

11 Rates of Pay under the New Award

Clause 6 - Rates of Pay

The Rates of pay set out in Table 1 of Part B are inclusive of the Basic Wage for adult males from time to time effective.

All rates of pay are entry level rates of pay only, with the exception of Operational Band Level 1 which are actual rates of pay.

Councils shall introduce a salary system to complement the skills-based structure and rates of pay of the award.

The current weekly wage rate of an employee for the purposes of the Workers Compensation Act, 1987 shall be the rate paid to the employee under the salary system.

PART B - TABLE 1

(i) Operational Band, Level 1	Actual rate per week
	\$
T1 at 15 years of age	175.60
T2 at 16 years of age or School Certificate	222.10
T3 at 17 years of age	263.40
T4 at 18 years of age or over, or Higher School Certificate	310.00
T5	355.00
T6	385.00
T7	405.00
T8	425.40
T9	445.90
T10	466.40
<i>(Note: T stands for Trainee)</i>	
	Entry level rate per week
	\$
(ii) Operational Band, Level 2	355.00
Operational Band, Level 3	400.00
Operational Band, Level 4	451.00
(iii) Administrative/Technical/Trades Band, Level 1	445.90
Administrative/Technical/Trades Band, Level 2	512.50
Administrative/Technical/Trades Band, Level 3	615.00
(iv) Professional/Specialist Band, Level 1	512.50
Professional/Specialist Band, Level 2	615.00
Professional/Specialist Band, Level 3	717.50
Professional/Specialist Band, Level 4	871.30
(v) Executive Band, Level 1	820.00
Executive Band, Level 2	1025.00
Executive Band, Level 3	1281.30
Executive Band, Level 4	1537.50

An undertaking has been given that **no employee will suffer a reduction in pay as a result of the implementation of this award.** If the employee is presently paid less than the entry level for the appropriate band and level in which the employees' position is placed, upon transfer the employee will receive an increase that will be phased to the entry level rate of pay as explained in Section 3. If the employee is presently paid more than the entry level then that employee will transfer across at the existing rate of pay.

A further undertaking has been given that the decisions arising from State Wage Cases and other general economic adjustments shall apply to each salary rate set within the framework of the new award. This shall not override any existing agreements which are contrary to this provision. For example, if a council has entered into an agreement with an employee as a present occupant only then the employee will retain the existing rate of pay but shall not receive any increases until the award rate catches up unless the agreement provides for State and Wage Case increases or other economic adjustments.

As the award prescribes entry level rates of pay a provision has been included to protect an employee's "*current weekly wage*" when that employee has an entitlement to payment under the Workers Compensation Act 1987.

Section 36(1) of the Workers' Compensation Act provides that the weekly payment of compensation to an injured employee in respect of the first 26 weeks of incapacity shall be the employee's current weekly wage rate as determined by the Act. Section 42 of the Act defines current weekly wage rate as being the rate of remuneration under the award determining the worker's rate of pay.

Section 42(6) goes on to provide that in determining the current weekly wage rate, any amount paid or payable in respect of shift work, overtime or penalty rates or under the terms of the employee's employment in excess of the ordinary rate fixed by the award shall be disregarded.

The award provides that the current weekly wage rate of an employee for the purposes of the Workers Compensation Act shall be the rate paid under the salary system.

12 Salary System

The award provides for entry level rates only, except in Band 1, Level 1 where actual rates are set.

Table 1 (see facing page) represents the skills-based award structure and the entry level rates of pay.

In order for a skills-based structure to operate effectively, councils need to establish a salary system to complement the entry level rates of pay. Each position will be assessed and placed into the appropriate level. Salary points will be set for progression within levels and bands.

ENTRY LEVEL RATES OF PAY \$	SKILLS BASED STRUCTURE				SKILLS AND KNOWLEDGE
1500 1400 1300 1200 1100 1000 900 800 700 600 500 400 300 200	<p style="text-align: center;">BAND 1 OPERATIONAL</p> <p>T.10 466.40 T.9 445.90 T.8 425.40 T.7 405.00 T.6 385.00 T.5 355.00 T.4 310.00 T.3 263.40 T.2 222.10 T.1 175.60</p> <p style="text-align: center;">L.1 L.2 L.3 L.4</p>	<p style="text-align: center;">BAND 2 ADMINISTRATIVE/ TECHNICAL/ TRADES</p> <p>445.90 512.50 615.00</p> <p style="text-align: center;">L.1 L.2 L.3</p>	<p style="text-align: center;">BAND 3 PROFESSIONAL/ SPECIALIST</p> <p>512.50 615.00 717.50 871.30</p> <p style="text-align: center;">L.1 L.2 L.3 L.4</p>	<p style="text-align: center;">BAND 4 EXECUTIVE</p> <p>820.00 1025.00 1281.30 1537.50</p> <p style="text-align: center;">L.1 L.2 L.3 L.4</p>	<p style="text-align: center;">INDICATIVE QUALIFICA- TIONS, TRAINING.</p>
	Entry Level Training In-House Training	Trade Cert. Post Cert. Advanced Cert. Assoc Dip	Diploma Degree Post-Grad. Qual.	Accredited Manage. Qual	

Table 2 (see facing page) is an example of a salary system where the salary points within each level have been set with 5% gaps, and provide for:

- 5 salary points in Levels 2, 3 and 4 of Band 1
- 5 salary points in Levels 1, 2 and 3 of Band 2
- 5 salary points in Levels 1, 2 and 3 of Band 3
- 8 salary points in Level 4 of Band 3
- 4 salary points in Levels 1, 2 and 3 of Band 4

The award does not limit the number of salary points or maximum salaries in each level of each band. Councils should develop a system in conjunction with their consultative committees that reflects the job size, complexity of work and responsibilities, market forces, performance, qualification and nature of the work, etc.

There should be sufficient salary points to ensure that genuine differences in skills between employees at the same level can be fairly rewarded. Councils should set salary points which represent a significant reward for the additional skills required. Table 2 indicates salary points of 5%. The award does not impose any upper limit to the number of salary points.

The salary system would need to take account of council's job-related competency standards and assessment of the training.

It will be open to council and their consultative committee to establish a salary system that reflects their own circumstances.

Objectives of a salary system:

1. *Internal equity - to ensure internal relativities between jobs are fair, equitable and defensible.*
2. *External competitiveness - to set salaries which are competitive enough to attract and retain staff.*
3. *Individual motivation - to provide a remuneration system with sufficient incentive for employees to achieve their job objectives.*
4. *Ease of administration - to be sufficiently simple to communicate and administer.*

12.1 Job Evaluation

One form of salary system is job evaluation. Job evaluation is a systematic approach determining the work value of positions within a council. The skill descriptors detailed in the award provide the criteria for councils implementing some form of job evaluation.

A job evaluation system will help to determine the appropriate relativities between the bands and levels. Job evaluation systems based on factors other than those included in this document are not recommended.

ENTRY LEVEL RATES OF PAY \$	EXAMPLE OF A COUNCIL SALARY POINTS SYSTEM						SKILLS AND KNOWLEDGE
1500 1400 1300 1200 1100 1000 900 800 700 600 500 400 300 200	<p>Council Salary Points should take into account;</p> <ul style="list-style-type: none"> * application of acquired skills * local market * performance * nature of work * nature of qualification 	<p>BAND 2 ADMINISTRATIVE/ TECHNICAL/ TRADES</p>	<p>BAND 3 PROFESSIONAL/ SPECIALIST</p>	<p>BAND 4 EXECUTIVE</p>			
T.10	466.40						
T.9	445.90						
T.8	425.40	542.00	623.00	1226			
T.7	405.00	516.20	593.30	1168			
T.6	385.00	491.60	565.00	1112			
T.5	355.00	468.20	538.10	1059			
T.4	310.00	445.90	512.50	1009			
T.3	263.40		486.30	961			
T.2	222.10		473.60	915			
T.1	175.60		451.00	872.20			
Entry Level Training	In-House Training	Trade Cert. Post Cert. Advanced Cert. Assoc Dip	Diploma Degree Post-Grad. Qual.	Accredited Manage. Qual.		INDICATIVE QUALIFICATIONS, TRAINING.	

Councils need to address a number of issues which are listed below before adopting a salary system:

- *appropriate relativities;*
- *remuneration by work value;*
- *basis of a remuneration policy;*
- *absence of a prescriptive award;*
- *pay for performance and skills gained;*
- *objectivity in salary setting; and*
- *staff acceptance of salary policy.*

Council may already have a system which provides some of these and can be adapted to the new award. A job evaluation system does address these matters and provides a basis on which to introduce the new award process.

However, job evaluation will involve a cost and time to develop, introduce and maintain and training will be needed for those involved.

12.2 Skill-related Allowances

As the new award is based on the application of acquired skills then skill-related allowances **regularly received** are incorporated into the rates of pay. This includes qualification allowances.

If an employee regularly receives an allowance for skill, the allowance should be added to the employees rate of pay. It is this rate of pay that is protected by the undertaking that no employee shall suffer a reduction in pay as a result of the implementation of the award.

The allowances in the following awards should be regarded as skill-related allowances:

- ***Local Government Senior Officers' Award***
Clause 8 (v) Town Planning Allowance
- ***Health Surveyors' (State) Award***
Clause 5 (i) Qualification Allowances
- ***Local Government Salaried Officers' Award***
Clause 4 (1)(c)(11)(b) Qualification Allowance
Clause 4 (1)(c)(11)(j) Bookmobile Operator Allowance
Clause 4 (1)(c)(13)(a) Meat Inspection Allowance
Clause 4 (1)(c)(13)(b) Meat Inspection Allowance
Clause 4 (1)(c)(16) Qualification Allowance
Clause 7 (vi) First Aid
Clause 7 (vii) Qualification Allowance
Clause 7 (viii) Qualification Allowance
Clause 7 (ix) Qualification Allowance
Clause 7 (xi) Qualification Allowance

- **Local Government Engineering Staff Award**
 - Clause 12 (vi)(a) Qualification Allowance*
 - Clause 12 (vii) Certificate Allowance*
 - Clause 12 (ix) Town Planning Allowance*

- **Municipal and Shire Councils Wages Staff Award**
 - Clause 5 (i)(b) Leading Hand Tradesman Allowance*
 - Clause 5 (ii)(a) + (ii)(b)(1) Dual Front Steering - Without Power Steering Allowance*
 - Clause 5 (ii)(a) + (ii)(b)(2) Dual Front Steering - With Power Steering Allowance*
 - Clause 7 (i) Drivers Allowances*
 - Clause 7 (ii) Stationary Engine Drivers Allowance*
 - Clause 7 (iii) Fireman Allowance*
 - Clause 7 (v) Repair Work - Lorry Drivers Allowance*
 - Clause 7 (vi)(a) Repair Work - Engine Drivers Allowance*
 - Clause 7 (vi)(b) Repair Work - Plant Operators Allowance*
 - Clause 7 (ix) In Charge Allowance*
 - Clause 7 (xi) First Aid Allowance*
 - Clause 7 (xiii) Senior Water Service Operator in Charge Allowance*
 - Clause 7 (xv)(a) Plumbers Licence Allowance*
 - Clause 7 (xv)(b) Plumbers Registration Allowance*
 - Clause 7 (xvi)(a) Horticultural Certificate Allowance*
 - Clause 7 (xvi)(b) Greenkeeping Certificate Allowance*
 - Clause 7 (xvii) Boat Allowance*
 - Clause 7 (xviii) Hiab Crane Allowance*
 - Clause 7 (xxi) Supervisory Allowance*

Councils should note that drivers' licences will continue to be paid to those required to drive in accordance with previous provisions.

12.3 Over-award Payments

Existing over-award payments should be incorporated in the salary rates set by council within the framework of the new award. This matter should be discussed with the consultative committee when considering salary points under the new award.

12.4 Incremental Scales

As progression in the skills-based structure is based on the application of acquired skills and does not depend on service alone, incremental scales are no longer appropriate. However, the parties have agreed that **employees on incremental scales will not be disadvantaged where councils have no training plan in operation.**

Employees on incremental scales who are not given access by the council to the training needed to progress will continue to move up the incremental scale appropriate to the classification that previously covered them.

Employees choosing not to undertake training consistent with councils training plan will not progress under the new award structure.

Councils must provide training sufficient to allow progression at least equal to that under the previous incremental scales. The effect of this is that staff who would have been on incremental scales under previous awards shall not be worse off. However, the method of advancement will relate to skills acquired rather than years of service.

13 Disability Allowances

Clause 7 - Disability Allowances

- (i) A disability allowance in addition to the weekly rate of pay shall be payable to designated employees to compensate for the special disabilities associated with the nature of duties performed by outdoor staff.

This allowance at the rate of \$7.30 per week shall be paid for all purposes of the award. The following employees shall be entitled to be paid the allowance:

All employees in Levels 2, 3 and 4 of the Operational Band and employees engaged in the gardening, building, metal and mechanical trades of the Administrative/Technical/Trades Band.

Excepting staff engaged in the following functions:

- Administration
- Civic Centre, Recreation and Theatre
- Community Services
- Finance
- Garbage, Sanitary and Sullage
- Noxious Plant Inspection
- Ordinance Control
- Public Relations
- Saleyard Manager
- Supervising in Band 2
- Technical Services
- Works Supervisor

- (ii) All employees classified in the Operational Band of this award employed in garbage, sanitary and sullage collection work, other than the supervisor, shall in addition to their weekly rate of pay, be paid a disability allowance at the rate of \$19.30 per week. This allowance shall be paid for all purposes of the award.

The disability allowance is to compensate for the special disabilities associated with the hours worked and the offensive, filthy and obnoxious nature of duties performed by employees engaged in this work.

- (iii) Sewer chokes - employees clearing sewer chokages shall be paid \$4.12 per day whilst so engaged.

The previous industry allowances have been retitled disability allowances and will now apply for all purposes of the award and include overtime. The allowances are only applicable to employees who would have been entitled to receive the industry allowances under the Municipal and Shire Councils Wages Staff Award.

Council could incorporate these disability allowances into the rate of pay. This should be discussed with the employees affected and the consultative committee so that everybody is aware that they are continuing to receive that allowance, but in a different form, in the total rate. If the council chooses to incorporate the allowance in the rate of pay it should ensure that it applies only to employees who previously would have received it.

The allowance for clearing sewer chokages remains unchanged.

Other allowances such as climate, west of the line allowance, camping and travelling allowances, tool allowances, meal allowances and vehicle allowances remain unchanged.

14 Use of Skills

Clause 8 - Use of Skills

- (i) The parties are committed to improving skill levels and removing impediments to multi-skilling and broadening the range of tasks that the employee may be required to perform.
- (ii) The council may direct the employee to carry out such duties as are within the limits of the employee's skill, competence and training.
- (iii) An employee required to relieve in a position classified in a higher level or band, shall be paid according to the skills and knowledge possessed to undertake the higher duties but at least the entry salary of the level and band in which the employee is relieving.

This is a new clause that incorporates the previous higher grade pay clauses and mixed function clauses as well as some of the requirements of the May 1991 State Wage Case.

The parties are committed to the Structural Efficiency Principle which requires the improvement of skill levels and the removal of impediments to multi-skilling and broadening the range of tasks that an employee may be required to perform. Employees may be directed to carry out duties within the limits of their skill, competence and training. This is a requirement of the State Wage Case decision.

The basis of the award is payment for the application of acquired skills. Recognising the application of skills in exercising higher duties is consistent with the new award.

When an employee is **required** to relieve in a position classified in a higher level or band the employee shall be paid according to the skills and knowledge possessed to undertake the higher duties but at least the entry salary of the level and band in which the employee is relieving. Council should note that the higher duties pay only applies when an employee relieves in a higher level or band.

It is important, therefore, that council classifies all employees to the correct band and level according to the skill descriptors and not according to the employee's rate of pay.

Council should also note that there is now **no minimum period** before the higher duties pay applies. The parties have agreed that a commonsense approach needs to be adopted in assessing claims for payment. For example, it is not reasonable for an employee in a senior position to claim higher duties pay for one hour when relieving a staff member who is absent on lunch.

For reliable backup, councils should consider redesigning the job or incorporating into the regular rate an additional amount to recognise the higher level of skills that the employee is required to use in providing regular relief.

15 Hours of Work

Employees will continue to work the same number of ordinary hours under the new award as they did under the previous award, i.e. 35 or 38 ordinary hours.

15.1 Spread of Hours

Clause 9 - Hours of Work

A. Spread of Hours

- (i) The ordinary hours for all employees shall be worked between Monday and Friday inclusive and shall not exceed twelve (12) hours in any one day exclusive of unpaid meal breaks.
- (ii) All working hours existing at the operative date of this award will be deemed to have satisfied subclause (v) of part A of this clause.
- (iii) Any agreement to alter the spread of hours as provided for in subclauses (iv) and (v) of part A of this clause must be genuine with no compulsion to agree.
- (iv) Commencing and finishing times within the spread of ordinary hours in subclause (i) of part A of this clause may be altered by agreement between management and employee(s) concerned and the terms of the agreement referred to the consultative committee for recommendation to the council. At any stage of discussions either the employee(s) or the council may seek assistance from the appropriate union or association.
- (v) Commencing and finishing times outside the spread of ordinary hours in subclause (i) of part A of this clause may be agreed upon by management and the employee(s) concerned and the terms of the agreement referred to the consultative committee for recommendation to the council. At any stage of discussions either the employee(s) or council may seek assistance from the appropriate union or association.
- (vi) An unpaid meal break of a minimum of 30 minutes shall be given and taken within the first five hours continuous work. Thereafter, a paid meal break not exceeding 20 minutes shall be given and taken after a further five hours continuous work.

The Hours of Work clause is designed to allow council and employees flexibility in setting hours of work by agreement. Work can be performed up to 12 hours per day Monday to Friday. It allows the flexibility to alter hours of work by agreement between management and the employee(s) concerned with the terms of the agreement being referred to the consultative committee for recommendation to the council.

Work can also be performed outside of the Monday to Friday spread of hours, ie. on Saturdays and/or Sundays by agreement between management and the employee(s) concerned. Again, this agreement needs to be referred to the consultative committee for recommendation to council.

At any stage of these discussions, the employee(s) or council may seek assistance from the appropriate union or association. If either council or the employee wish to change the hours of work presently applying, such agreement needs to be genuine with no compulsion to agree.

The award recognises all existing hours of work as having satisfied the requirements for agreement to work outside the Monday to Friday spread. Existing hours of work shall continue to apply unless there is agreement to do otherwise. Hours of work can only be changed by agreement.

Any change in hours of work for new or vacant positions or payment for those hours will be referred to the consultative committee for recommendation to council prior to advertising.

The Industrial Commission of NSW will monitor the operation of the Hours of Work clause with report backs on a regular basis for at least 18 months with liberty to list speedily any problems before the Commission. The parties have agreed that the Leave Reserved clause will provide that the Hours of Work clause will be reviewed at the expiration of six months from the date of operation.

Unless it has previously been the practice to work broken shifts, for example, cleaning, then the work would be carried out in one continuous period per day.

All employees will be entitled to an unpaid meal-break of at least 30 minutes within the first five hours of continuous work. A paid meal-break not exceeding 20 minutes shall be given and taken after a further five hours continuous work. This means that any employee who works ordinary hours of 10 hours or more continuously shall be entitled to an additional 20 minutes pay.

The parties have agreed that **employees who are in regular receipt of penalty rates and/or shift allowances shall not suffer a reduction in their regular income as a result of the new hours clause.** If an employee is in receipt of a penalty rate or shift allowance then the council may choose to incorporate that rate in the employee's rate of pay and transfer the employee to the correct band and level at that rate.

If council chooses to incorporate the penalty and/or shift rate in the normal rate of pay then the employee should be advised accordingly and the matter referred to the consultative committee. Alternatively, council in recognition of market forces and the need to attract employees to work the agreed hours may continue to pay some form of penalty rate or shift allowance.

The flexibility of the hours of work clause can provide benefits for both employees and council. For example, in country areas, employees may be required to camp on the job. Traditionally, these employees have worked eight hours per day Monday to Friday. With the new hours clause employees and council can benefit from a working day of up to 12 hours. The benefits to the employees in such an arrangement is that they complete their working week in three or four days, resulting in increased leisure time. The benefits to council

include the maximum utilisation of plant and equipment and the ability for the council to be more competitive. This increases productivity and efficiency with the result that the council is better off and ratepayers are receiving more value for their rates.

Local Government is a service industry and those services must reflect the needs of the community. The flexible working arrangements allows employees and the council to reach agreements which can meet those community expectations. Agreement may be reached, for example, to keep council offices open for longer hours each day or to coincide with late night shopping or weekends. This could enable rates to be paid, building and development applications to be lodged, building inspections to be conducted on weekends, at times which better suit the community. Employees may wish to take time off at less traditional times when recreational or other facilities are not as crowded.

15.2 Arrangement of Hours

Clause 9 - Hours of Work

B. Arrangement of Hours

Subject to part A, Spread of Hours, the arrangement of hours shall be:

- (i) (a) The ordinary hours of work for employees engaged in the following functions and other employees who worked 35 hours per week prior to the making of this award, shall be 35 hours per week:
- Administration
 - Building Surveying
 - Engineering (Professional)
 - Executive band
 - Finance
 - Health Surveying
 - Library
 - Public Relations
 - Technical Services
 - Town Planning
- (b) The ordinary hours of work for such employees shall be arranged on one of the following bases:
- 35 hours within one week provided that at least two days off shall be granted; or
 - 70 hours within two weeks provided that at least four days off shall be granted; or
 - 105 hours within three weeks provided that at least six days off shall be granted; or
 - 140 hours within four weeks provided that at least eight days off shall be granted.
- (ii) the ordinary hours of work for all other employees shall be 38 hours per week arranged on one of the following bases:
- 38 hours within one week provided that at least two days off shall be granted; or
 - 76 hours within two weeks provided that at least four days off shall be granted; or
 - 114 hours within three weeks provided that at least six days off shall be granted; or
 - 152 hours within four weeks provided that at least eight days off shall be granted.
- (iii) A different arrangement of hours to that prescribed in subclauses (i) (b) or (ii) of part B of this clause may be agreed upon by management and the employee(s) concerned and the terms of the agreement referred to the consultative committee for recommendation to the council. At any stage of discussions either the employee(s) or council may seek assistance from the appropriate union or association.
- (iv) All arrangements of hours existing at the operative date of this award will be deemed to have satisfied subclause (iii) of part B of this clause.

The new award provides options as to how hours of work may be arranged. Hours can be arranged over one week, two weeks, three weeks or four weeks with provision for a minimum number of days off.

Alternatively, a different arrangement of hours may be agreed upon by management and the employee(s) concerned. The agreement will need to be referred to the consultative

committee for recommendation to the council. At any stage of discussions, either the employee(s) or council may seek assistance from the appropriate union or association.

The award recognises all existing arrangements of hours as having satisfied the requirements for agreement to work a different arrangement of hours.

If no agreement can be reached on either the spread or arrangement of hours, then the matter can be referred to the industry award restructuring committee. If still no agreement can be reached, the matter can be referred to the appropriate industrial tribunal.