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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 applications for award or award variation

Minister administering the Tasmanian State Service Act 1984
(T.5092 of 1994)

Tasmanian Prison Officers Association
(T.2473 of 1990)

The State Public Services Federation Tasmania
(T.2587 of 1990)

PRISON OFFICERS AWARD

COMMISSIONER P A IMLACH 26 August 1994

Wage rates - structural efficiency principle - special case - Prison Officers Award

ORDER - No. 2 of 1994
(Consolidated)

THE **PRISON OFFICERS AWARD** IS VARIED BY DELETING ALL THE CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING:

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1. TITLE

This award shall be known as the "Custodial Officers Award".

2. SCOPE

The Custodial Officers Award shall apply to all persons employed in the Prison Service who occupy a position classified in this award.

3. ARRANGEMENT

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4. DATE OF OPERATION

This award shall have effect on and from 7 April 1994.

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5. SUPERSESSION AND SAVINGS

This award supersedes the Prison Officers Award No. 2 of 1991 (Consolidated) and Order No. 1 of 1994 provided that no entitlement accrued or obligation incurred under that award shall be affected by the supersession.

6. PARTIES AND PERSONS BOUND, INTEREST

(a) The following employee organisations have a registered interest in this award under section 63(10) of the Act:-

(i) the Tasmanian Prison Officers Association;

(ii) The State Public Services Federation Tasmania

(b) This award binds:

(i) the employer in relation to employees covered by this award;

(ii) employees covered by this award;

(iii) the Tasmanian Prison Officers Association;

(iv) The State Public Services Federation Tasmania.

7. DEFINITIONS

'Afternoon Shift' means a shift terminating after 7.00 pm and at or before midnight.

'Employee' means a person employed under the provisions of the Tasmanian State Service Act 1984.

'Employer' means the Minister for Public Sector Management.

'Holiday' means any day which is a bank holiday or bank part holiday under the Bank Holidays Act 1919, either throughout the State or in any particular locality, or any specified day or part day appointed as a holiday by the Governor.

'Night Shift' means a shift terminating after midnight and at or before 8.00 am.

'Prison Service' means the Prison Service of the Corrective Services Division of the Department of Justice.

'Shift Worker' means an employee who is required to regularly perform shift work in accordance with a roster covering seven days per week which includes Saturdays and Sundays.

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8. SALARIES

An employee appointed to a position classified under this award shall be paid at the relevant level according to the following scale:

Level 1

Custodial Officer	7.4.94	6.10.94
1st year of service	23449	23801
2nd year of service	24281	24645
3rd year of service	25485	25867
4th year of service	25955	26344

The commencing salary of a person appointed to a position in this Level shall be as determined by the employer having regard to the qualifications and/or practical experience of the person so appointed.

Progression from first year of service salary rate to second year of service salary rate is conditional upon successful completion of an approved Custodial Officers' examination or other qualification deemed appropriate by the employer.

Provided that no employee shall be entitled to an annual increment unless, in the opinion of the employer, the conduct, diligence and efficiency of the employee have been satisfactory during the year immediately prior to the date from which that increment is due.

Custodial Officer First Class	26258	26652
Level 2	27456	27868
Senior Custodial Officer Deputy Superintendent Women's Prison Deputy Superintendent Medium Security Prison		
Level 3	28797	29229
Industry Supervisor		
Level 4	29926	30375
Chief Custodial Officer Deputy Superintendent Hayes Prison Farm Deputy Superintendent Launceston Prison		

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Level 5	35695	36230
Superintendent Women's Prison Superintendent Medium Security Prison Superintendent Hayes Prison Farm Superintendent Launceston Prison Deputy Superintendent Risdon Prison		
Level 6	40587	41196
Superintendent Risdon Prison		

9. CONDITIONS OF SERVICE

Unless prescribed otherwise in this award, conditions of service applying to employees covered by this award shall be as prescribed in the General Conditions of Service Award or the Tasmanian State Service Act 1984 and Regulations, as the case may be.

10. DISPUTES SETTLING PROCEDURE

If a dispute or grievance should arise, the following procedure will be adopted:

(a) the union(s) shall refer the matter to management;

(b) When a matter has been referred under (a), management shall endeavour within twenty-four hours to meet with union(s) representatives in an attempt to resolve the dispute or grievance. Management may seek the involvement of the Public Sector Management Office at any stage of the dispute settling process.

(c) The union(s) shall endeavour to advise management whether or not the matter is resolved within twenty-four hours of the meeting referred to in (b).

(d) If the matter is unresolved, a further meeting between the union(s) and management shall be held, if practicable, within twenty-four hours of the advice given by the union(s) under (c).

(e) Unless otherwise agreed between the parties, the steps outlined in (a) to (d) shall be carried out within a period of not more than seven consecutive days.

(f) If the matter remains unresolved after the procedures detailed in (a) to (e) have been followed, either party may notify the dispute to the Tasmanian Industrial Commission.

(g) Whilst a matter is being dealt with in accordance with this procedure, normal work and management practices will be observed and any threat to safety removed.

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(h) Any union(s) meetings in relation to a matter being dealt with under this procedure shall be held in the employee's own time unless otherwise agreed by management.

11. ENTERPRISE FLEXIBILITY

By agreement between the employer and the relevant union(s), any of the provisions contained in this award relating to work practices may be varied to suit the needs of the prison service.

Any agreed variation is to be in writing and signed by the employer and the relevant union(s). A copy of the agreed variation is to be provided to the member of the Tasmanian Industrial Commission having responsibility for this award.

12. MEAL BREAKS

(a) Shift Workers

(i) Shift workers shall be allowed a meal break of twenty minutes during each shift, and that break will be counted as time worked.

(ii) A meal break taken between 10.00 pm and 6.00 am is to be taken at the employee's post.

(iii) Shift workers shall not be paid penalty rates for an untaken meal break or a meal break taken later than the normally scheduled time.

(b) Non-shift Workers

Meal breaks for employees other than shift workers shall be as agreed by the employer and the relevant employee(s) but shall not be less than thirty minutes and such breaks shall not count as time worked.

13. MULTISKILLING

The employer may direct an employee to perform any duties which are within the limits of the employee's skill, competence and training.

14. ON CALL ALLOWANCE

(a) An allowance of $10.00 shall be paid for each day that an employee is rostered to remain on call and available to be recalled to duty, irrespective of whether or not the employee is recalled to work.

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(b) Payment of an on call allowance to an employee of the rank of Chief Custodial Officer of above is deemed to compensate such officers for situations in which they are required to provide information or advice to the senior duty officer at a prison.

(c) An employee recalled to work shall be paid the appropriate overtime rate for the actual time worked during the recall or recalls, provided that the minimum payment for any one day shall not be less than four hours.

15. ORDINARY HOURS OF WORK

The daily, ordinary hours of duty shall not exceed eight unless otherwise agreed between the employer and the majority of employees directly affected by any proposed change. The daily, ordinary hours of duty for employees other than shift workers may be worked between 6.00 am and 8.00 pm.

The starting and finishing times of hours of duty shall be as determined by the employer, provided that no employee shall be required to work a split shift except in an emergency and with the agreement of the relevant employee(s) and union(s).

The ordinary hours of work for an employee covered by this award shall be thirty-eight per week or thirty-eight per week in the aggregate over a designated roster cycle.

The thirty-eight hour week is implemented in the following manner:

Rosters may either:-

(a) provide that employees shall accrue twelve extra days leave upon completion of a twelve month work cycle or a pro rata number of days for part thereof; or

(b) fix one day off on leave for each completed four weeks of a particular work cycle.

16. PAYMENT OF WAGES

Payment of wages shall be made fortnightly by electronic funds transfer, direct deposit, cheque or other non-cash method as determined by the employer.

Payment of wages other than by cheque is to be made into a banking or financial institution account nominated by the employee.

The method of payment existing at the time of this award taking effect will not be altered by the employer without a minimum of three months notice to the employees concerned unless otherwise agreed between the employer and the majority of employees.

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17. QUALIFICATIONS

To be eligible for appointment to any position for which a classification appears in this award, an employee must satisfy the relevant, following requirements.

Custodial Officer

Successful completion of an entrance examination if required or other qualifications as deemed appropriate by the employer.

Successful completion, during the first year of service, of an approved Custodial Officers' examination or other qualification deemed appropriate by the employer.

Custodial Officer First Class

Requirements as for Custodial Officer together with at least four years' satisfactory service as a Custodial Officer and successful completion of an approved Senior Custodial Officer's examination, or qualifications and practical experience deemed appropriate by the employer.

Provided that a Custodial Officer should be afforded the opportunity to complete an approved Senior Custodial Officer's examination during the first five years of service. If such an opportunity does not occur within that period, such an employee shall be paid from the five years anniversary date as a Custodial Officer Fist Class, conditional upon successfully completing the examination at the first attempt.

Except under extenuating circumstances, a Custodial Officer First Class must act in the position of Senior Custodial Officer as required by the employer.

Senior Custodial Officer

Requirements as for Custodial Officer Fist Class, together with at least four years satisfactory service as a Custodial Officer, or qualifications and practical experience as a Custodial Officer deemed appropriate by the employer.

Except under extenuating circumstances, a Senior Custodial Officer must act in the position of Chief Custodial Officer as required by the employer.

Industry Supervisor

A person appointed to the position of Industry Supervisor shall possess trade and/or vocational qualifications deemed appropriate by the employer.

Chief Custodial Officer

Requirements as for Senior Custodial Officer, together with satisfactory service as a Senior Custodial Officer and successful completion of an approved Chief Custodial Officer's course and examination, or qualifications and practical experience as a Custodial Officer deemed appropriate by the employer.

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18 SHIFTWORK

(a) Hours of Duty

Subject to the following conditions, shift workers shall work at such times as may be directed by the employer:

(i) A shift shall consist of not more than eight hours duration unless otherwise agreed between the employer and the majority of employees directly affected by any proposed change.

(ii) Except at the regular change over of shifts, an employee shall not be required to work more than one shift in each twenty-four hours.

(b) Rosters

There shall be a rotating roster for shifts which, unless otherwise agreed between the employer and the majority of employees, will provide that:

(i) not more than eight shifts are worked in any nine consecutive days;

(ii) there is not more than one single day off in any period of three weeks, all other days off being arranged as two or more consecutive days;

(iii) an employee's place on a roster shall not be changed at the direction of the employer without seven days notice or payment of the relevant penalty rate, unless otherwise agreed between the employer and the relevant employee in which case no penalty will be payable;

(iv) where an employee's place on a roster is changed at the request of the employee, no penalty will be payable.

(c) Shift Allowances

(i) An employee regularly rostered to work afternoon or night shifts shall be paid an allowance of fifteen per cent of the ordinary rate of pay for each shift so worked.

(ii) An employee who works night shift only and remains on night shift for a period longer than four consecutive weeks shall be paid an allowance of thirty per cent of the ordinary rate of pay for each shift so worked.

(d) Overtime

(i) When work is performed outside the ordinary hours of an employee's rostered shift, payment shall be made at the rate of double the ordinary hourly rate for reach hour worked.

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Provided that such payment is not applicable in circumstances where the work performed outside the ordinary hours of a rostered shift is a consequence of arrangements made between employees, or is due to rotation of shifts.

(ii) Where a change over of shift is delayed, overtime shall not commence to accrue to the unrelieved employee until ten minutes after completion of eight hours of duty.

(e) Saturday Shifts

Where the major part of an employee's rostered shift falls on a Saturday, payment for the shift shall be at the rate of time and one half of the ordinary rate, which shall be in substitution for an not cumulative upon the shift allowances prescribed in subclause (c).

(f) Sunday Shifts

Where the major part of an employee's rostered shift falls on a Sunday, payment for the shift shall be at the rate of double the ordinary rate which shall be in substitution for and not cumulative upon the shift allowances prescribed in subclause (c).

(g) Daylight Saving

Any shift worked, the hours of which are affected by the commencement or termination of Summer Time as specified in the Daylight Saving Act 1968, shall be deemed to be a normal shift as specified in subclause (a)(i) and will be paid for accordingly.

19. WAGE INCREASES

The salary rates prescribed in Clause 8 Salaries shall be increased as follows from:

(a) the pay period commencing closest to 1 January 1995 - by a further 1.0%; and

(b) the pay period commencing closes to 1 October 1995; by a further 1.0%; and

(c) the pay period commencing closest to 1 July 1996 - by a further 1.4%.

No other increases to salary rates shall occur before 31 December 1996, except as provided for an in accordance with the Agreement in relation to State Services Wages Arrangements.

P A Imlach
COMMISSIONER

26 August 1994