

Department of Communities- Youth Detention-

Youth Detention Centres

MEMORANDUM OF AGREEMENT

Settlement of Log of Claims for Youth Detention Centres 2006

between

Department of Communities

and

THE QUEENSLAND PUBLIC SECTOR UNION OF EMPLOYEES

and

THE AUSTRALIAN WORKERS UNION OF EMPLOYEES

The following matters are full settlement for the log of claims received by the Department of Communities from the Australian Workers' Union and the Queensland Public Sector Union in relation to enterprise bargaining for Youth Workers in Youth Detention Centres.

1. CLOSED MERIT SELECTION

- i. The Department agrees to undertake a one off conversion process at the Brisbane Youth Detention Centre to fill an agreed number of current vacant youth worker positions identified as at August 2006. The process would fill the current vacant youth worker positions with a mixture permanent part-time and full-time permanent appointments via a merit based process from the current pool of temporary and casual employees. The process will be conducted in accordance with the new Ministerial Directive 04/06.
- ii. For the filling of future youth worker vacancies at a youth detention centre, not connected with the one off closed merit process indicated above, the department seeks to increase the levels of permanency within its workforce through the use of strategies enabling improved planning and predictability of its workforce requirements. As such, the department agrees to:
 - a) Fill positions identified as a vacancy (within establishment) in the first instance following determination that the position is required to be filled.
 - b) Undertake recruitment processes for base grade youth worker positions once or twice a year, ranking the applicants in order of merit and appointing from this pool.
 - c) Develop guidelines that require commencement of activity targeted to fill a vacancy after 14 working days from the date of notification of the vacancy and for final appointment process to be completed within a target of approximately 10 weeks.
 - d) For base grade positions, to a target of 7 working days from notification of the vacancy and for final appointment process to be completed within approximately 6 weeks target timeframe. The target timeframes may vary depending on legislative requirements that are required to be carried out by agencies external to the Department eg Criminal History Checks

2. PUBLIC HOLIDAY PAYMENTS

The Department agrees to a consent variation to the *Youth Workers Employed by the Department of Families Award – State 2003* to provide the same provisions for public holidays as section 7.9.10 (d) of the *Employees of Qld Government Departments (Other Than Public Servants) Award – State 2003* provision for public holidays which in a summary explanation are:

- If Christmas Day (ie 25 December) falls on a Saturday or Sunday, an employee who works is to be paid the usual rate for work performed on a Saturday or Sunday (ie ordinary rate and applicable penalty), as the case may be, plus a loading of 50% of the ordinary hourly rate.
- If the employee works on the gazetted public holiday the existing public holiday penalty would still apply.

Local management processes for rostering on Christmas day are to be developed and discussed at the local level.

3. STAFFING NEEDS, TRAINING AND PROGRESSION ARRANGEMENTS

a. Review of Staffing Needs for Youth Detention Centres

The Department will commission an independent review of future staffing needs of Youth Detention Centres which will include an evaluation of the work value of youth worker positions. This review will commence in September 2006, be completed by 1 March 2007 and will include the following strategies:

- i. Develop a clear career structure to serve future needs and expansion of the Youth Detention Centres and provide better career options for employees. This structure will recognise the skills and ability of employees and provide appropriate pathways for career progression including any supervisor/subordinate anomalies which may arise.
- ii. Develop more efficient and effective attraction strategies including improved recruitment and selection techniques and processes.
- iii. Develop further professional development opportunities for employees by implementing a range of learning and development initiatives including the acquisition of nationally accredited qualifications and ongoing training aimed at professional and operational competencies of Detention Centre employees; and
- iv. Review Detention Centre Workplace Health and Safety practices and training to ensure they are in line with national standards. The department will contract an external consultant to lead the review.

Reference groups will be established with participation from youth detention staff and unions.

b. Progressional Program

- i. It is important to note that the progressional program provides employees with the opportunity for further professional development, extended career and salary progression which results from demonstrated increased knowledge, skills and experience. A base level employee classified at youth worker OO3 may be advanced to youth worker OO4 in accordance with this program.
- ii. Movement from the base/lower classification to the higher classification levels is not automatic. Employees are eligible to advance to the higher classified level provided that:
 - a) They have demonstrated competent performance assessed against a number of key job capability areas at the base/lower level;
 - b) Officers wishing to progress will need to provide relevant evidence (e.g. examples) that demonstrate how they meet these key job capability areas;
 - c) They are at the top incremental step of the lower classification level for 12 months;
 - d) The employee is assessed as demonstrating increased knowledge, skills and experience to meet the requirements outlined in the key job capability areas for the higher level. The key job capability areas for higher levels will be determined by the review (see clause 3a);
 - e) The development of relevant evidence (e.g. examples) to support their application will need to be undertaken in the employee's own time;
- iii. Once an employee moves to the higher classified level, they are eligible to advance through the incremental steps of the higher level position through the normal process.

- iv. Movement to the next level shall not be unreasonably refused. Employees who are aggrieved by any of the steps in this process may lodge a formal grievance in accordance with the grievance Directive.
- v. The implementation of the progressional arrangements will commence on 1 April 2007 and will occur in 2 stages.
- vi. Stage 1:
 - a) Employees who have at least one year's service at the top of the incremental level of the OO3 classification level as at 1 January 2007 will be able to make application for progression once the arrangements are implemented. Applications must be made prior to 30 August 2007 to be considered for Stage 1.
 - b) Employees who successfully progress to OO4 level will receive backpay from 1 September 2006.
 - c) Employees who have at least one year's service at the top of the incremental level of the OO3 classification level after 1 January 2007 but before 30 August 2007 will be able to make application for progression once the arrangements are implemented. Applications must be made prior to 30 August 2007 to be considered for Stage 1.
 - d) Employees who successfully progress to OO4 level will receive backpay from the date on which they achieve 12 months service on the top increment level of the OO3 classification.
- vii. Stage 2:

Stage 2 provisions will be implemented after stage 1 is completed.

 - a) Employees who do not meet the requirement of Stage 1 may apply for the progression at any time after implementation of the progressional program;
 - b) Employees who successfully progress to OO4 level will receive their increment from the date their application is received by the assessment panel.

c. Training

The Department remains committed to providing training and development to Youth Workers and has developed a Learning & Development Strategy. A key component of the strategy for Youth Workers will be the development of an approved Cert IV qualification. The strategy will include the following:

- The engagement of an RTO to provide the Cert IV training. The RTO will be required to provide an outreach service to support staff from Youth Detention Centres in gaining their qualification.
- An RTO for delivery of the Cert IV training has been identified (The Outlook).
- The program will provide for staff to apply for Recognition of Prior Learning (RPL) towards their Cert IV qualification (this will include formal recognition of pre service training where appropriate).
- Consultation with staff and unions to discuss the proposed program for the Cert IV will commence in September 2006.

The Department agrees to apply the dispute avoidance and settling procedure contained in the Core EB in relation to these matters.

4. ELECTED INDUSTRIAL RELATIONS COMMITTEE MEMBERS

The Department is prepared to determine that attendance at agreed Consultative Committees outside of rostered hours is considered as normal duties for the purposes of payment. This will confirm that overtime payments will be made for attendance, whilst rostered off duty, for

Consultative Committees and other approved, significant forums and working parties as agreed between the parties.

5. WORKPLACE HEALTH AND SAFETY REPRESENTATIVES

The Department will investigate including part of the training for a workplace health and safety representative towards recognition for units of a nationally accredited qualification, once Workplace Health and Safety, Queensland has prescribed accredited training.

6. EMPLOYMENT SECURITY

The Department is committed to the employment security of employees as contained in the State Government Departments Certified Agreement 2006 (The Core).

7. ROSTER VARIATIONS TO BE REVIEWED

This issue will be addressed outside of EB at a local level. BYDC management are currently discussing with unions, ensuring that any reintroduction of processes be subject to performance indicators which would include favourable outcomes in relation to absenteeism. The process will not incur overtime.

8. FOOTWEAR

This issue is currently provided for under section 3.8.1 of the Youth Detention Centres Certified Agreement and is being addressed, in consultation with staff and union representatives at a local level.

9. Whole of Government matters agreed to:

The following improvements in conditions, agreed to at a Whole of Government level, will also apply to employees:

- Annual Leave
- Long Service Leave
- Parental Leave
- Purchased Leave
- Superannuation

SIGNATURES

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