

T12966

**Tasmanian Industrial Commission Section 55 – Industrial Agreement**

# **DEPARTMENT OF POLICE AND EMERGENCY MANAGEMENT**

## **FORENSIC SCIENTISTS**

### **INDUSTRIAL AGREEMENT 2007**

**between**

the Minister administering the *State Service Act 2000*

**and**

The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.,



## 1. TITLE

This Agreement shall be known as the Department of Police and Emergency Management *Forensic Scientists Industrial Agreement 2007*.

## 2. ARRANGEMENT

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### 3. PARTIES

This Agreement is between the Minister administering the *State Service Act 2000* and The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

### 4. PERIOD OF OPERATION

This Agreement takes effect from the date of Agreement and shall remain in force until the 30<sup>th</sup> September 2008.

### 5. APPLICATION

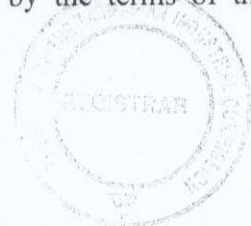
This Agreement is made in respect of all persons employed as Forensic Scientists in the Department of Police and Emergency Management including all those employees listed in Schedule 2.

### 6. RELATIONSHIP TO AWARDS AND AGREEMENTS

Where there is an inconsistency between this Agreement and the *Professional Employees Award*, the *General Conditions of Employment Award* or any Award or Agreement having application to Forensic Scientists employed in the Department of Police and Emergency Management this Agreement shall prevail to the extent of the inconsistency.

### 7. EFFECT OF THIS AGREEMENT ON PRE-EXISTING AGREEMENTS

The terms of this Agreement are to be read in conjunction with and in addition to the terms and provisions of the *Public Sector Unions Wages Agreement No.2 of 2004* except as to Clause 7 (Wage Increases) and Clause 27 (Call Out, Stand-By, Availability Allowances) of that Agreement which are hereby superseded by the terms of this Agreement.



### 8. TRANSLATION FROM PRE-EXISTING AGREEMENTS



Persons covered under this Agreement, previously covered under *S081 Professional Employees Award*, will translate to this Agreement in accordance with Schedule 2. These salary rates are to be indexed in accordance with Clause 13.

Salary rates prescribed under Schedule 2 apply only to the application of translation of persons previously covered under *S081 Professional Employees Award*. All future salary rates are to be determined in accordance with Clause 13.

## 9. GRIEVANCES AND DISPUTE SETTLING PROCEDURE

9.1 In the first instance, grievances and disputes will usually be dealt with at the workplace by appropriate employer and employee representatives. In circumstances where discussions at that level fail to resolve the grievance or dispute, the issue may be referred to appropriate union and management representatives. If still unresolved, the matter will be referred to the Tasmanian Industrial Commission. Where a grievance or dispute is being dealt with under this process, normal work will continue.

9.2 This grievance and dispute procedure does not take away an employee's rights to seek redress of a grievance under the *State Service Act 2000* or the *Industrial Relations Act 1984*, or any other relevant legislation.

## 10. NO EXTRA CLAIMS

The parties to this Agreement undertakes that, for the life of this Agreement, they will not make any additional claims relating to any matter included in this Agreement.

## 11. NOT TO BE USED AS A PRECEDENT

The provisions of any other Agreement shall not be used in any way to affect the interpretation or operation of this Agreement. This Agreement is an agreement for Forensic Scientists pursuant to Clause 5 and is not to be used as a precedent in any other wages agreement.

## 12. CLASSIFICATION STRUCTURE

Employees subject to this Agreement will be classified in accordance with the classification structure as detailed in Schedule 1 and paid the rates relevant to their classification as detailed in Clause 13.

### 13. SALARY PARITY AND FUTURE INCREASES

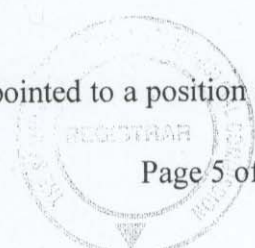
13.1 Upon registration of this Agreement employees covered by this Agreement will be paid in accordance with the salary rates outlined below. Furthermore, these employees will be back paid monies to the 15<sup>th</sup> June 2006 for ordinary time only and without any adjustment for a 38 hour week.

Forensic Scientists Level	Salary at 15 June 2006	Salary at 01 July 2006
1.1	\$39,510	\$41,256
1.2	\$41,976	\$43,831
1.3	\$44,641	\$46,614
1.4	\$47,322	\$49,414
1.5	\$49,998	\$52,208
Competency Barrier		
2.1	\$52,651	\$54,978
2.2	\$55,294	\$57,738
2.3	\$57,935	\$60,496
2.4	\$60,583	\$63,261
2.5	\$63,223	\$66,017
Promotable Barrier		
3.1	\$60,583	\$63,261
3.2	\$63,223	\$66,017
3.3	\$65,869	\$68,780
3.4	\$67,869	\$70,869
3.5	\$69,391	\$72,458
Promotable Barrier		
4.1	\$69,391	\$72,458
4.2	\$72,916	\$76,139
4.3	\$74,676	\$77,977
4.4	\$76,676	\$80,065
Promotable Barrier		
5.1	\$84,676	\$88,419
5.2	\$88,201	\$92,099
5.3	\$90,843	\$94,858
5.4	\$93,488	\$97,620

13.2 Salary increases during the life of this Agreement will be as those paid to equivalent classification levels in the *Tasmanian Public Sector Allied Health Professionals Industrial Agreement 2005*.

13.3 Salary increases are payable from the first full pay period commencing on or after the 1<sup>st</sup> July 2007 and 1<sup>st</sup> July 2008.

13.4 An employee at level 2.5 who applies for and is appointed to a position at level 3 will be appointed to level 3.2 or higher.





## 14. COMPETENCY PROGRESSION BARRIER (LEVEL 1 -2)

### 14.1 Competency Progression Forensic Scientist

A Forensic Scientist may, after reaching the classification Level 1 Year 5, apply to their Manager for personal progression to Level 2, Year 1. This application must address the criteria as stipulated in Clause 14.3. A panel consisting of the Director, FSST and a representative as nominated by the Secretary, Department of Police and Emergency Management, will assess the application. If the Forensic Scientist demonstrates they meet the requirements stipulated in Clause 14.3, they will, on confirmation from Controlling Authority, be progressed to Level 2 Year 1 on their next anniversary.

### 14.2 Accelerated Competency Progression

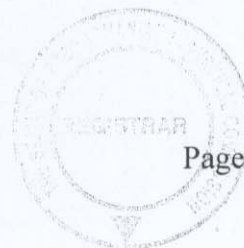
A Forensic Scientist may, after reaching the Classification Level 1 Year 4, apply to their Manager for accelerated progression to the classification of Level 2, Year 1. This application must address the criteria as stipulated in Clause 14.3 and must be supported in writing by a relevant senior Forensic Scientist. A panel consisting of the Director, FSST and a representative as nominated by the Secretary, Department of Police and Emergency Management, will assess the application. This panel will make a recommendation to the controlling Authority who may approve this accelerated progression.

### 14.3 Competency Criteria

14.3.1 The Forensic Scientist concerned must demonstrate detailed knowledge of standard professional tasks and professional expertise in one or more areas of the profession which demonstrates their ability to perform at Level 2 as demonstrated by:

- a. analytical proficiency through consistently satisfactory completion of assigned case work, internal and/or external proficiency tests, or other devised test of proficiency.
- b. demonstrated proficiency in the consistent satisfactory operation of appropriate analytical equipment and instrumentation routinely used by the work unit.
- c. demonstrated understanding of the principles of procedures and techniques routinely applied in the work unit.

14.3.2 The claim may be further supported by;



- a. modifications to standard procedures and practices and contributions to the development of new techniques and methodologies in forensics
- b. professional contribution relevant to their work unit
- c. evidence of recognition by peers, industry or other client groups for knowledge and skill in forensics, which may be demonstrated by:
  - original in-service presentations; or
  - recognition as a resource person.

## 15. ON CALL ALLOWANCE

15.1 An employee who is rostered to remain on call (that is, available to be recalled for duty at short notice and allowed to leave his/her place of employment) shall be paid an allowance of \$2.50 per hour for each hour the employee is required to be available, with a minimum payment of \$20.00 per day.

15.2 An employee rostered on call who is recalled to work shall be paid as follows:

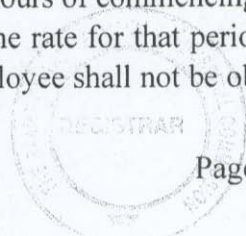
- a. In respect of the first recall a minimum payment of three hours at the appropriate overtime rate.
- b. In respect of subsequent recalls occurring up to three hours from the commencement of the first recall for which a minimum payment has been attracted, in accordance with paragraph (a) of this subclause no extra payment shall accrue until the time actually worked exceeds three hours.
- c. Payment for all recalls occurring outside the three hour period from the commencement time of the first recall for which a minimum payment has been made shall be calculated at the appropriate overtime rate for actual time worked.
- d. The appropriate overtime rate for the purpose of this clause shall be calculated at the employee's actual salary.

15.3 For the purposes of this clause time reasonably spent in travelling to and from work shall be regarded as time worked.

15.4 For the purposes of determining the first recall period each continuous on call period shall stand alone.

**Provided** that where a continuous call period exceeds 24 hours each 24 hour on call period shall stand alone.

15.5 Where an employee is recalled to work within three hours of commencing normal duty, the employee shall be paid at the appropriate overtime rate for that period up until the commencement time of the normal duty, but the employee shall not be obliged to work





for the full period if the work for which the employee was recalled is completed in less time.

## 16. HOURS OF WORK

The ordinary hours of work for all employees covered by the Agreement will be 38 hours per week.

### SIGNATORIES

This Agreement is made in Hobart on this 6th of June 2007

SIGNED FOR AND ON BEHALF OF  
Minister administering the *State Service Act 2000*

[Signature] Director, Public Sector Management  
office

SIGNED FOR AND ON BEHALF OF  
The Community and Public Sector Union (State Public Services Federation Tasmania)  
Inc.

[Signature] Tom Lynan  
General Secretary.

This Agreement is registered pursuant to Section 56(1) of the Industrial  
Relations Act 1984





## Schedule 1 - CLASSIFICATION STRUCTURE

### (a) Definitions

For the purposes of this Agreement, unless the contrary intention appears:

**'complex forensic work'** means work which includes various tasks involving different and unrelated processes and methods. It depends on analysis of the subject, phase or issues involved in each assignment and the appropriate course of action may have to be selected from many alternatives. The work involves conditions and elements that must be identified and analysed to discern interrelationships.

**'critical forensic work'** is a term used in the sense commonly accepted in technological areas in relation to a critical component, critical issue or critical decision. It means a cornerstone, or fundamental decision, requiring the exercise of sound professional judgement of the effects of a decision within a particular forensic discipline or field of work.

**'general professional guidance'** means direction and guidance given by a senior professional employee on a range of professional assignments. There is discretion in selecting the most appropriate method of completing these, and conformity with directions is measured by satisfactory completion of allocated professional assignments.

**'general supervision'** means the supervision given by a professional employee to technical and other staff. It consists of the allocation, direction, oversight and co-ordination of the work of subordinate staff. Professional employees may receive supervision on non-technical administrative matters from non-professional staff.

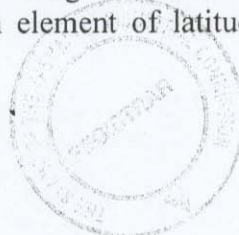
**'normal professional work'** includes ongoing professional duties performed in accordance with conventional established forensic practice, methods and standards, but excludes forensic work of a novel, complex or critical nature.

**'novel professional work'** encompasses work requiring a degree of creativity, originality, ingenuity and initiative and of a type not normally undertaken in Forensic Science Service Tasmania. The term may refer to the introduction of a new technology or process used elsewhere.

**'professional discipline'** means Forensic Science.

**'professional field of work'** means a major subdivision of Forensic Science.

**'professional judgement'** means the application of professional knowledge and experience in defining objectives, solving problems, establishing guidelines, reviewing the work of others, interpreting results and providing and assessing advice or recommendations and other matters which have an element of latitude in decision-making.



**'professional knowledge'** includes knowledge of principles and techniques applicable to Forensic Science. It is obtained during the acquisition of professional qualifications and relevant experience.

**'Professional Specialist Manager'** is a person who has an in-depth knowledge of, and is acknowledged as an authority both by senior management and by professional peers in Forensic Science. The person is required to have a sound knowledge of the relevant principles, practices and procedures applicable to Forensic Science or field of work. Professional Specialist Managers are responsible for the achievement of particular objectives or completion of a project. This responsibility includes accountability for material, human and financial resources allocated to that objective or project.

**'Professional Practitioner'** means an individual, team member or team leader. In their initial years at Professional Employee Level 1 they apply professional judgement across a limited range of activities. Professionals may perform normal forensic work under different types of supervision and guidance. Professional supervision is required, but it may not need to be continuous. As they gain experience at Level 1 and at the higher Levels they carry out a broad range of activities or functions using relevant practices or procedures within Forensic Science. This role can provide advice to others on aspects of Forensic Science and can be expected to contribute in an original and innovative manner to activities of the work area. This role includes the supervision of subordinate professional staff and staff from other fields of work.

**'professional supervision'** means supervision given to subordinate professional officers which requires the exercise of professional judgement and consists of:

- setting guidelines for the work of professional employees;
- suggesting approaches to the conduct of professional work;
- solving technical problems raised by subordinate professional employees;
- giving decisions on technical solutions proposed by subordinate professional employees;
- reviewing and sometimes checking the work of other professional employees.

**'work of a professional nature'** means the application of professional knowledge initially gained by satisfactorily completing an appropriate course of study at a recognised tertiary institution; experience and judgement in the development, management and use of technology; investigation; survey; analysis; testing; observation; evaluation; applied research; planning; provision and maintenance of facilities and services; diagnosis/prognosis; remediation/treatment; liaison; administration of safety regulations; and education in laboratory, field or other situations.





## ***(b) Classification Structure***

### ***Forensic Scientist***

#### ***Level 1***

A graduate with relevant qualifications but without prior practical experience in forensic science. Persons are required to have a sound theoretical knowledge in a relevant science gained through satisfactory completion of an appropriate course of study at a recognised tertiary institution. A practitioner at this level is expected to be analytically proficient in routine methodologies relevant to their work unit and operate under general supervision and/or professional supervision.

The work involves any or all of the following under administrative, policy and procedural control and direction:

- the routine forensic work of an organisational unit as assigned.
- routine forensic work where it is isolated from immediate professional supervision, for example, because of remoteness of the functional work area;
- complex or critical forensic work under professional supervision if suitably proficient; and/ or
- the issuing of general reports and the drafting of court reports.

#### ***Level 2***

A practitioner at this level will have at least 3 years prior practical experience in one or more areas relevant to forensic science. The practitioner is analytically proficient in routine methodologies relevant to forensic science and able to competently collate and interpret results of analyses. Under general supervision and/or professional supervision as to method of approach and requirements, this person performs routine forensic work relevant to their work unit. With appropriate professional development may perform novel, complex or critical professional work under professional supervision.

The work involves any or all of the following under administrative, policy and procedural control and direction:

- the routine forensic work of an organisational unit.
- routine forensic work where it is isolated from immediate professional supervision, for example, because of remoteness of the functional work area;
- difficult or novel, complex or critical forensic work under professional supervision;
- forensic research carried out under professional supervision and which may be expected to contribute to advances in the techniques used; and/or
- professional supervision of less experienced professional employees together with general supervision over technical and other personnel.
- may be required to issue court reports and provide expert evidence in court.
- may be required to peer review the court reports of others.

#### ***Level 3***

Under broad administrative, policy and procedural control and direction is an experienced Practitioner who performs routine and/or novel, complex or critical forensic work.

The work may include the formulation of professional or policy advice for senior management and may involve provision of such advice to senior executives in other Departments, the private sector and the wider community.

The work includes the role of team/project leader requiring the co-ordination of the work of a number of professionals and/or other staff within their work unit and sometimes, the staff co-ordinated may be outside the leader's work unit. Persons at this Level may oversee the operations of a team comprising professional and/or technical staff engaged in field, laboratory, clinical, production or operational work and which may be organised on a geographical or functional basis.

Persons at this Level are highly competent in the practice of one or more fields of Forensic Science. They perform a variety of tasks of a novel, complex or critical nature, either individually or as a leader or member of a team. Direction is provided in terms of a clear statement of overall objectives with limited direction as to work priorities. Programs, projects, assignments or other work are generally decided by higher level management but, if assigned, at this Level authority is given to decide on how to achieve end results within limits of available resources.

Where a professional at this Level works as a member of a team he/she should have skills and the experience necessary to perform all the tasks undertaken by the team or to have knowledge and professional judgment to seek and utilise specialist advice when it is required.

Persons at this Level will issue court reports, peer review the court reports of others as directed by the work unit Manager and are required to give expert evidence in court.

#### **Level 4**

Under broad policy control and direction is a Professional Specialist or a Senior Professional Practitioner and is most often managing a discrete work unit within FSST. The Professional Specialist or Senior Professional Practitioner is recognised at least as a State expert in a field of Forensic Science. The Professional Specialist or Senior Professional Practitioner participates in policy development in a national and/or international forum making recommendations to the Director or delegate in relation to human, physical and financial resources under the control of the position.

The work is performed under broad direction in terms of objectives, policies and priorities from the Director or Deputy Director. Programs, projects, assignments or other work are generally decided by higher level management but at this Level authority is given to decide on how to achieve end results within limits of available resources. Decisions at this Level have direct consequences on the achievement of results for the function or discrete work unit for which the person is responsible.



Persons at this Level are expected to have extensive experience in their professional field and to perform a range of tasks in the absence of general professional guidance. Persons at this level exercise a high degree of independent professional judgment in the resolution of more novel, complex and critical problems or issues. They are required to provide authoritative technical or policy advice which draws on in-depth knowledge in a field of Forensic Science. Analysis, design and interpretation of results of research or investigations represent authoritative and final professional conclusions. An original continuing contribution to the knowledge in Forensic Science and the application of that advance in knowledge to the organisation's work would be expected.

Persons at this Level prepare court reports, peer review the court reports of others and are required to give expert evidence in court.

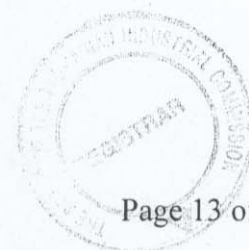
### **Level 5**

Under broad policy control and direction is a Senior Professional Specialist Manager or Deputy Director.

The Senior Professional Specialist Manager/Deputy Director leads and directs organisational units within Forensic Science Service Tasmania which is a team of professionals and other staff requiring co-ordination, and is responsible for human, physical and financial resources under the control of the position.

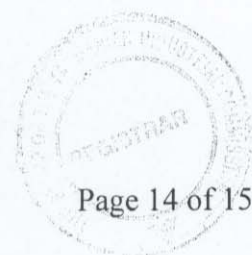
The management role may require professional leadership within the workplace over subordinate staff including supervisors. This involves setting standards for and evaluation of performance; interpreting and implementing policy relevant to the work area; and may involve resolving more complex technical or professional problems. The work requires the exercise of a high degree of independence in the determination of overall strategies, priorities, work standards and the allocation of resources. Judgments made at this level form the basis of advice to the Director of Forensic Science Service Tasmania and are often critical to the achievement of overall objectives of an organisational unit within Forensic Science Service Tasmania. Work is monitored against broad objectives and has a high corporate impact. Administrative direction is given to the workplace on the Agency's policies and objectives and to ensure co-ordination with other work units within Forensic Science Service Tasmania.

The management role will require professional leadership for Forensic Science Service Tasmania within the national and/or international forensic community in collaboration with inter jurisdictional peers who make a contribution to the national strategy and policy for the advancement of a field of Forensic Science. Recommendations made at this level form the basis of advice to the Director of Forensic Science Service Tasmania.



A person at this level operates in accordance with broad objectives and is expected to apply highly significant professional knowledge and professional judgment in one or more disciplines or fields directly relevant to the work area and in relation to most novel, complex or critical Forensic work that they manage.

Although persons at this level are recognised principally for their managerial responsibilities, they may also issue court reports, peer review the court reports of others and give expert evidence in court.





## Schedule 2 – TRANSLATION TABLE

Translation Table

A	B	C	D
Current Professional Employees	Forensic Scientists	Translation Salary	Salary +4.42% at
Award Level	Level	15 June 2006	01/07/06
1.1	1.1	\$39,510	\$41,256
1.2	1.2	\$41,976	\$43,831
1.3	1.3	\$44,641	\$46,614
1.4	1.4	\$47,322	\$49,414
1.5	1.5	\$49,998	\$52,208
1.6	2.1	\$52,651	\$54,978
1.7	2.2	\$55,294	\$57,738
1.8	2.3	\$57,935	\$60,496
	2.4	\$60,583	\$63,261
	2.5	\$63,223	\$66,017
2.1	3.1	\$60,583	\$63,261
2.2	3.2	\$63,223	\$66,017
2.3	3.3	\$65,869	\$68,780
	3.4	\$67,869	\$70,869
	3.5	\$69,391	\$72,458
3.1	4.1	\$69,391	\$72,458
3.2	4.2	\$72,916	\$76,139
	4.3	\$74,676	\$77,977
	4.4	\$76,676	\$80,065
3.3	4.5*	\$80,676	\$84,242
4.1	5.1	\$84,676	\$88,419
4.2	5.2	\$88,201	\$92,099
4.3	5.3	\$90,843	\$94,858

\*Level 4 Year 5 – This is a translation classification only and does not form part of the general classification and salary rate structure. Salary rates at this level will be calculated as per the percentage increase applied to rates on 1 July 2007 and 1 July 2008 identified in Clause 13 of the Agreement. Progression beyond the classification of 4.5 will be by way of promotion only.

