

19 OCTOBER, 2007
2007 SCHEDULE OF CHANGES TO LOCAL GOVERNMENT (STATE)
AWARD
IRC 87 of 2007

This schedule of changes reflects the agreed changes to the Local Government (State) Award 2004.

The **bold** highlights reflect the actual wording changes.

1. At subclause (vi) of Clause 7 Salary Systems add:
 - **Except where otherwise provided**, employees shall be assessed for progression through the salary range for their position at least annually or when they are required to use skills that would entitle them to progress in the salary system.
2. At subclause (vii) of Clause 7 Salary Systems include a new subclause:
 - **Council shall not be required to conduct annual assessments for those employees who have progressed through the salary system to the maximum point/step for their position, provided that if an employee on or above the maximum point/step for their position requests an annual assessment in writing, council will provide one.**
3. At subclauses (vii), (viii) and (ix) of Clause 7 Salary Systems:
 - Renumber to (viii), (ix) and (x) respectively.
4. At subclause (v) of Clause 17 Overtime, A General make the following amendments:
 - An employee who works so much overtime between the **completion** of ordinary work on one **shift** and the commencement of ordinary work on the next **shift** that they have not had at least ten consecutive hours off duty between those times shall be released after completion of such overtime until they have had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

If an employee is instructed to resume work without having had ten consecutive hours off duty, the employee shall be paid at double ordinary rates until released from duty and then shall be entitled to a ten hour break without loss of pay.

This subclause only applies to employees who are on call or called back to work:

- for four hours or more, or
- on consecutive days without having had a ten hour break, or
- on more than one occasion during the day outside of the four hour period.

5. At subclause (vi) of Clause 17 Overtime, B On Call add the following provision:
 - Employees on call who are required to work outside their ordinary hours shall be entitled to be paid overtime at the appropriate rate for hours worked and such rate shall be paid from the time that the employee departs for work. **On call employees are not subject to the minimum payment provisions on a public holiday.**
6. At subclause (ii) of Clause 18 Holidays, A General make the following correction:
 - In addition to the days provided for in subclause (i), employees who are Aboriginal and Torres **Strait** Islanders shall be entitled to one day during NAIDOC week so that they can participate in National Aboriginal and Islander Day celebrations.
7. At subclause (vi) of Clause 18 Holidays, A General make the following amendments:

Where an employee is required to work ordinary hours on a holiday as prescribed by this award, the council and the employee may agree that the employee be paid time and a half for the hours worked on a holiday and in addition, **be granted equivalent time** off in lieu to be paid at ordinary time for each holiday worked. Such leave shall be taken at a mutually convenient time.
8. At subclauses (a) and (b) of (iii), Clause 19 Leave Provisions, F Paid Maternity Leave amend 52 to 104 as follows:
 - Annual leave, long service leave, unpaid maternity leave and any accumulated time in lieu may be taken in conjunction with paid maternity leave and special maternity leave, subject to council approval, provided that the total period of leave does not exceed **104** weeks.
 - Employees may take periods of annual leave and long service leave during unpaid maternity leave at half pay, provided the total period of all leave does not exceed **104** weeks.
9. At subclause (v) of Clause 22 Casual Employment add the following provision:
 - **Subject to clause 17 A (viii) (c), a casual employee will not be offered to work overtime in a position held by an employee of council, if such employee is available to work that overtime.** Overtime shall be paid where a casual employee works outside the ordinary hours for that position. In cases where there are no ordinary hours for the position, overtime shall be paid for the hours worked in excess of those prescribed in Clause 16, Hours of Work.

10. At subclause (vi) of Clause 22 Casual Employment add the following provision:
- In addition to the amounts prescribed by subclause (ii) of this clause, a twenty-five percent loading, calculated on the ordinary hourly rate, shall be paid. This loading shall not attract any penalty. This loading shall be paid in lieu of all leave and severance pay, except for paid maternity leave, prescribed by the award. **Casual loading is not payable on overtime.**
11. At subclause (x) of Clause 24 Junior and Trainee Employment, E Government Funded Traineeships insert the following subclauses (a), (b) and (c):
- Trainees shall not displace existing employees from employment.
 - Trainees shall only be engaged in addition to existing staff positions and employment levels.
 - **The provisions of subclause (b) above do not apply to the engagement of Indigenous trainees.**
12. At award Clause 27 Consultative Committees delete old clause and replace with:
- **A. AIM**
The parties to the award are committed to consultative and participative processes. **There shall be a consultative committee at each council which shall:**
 - (i) provide a forum for consultation between council and its employees;
 - (ii) positively co-operate in workplace reform to enhance the efficiency and productivity of the council and to provide employees with access to career opportunities and more fulfilling, varied and better paid work.
- B. SIZE AND COMPOSITION**
- (i) **The size and composition of the consultative committee shall be representative of council's workforce and agreed to by council and the local representatives from the following unions: USU; depa and the LGEA and such agreement shall not be unreasonably withheld.**
 - (ii) **The consultative committee shall include but not be limited to employee representatives of each of the unions who have members employed at council.**

- (iii) Officers of the union(s) or Association(s) may attend and provide input to meetings of the consultative committee, **at the invitation of the consultative committee or their respective members.**

C. SCOPE OF CONSULTATIVE COMMITTEES

- (i) The functions of the consultative committee shall include:
- (a) award implementation
 - (b) training
 - (c) consultation with regard to organisation restructure
 - (d) job redesign
 - (e) salary systems
 - (f) communication and education mechanisms
 - (g) performance management systems
 - (h) changes to variable working hours arrangements for new or vacant positions
 - (i) local government reform.
- (ii) **The consultative committee shall not consider matters which are being or should be processed in accordance with award clause 30 Grievance and Disputes Procedures.**

D. MEETINGS AND SUPPORT SERVICES

- (i) The consultative committee will make recommendations based upon consensus. Where there is no consensus on a particular item, the recommendation to council should note the dissenting views.
- (ii) **The consultative committee shall meet as required.**

13. At Clause 28 Appointment and Promotion delete old clause and replace with:

- (i) **Where an internal applicant has applied for a new or vacant position and their application is unsuccessful, the employee may:**
 - (a) **request in writing the reasons as to why they were not appointed;**
 - and**

(b) upon such request council shall provide the reasons in writing.

14. At subclauses (vii) and (viii) respectively of Clause 38 Savings and Transitional include new subclauses:
 - **Where an on call employee has been paid a minimum payment for a public holiday on a regular basis, such arrangements shall continue, unless otherwise agreed.**
 - **Where a casual employee engaged in a position on a regular and systematic basis has been paid casual loading on overtime prior to 1 November 2007, such arrangements shall continue while such employee is engaged in that position, unless otherwise agreed.**
15. At subclause (i) of Clause 39 Leave Reserved, make the following correction:
 - Leave is reserved for the parties to the award to apply to vary tool allowances as set out in Clause 13(v)(a) of this award in line with the Crown Employees (**Skilled Trades**) Award.
16. At subclause (ii) of Clause 39 leave Reserved make the following amendments:
 - Leave is reserved for the parties to the award to apply to vary the traineeship wage rates in Clause 24E (xvi) in accordance **with the pay scales derived from the** National Training Wage Award.
17. At Clause 39 Leave Reserved, delete subclause (iii).
18. At Clause 40 Area, Incidence and Duration, delete subclause (xi) and renumber the following clauses accordingly.
19. At subclauses (ii), (iii), (vii), (viii), (ix) and (xi) of Clause 40 Area, Incidence and Duration the following respective amendments:
 - This award shall rescind and replace the Local Government (State) Award **2004** published the **twenty fifth day of April, 2005(350IG 471)** and all variations thereof.
 - This award shall operate from the commencement of the first pay period on or after the 1 November **2007** and shall remain in force for a period of three years.
 - The award in column (a) of Table 1 of Part B provides for a **3.2%** increase in rates of pay with a minimum payment of \$22.00 per week to operate from the first full pay period to commence on or after 1 November **2007**.
 - The award in column (b) of Table 1 of Part B provides for a **3.2%** increase in rates of pay with a minimum payment of **\$22.00**per week to

operate from the first full pay period to commence on or after 1 November **2008**.

- The award in column (c) of Table 1 of Part B provides for a **3.2%** increase in rates of pay with a minimum payment of **\$22.00** per week to operate from the first full pay period to commence on or after 1 November **2009**.
- The increases granted by this award may be absorbed into enterprise increases granted since 29 May 1991 exceeding any award increases since that date, that is an \$8 safety net adjustment and increases of 6%, 2.5%, 2.5%, 3.5%, 3.25%, 3.25%, 2.7%, 3.3%, 3.25%, 3.25%, **4.0%**, **3.5% and 3%** provided that the following increases shall not be absorbed:
 - (a) placement or progression within the council's salary system;
 - (b) increases in hours of work; and
 - (c) incorporation of penalty rates and shift or other allowances into the employee's rate of pay.

20. By way of summary, in Part B Monetary Rates of Table 1 increase Rates of Pay as follows:

- First pay period on or after 01/11/07 – 3.2% with a minimum of \$22
First pay period on or after 01/11/08 – 3.2% with a minimum of \$22
First pay period on or after 01/11/09 – 3.2% with a minimum of \$22
- Government Funded Traineeships, in accordance with the pay scales derived from the National Training Wage Award.

21. At Part B, Monetary Rates of Table 2, increase allowances as follows:

- Increase Travelling Allowances to:

First pay period on or after 01/11/07

3 – 11 km \$ 3.84
11 - 20km \$ 6.07
21 – 33 km \$ 8.79
34 – 50 km \$ 11.54

For each 10 km over 50 km \$ 3.08

First pay period on or after 01/11/08 by a further 3.2%

First pay period on or after 01/11/09 by a further 3.2%

- Increase Car and vehicle allowances by 18% (except minimum quarterly payment)
- Increase the On Call allowance to \$130.70 per week of seven days

First pay period on or after 01/11/08 by a further 3.2%

First pay period on or after 01/11/09 by a further 3.2%

- Except for west of the line, climatic and government funded trainee rates, increase all other allowances in line with award increases, save and except for where otherwise provided.
- Tool allowances to increase in accordance with the Crown Employees (Skilled Trades) Award.
- The civil liability allowance remains at 3.5 percent.