

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for award or variation of award
s35 application to determine Tasmanian Minimum Wage

The Minister administering the State Service Act 2000
(T13917 of 2012)

Tasmanian Trades and Labor Council
(T13938 of 2012)

POLICE DEPARTMENTAL EMPLOYEES AWARD

PRESIDENT P L LEARY
DEPUTY PRESIDENT T ABEY
COMMISSIONER B DEEGAN

Wage Rates - Tasmanian Minimum Wage rate determined at \$606.00pw - s.47AB
– operative date ffpp 1 August 2012

ORDER BY CONSENT -

No. 2 of 2012
(Consolidated)

AMEND THE **POLICE DEPARTMENTAL EMPLOYEES AWARD** BY VARYING CLAUSE 8(c)
TASMANIAN MINIMUM WAGE; AND THE AWARD IS CONSOLIDATED:

1. TITLE

This award is the "Police Departmental Employees Award".

2. CONTENTS

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3 SCOPE

This award is to apply to persons employed under the *Tasmanian State Service Act 1984* in the Department of Police and Public Safety and who occupy positions covered by awards of the Tasmanian Industrial Commission who:

- (a) occupy positions as Telephonists and Control Room Operators;
- (b) occupy positions which require them to carry out work which can be defined in accordance with the requirements for the classifications contained in the Operational Employees Award (except employees occupying positions as cleaners).

4. DATE OF EFFECT

This award is to take effect from the first full pay period to commence on or after 1 August 2012.

5. SUPERSESSION AND SAVINGS

This award supersedes the Police Departmental Employees Award No. 1 of 1995 (Consolidated) No. 1 of 1997, Orders No. 2 of 1997, 1 of 1999, 1 of 2000, 1 of 2001, 2 of 2001, 1 of 2002, 1 of 2003, 1 of 2004, 1 of 2005 and 1 of 2012.

PROVIDED that no entitlement accrued or obligation incurred is to be affected by the supersession.

6. AWARD INTEREST

- (a) The employee organisation having, under Section 63(10) of the Act, an interest in this award is The Community and Public Sector Union (State Public Services Federation Tasmania);
- (b) Under Section 62(4) of the Act, the Minister for Public Sector Administration is deemed to be an employer organisation having an interest in this award.

7. DEFINITIONS

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

'Employer' means the Minister for Public Sector Administration.

'Full-time employee' means a person engaged to work for the full ordinary weekly hours of work of the relevant position.

'Part-time employee' means a person engaged to work on a regular basis for a lesser number of ordinary weekly hours than an equivalent full-time employee.

8. SALARIES

- (a) Employees appointed to positions in the Department of Police and Public Safety are:
 - (i) to be paid under Clause 8 of either the Administrative and Clerical Employees Award or the Operational Employees Award at a salary rate determined in accordance with the classification standards contained in the relevant above-mentioned award; and
 - (ii) to observe the other conditions of employment set out in Annexure A of this award.

(b) Translation

Employees occupying positions covered by the Police Department Employees and Road Safety officers Award as at 6 March 1996, whose positions require them to carry out work which can be defined in accordance with the requirements for the classifications contained in the General Employees Award No. 3 of 1996 (Consolidated) (now Operational Employees Award) are to have their positions translated to the appropriate classification and are to be translated to the appropriate salary point in accordance with Clause 14 - Translation, of the Operational Employees Award on and from 7 March 1996 and are to observe the other conditions of employment set out in Annexure A of this award.

(c) Tasmanian Minimum Wage

In accordance with s.47 AB of the *Industrial Relations Act 1984* (the *Act*) the minimum weekly wage for an adult full time employee is the Tasmanian Minimum Wage as determined by the Tasmanian Industrial Commission pursuant to s.35 (10A) of the *Act*.

The Tasmanian Minimum Wage is \$606.00 per week operative from the first pay period commencing on or after 1 August 2012.

PROVIDED this clause has no application to employees engaged under a contract of training or to an employee who is in receipt of a supported wage assessment.

9. ALLOWANCES - TOOL

- (a) Where an employee engaged as a mechanic is required to provide and maintain tools for use in the service of the employer he/she is to be paid an allowance at the rate of \$473.00 per annum.
- (b) Where an employee engaged as a chef or cook is required to provide and maintain tools for use in the service of the employer he/she is to be paid an allowance of \$6.80 per week. This allowance is not to be subject to any penalty addition.

10. CONDITIONS OF EMPLOYMENT

- (a) Unless specified otherwise in this award, conditions of employment applying to employees covered by this award are to be as prescribed in the General Conditions of Employment Award.
- (b) Where there is an inconsistency between the 'second tier' agreement T1233 of 1988 and provisions contained in this award or the General Conditions of Employment Award the provisions of the 'second tier' agreement are to prevail.

11. HOURS OF DUTY - DAY WORKERS

- (a) The ordinary hours of work are to be an average of 38 hours per week to be worked on the following bases:
 - (i) 38 hours within a work cycle not exceeding seven consecutive days; or
 - (ii) 152 hours within a work cycle not exceeding 28 consecutive days.

PROVIDED that in no case the ordinary hours of work are to be less than 36 3/4 hours weekly.

- (b) The ordinary hours of work prescribed herein may be attained by working on any or all of the days of the week, Monday to Friday inclusive.
- (c) The ordinary hours of work prescribed herein are to be worked continuously, except for meal breaks, at the discretion of the employer between 7.00 am and 7.00 pm.

PROVIDED that the spread of hours may be altered by mutual agreement between the employer and the representative of the registered organisation concerned.

PROVIDED FURTHER that work performed by day workers prior to 7.00 am and after 7.00 pm is to be paid for at overtime rates but is deemed, for the purposes of this clause, to be part of the employee's ordinary hours of work, where the ordinary hours of work within the period 7.00 am to 7.00 pm in any week have been less than 38 hours or the hours determined by the employer whichever is applicable.

- (d) The ordinary hours of work prescribed herein are not to exceed nine hours on any day.

12. SALARY INCREMENTS

- (a) An employee occupying a position covered by a classification containing a salary scale providing for annual increments is entitled, at the completion of each period of 12 months continuous service in that position, to receive the relevant annual increment until the maximum salary for that classification is reached.
- (b) An employee is not entitled to an annual increment unless, in the opinion of the employer, the employee's conduct, diligence and efficiency have been satisfactory during the 12 month period preceding the date upon which the increment falls due.

13. SHIFT WORK

- (a) Hours

The ordinary working hours of employees on shift work are not to exceed an average of 38 per week spread over a period of two, three or four weeks to be

worked in shifts of up to eight hours including such time as by mutual arrangement may be taken for meals.

(b) Rosters

There is to be a roster for shifts which is to:

- (i) provide for rotation unless all the employees concerned desire otherwise;
- (ii) provide for not more than eight shifts to be worked in any nine consecutive days; and
- (iii) not be changed until after four weeks notice.

PROVIDED that an employee's place on the roster is not changed except on one week's notice of the change, or payment of penalty rates.

So far as employees present themselves for work in accordance therewith, shifts are to be worked according to the roster.

(c) Overtime

For work performed by a shift worker outside the ordinary hours of the shift, double time is to be paid. Such payment is not to apply in those cases where arrangements have been made between the employees themselves or, in cases due to rotation of shifts or, when the relieving employee does not attend for duty at the proper time. For all time of duty after an employee has finished the ordinary shift, such unrelieved employee is to be paid time and a half for the first eight hours, and double time thereafter.

PROVIDED that in cases where the employer has been given at least eight hours notice that an employee rostered to relieve a shift worker will not attend to do so at the proper time, all the time spent on duty by the unrelieved shift worker after completion of the normal shift, is to be paid for at the rate of double time.

(d) Afternoon and Night Shift Allowances

Shift workers, whilst on afternoon and night shifts, are to be paid 15 percent more than the ordinary rate for such shifts.

A shift worker who works on any afternoon or night shift which does not continue for at least five successive afternoons or nights in a five-day establishment or for at least six successive afternoons or nights in a six-day establishment is to be paid for each shift 50 percent more than the ordinary rate for the first three hours thereof, and 100 percent more than the ordinary rate for the remaining hours.

An employee who:

- (i) during a period of engagement on shift, works night shift only; or

- (ii) remains on night shift for a longer period than four consecutive weeks; or
- (iii) works on a night shift which does not rotate or alternate with another shift or with day work so as to give such employee at least one third of his/her working time off night shift in each shift cycle;

is to, during such engagement, period, or cycle, be paid 30 percent more than the ordinary rate for all time worked during ordinary working hours on such night shifts.

For the purposes of this subclause:

'Afternoon Shift' means a shift terminating after 6.00 pm and at or before midnight.

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

'Shift Worker' means an employee who is regularly required to undertake shift work in accordance with a roster approved by the employer.

(e) Saturday Shifts

The rate to be paid to an employee rostered for duty between midnight on Friday and midnight on Saturday is to be time and a half of the employee's normal salary rate, but such rates are to be in substitution for, and not cumulative upon the shift allowances contained in subclause (d).

The provisions of this subclause are not to prejudice any right of an employee to obtain alternatively any higher rate in respect of that work by virtue of any provision of this award.

(f) Sunday and Holiday Shifts

(i) Shift workers on continuous shifts for work on a rostered shift, the major portion of which is performed on a Sunday or holiday as prescribed in subclause (g) hereof are to be paid at the rate of double time.

(ii) Shift workers on other than continuous work for all time worked on a Sunday or holiday, are to be paid as follows:

(1) Sundays - at the rate of double time.

(2) Holidays as prescribed in subclause (g) - at the rate of double time and one half.

(iii) The above rates are to be in substitution for, and not cumulative upon the shift allowances more particularly set forth in subclause (d).

(iv) **PROVIDED** that

- (1) where shifts commence between 11.00 pm and midnight on a Sunday or a holiday the time so worked before midnight is not to entitle an employee employed on such a shift to the Sunday or holiday rate provided that the time worked by an employee on a shift commencing before midnight on a day preceding a Sunday or holiday and extending into a Sunday or holiday is to be regarded as time worked on such Sunday or holiday;
- (2) where shifts fall partly on a holiday, that shift the major portion of which falls on a holiday, is to be regarded as holiday shift;
- (3) where a shift worker is required to work on a holiday as herein defined and is granted time off in lieu thereof the above penalty rate is not to apply.

(g) Definition

For the purposes of this subclause the definitions of '**Holiday**', '**Shift worker**', '**Continuous work**' and '**Continuous shift**' are contained in the General Conditions of Employment Award.

Tim Abey
ACTING PRESIDENT

15 August 2012

OTHER CONDITIONS OF EMPLOYMENT

1. HIGHER DUTIES ALLOWANCE

Higher duties allowances are payable as follows:

- (a) an employee classified up to and including:

Level 7 for Administrative and Clerical Employees; and
Level 10 for Operational Employees

is entitled to a higher duties allowance only when the employee acts in and performs the duties of a higher-classified position for a minimum period of 10 consecutive working days and the acting position is two or more levels higher than the employee's substantive classification.

- (b) an employee classified at:

Level 8 for Administrative and Clerical Employees and above

is entitled to a higher duties allowance only when the employee acts in and performs the duties of a higher-classified position for a minimum period of 20 consecutive working days and the acting position is two or more levels higher than the employee's substantive classification.

- (c) an employee substantively classified between

Level 1 and Level 11 for Administrative and Clerical Employees; and
Level 1 and Level 10 for Operational Employees

is entitled to a higher duties allowance if required to act in and perform the duties of a position classified one level higher than the employee's substantive classification and where the acting appointment is for a period of 40 consecutive working days or more.

2. OVERTIME

- (a) Employees classified up to and including:

Level 6 for Administrative and Clerical Employees; and
Level 10 for Operational Employees

are entitled to payment for authorised overtime worked at the direction of the employer. Such payment is to be calculated by reference to the employee's actual salary as prescribed in this Award and the overtime rates as prescribed in the General Conditions of Employment Award.

- (b) Employees classified above these levels are not entitled to receive payment for overtime worked.

3. SPREAD OF HOURS

Ordinary hours of work may be performed between 7.00 am and 7.00 pm.