

CPSU NSW and Hunter Valley Disability Services and Mid North Coast Disability Services Joint Consultative Committee (JCC) update

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On **Monday 21 May 2018**, delegates and industrial staff from the CPSU NSW/PSA met with Hunter Valley Disability Services (HVDS) to discuss collective member issues at the second Joint Consultative Committee (JCC) meeting in Sydney.

Attendees

CPSU NSW representatives and delegates: Dean Allen, PSA/CPSU Industrial, Rachel Smoothy and Kate McGrath (delegates).

Management representatives: Michelle Hodge, Regional CEO – HV Disability Services and Adele Cashion, People and Culture.

Issues discussed included:

1. HVDS payroll and payslip issues

The CPSU NSW again raised member concerns regarding incorrect or insufficient payslip information, underpayment and overpayment issues. For example, members have reported that Public Holiday loadings and overtime penalty rates have not been accurately reflected or are difficult to interpret on HVDS payslips. Additionally, some members advised leave balances have been taken off HVDS payslips or balances were not accurately recorded on payslips. CPSU NSW argued that this is not compliant with HVDS's record-keeping and payslip obligations.

HVDS asserts this is not a record-keeping issue and that, following the last JCC meeting on 6 April 2018, affected staff were invited to contact management regarding payslip or payment concerns. HVDS advised that only five staff contacted management regarding payslip/payment issues.

HVDS has advised you should register your issue using the internal TICKIT system for further assistance.

HVDS advised an explanatory 'cheat sheet' has been circulated to some staff within the Mid North Coast Disability Service (MNCDS) and that this document readily clarifies any confusion regarding the payslip format. The CPSU NSW requested a copy of the explanatory cheat sheet for further consideration.



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In order for the CPSU NSW to clarify the extent of any contraventions by HVDS of its record-keeping and payslip obligations, we encourage members to complete a short survey which you can access by clicking the link [HERE](#).

All responses will be kept confidential and we will submit an anonymised summary of any significant data collected to HVDS for further response. The CPSU NSW will consider further steps following this process.

The survey closes on **Friday 15 June 2018**.

2. Transfer of HVDS disability services to individual consortium partners at the end of the two-year guarantee period.

The CPSU NSW again raised members' concerns regarding recent communications by HVDS managers that staff will not be employed by HVDS at the end of the two-year employment guarantee period and instead will be employed by the individual member companies (Ability Options, Finding Yellow and ConnectAbility).

HVDS advised there is no current devolution strategy and that when one is put into planning it will be consulted with all staff and the CPSU NSW.

As part of your transfer you have been given a two-year employment guarantee (six months if you are a casual). Your pay and conditions will stay the same for up to five years. The only way your pay and conditions will change is if you, the

CPSU NSW and the employers HVDS and MNCDS reach an agreement to change them.

Should an enterprise agreement be negotiated in the time between the two years and the five years you will have the opportunity to vote on whether you agree with what is proposed. If you are a union member the CPSU NSW will work with you and negotiate for you.

3. Mandatory award consultation obligations

CPSU NSW/PSA recently wrote to HVDS seeking an acknowledgement that they would adhere to the mandatory consultation conditions enshrined within the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 ('the Award')* at Clause 65.

At the 6 April JCC meeting, the CPSU requested consultation in relation to a current review of policies and procedures being undertaken by HVDS.

At the 21 May JCC, HVDS advised it was committed to proper consultation with the CPSU NSW. Unfortunately since that time the CPSU has learnt from members that HVDS has now circulated an 'updated' Code of Conduct to HVDS staff without prior consultation with your union. The CPSU NSW requests members to submit any feedback or concerns regarding the updated Code of Conduct to your delegates or directly to the CPSU which we will collate and forward to HVDS.



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The CPSU NSW has written to HVDS seeking further information including an assurance it will undertake proper consultation in all future policy changes.

HVDS resolution of employee grievances: policy and procedure The CPSU NSW raised concerns with the recent interpretation of this policy by HVDS in which a grievance issue involving a member was expedited by a manager without providing an explanation to the member as to why the informal process for resolution could not be undertaken. The CPSU NSW argue that this constituted a denial of procedural fairness to our member and therefore HVDS was in breach of its own policy (found [HERE](#) and particularly at *Clause 3.2* of the policy).

HVDS argues the policy is not designed to be followed sequentially in all circumstances, which we contend is incorrect otherwise there is a risk that allegations might never be addressed in an informal process. The CPSU NSW will discuss these concerns further with HVDS.

4. Recruitment

The CPSU raised member concerns regarding a recent recruitment action in which there was no advertised Expression of Interest (EOI) and staff were apparently directly appointed to more senior roles. HVDS advised that the positions were offered permanently as both staff had previously undergone a FACS merit selection process for the roles.

HVDS advised that future recruitment would 'go to market' (advertised externally) and candidates would be employed pursuant to the *Social, Community, Home Care and Disability Services Industry Award 2010 (the SCHADS Award)*.

Members are requested to notify your delegates or the CPSU NSW if you become aware of any future recruitment action which the CPSU NSW will consider case by case as to whether the requirements of the *National Disability Insurance Scheme (NSW Enabling) Act 2013* particularly as to the employment guarantee period are being correctly followed by HVDS.

Casual staff recruitment HVDS advised a proposal has been submitted to the HVDS Board and that casual staff will not be required to reapply for their roles and 'continuity of service' would be maintained. The CPSU NSW will obtain further detail in relation to this and update members as further information becomes available.

5. Updated leave approval processes

Time in Lieu - The CPSU NSW raised member concerns regarding a recent email to staff from a manager erroneously asserting that if accrued Time in Lieu was not taken within three months that it would be forfeited.

HVDS agreed that this was an incorrect interpretation of the Award and advised that a clarifying HVDS communication or bulletin would be circulated to HVDS staff.



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6. Information technology (IT) issues including computer connectivity

The CPSU NSW raised member concerns regarding ongoing Information Technology (IT) issues including intermittent lack of computer access after business hours.

HVDS reported IT access has greatly improved and advised that if members are experiencing ongoing IT access or issues to log a report with the TICKIT system or by contacting Bluescale during normal business hours. The CPSU NSW recommends if members are still unable to log IT concerns either due to rostering outside of normal business hours or continued IT accessibility issues then you may like to convey the issue to your local managers for further assistance.

The CPSU NSW recommend if you do experience ongoing IT issues then you should log that with the TICKIT system and also notify your local delegate so that we can collate the extent of any ongoing issues and raise that directly with HVDS management.

7. Work Health Safety (WHS) issues at Warabrook

The CPSU NSW requested an update in respect of the recent WHS issues at Warabrook (detailed in our previous Bulletin found [HERE](#)).

HVDS advised some staff have been relocated to the Charlestown and Maitland offices and that further work will be completed in relation to an ergonomic assessment and soundproofing for the more than 50 per cent of remaining staff still located at Warabrook. The WHS improvements are being supervised by Mr David Carey, CEO ConnectAbility.

8. Fair Work Commission application to change name from PSA to CPSU NSW

The CPSU NSW will be lodging an application with the Fair Work Commission to obtain orders for the CPSU NSW to be named as the PSA Federal counterpart under your state Awards. We have asked HVDS and MNCDS to confirm their consent, which they have advised is under consideration by the management Board.

9. Next JCC meeting date

The next JCC meeting is scheduled for Tuesday 3 July 2018. If you wish to have any collective industrial issues raised by the CPSU, please forward details to your delegate or by writing to DisabilityCPSUNSW@psa.asn.au.

What can I do in the meantime?

You can support the work of the PSA/CPSU by asking your colleagues to [JOIN](#) their union.

Having your union and its collective strength behind you in the workplace is the only way to make sure you get fair outcomes.

