

Yours faithfully,



Simon van Vegchel
For Stewart Little
General Secretary

cc: Mark.McCarthy@service.nsw.gov.au; ERenquiry@customerservice.nsw.gov.au