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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

Minister for Public Sector Administration
(T6511 of 1996)

HOBART REGIONAL WATER BOARD STAFF AWARD

FULL BENCH:

PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER P A IMLACH

Award variation - nominated public sector awards - re-word nominated awards consistent with other Public Sector awards - operative date 7 Mar 96

ORDER BY CONSENT –

**No. 1 of 1997
(Consolidated)**

ALL CLAUSES HAVE BEEN AMENDED, THE AWARD IS RE-TITLED, CLAUSES 2 AND 3 HAVE BEEN RE-NUMBERED, CLAUSES 2, 4, 6 AND 9 HAVE BEEN RE-TITLED AND THE AWARD IS CONSOLIDATED.

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1. TITLE

This award is the "Hobart Regional Water Board Award".

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3. SCOPE

This award is to apply to persons employed under the *Tasmanian State Service Act 1984* in the Hobart Regional Water Board who occupy positions covered by classifications contained in awards of the Tasmanian Industrial Commission.

4. DATE OF EFFECT

This award is to take effect on and from 7 March 1996.

5. SUPERSESSION AND SAVINGS

This award supersedes the Hobart Regional Water Board Staff Award No. 2 of 1996 (Consolidated) and No. 3 of 1996.

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

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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 Hobart Regional Water Board are:
 - (i) to be paid under Clause 8 - Salaries, of either the Administrative and Clerical Employees Award, the Technical Employees Award or the Operational Employees Award at a salary rate determined in accordance with the classification standards contained in the relevant above-mentioned awards; 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 Hobart Regional Water Board Staff 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 Administrative and Clerical Employees Award No.1 of 1996 (Consolidated), No.2 of 1996 and No.3 of 1996, the Technical Employees Award No.1 of 1996 (Consolidated), No.2 of 1996 and No.3 of 1996 and the Operational Employees Award No.3 of 1996 (Consolidated), 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 above-mentioned awards on and from 7 March 1996 and are to observe the other conditions of employment set out in Annexure A of this award.

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9. 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.

10. HOURS OF DUTY

- (a) Spread of Hours

The spread of hours for all employees is to be between the hours of 7.00 am and 7.00 pm.

- (b) Office Employees

The ordinary hours of duty for office employees are to be 73 ½ per fortnight.

The ordinary hours of duty are to be seven hours twenty minutes per day.

These hours may be adjusted through the operation of a flexitime system.

- (i) Flexitime

Flexitime is to operate as follows:

- (1) flexitime may be taken between 7.00 am and 10.00 am, 4.00 pm and 7.00 pm, with a core period from between 10.00 am and 4.00 pm;
- (2) employees are to commence and/or cease work during the flexitime periods at times convenient to the Board;
- (3) employees may, in certain circumstances, obtain permission to reduce their lunch break, but only to a minimum of half an hour;
- (4) no credit may accumulate from the end of one fortnight to the beginning of the next by an amount of more than 10 hours. Any credit in excess of 10 hours at the end of a fortnight is to be reduced, so that the credit at the beginning of a new fortnight is no greater than 10 hours;
- (5) employees with a debit balance of hours at the end of a fortnight must work towards reducing this balance during the next fortnight;
- (6) employees may take time off up to the maximum of their credit, in half days or full days;

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- (7) time off must be at the convenience of and with the prior approval of the Board, providing the work load allows;
- (8) time is to be deducted for professional appointments (doctor, dentist, optician, solicitor, etc.) except in exceptional or emergency situations where the General Manager may use his/her discretion;
- (9) the demands of the Board and service to the public must be every employee's first consideration before flexitime can operate effectively.

(c) Operational Employees

(i) Day Workers

The ordinary hours of duty are to be 38 per week to be worked between Monday and Friday (both inclusive).

A nine day fortnight may be worked only during the months of March to December. A roster is to provide for 50 percent of day workers to be away each Friday. The nine day fortnight is to be suspended during the months of January and February.

- (1) The normal hours of duty for day workers are to be:

March to December:

Monday - Thursday 7.30 am to 4.30 pm
Friday 7.30 am to 4.00 pm
(exclusive of half hour lunch)

January and February

Monday - Friday 7.30 am to 3.36 pm
(exclusive of half hour lunch)

- (2) Special Leave

Hours in addition to those contained in subparagraph (1) above may be worked and compensated through special leave. Conditions applying to special leave are as follows:

- (A) each employee is to be credited with time worked beyond seven hours thirty-six minutes per day up to a limit of eight hours thirty minutes. Time worked in excess of eight hours thirty minutes is to be paid at the appropriate overtime rates;

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- (B) all recreation leave, sick leave, days that are public holidays and all other leave is to be counted as days of seven hours thirty-six minutes duration and no time is to be credited or debited to the employee;
- (C) employees are to be debited with the hours for a rostered day off at the rate of seven hours thirty-six minutes per day;
- (D) where a rostered day off falls on a public holiday, or the employee is required to work on a rostered day off, the day off is to be given on the first working day, either before or after the rostered day off. If this cannot be arranged a time is to be determined by the Board;
- (E) on 1 October each year, hours in credit or debit are to be totalled and:
 - (aa) if in credit, leave in lieu of the total hours are to be given at a time convenient to the Board;
 - (bb) if in debit, a rostered day off is to be worked by the employee at a time convenient to the Board.
- (F) an employee who resigns, retires or is transferred from the Board's employ, is to have an amount of money equivalent to the debit of or credit of hours at the appropriate overtime rate subtracted or added to any final payment due.

(ii) Shift Workers

- (1) The ordinary hours of duty are to be 38 per week. Shift times are to be:

Day Shift	6.00 am	to	2.00 pm
Afternoon Shift	2.00 pm	to	10.00 pm
Night Shift	10.00 pm	to	6.00 am

- (2) Special Leave

Hours in addition to the above shift times may be worked and compensated through special leave. Conditions applying to special leave are as follows:

- (A) employees are to be credited with time worked beyond seven hours thirty-six minutes per day up to a limit of eight hours. Time in excess of eight hours is to be paid at appropriate overtime rates;

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- (B) all recreation leave, sick leave, days that are public holidays and all other leave is to be counted as days of seven hours thirty-six minutes duration and no time is to be credited or debited to the employee;
 - (C) on 1 October each year, hours in credit are to be totalled and leave in lieu is to be taken at a time convenient to the Board;
 - (D) an employee who resigns, retires or is transferred from the Board's employ, is to have an amount of money equivalent to the credit of hours at the appropriate rate added to any final payment due.
- (iii) Relief Workers
- (1) Employees required to perform relief work outside the usual area of work may:
 - (A) be paid an allowance for travelling time at the employee's ordinary rate; or
 - (B) have the travelling time treated as a credit for the one working day off referred to in the previous clause; or
 - (C) be allowed to travel during normal working hours.
 - (2) The period of travelling time is to be determined by the Board having regard to the employee's normal area or location of work.
 - (3) Where relief operators are required by the nature of the shifts to commence a new shift roster with only an eight hour rest period between the end of the last shift worked and the new shift, that payment is to be made at time and a half for the time taken to travel to and from work.

11. MEAL ALLOWANCES

- (a) The rate of payment for meal allowances is to be as determined under the General Conditions of Employment Award.
- (b) Except as otherwise provided, meal allowances are to be payable only in respect to travel to areas outside the Board's operational area.
- (c) Where an employee is required to commence duty not less than one and a half hours before, or to remain on duty for not less than one and a half hours after the normal hours of duty, that employee is to be paid a meal allowance together with a reasonable break for such a meal.

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- (d) Where an employee, required to work overtime on a Saturday, Sunday or Public Holiday has been given prior notice of the need to work overtime the previous day, or earlier, that employee is not entitled to the payment of a meal allowance. Where prior notice has not been given, the employee is entitled to payment of a meal allowance.
- (e) Where an employee is required to continue to work overtime without obtaining a meal or is required to work overtime in an area where a meal cannot be reasonably purchased, the Board is to supply emergency rations to a reasonable standard.
- (f) Where the duties of an employee require travel from headquarters to work in an area or location where crib facilities are not provided by the Board, and the employee cannot at normal meal time reasonably return to the headquarters or proceed to a location where crib facilities are provided by the Board, a meal allowance is to be paid in accordance with the rate prescribed by the General Conditions of Employment Award in the case of a meal provided by the employee.

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) A part-time employee is not entitled to annual increments until he/she has completed the number of hours that an equivalent full-time employee would have worked in one year.
- (c) 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. STANDBY AND AVAILABILITY ALLOWANCE

- (a) Standby Allowance
 - (i) An employee, authorised by the Board, regularly rostered on an approved roster for standby duty to meet emergency situations, who is required to standby at home on immediate call and may be required for immediate recall to duty, is to be paid an allowance of one and a half hours at the employee's normal salary rate when actually on standby duty from Monday to Friday, and an allowance of six hours at the employee's normal salary rate when actually on standby duty on Saturdays, Sundays and Public Holidays.
 - (ii) On a Saturday, Sunday or Public Holiday the allowance is to be reduced by 25 percent of the actual overtime hours worked.

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(b) Availability Allowance

- (i) An employee, other than an employee to whom subclause (a) of this clause relates, who is directed by the Board to return to work without delay or within a reasonable time of being recalled or to monitor telephone calls and/or to attend to after hours calls if required, is to be paid an allowance of one half hour at the employee's normal salary rate when actually on availability duty from Monday to Friday and an allowance of one and a half hours at the employee's normal salary rate when actually on availability duty on Saturdays, Sundays and Public Holidays.
- (ii) An employee's entitlement to the payment of an availability allowance is to be subject to the same restriction applying to the payment of overtime in accordance with Clause 8 - Salaries, subclause (c) of the General Conditions of Employment Award.

P A Imlach
COMMISSIONER

28 January 1997

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ANNEXURE A

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;
Level 4 for Technical 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
Level 5 for Technical 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;
Level 1 and Level 5 for Technical 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.

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2. OVERTIME

- (a) Employees classified up to and including:

Level 6 for Administrative and Clerical Employees;
Level 4 second year of service for Technical 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.