

CROWN EMPLOYEES (DEPARTMENTAL OFFICERS) AWARD

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act 1996*.

(Case No. 2016/00005756)

Before Commissioner Stanton

2 August 2016

REVIEWED AWARD

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Arrangement

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MONETARY RATES

Table 1 - Departmental Officer Salary Rates - Classification and Grades

1. Parties to the Award

The parties to this Award are:

Industrial Relations Secretary, the Department of Industry, Skills and Regional Development and the Department of Finance, Services and Innovation; and

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales (PSA).

This Award shall be binding upon all parties defined herein.

2. Intention/Aims of the Award

This Award provides a framework for management and employees to work together to ensure the ongoing high-level achievement of the Department's Mission and Objectives. Within this context the parties are committed to the development of a highly motivated, suitably skilled and productive workforce.

The parties will work collaboratively to ensure that the Department's workforce has and continues to have the necessary skills, knowledge, capabilities and attributes to maintain and enhance its credibility, expertise and standing.

Effective workforce development and succession development are seen as critical to the Department's future performance and its ability to innovate, respond positively to changes in its operating environment and avail itself of future business opportunities. The Award therefore focuses not only on the revision of conditions of employment, but stresses workforce management and development. It is based on maintaining, improving, developing and rewarding the skills, knowledge, capabilities and attributes required of its workforce and provides a commitment to ongoing employment.

In providing more flexible working conditions for employees, the Award also recognises the need to accommodate work and family issues through flexible working arrangements.

The parties recognise the need to strive to achieve best practice in human resource management and to resolve any issues that may currently exist preventing effective workforce management, employee development and the ability to utilise skills. To this end the parties agree to work, during the life of the Award, towards:

The creation of a culture which acknowledges the importance and fosters the development of technical, managerial and business skills; together with a progressive outlook;

Organisation and classification structures that support the business needs of the Department in the most effective way, provide for appropriate managerial and specialist career paths and allow for innovative opportunities in development and multi-skilling;

Training and development programs and activities aimed at meeting corporate requirements and priorities as well as individual job and career development needs, (with the support of senior management):

Equitable development of employees to be achieved by managers conducting performance reviews and offering guidance and direction regarding training and development initiatives. This aims to: facilitate improved on the job performance; provide greater job promotion potential, and prepare for future challenges and opportunities from both the domestic and international environments;

Senior management supporting managers and employees working co-operatively together to resolve issues that prevent workforce development and to identify opportunities for continuous improvement in departmental operations;

Development and maintenance of open communication between all levels of the workforce and improvement in communication skills across the organisation;

Ongoing improvements in safety, quality service and efficiency; and

A workplace environment that is supportive of management and employees maximising their contribution to the business of the Department.

3. Definitions

"Act" means the *Government Sector Employment Act 2013*.

"Association" or "PSA" means the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

"Department" means the Department of Industry, Skills and Regional Development and the Department of Finance, Services and Innovation, as specified in Schedule 1 of the *Government Sector Employment Act 2013*.

"Departmental Officer" means employees in the Land & Property Information Division of the Department of Finance, Services and Innovation and employees who were formerly part of the Land and Property Management Authority in accordance with Clause 20 of the Public Sector Employment and Management (Departments) Order 2011, who are now employed in the Department of Industry, Skills and Regional Development.

"Employee" means a person employed in ongoing, term, temporary, casual or other employment, or on secondment, in a Public Service agency under the provisions of the *Government Sector Employment Act 2013*, who is assigned to a role classified under this award and includes an employee on probation, but does not include the Secretary, statutory appointees or Public Service senior executive as defined in the Act.

"Grade/Level" means a single grade: General Scale; Grade 1-2; Grade 3-4; Grade 5-6; Grade 7-8; Grade 9-10; Grade 11; Grade 12; Senior Officer Grade 1; Senior Officer Grade 2; Senior Officer Grade 3, as set out in Table 1 Departmental Officer Salary Rates and applied to roles created in terms of the *Government Sector Employment Act 2013* and evaluated in accordance with the Department's approved Job Evaluation system and the conditions of this Award.

"Industrial Relations Secretary" means the person, within the meaning of the *Government Sector Employment Act 2013*, who is for the purposes of any proceedings relating to Public Service employees held before a competent tribunal having jurisdiction to deal with industrial matters, taken to be the employer of Public Service employees.

"Public Service" means the Public Service of New South Wales, as defined in the *Government Sector Employment Act 2013*.

"Role" means a role as defined in section 3 of the *Government Sector Employment Act 2013*.

"Secretary" means the Secretary of the Department of Industry, Skills and Regional Development and the Department of Finance, Services and Innovation.

"Service" means continuous service for salary purposes.

4. Classification and Salary Rates

4.1 The classification under this Award is titled "Departmental Officer", eg Senior Surveyor, Departmental Officer Grade.

4.2 The salary rates are set out in Table 1 - Departmental Officer Salary Rates - Classification and Grades, of Part B Monetary Rates. The rates of pay are set in accordance with the Crown Employees (Public Sector - Salaries 2016) Award or any variation or replacement award.

5. Preservation of Conditions for Staff Employed under Previous Awards

5.1 Preservation Rights: A Memorandum of Understanding regarding progression rights of PSA members was agreed in conjunction with the former Crown Employees (NSW Department of Lands - Conditions of Employment) Award 2004 published 2 September 2005 (353 IG 542), which took effect from 22 February 2005.

5.2 Lands Officers

Employees previously employed under the Crown Employees (Lands Officers - Department of Land and Water Conservation and Department of Information Technology and Management 1999) Award published 23 June 2000 (316 I.G. 728) transferred to this award; however, employees who transferred to levels of General Scale, Grade 1-2 and Grade 3-4 shall be entitled to progress, subject to satisfactory performance, on an annual incremental basis in accordance with the prior award, to the equivalent salary of Lands Officer Level 3 year 2.

Lands Officers Level 4 transferred to this award. Any structural anomalies within Administrative and Clerical Officers Grade 5/6 created by the transition will be addressed in any new structure developed to meet the future business objectives of the Department.

5.3 Employees with a substantive salary equivalent to Grade 11 who occupy roles presently graded at A&C 11/12 or DITM Officer Grade 11/12

Employees previously employed under the Crown Employees (Administrative and Clerical Officers - Salaries 2003) Award published 23 April 2004 (344 I.G. 155) or the Crown Employees (NSW Department of Information Technology and Management) Conditions of Employment Award 2002 published 12 March 2004 (343 I.G. 628), with a substantive salary equivalent of A&C Grade 11, year 1 or year 2, and currently occupying ongoing roles of Grade 11/12 shall be entitled to progress, subject to satisfactory performance, on an annual incremental basis, to the equivalent salary of Clerk Grade 12, year 2.

5.4 Surveyors

Employees previously employed under the Surveyors, Trigonometrical and Cartographic Surveyors Agreement No. 2449 of 1982 transferred to this award (except that the progression barrier for registration requiring a Surveyor to become registered in terms of Section 10 of the Surveyors Act, 1929 are to be included in Role Descriptions where it would be a requirement to carry out the accountabilities of roles). Preservation of rights to progression under the prior award applies to Surveyors employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

5.5 Valuers

Employees previously employed under the Crown Employees (Regional Directors and Valuers - All Classes - Valuer General's Office, Department of Information Technology and Management) Award published 28 April 2000 (315 I.G. 238) transferred to this award. Preservation rights to progression under the prior award apply to Valuers employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

5.6 DITM Employees

Employees previously employed under the Crown Employees (NSW Department of Information Technology and Management) Conditions of Employment Award 2002 published 12 March 2004 (343 IG 628) transferred to this award. Preservation rights to progression under the prior award apply to DITM Officers employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

5.7 Clerks

Employees previously employed under the Crown Employees (Administrative and Clerical Officers - Salaries 2003) Award published 23 April 2004 (344 I.G. 155) transferred to this award. Preservation rights to progression under the prior award will apply to Clerks employed by the Department of Lands immediately prior to the registration of this award on 22 February 2005.

5.8 Clerical Officers

Employees previously employed under the Clerical Officers All Departments Agreement No 2515 of 1988 transferred to this award.

5.9 Field Hands and Instrument Man

Employees previously employed under the Surveyors' Field Hands (State) Award published 23 November 2001 (329 IG 889) became permanent officers upon commencement of this Award on 22 February 2005 and classified as Departmental Officers and transferred to this award at their current salary. The grading of their jobs will then be determined in accordance with the outcome of job evaluation.

6. Job Evaluation

- 6.1 The job evaluation system agreed by the parties to this award is the Mercer CED Job Evaluation System. The systematic and objective process of assessing the work value of roles within the Department will continue to be applied utilising the approved Job Evaluation policy and procedures.
- 6.2 The Job Evaluation Committee will comprise the Department's human resources Director as chair, a senior manager of the human resources area and two PSA representatives. The Job Evaluation Committee will identify those roles that should be evaluated.
- 6.3 The priority in which roles are to be evaluated will be determined by agreement between Management, the Job Evaluation Committee, and the PSA. Highest priority will be given to areas of the Department where the greatest benefit to employees in terms of equity will result. Evaluation of identified roles will be completed within 12 months.
- 6.4 Job Evaluation will be managed by the human resources area of the Department. Staff members and consultants participating in the job evaluation process will be accredited in the Mercer C E D Job Analysis and Job Evaluation process. Where required, Mercer Human Resource Consulting (Cullen Egan Dell CED consultants), a management representative and a PSA representative will perform a quality control check on Role Descriptions to ensure consistency in format and content.
- 6.5 Job evaluation allowance: Where an existing role has been incorporated into a new or revised organisation structure and the work hasn't changed substantially but job evaluation indicates a higher salary level for the same work, and the current occupant is performing satisfactorily in the role, the current occupant of the role may be paid by way of Job Evaluation allowance. Payment by way of Job Evaluation allowance is also subject to the existing occupant of the role having been assigned following a process of competitive merit selection. Where the work has changed substantially or the role falls vacant the role should be filled by merit selection. Payment of a Job Evaluation allowance is an option available for consideration in light of the particular circumstances. The allowance is subject to approval of the Secretary on a case-by-case basis, as set out in Premier's Department Circulars No. 97-35 and 98-50, implementation of job evaluation outcomes.
- 6.6 All anomalies with the outcomes of job evaluation will be referred for resolution to the Transition Committee established under clause 5, Transition Arrangements of this award.

7. Qualifications Review Committee

- 7.1 A Qualifications Review Committee shall be convened and shall include representatives from management, unions and employees with expertise in the area of qualification. Such representation shall consist of two management representatives, two union nominees and may call on employees or external advisers with expertise in the area of the qualification being discussed. The Committee shall be constituted for the period of this award for the purpose of making recommendations to the Secretary.
- 7.2 The Committee shall from time to time sit to determine the appropriate skills and qualifications required for given roles within the Department. The Committee shall from time to time also consider the current status of qualifications that are used in this award in relation to the various levels of Departmental Officers as set out in the award. If agreement cannot be reached in this committee, the Secretary will facilitate a resolution.

8. Working Hours and Arrangements

The provisions of the Department of Lands Flexible Working Hours Agreement 2004 will apply with the exception of those employees exempted in that Agreement.

9. Conditions of Employment

Employees regulated by this award shall be entitled to the conditions of employment as set out in this award and, except where specifically varied by this award, existing conditions as provided for under the *Government Sector Employment Act 2013*, *Government Sector Employment Regulation 2014*, *Government Sector*

Employment Rules 2014, the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 and the Crown Employees (Public Sector - Salaries 2015) Award or any awards replacing these awards.

10. Training

The parties agree that all employees shall be provided with opportunities for career, professional and personal development. The joint aim is to develop a highly skilled and efficient workforce and to ensure that all employees are sufficiently skilled to meet the present and future needs of the Department.

The Department's commitment to training and development will include (but will not be limited to):

The reimbursement of course fees for employees undertaking tertiary or vocational studies shall be 100% on successful completion where the study relates directly to the role occupied. Where a Manager considers that the study does not relate directly to the role but will be beneficial to the organisation, and so approves, reimbursement of fees, upon successful completion, may be within the range of 50% to 100%. The Secretary or their delegate will determine any appeal relating to decisions concerning payment of course fees.

A commitment to the provision of external training programs;

Implementation of a Performance Development Program;

The provision of training and re-training wherever re-organisation creates new skill requirements;

Equipping all employees with skills and ability to enable them to pursue, where possible, their preferred career paths and to improve their opportunities for career advancement;

Providing training in information technology to enable employees to use the technological tools required to perform their duties;

Providing the training needed to ensure that those employees, whose performance has been identified as requiring improvement have every opportunity to improve their performance;

Equity of access to training and development opportunities for all employees, including part time employees;

Dependent care assistance (dependant care, by way of payment, may be provided to enable employees with dependant responsibilities to pursue training and development opportunities).

During the life of this award, the Department agrees to examine and implement various options to facilitate skill enhancement and career development for all employees. These options may include:

Job rotation;

Secondments;

Participation in work forums;

Placements in other organisations with the agreement of the employee;

Mentor and coaching programs;

Attendance at conferences and seminars;

Employees exchange programs with the agreement of the employee.

In order to meet these aims, the following have been agreed by the parties:

A commitment to updating skill profiles from the Training Needs Analysis process to assist employees and management to determine appropriate training needs;

To include employees training and development responsibilities in the key accountabilities of all managers and supervisors;

Individual employees will assume personal responsibility to participate in appropriate training and development and skill-enhancing activities.

Furthermore, the parties agree to an ongoing commitment to the Vocational Education and Training (VET) system - that is, the promotion and implementation of the Public Sector training package through the NSW Public Sector Industry Training Advisory Body (NSW PSITAB).

This includes embracing the development of a National Competencies training project encompassing:

An increase in the number of workplace trainers and assessors within the Department;

Time for trainers and assessors to recognise the current competencies held by Departmental Officers;

All in-house training to be in line with National Competency Standards so employees can work toward a nationally recognised public sector qualification.

11. Use of Consultants and Contractors

In line with Government commitments, the parties agree to develop programs to reduce the use of consultants/contractors by greater reliance on the expertise of professional public servants and the development of strict quality control procedures for the engagement of outside assistance.

The Department agrees to consult with the Association on engagement and use of consultants and contractors

12. Employee Assistance Program

The Department will continue to make available to all its employees a free and confidential Employee Assistance Program.

The Employee Assistance Program is an independent and confidential counselling service which provides counselling free of charge for a wide range of personal and/or work related problems.

13. Travel Passes

The Department undertakes to allow salary deduction for public transport travel passes.

14. Grievance and Dispute Procedures under This Award

- 14.1 All grievances disputes or difficulties relating to the provisions of this award shall initially be dealt with as close to the source as possible, with graduated steps for further attempts at resolution to higher levels of authority in the Department, if required.
- 14.2 Employees are required to notify (in writing or otherwise) their immediate supervisor or manager, as to the substance of the grievance, dispute or difficulty, request a meeting to discuss the matter, and if possible state the remedy sought.
- 14.3 Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the *Anti-Discrimination Act 1977*) that makes it impractical for the staff member to advise their immediate manager the notification may occur to the next appropriate level of management, including where required, to the Secretary or delegate.
- 14.4 The immediate supervisor, manager, or other appropriate employee, shall convene a meeting in order to resolve the grievance, dispute or difficulty within seven (7) days of the matter being brought to attention.

- 14.5 If the matter is unresolved with the immediate supervisor or manager, the employee may request to meet with the appropriate person at the next level of management in order to review the matter. This employee shall respond within seven (7) days. If there are matters or issues that still remain unresolved by both parties then they should be referred to the senior manager of the work area who should include a representative from the human resources area in discussions.
- 14.6 In the event that the matter remains unresolved, the Secretary shall provide a written response within 21 days to the employee and any other party involved in the grievance, dispute or difficulty, concerning the action to be taken, or the reasons for not taking action, in relation to the matter.
- 14.7 An employee who is a member of an Association may request to be represented by an Association representative at any stage of the procedures.
- 14.8 The employee or Association on his/her behalf, or the Secretary, may refer the matter to the New South Wales Industrial Relations Commission if the matter is unresolved following the use of these procedures.
- 14.9 The employee and/or Association and/or the Secretary shall agree to be bound by a lawful recommendation, order or determination by the Industrial Relations Commission of New South Wales in relation to the grievance, dispute or difficulty.
- 14.10 Whilst the procedures are being followed, normal work undertaken prior to the notification of the grievance or dispute shall continue, except in the case of a dispute involving Work, Health and Safety. If practicable, normal work shall proceed in such a manner to avoid any risk to the health and safety of any employee, or member of the public.
- 14.11 These procedures should be read in conjunction with the Department's Grievance Resolution Policy and Procedures and in no way diminish Grievance resolution procedures contained in that policy.

15. Saving of Rights

At the time of making this award, no employee covered by this Award will suffer a reduction in his or her rate of pay or any loss or reduction in his or her conditions of employment as a consequence of making this award.

16. Area, Incidence and Duration

- 16.1 The award shall apply to all employees employed in the classification of Departmental Officer in the Department of Industry, Skills and Regional Development and the Department of Finance, Services and Innovation.
- 16.2 The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act* 1996 and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales of 28 April 1999 (310 I.G 359) take effect on and from 2 August 2016.
- 16.3 Changes made to this award subsequent to it first being published on 26 December 2008 (366 I.G. 1501) have been incorporated into this award as part of the review.

PART B

MONETARY RATES

Table 1 - Departmental Officer Salary Rates

Rates are effective from the beginning of the first full pay period to commence on or after 1 July 2016.

Departmental Officer		
Classifications and Grades		1.7.16 Per annum 2.50% \$
General Scale	Year 1	35,134
	Year 2	42,495
	Year 3	45,800
	Year 4	47,049
	Year 5	49,039
	Year 6	49,929
	Year 7	51,168
	Year 8	53,060
	Year 9	54,983
	Year 10	57,015
Grade 1-2 (Level 1)	Year 1	60,154
	Year 2	61,921
	Year 3	63,649
	Year 4	65,396
Grade 3-4 (Level 2)	Year 1	67,248
	Year 2	69,276
	Year 3	71,438
	Year 4	73,635
Grade 5-6 (Level 3)	Year 1	79,384
	Year 2	81,888
	Year 3	85,098
	Year 4	87,591
Grade 7-8 (Level 4)	Year 1	90,215
	Year 2	92,912
	Year 3	96,784
	Year 4	99,862
Grade 9-10 (Level 5)	Year 1	102,838
	Year 2	105,730
	Year 3	110,046
	Year 4	113,324
Grade 11 (Level 6)	Year 1	118,943
	Year 2	123,985
Grade 12 (Level 7)	Year 1	131,751
	Year 2	137,557
Senior Officer Grade 1 (Level 8)	Year 1	153,915
	Year 2	165,847
Senior Officer Grade 2 (Level 9)	Year 1	168,654
	Year 2	180,545
Senior Officer Grade 3 (Level 10)	Year 1	186,586
	Year 2	204,818

J. D. STANTON, Commissioner

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