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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for an award or variation of an award

Tasmanian Trades and Labor Council

[T10230 of 2002]

Private Sector Awards

[T10288 of 2002]

Private Sector Awards

[T10289 of 2002]

Private and Public Sector Awards

FULL BENCH:

PRESIDENT P L LEARY

DEPUTY PRESIDENT R J WATLING

COMMISSIONER T J ABEY

Wage Rates - State Wage Case July 2002 - applications to vary private sector awards in a manner consistent with the Australian Industrial Relations Commission decision in Print PR002002 - Safety Net Review 2002 - Award rates increased by - \$18 per week - Wage related allowances increased by 3.55% - Meal allowances increased to \$11.90 - Supported Wage increased to \$56 per week - Operation ffpp 1 August 2002 - State Minimum Wage determined at \$431.40 - s.35(1)(b)

ORDER BY CONSENT -

MEDICAL DIAGNOSTIC SERVICES (PRIVATE SECTOR) AWARD

No. 1 of 2002

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THE **MEDICAL DIAGNOSTIC SERVICES (PRIVATE SECTOR) AWARD** IS VARIED IN THE FOLLOWING MANNER:

1. By deleting Clause 8 - Wage Rates, and inserting in lieu thereof the following:

"8. WAGE RATES

1. ADULT EMPLOYEES

An employee shall be classified on commencement in one of the classifications contained in this award and shall be paid not less than the weekly wage rate assigned to the relevant grade provided hereunder. The classification structure listed here shall be read in conjunction with the definitions set out in Clause 7 - Definitions of this award.

	Base Rate Relativity	Base Rate	Safety Net Adjustment	Weekly Wage Rate
	%	\$	\$	\$
(i) Administrative Employee				
Grade 1	78	325.40	106.00	431.40
Grade 2	82	342.10	106.00	448.10
Grade 3	87.4	364.60	106.00	470.60
Grade 4	92.4	385.50	106.00	491.50
Grade 5	100	417.20	108.00	525.20
Grade 6	105	438.10	108.00	546.10
Grade 7	110	458.90	108.00	566.90
Grade 8	115	479.80	106.00	585.80
Grade 9	125	521.50	106.00	627.50
(ii) Operational Employee				
Grade 1	78	325.40	106.00	431.40
Grade 2	82	342.10	106.00	448.10
Grade 3	87.4	364.60	106.00	470.60
Grade 4	92.4	385.50	106.00	491.50
Grade 5	100	417.20	108.00	525.20
Grade 6	105	438.10	108.00	546.10
(iii) Technical Employee				
Grade 1	78	325.40	106.00	431.40
Grade 2	82	342.10	106.00	448.10
Grade 3	87.4	364.60	106.00	470.60
Grade 4	92.4	385.50	106.00	491.50
Grade 5	100	417.20	108.00	525.20
Grade 6	105	438.10	108.00	546.10
Grade 7	110	458.90	108.00	566.90

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Grade 8	115	479.80	106.00	585.80
Grade 9	125	521.50	106.00	627.50
Grade 10	130	542.40	106.00	648.40
Grade 11	135	563.20	106.00	669.20
Grade 12	145	604.90	106.00	710.90

(iv) Professional Employee

Graduate Trainee	115	479.80	106.00	585.80
Grade 1.1	125	521.50	106.00	627.50
Grade 1.2	130	542.40	106.00	648.40
Grade 1.3	135	563.20	106.00	669.20
Grade 1.4	145	604.90	106.00	710.90
Grade 1.5	150	625.80	106.00	731.80
Grade 1.6	160	667.50	104.00	771.50
Grade 1.7	170	709.20	104.00	813.20
Grade 2	180	751.00	104.00	855.00
Grade 3	210	876.10	104.00	980.10

2. JUNIOR EMPLOYEES

(a) Operational Employee

The minimum weekly wage rate to be paid to junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for Operational Employee Grade 1.

PROVIDED that when determining the amount payable to an employee attaining the age of 21 years, who has been employed under this award, as a junior, experience obtained after reaching the age of 18 years shall be counted as adult experience.

	%
Under 17 years of age	50
17 years of age	60
18 years of age	70
19 Years of age	80
20 years of age	90

(b) Technical Employee and Administrative Employee

The minimum weekly wage rate to be paid to junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for Administrative Employee Grade 3.

PROVIDED that when determining the amount payable to an employee attaining the age of 21 years, who has been employed under this award, as a junior, experience obtained after reaching the age of 18 years shall be counted as adult experience.

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	%
Under 17 years of age	50
17 years of age	60
18 years of age	70
19 Years of age	80
20 years of age	90"

2. By deleting Clause 9 - Annual Leave, and inserting in lieu thereof the following:

"9. ANNUAL LEAVE

(a) Period of Leave

A period of 28 consecutive days' leave shall be allowed annually to an employee after 12 months' continuous service (less the period of annual leave), excluding holidays with pay as prescribed in Clause 17 - Holidays With Pay.

PROVIDED that, by mutual agreement between the employer and the employee, leave may be taken in any combination providing one period is at least seven consecutive days (i.e. five working days).

(b) Additional Leave

A full time employee required to work in accordance with a roster shall, in addition to the annual leave prescribed in subclause (a), be allowed 38 hours leave, to be taken in a period of seven consecutive days including non-working days.

A part-time employee required to work in accordance with a roster shall, in addition to the annual leave prescribed in subclause (a), be allowed additional leave equal to the number of hours such employee would normally work in one week. Such additional leave to be taken in one consecutive period of seven days including non-working days.

PROVIDED that to receive such additional leave the employee shall work ordinary hours of work on not less than 10 Saturdays and 10 Sundays during any one leave year.

PROVIDED FURTHER that all employees before going on leave available under this subclause, shall be paid the amount of wages they would have received had they worked a projected roster.

(c) Payment for Period of Leave

(i) All employees, before going on annual leave, other than casual employees or part-time employees who attract a 20 per cent loading in lieu of the provisions of Clause 9 - Annual Leave, Clause 29 - Sick Leave and Clause

17 - Holidays with Pay shall be paid the amount of wages they would have received in respect of the ordinary time they would have worked had they not been on leave during the relevant period.

- (ii) In addition thereto, all full-time employees shall be paid annual leave loading which shall be \$291.60.
- (iii) Employees who are not in receipt of a 20 percent loading in lieu of the provisions prescribed in Clause 9 - Annual Leave, Clause 29 - Sick Leave and Clause 17 - Holidays with Pay shall have an entitlement based on the average weekly hours worked in the previous three months divided by 38 multiplied by \$291.60.

(d) Proportionate Leave on Termination of Service

A weekly employee who lawfully leaves the employment or who is dismissed, except for misconduct or neglect of duty, shall be paid 12.66 hours for each completed month of continuous service less any leave taken in advance.

(e) Single Day Annual Leave

Notwithstanding provisions elsewhere in the award, the employer and the majority of employees at an enterprise may agree to establish a system of single day annual leave absences, provided that:

- (i) An employee may elect, with the consent of the employer, to take annual leave in single day periods or part of a single day not exceeding a total of five days in any calendar year at a time or times agreed between them.
- (ii) Access to annual leave, as prescribed in paragraph (i) above, shall be exclusive of any shutdown period provided for elsewhere under this award.
- (iii) An employee and employer may agree to defer payment of the annual leave loading in respect of single day absences, until at least five consecutive annual leave days are taken.
- (iv) An employee or the employees may choose to request a union party to this award, to represent their interests in negotiations referred to in paragraph (i) of this subclause.
- (v) Once a decision has been taken to introduce an enterprise system of single day annual leave, in accordance with this subclause, its terms must be set out in the time and wages records kept pursuant to Regulation 25 of the Industrial Relations Regulations 1993.
- (vi) An employer shall record these short term annual leave arrangements in the time and wages book."

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Operative Date

These variations shall come into operation from the first full pay period to commence on or after 1 August 2002.

Tim Abey
COMMISSIONER

22 August 2002