

# Public Sector Industrial Relations

Level 4 75 William Street Brisbane QLD 4000 Telephone 32252373 Facsimile 32295943 Title Variations - Public Service Award - State Date 22 December 2000 Circular No. 14/00

## Restructuring of the Public Service Award - State

The *Public Service Award – State* is to be varied from 1 December 2000, after a recent decision of the full bench of the Queensland Industrial Relations Commission.

A draft order that has been consented to by the parties and prepared for the Registrar's endorsement is available for perusal at [www.detir.qld.gov.au/ir/psinfo/circular/circular.htm](http://www.detir.qld.gov.au/ir/psinfo/circular/circular.htm)

The major features of the draft order are as follows:

### Clause 4.1 - Day Work

Aside from some formatting changes, the 'Day Work' clause remains unchanged. The award parties are to continue to rely upon a range of arrangements, such as those in the *Queensland Government Departments – Hours of Work Arrangements Industrial Agreement (1996)* and certified agreements, in order to achieve greater flexibility in hours of work.

In the 'Day Work' clause the ordinary hours of duty have not altered and the ordinary spread of hours remains 9.00am to 5.00pm, Monday to Friday for employees who do not work 38 hours a week.

In clause 4.1 the sub-clauses dealing with the 38 hour week have been reformatted.

### Clause 4.2 - Shift Work

This is a new clause in the award. It allows for the introduction of shift work arrangements to meet operational requirements. Subject to agreement between the chief executive and the majority of employees, shift work rosters may be introduced based on a formula set out in the sub-clause.

The parties have agreed to a new shift work clause including, shift work arrangements, shift allowance, extra payment for weekend work and meal breaks and rest pauses.

### Clause 4.3 - Overtime

The existing arrangements for working overtime continue with the addition of a fatigue leave provision.

Overtime for field staff calls up the Directive 23/99: *Field Staff* and requires the parties to review existing arrangements.

### Clause 4.3.8 - Transport Costs on Recall

The award has been varied by arbitration in relation to the reimbursement of transport costs for employees who are recalled to work overtime, when not on call.

An employee who is recalled to perform work during an off duty period, is to be provided with transport to and from the employee's home, or be refunded the cost of transport.

### Clause 4.3.9 – Fatigue Leave

This clause is a new provision in the award. It provides an employee with an entitlement to fatigue leave where the employee has not been released from duty for a period greater than 10 consecutive hours before resuming or recommencing duty.

### Clause 4.4 - Part-Time Employees

The new clause provides for coverage of part time employees by the award. Arrangements for part-time work are in the *Personnel Management Handbook Guidelines*. A review of these guidelines has recently concluded and a 'Flexible Work Practices - Framework and Options Kit' has been developed and is currently being circulated for comment.

The recent award changes will operate in conjunction with the kit.

The provisions in the award for part-time employees include: -

- additional hours of work to be compensated by pro-rata calculation of entitlements in lieu of the 1/12 formula in the previous part time employment arrangements, which were solely related to recreation leave;
- improved consultation mechanisms to ensure that the arrangements are jointly beneficial to the department and the employee;
- the payment of allowances to all part time employees on a pro rata basis with the exception of non-divisible allowances which are to be paid in full;
- confirmation that the spread of ordinary hours and hourly rate of pay for part-time employees is the same as that for a full time employee prescribed in the award;
- salary increments for eligible part-time employees that are to be based on the equivalent of twelve months full-time service\*;
- appointment to more than one position in the public sector provided the number of ordinary hour do not exceed 72.5 hours per fortnight.

\* A recent decision of the Queensland Industrial Relations Commission will further vary this provision. Advice on this decision and further award variations will be issued soon.



Title Variations - Public Service Award - State



Date 22 December 2000



Circular No. 14/00



1



### Clause 5.1.3 – Medical Certificates

This clause preserves the long-standing practice of chief executives to dispense with the requirement for an employee to furnish a medical certificate if the employee's absence is not longer than 3 days. This condition was uncertain with the introduction of the *Industrial Relations Act 1999* as it was not an award provision at the time. The change removes any doubt that might have existed.

### Schedule H

During award negotiations, the parties agreed to incorporate all awards and agreements as listed in Schedule H upon finalisation of the outstanding matters. This has not occurred. A comprehensive review process is anticipated to coincide with the section 130 award review process.

As a result of the finalisation of the restructuring process, the following industrial instruments are to be rescinded:

- Conditions of Employment – Shipping Information Officers, Lytton Hill and Caloundra Signal Stations, Department of Harbours and Marine – Industrial Agreement;
- Public Service Award – State – Conditions of Employment for Computer Operators, State Government Computer Centre, Treasury Department, Brisbane – Industrial Agreement;
- Public Service Award – State – Employees of the Department of Harbours and Marine Employed on Pilot Vessels at Queensland Outports (Excluding Mooloolaba) – Industrial Agreement;
- Public Service Award – State – New Organisation Structure – Motor Vehicle Registration Branch, Administration and Clerical Division, Department of Main Roads – Industrial Agreement;
- Public Service (Remuneration) Interim Award – State;
- Temporary Clerks' Award – Queensland Government.

### Schedule I

All the matters within Schedule I have now been finalised and have been deleted from the award.

### Housekeeping Changes

These clauses have been changed to bring the award into line with current legislation and regulations.

- Clause 2.1 [“**Contract of Employment**”]
- Clause 2.3 [“**Conditions of Appointment on Probationary Service**”]
- Clause 2.4 [“**Recognition of Previous Service**”]
- Clause 3.3.12(a) of Clause 3.3 [“**Salaries**”]
- Clause 3.4.1 of Clause 3.4 [“**Allowances**”]
- Clause 5.1.1 of Clause 5.1 [“**Leave**”]

### Access to Award Variations

A new consolidated award is located at [www.detir.qld.gov.au/ir/psinfo/psawards/psawards.htm](http://www.detir.qld.gov.au/ir/psinfo/psawards/psawards.htm)

### Further enquiries

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GENERAL MANAGER

The Division of Public Sector Industrial Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Employment, Training and Industrial Relations.

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