

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 2016 - s. 980 - reprint of award*

**BRISBANE CITY COUNCIL SALARIED STAFF AWARD – STATE 2016**

Following the Declaration of the General Ruling in the 2017 State Wage Case (matter numbers B/2017/16 and B/2017/19), the Brisbane City Council Salaried Staff Award – State 2016 is hereby reprinted, pursuant to s. 980 of the *Industrial Relations Act 2016*.

I hereby certify that the Award contained herein is a true and correct copy of the Brisbane City Council Salaried Staff Award – State 2016 as at 1 September 2017.

Dated 1 September 2017.

[L.S.] J. Steel  
Industrial Registrar

**BRISBANE CITY COUNCIL  
SALARIED STAFF AWARD – STATE 2016**

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## **PART 1 - Title and Operation**

### **1. Title**

This Award is known as the *Brisbane City Council Salaried Staff Award – State 2016*.

### **2. Operation**

This Award, made on 7 October 2016, operates from 1 March 2017.

### **3. Definitions and interpretation**

**Act** means the *Industrial Relations Act 2016*

**Commission** means the Queensland Industrial Relations Commission

**continuous shift work** means work done by employees where the hours of work are regularly rotated in accordance with a shift roster covering 24 hours per day over a 7 day week

**Council** means Brisbane City Council

**day** means a specified calendar day or date which spans 24 hours from midnight to midnight

**double time** means the ordinary time rate as defined herein, multiplied by 2

**double time and one-half** means the ordinary time rate as defined herein, multiplied by 2.5

**non-continuous shift work** means work according to a roster that extends for more than one week where rostered shifts are worked beyond or outside the span of hours of work but does not cover a 24 hour per day operation over seven days per week

**ordinary time rate** means the classification rate of pay prescribed in this Award for the employee, divided by 36 hours 15 minutes

**QES** means the Queensland Employment Standards contained in Part 3 of Chapter 2 of the Act

**registered medical practitioner** means a medical practitioner registered with the Medical Board of Australia, but shall not include the services of osteopaths, chiropractors, acupuncturists, naturopaths, herbalists and homeopaths

**time and one-half** means the ordinary time rate as defined herein, multiplied by 1.5

**union** means one of the industrial organisations of employees mentioned in clause 4(c)

**vacancy** shall mean a vacancy in any existing or new role

**week** means a period of seven successive days

### **4. Coverage**

This Award applies to:

- (a) all employees of Council employed in professional, technical, supervisory or administrative roles under the terms and conditions outlined in this Award; and
- (b) Brisbane City Council in its capacity as the employer of such employees; and

- (c) the following industrial organisations of employees:
- (i) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
  - (ii) Queensland Services, Industrial Union of Employees;
  - (iii) The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; and
  - (iv) Queensland Nurses and Midwives' Union of Employees,
- to the exclusion of any other award.
- (d) The provisions of the *City of Brisbane Act 2010* and *City of Brisbane Regulation 2012* continue to apply to the employees to which this Award applies.
- (e) This Award shall not apply to any employee appointed to, or promoted to, a position:
- (i) whose office is determined by the Establishment and Coordination Committee to be in the Executive Service; or
  - (ii) in the Senior Officer Service.
- (f) Subject to clause 4(g) Council and a professional employee may agree that the employee be employed on a Specialist and Senior Professional (SSP) contract where the work being performed falls within a classification at Band 4 or above contained in Schedule 3.
- (g) (i) Clause 4(f) may only be applied if:
- (A) the employee's role is a professional role that requires a relevant tertiary degree; and
  - (B) the employee's role is in a specific job family prescribed by Council.
- (ii) An SSP contract will not alter an employee's position regarding Award coverage and the employee must be no worse off under the contract than under the Award, if considered on an overall basis.
- (iii) An employee on an SSP contract is not entitled to payment or other credit for overtime, penalties, flex-time or allowances.

## **5. The Queensland Employment Standards and this Award**

This Award together with the QES provide for a minimum safety net of enforceable conditions of employment for employees covered by this Award.

## **6. Enterprise flexibility and facilitative award provisions**

### **6.1 Enterprise flexibility**

- (a) As part of a process of improvement in productivity and efficiency, discussion should take place at an enterprise level to provide more flexible working arrangements, improvement in the quality of working life, enhancement of skills, training and job satisfaction and to encourage consultative mechanisms across the workplace.
- (b) The consultative processes established in an enterprise in accordance with clause 6.1 may provide

an appropriate mechanism for consideration of matters relevant to clause 6.1(a). Union delegates at the place of work may be involved in such discussions.

- (c) Any proposed genuine agreement reached between the Council and employees in an enterprise is contingent upon the agreement being submitted to the Commission in accordance with Chapter 4 of the Act and is to have no force or effect until approval is given.

## **6.2 Procedures to implement facilitative award provisions**

Wherever facilitative provisions appear in this Award which allow for determination of the conditions of employment by agreement between the Council and the union, or the Council and the majority of employees affected, the following procedures shall apply:

- (a) Facilitative award provisions can be negotiated between management and employees who are directly affected by such proposals or between management and the union depending on the particular award provisions.
- (b) Employees may be represented by their local union delegate/s and shall have the right to be represented by their local union official/s.
- (c) Facilitative award provisions can only be implemented by agreement.
- (d) In determining the outcome from facilitative provisions neither party should unreasonably withhold agreement.
- (e) Agreement is defined as obtaining consent of greater than 50% of employees directly affected or of the union depending upon the particular award provisions.
- (f) Where a provision refers to agreement by the majority of employees affected, all employees directly affected shall be consulted. This consultation shall be undertaken where practicable as a group, or in groups. Should the consultation process identify employees with specific concerns which relate to either equity or occupational health and safety issues, such concerns may be catered for on an individual basis subject to operational requirements.
- (g) Any agreement reached must be documented and shall incorporate a review period.
- (h) Where the agreement relates to either the working of ordinary hours on other than a Monday to Friday basis, the introduction of shift work or a change to the shift roster, the relevant union/s are to be notified in writing at least one week in advance of agreement being sought.

## **PART 2 - Dispute Resolution**

### **7. Grievances and disputes**

#### **7.1 Prevention and settlement of disputes**

- (a) This grievance and dispute avoidance procedure aims to avoid industrial disputes or, where a dispute occurs, to provide a means of settlement based on consultation, cooperation and discussion and the avoidance of interruption to work performance.
- (b) During any dispute, other than a workplace health and safety matter, the *status quo* existing immediately prior to the matter giving rise to the dispute will remain and work shall continue as it was prior to the dispute without stoppage or the imposition of any ban, limitation or restriction.
- (c) No party shall be prejudiced as to final settlement by the continuance of work in accordance with this clause.

- (d) Subject to clause 7.1(k), any grievance or dispute shall be handled as follows:
- Stage 1: Discussions between the employee/s and their team leader and at the request of the relevant union, shop steward/delegate.
  - Stage 2: Discussions involving the employee/s, the shop steward/s and relevant union secretary/organiser or nominated delegate/s with the relevant line manager and a human resource consultant or other person nominated by the Manager, Workplace Relations.
  - Stage 3: Discussions involving relevant union secretary/organiser or nominated delegate/s with their Divisional Manager and Manager, Workplace Relations or nominated delegate/s.
- (e) A dispute shall not be referred to the next stage until a genuine attempt to resolve the matter has been made at the appropriate level.
- (f) There shall be a commitment by the parties to achieve adherence to this procedure, including the earliest possible advice by one party to the other of any issue or problem which may give rise to a grievance or dispute. Throughout all stages of the procedure, all relevant facts shall be clearly identified and recorded.
- (g) Sensible time limits shall be allowed for the completion of the various stages of the discussions. Discussions outlined in stages 1 and 2 of clause 7.1(d) should, if possible, take place within 24 hours after the request of the employee or the employee's representative. At least seven days should be allowed for all stages of the discussions to be finalised.
- (h) Emphasis shall be placed on a negotiated settlement. However, if the negotiation process is exhausted without the dispute being resolved, the parties shall jointly or individually refer the matter to the Commission for resolution.
- (i) In order to allow for peaceful resolution of grievances, the parties shall be committed to avoid stoppages of work, lockouts or any other bans or limitations on the performance of work, while the procedures of negotiation and conciliation are being followed.
- (j) The parties shall ensure that all practices applied during the operation of the procedure are in accordance with safe working practices and consistent with established custom and practice at the workplace.
- (k) Any dispute concerning an appointment, classification or reclassification shall be dealt with in accordance with the provisions of clauses 7.2 and 12.5 and if not resolved in accordance with those provisions may be processed as a dispute under clause 7.1.

## **7.2 Appointment Review Committee**

- (a) The jointly constituted Appointments Review Committee will hear and review appeals lodged against internal appointment decisions made to advertised vacant positions in accordance with the Committee's Constitution.
- (b) Any employee who is an unsuccessful applicant for an advertised vacancy may appeal against the decision of Council in respect of that vacancy.
- (c) The appeal can only be made to the Appointments Review Committee and may only be lodged in the circumstances and in accordance with the procedures specified in the Constitution of that Committee.

## **PART 3 - Types of Employment, Consultation and Termination of Employment**

### **8. Types of employment**

#### **8.1 Full-time employment**

A full-time employee is one who is engaged as such to work an average of 36 hours 15 minutes ordinary time per week, or as otherwise provided by clause 15.1(d).

#### **8.2 Part-time employment**

- (a) A part-time employee is one who is engaged to work a fixed number of hours per week and whose hours of work are less than the standard hours per week for a full-time employee.
- (b) A part-time employee shall work a minimum of 3 hours at any one time.
- (c) The ordinary working hours of a part-time employee shall not exceed 7 hours 15 minutes on any day, except by agreement between an employee and Council where the maximum ordinary hours of work can be up to and equal to 10 hours.
- (d) Time worked beyond the agreed maximum ordinary hours on any day shall be paid at overtime rates described in clause 18.1.
- (e) A part-time employee may access flexible working hours (flex-time) as provided in clause 15.4 except in circumstances where the employee is working in accordance with a defined roster.
- (f) A part-time employee may work any number of days of the week, and an arrangement may be made for the hours to be worked in a regular pattern or roster. Any variations to the arrangement shall be by mutual agreement, with agreement not to be unreasonably withheld.
- (g) Where rostered ordinary hours fall outside the span of hours, 0700 to 1800 Monday to Friday inclusive, the provisions of clause 15.3 shall apply.
- (h) A part-time employee shall be paid at a rate equivalent to the proportion of the actual hours worked per week compared to the full-time ordinary weekly working hours prescribed for the appropriate classification.
- (i) A part-time employee shall be entitled to annual leave, long service leave, public holidays, sick leave and all other entitlements as may be applicable, on a *pro rata* basis for ordinary hours actually worked.

#### **8.3 Flexible permanent part-time employment**

- (a) A flexible permanent part-time employee is one who is engaged for a minimum of 8 hours per week and 4 hours at any one time.
  - (i) The minimum hours per week shall be agreed between the Council and the employee and recorded in writing. The agreed minimum hours shall be reviewed quarterly and may be renegotiated by mutual agreement.
  - (ii) The ordinary hours of a flexible permanent part-time employee shall not exceed 8 hours 30 minutes on any one day nor 36 hours 15 minutes per week.
  - (iii) Flexible permanent part-time employees, other than those employees working shift work in accordance with clause 15.3, who work outside the spread of hours 0700 to 1800 Monday to Friday, inclusive, or in excess of the hours in clause 8.3(a)(ii), shall be paid for that work at overtime rates in accordance with clause 18.1.

- (b) A flexible permanent part-time employee who works less than 20 hours per week shall be paid an additional 5% loading for each hour worked.
- (c) A flexible permanent part-time employee shall be paid at a rate equivalent to the proportion of the actual hours worked per week compared to the full-time ordinary weekly working hours prescribed for the appropriate classification.
- (d) A flexible permanent part-time employee shall be entitled to accrue annual leave, long service leave, personal leave and all other entitlements as may be applicable, on a *pro rata* basis for ordinary hours actually worked, with payment as follows:
- (i) payment at the rate of one-fifth of their agreed minimum hours for any public holiday on which they are not required to work, to be paid at ordinary time rates as part of or in addition to their agreed minimum hours;
  - (ii) payment for actual rostered hours on the particular day of absence in cases of unplanned absences on personal leave and bereavement leave (within the current pay week);
  - (iii) payment at the rate of one-fifth of their agreed minimum hours for planned absences on personal leave, jury service leave and parental leave (beyond the current pay week);
  - (iv) payment on a *pro rata* basis for ordinary hours actually worked in the case of annual leave and long service leave.

#### **8.4 Permanent employment**

A permanent employee is a full-time or part-time employee who is engaged as such, who has completed the probationary period of six months and who has subsequently been confirmed as a permanent employee.

#### **8.5 Casual employment**

- (a) A casual employee is one who is engaged by the hour and paid as such and who may be engaged where required by the Council.
- (b) A casual employee shall be paid ordinary rates for the class of work performed plus the following additional casual loadings for all ordinary time worked, in lieu of leave conditions and penalties:
- Monday to Friday (within the span of hours) 23%
  - Monday to Friday (outside the span of hours) 73%
  - Saturday 73%
  - Sunday 123%
  - public holidays 173%
- (c) A casual employee shall be paid a minimum engagement as follows:
- Monday to Friday - as for 2 hours' work
  - Saturday and Sunday - as for 3 hours' work
  - public holidays - as for 4 hours' work
- (d) The ordinary working hours of a casual employee shall not exceed:
- (i) 7 hours 15 minutes on any one day unless replacing an employee working in excess of 7 hours 15 minutes per day; or



(ii) 36 hours 15 minutes each week,

after which overtime rates are to be paid in accordance with clause 18.1.

- (e) The casual loadings prescribed in clause 8.5(b) shall not be used for overtime calculations.
- (f) After twelve months' equivalent full-time employment, casual employees may apply for permanent employment in their role. In determining such an application for permanent employment, Council will consider the on-going requirement for the work to be performed, existence of on-going funding for the role, suitability of the employee's skills and performance and the long term needs of Council.
- (g) If permanent employment is not considered appropriate, but the casual employee's employment is maintained, access to learning and development opportunities will be provided and further reviews of employment status may take place at six monthly intervals.
- (h) Where internal advertising takes place, applications may be accepted from casual employees who have had the equivalent of six months' full-time employment, accrued within the preceding two years.

### **8.6 Temporary employment**

- (a) A temporary employee is an employee who is engaged by the Council for a specific period of time or task to meet a specific business need.
- (b) An employee engaged as a temporary employee shall not change employment status, notwithstanding changes to working patterns, unless formally advised of a change in employment status.
- (c) A temporary employee shall be entitled to all award conditions and rates as apply to a permanent employee of the same class, and will receive entitlements on a *pro rata* basis where this is relevant (e.g. accumulation of personal leave).
- (d) After 12 months' equivalent full-time employment, temporary employees may apply for permanent employment in their role. In determining such an application for permanent employment, Council will consider the on-going requirement for the work to be performed, existence of on-going funding for the role, suitability of the employee's skills and performance and long term needs of Council.
- (e) If permanent employment is not considered appropriate, but the temporary employee's employment is maintained, access to learning and development opportunities will be provided and further reviews of employment status may take place at six monthly intervals.
- (f) Where internal advertising takes place, applications may be accepted from temporary employees who have had the equivalent of six months' full-time employment, accrued within the preceding two years.

### **8.7 Traineeships**

The Council may engage trainees from time to time in accordance with this Award.

### **8.8 Conditions of appointment and service**

The conditions of appointment and service of every employee shall be those set out in this Award and in the *City of Brisbane Act 2010*, *City of Brisbane Regulation 2012* and Local Laws as amended from time to time.

## **8.9 Filling of vacancies**

- (a) All vacancies shall be advertised internally and appointment made in accordance with the agreed recruitment and selection procedure.
- (b) In the case of a new role, the Council's Classification and Reclassification Committee shall first determine the appropriate band before the new role can be advertised as a vacancy.
- (c) Roles in Bands 1 to 4 may be simultaneously advertised internally and externally, with the agreement of relevant union/s.
- (d) Any vacancy where the salary is greater than the maximum rate for Band 4 may be simultaneously advertised internally and externally. Where the selection panel determines that simultaneous advertising is warranted, the relevant union/s will be notified. Union/s may access the grievance procedure in clause 7 if they disagree with the decision of the panel to simultaneously advertise the role.
- (e) No vacancy in an existing or new role shall be filled unless applications have been invited from employees of the Council who are eligible, with an equivalent of six months' continuous full-time service, accrued within the preceding two years.
- (f) Every notice inviting applications for appointment to fill any vacancy or vacancies shall indicate the appropriate salary arrangement in each case and the closing date for the lodging of applications shall not be less than 10 working days.

## **8.10 Anti-discrimination**

- (a) In fulfilling their obligations under this Award, the parties must take reasonable steps to ensure that neither the Award provisions nor their operation are directly or indirectly discriminatory in their effects. Discrimination includes:
  - (i) discrimination on the basis of sex, relationship status, family responsibilities, pregnancy, parental status, breastfeeding, age, race, impairment, religious belief or religious activity, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality and association with, or in relation to, a person identified on the basis of any of the above attributes;
  - (ii) sexual harassment; and
  - (iii) racial and religious vilification.
- (b) Nothing in clause 8.10 is to be taken to affect:
  - (i) any different treatment (or treatment having different outcomes) which is specifically exempted under the *Anti-Discrimination Act 1991*;
  - (ii) an employee, the Council or registered organisation, pursuing matters of discrimination, including by application to the Australian Human Rights Commission/Anti-Discrimination Commission Queensland.

## **9. Termination of employment**

Provisions dealing with notice of termination are provided for in Division 13 of the QES. Clauses 9.1 to 9.5 supplement the QES provisions.

### **9.1 Notice of termination by the Council**

- (a) Council may terminate the employment of a full-time or part-time employee by:

- (i) giving the employee two weeks' notice for each year of service (or part thereof), up to a maximum of 13 weeks; or
  - (ii) paying the employee an amount in lieu of notice equivalent to the salary the employee would have earned during the period of notice calculated in accordance with clause 9.1(a)(i); or
  - (iii) a combination of notice or payment in lieu of the period of notice required to be given in accordance with clause 9.1(a)(i).
- (b) The period of notice in clause 9.1(a) does not apply in the case of dismissal for serious misconduct, and in such cases any entitlements under this Award are to be paid up to the time of dismissal only.
- (c) Where an employee's services are terminated on the grounds of redundancy the following minimum periods of notice or payment in lieu (or a combination thereof) and redundancy payments shall be made:

<b>Employee's years of continuous service with the Council</b>	<b>Minimum period of notice ♦</b>	<b>Redundancy pay period</b>
at least 1 year but not more than 2 years	2 weeks	4 weeks
more than 2 years but not more than 3 years	2 weeks	6 weeks
more than 3 years but not more than 4 years	3 weeks	7 weeks
more than 4 years but not more than 5 years	3 weeks	8 weeks
more than 5 years but not more than 6 years	4 weeks	9 weeks
more than 6 years but not more than 7 years	4 weeks	10 weeks
more than 7 years but not more than 8 years	4 weeks	11 weeks
more than 8 years but not more than 9 years	4 weeks	12 weeks
more than 9 years but not more than 10 years	4 weeks	13 weeks
more than 10 years but not more than 11 years	4 weeks	14 weeks
more than 11 years but not more than 12 years	4 weeks	15 weeks
more than 12 years	4 weeks	16 weeks

[♦ **Note:** The period of notice is to be increased by one week in the case of an employee aged 45 years or more who has completed at least 2 years of continuous service with the Council.]

## **9.2 Notice of termination by an employee**

Unless otherwise agreed between the Council and an employee the notice of termination required by an employee, other than a casual employee, will be two weeks or two weeks' salary forfeited in lieu. If an employee fails to give the required notice the Council will have the right to withhold monies due to the employee with a maximum amount equal to the ordinary time rate of salary for the period of notice not provided.

### **9.3 Notice cannot be offset**

In the absence of mutual agreement between the Council and the employee, annual leave or any part thereof cannot be considered as or nominated as notice for the purpose of giving notice of termination of employment.

### **9.4 Job search entitlement**

Where the Council has given notice of termination to an employee for reasons other than redundancy, the employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the Council.

### **9.5 Statement of employment**

The Council shall, in the event of termination of employment, provide upon request to an employee who has been terminated a written statement specifying the period of employment and the classification or type of work performed by the employee.

## **10. Redundancy**

### **10.1 Redundancy pay**

Redundancy pay is provided for in Division 13 of the QES. Clauses 9.1(c) and 10.2 to 10.9 supplement the QES provisions.

### **10.2 Consultation before termination**

- (a) Where the Council decides that the Council no longer wishes the job an employee/s has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour, and that decision may lead to termination of employment, the Council shall consult the employee/s directly affected and, where relevant, their union/s.
- (b) The consultation shall take place as soon as it is practicable after the Council has made a decision which will invoke the provisions of clause 10.2(a) and shall cover the reasons for the proposed terminations and measures to avoid or minimise the terminations and/or their adverse effects on the employee/s concerned.
- (c) For the purpose of the consultation the Council shall, as soon as practicable, provide in writing to the employee/s concerned and, where relevant, their union/s, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected, the number of workers normally employed and the period over which the terminations are likely to be carried out.
- (d) Notwithstanding the provision of clause 10.2(c), the Council shall not be required to disclose confidential information, the disclosure of which would be adverse to the Council's interests.

### **10.3 Transfer to lower paid duties**

- (a) Where an employee is transferred to lower paid duties by reason of redundancy the employee shall be entitled to the same period of notice of transfer as the employee would have been entitled to if the employee's employment had been terminated under the redundancy pay provisions of the QES.
- (b) The Council may, at the Council's option, make payment in lieu thereof of an amount equal to the difference between the former amounts the Council would have been liable to pay and the new lower amount the Council is liable to pay the employee for the number of weeks of notice still owing.

- (c) The amounts must be worked out on the basis of:
  - (i) the ordinary working hours to be worked by the employee; and
  - (ii) the amounts payable to the employee for the hours including, for example, allowances, loadings and penalties; and
  - (iii) any other amounts payable under the employee's employment contract.

#### **10.4 Employee leaving during notice period**

An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received under this clause had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

#### **10.5 Job search entitlement**

- (a) An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.
- (b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment the employee must, at the request of the Council, produce proof of attendance at an interview or the employee will not receive payment for the time absent. For this purpose a statutory declaration will be sufficient.
- (c) Clause 10.5 applies instead of clause 9.4 in cases of redundancy.

#### **10.6 Transmission of business**

- (a) Where a business is, whether before or after the date of commencement of this Award, transmitted from the Council (transmittor) to another employer (transmittee) and an employee who at the time of such transmission was an employee of the transmittor of the business becomes an employee of the transmittee:
  - (i) the continuity of the employment of the employee shall be deemed not to have been broken by reason of such transmission; and
  - (ii) the period of employment which the employee has had with the transmittor or any prior transmittor shall be deemed to be service of the employee with the transmittee.
- (b) In clauses 10.6 and 10.7, 'business' includes trade, process, business or occupation and includes a part or subsidiary (which means a corporation that would be taken to be a subsidiary under the Corporations Law, whether or not the Corporations Law applies in the particular case) of any such business and 'transmission' includes transfer, conveyance, assignment or succession whether by agreement or by operation of law and 'transmitted' has a corresponding meaning

#### **10.7 Exemption where transmission of business**

The provisions of clause 10.6 are not applicable where a business is, before or after the date of commencement of this Award, transmitted from the Council (transmittor) to another employer (transmittee) in any of the following circumstances:

- (a) where the employee accepts employment with the transmittee which recognises the period of continuous service which the employee had with the transmitter and any prior transmitter to be continuous service of the employee with the transmittee; or
- (b) where the employee rejects an offer of employment with the transmittee:
  - (i) in which the terms and conditions are substantially similar and no less favourable, considered on an overall basis, than the terms and conditions applicable to the employee at the time of ceasing employment with the transmitter; and
  - (ii) which recognises the period of continuous service which the employee had with the transmitter and any prior transmitter to be continuous service of the employee with the transmittee.

### **10.8 Alternative employment**

The Council, in a particular case, may make application to the Commission to have the general severance pay prescription amended if the Council obtains acceptable alternative employment for an employee.

### **10.9 Employees exempted**

Clauses 10.1 to 10.8 shall not apply:

- (a) where employment is terminated as a consequence of misconduct on the part of the employee; or
- (b) to an employee engaged for a specific period or task/s; or
- (c) to a casual employee; or
- (d) to an employee with less than one year's continuous service, in which case the general obligation on the Council should be no more than to give the relevant employee an indication of the impending redundancy at the first reasonable opportunity and to take such steps as may be reasonable to facilitate the obtaining by the employee of suitable alternative employment.

## **11. Consultation - Introduction of changes**

### **11.1 Council's duty to notify**

- (a) Where the Council decides to introduce changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the Council shall notify the employees who may be affected by the proposed changes and, where relevant, their union/s.
- (b) 'Significant effects' includes termination of employment; major changes in the composition, operation or size of the Council's workforce or in the skills required; the elimination or diminution of job opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations and the restructuring of jobs.
- (c) Where the Award makes provision for alteration of any of the matters referred to in clauses 11.1(a) and (b) an alteration shall be deemed not to have significant effect.

### **11.2 Council's duty to consult over change**

- (a) The Council shall consult the employees affected and, where relevant, their union/s about the introduction of the changes, the effects the changes are likely to have on employees (including the number and categories of employees likely to be dismissed, and the time when, or the period

over which, the Council intends to carry out the dismissals) and ways to avoid or minimise the effects of the changes (e.g. by finding alternate employment).

- (b) The consultation must occur as soon as practicable after making the decision referred to in clause 11.1.
- (c) For the purpose of such consultation the Council shall provide in writing to the employees concerned and, where relevant, their union/s, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees, and any other matters likely to affect employees.
- (d) Notwithstanding the provision of clause 11.2(c) the Council shall not be required to disclose confidential information, the disclosure of which would be adverse to the Council's interests.

## **PART 4 - Minimum Salary Levels, Allowances and Related Matters**

*(Note: The wage rates and salary levels prescribed in this Award do not apply to employees to whom the provisions of Schedule 4 (Supported Wage System) apply.)*

### **12. Classifications and minimum salary levels**

Employees covered by this Award are to be classified into a classification and band level in accordance with the role classification standards contained in Schedules 1, 2 and 3, respectively, and the band structure set out in clause 12.1.

#### **12.1 Employee role classification standards and band structure**

The classification of employees in administrative, technical and professional roles is to be by reference to the role classification standards contained in Schedules 1, 2 and 3 and the band structure set out in this clause. The appropriate band and classification level is to be determined according to the skill level required to be exercised by the employee in order to carry out the principal functions of their employment as set out in this clause and the role classification standards. Any dispute about an employee's band and level is to be progressed in accordance with clause 7.

##### **(a) Band 1**

- (i) This is the entry band for administrative and technical staff. Supervision is typically close. It is expected that the range of work will be varied to provide experience in a variety of roles. Administrative employees at the top of this band would be expected to have completed studies leading to the relevant TAFE Certificate or a program of structured training capable of being accredited as equivalent. Within the administrative and technical roles supervision of other employees is not a feature.
- (ii) Within this band employees could be required to assist new staff and trainees, providing general information, guidance and advice.

##### **(b) Band 2**

- (i) All employees in this band are expected to work in an increasingly autonomous manner although the scope of the work remains limited and supervision is direct. The employee progressively develops sound working knowledge in identified administrative and technical areas and exercises a level of independent judgment in accordance with well established policies. Some specific task guidance could be included.
- (ii) Within this band technical staff would be expected to be undertaking studies leading towards advanced certificate qualifications, or equivalent.

(c) Band 3

To enter this band technical employees would have completed the advanced certificate or the second year of associate diploma studies, or possess equivalent skill and knowledge. The associate diploma, or equivalent, would be completed within this band. Administrative staff would be obtaining skills at an equivalent level of complexity, either through formal study or by work related skill formation activities. Employees would be expected to perform activities of gradually increasing complexity under more routine supervision. Both technical and administrative employees may be required to liaise between divisions, external agencies and the public on work related matters. Supervision of a small work team could be undertaken within this band.

(d) Band 4

Entry to this band is by appointment to a vacancy. It is the entry band for degree qualified employees in professional roles. Technical staff would hold associate diploma qualifications or possess equivalent skill and knowledge. Supervision of a work team could be undertaken within this band and work standards require the exercise of independent judgment in a limited field. At this level supervision received involves general guidance as to methods and requirements.

(e) Band 5

Entry to this band is by appointment to a vacancy except where provided for in clause 12.6(g). In this band employees may be expected to perform complex, creative, planning, design, or coordinative roles at entry level within the administrative, technical or professional fields. Professionals will develop a broad range of experience in various aspects of their discipline and may control limited projects. For administrative employees, progression towards degree or relevant diploma qualifications is expected. Administrative employees further develop and apply their knowledge of Council organisation and functions, and plan and coordinate activities such as monitoring work flow and employee/s attendance. Technical employees would be expected to progress toward diploma qualifications, or equivalent, within this band. As employees progress through this band the supervision received becomes more general in nature.

(f) Band 6

(i) Entry to this band is by appointment to a vacancy. Degree or Diploma qualifications are expected at this level. Employees perform difficult and complex work under limited direction and are expected to deliver high quality advice, provide specialist services, or manage a local unit. Administrative employees would typically work within a specialised field, or supervise at section level. Such an employee would supervise a diversity of related functions, collect and analyse data and prepare reports and recommendations. The experienced professional at this level performs work which is novel, critical or complex, with increasing autonomy.

(ii) Professionals may guide less experienced graduates, lead teams and projects, and supervise or coordinate the work of others. The technical practitioner performs complex work under limited guidance and may supervise at section level.

(g) Band 7

Entry to this band is by appointment to a vacancy. This band includes roles which, under broad guidance, perform work of considerable difficulty and complexity in administrative or professional areas, with potential corporate impact. Employees at this level would have completed specialised training and gained substantial relevant experience. Employees would be able to manage situations involving the application of complex legislation and policies, and provide policy advice on significant issues. They would be expected to undertake research,



prepare comprehensive submissions, reports and recommendations, and carry projects through to completion. Section leadership may be a requirement.

(h) Band 8

Entry to this band is by appointment to a vacancy. At this level employees perform tasks, under executive direction, of marked difficulty and accountability in the administrative or professional roles. The level of theoretical and applied knowledge is high. Employees may exercise specialist skills or have organisational group supervision at a significant level of responsibility. Work is typically directly linked to the achievement of corporate goals. Senior professional specialists or practitioners apply comprehensive knowledge of policies and exercise significant decision making and advisory functions. Work is generally reviewed in relation to policy objectives. Supervision may be exercised over a range of employees and general resources. Management accountability is significant.

(Note: Whenever there is a statutory requirement for registration or licensing in order to legally carry out the role, this requirement will be included in the relevant role descriptions.)

## 12.2 Minimum salary levels

The minimum salaries payable to employees covered by this Award, including employees under 21 years of age, are prescribed in the table below:

<b>Band</b>	<b>Paypoint</b>	<b>Rate Per Week \$<sup>2</sup></b>	<b>Award Salary Per Annum<sup>1</sup> \$<sup>3</sup></b>
<b>Band 1</b>	<b>1</b>	678.00	35,267
	<b>2</b>	688.00	35,769
	<b>3</b>	697.50	36,278
	<b>4</b>	707.50	36,788
	<b>5</b>	720.50	37,459
<b>Band 2</b>	<b>1</b>	729.00	37,917
	<b>2</b>	739.00	38,429
	<b>3</b>	749.00	38,937
	<b>4</b>	758.50	39,448
	<b>5</b>	766.50	39,847
<b>Band 3</b>	<b>1</b>	776.00	40,358
	<b>2</b>	786.00	40,868
	<b>3</b>	796.00	41,390
	<b>4</b>	806.00	41,915
	<b>5</b>	816.00	42,442
<b>Band 4</b>	<b>1</b>	834.00	43,360
	<b>2</b>	847.50	44,065
	<b>3</b>	861.00	44,770
	<b>4</b>	874.50	45,476
	<b>5</b>	888.00	46,181
<b>Band 5</b>	<b>1</b>	913.00	47,474
	<b>2</b>	942.50	49,012
	<b>3</b>	965.00	50,168
	<b>4</b>	992.00	51,578
	<b>5</b>	1,016.50	52,862
<b>Band 6</b>	<b>1</b>	1,050.50	54,625
	<b>2</b>	1,084.50	56,388
	<b>3</b>	1,118.50	58,151
	<b>4</b>	1,152.00	59,916

<b>Band</b>	<b>Paypoint</b>	<b>Rate Per Week \$<sup>2</sup></b>	<b>Award Salary Per Annum<sup>1</sup> \$<sup>3</sup></b>
<b>Band 7</b>	<b>1</b>	1,186.00	61,677
	<b>2</b>	1,220.00	63,440
	<b>3</b>	1,254.00	65,203
	<b>4</b>	1,288.00	66,967
<b>Band 8</b>	<b>1</b>	1,333.00	69,317
	<b>2</b>	1,367.00	71,080
	<b>3</b>	1,401.00	72,846
	<b>4</b>	1,435.00	74,607

Notes:

<sup>1</sup> Includes the arbitrated wage adjustment payable under the 1 September 2017 Declaration of General Ruling.

<sup>2</sup> Weekly salaries (annual rate ÷ 52 and rounded to the nearest \$0.50) are for reference purposes only.

<sup>3</sup> Rounded to the nearest dollar.

**12.3 Payment of salaries**

- (a) Salaries shall be paid weekly or fortnightly by electronic funds transfer to the employee's credit in an account nominated by the employee.
- (b) The pay day may be altered after a period of three calendar months' notice of such change to any affected employee/s.
- (c) Not more than five days' pay may be held by the Council.
- (d) In exceptional circumstances, and with notice to the relevant union/s, the Council may elect to pay salaries by cash or cheque.

**12.4 Performance of higher duties**

- (a) Subject to clause 15.9, an employee who is called upon to temporarily perform a role classified at a higher band than that to which that employee has been substantively appointed, and actually performs all, or a substantial part, of that higher role, shall:
  - (i) if employed on shift work: be paid at the minimum rate prescribed for the higher band for the period of relieving;
  - (ii) in all other cases: if the requirement for such performance is for a period of at least one working day, be paid at the minimum rate for such role for the whole period during which such duties are performed. However, any period of less than a completed working day shall not be taken into account.
- (b) The periods and Principles for progression contained in clause 12.6 shall apply for the purposes of this clause.
- (c) The provisions of clause 15.4 concerning flexible working hours will apply to any period during which an employee performs higher duties as if this were a distinct and separate period of engagement (i.e. flex-time accrued during a period of higher duties must be accessed as flex leave prior to the completion of such higher duties).

**12.5 Classification and reclassification**

- (a) Council's Salaried Employees Classification and Reclassification Committee (CRC) has responsibility for assessing and making decisions on the Band levels for new or altered roles in

accordance with the agreed classification methodology as recorded from time to time in the CRC Constitution.

- (b) The jointly constituted CRC shall utilise the agreed role classification methodology and process to assess the knowledge, judgement, accountability and other factors relevant to the role, and shall assign a band level classification to the role.
- (c) A role statement shall be designed for every role and verified by both the individual occupant of the role and their immediate supervisor.
- (d) In the event of any significant additions or changes becoming necessary to the role statement, the revised role and role statement shall be assessed in accordance with the agreed methodology.

## **12.6 Principles for progression**

- (a) Each employee shall negotiate and agree performance and learning objectives with their team leader/supervisor at least once per year.
- (b) An employee shall progress to the next pay point in their nominal band with the written recommendation of the team leader and approval of the manager, subject to:
  - (i) acquisition and satisfactory utilisation of additional skills; and
  - (ii) enhanced proficiency, responsibility and professional knowledge; and
  - (iii) achievement of agreed performance and learning objectives; and
  - (iv) demonstrated net addition to work value, as determined by reference to the band definitions at clause 12.1.
- (c) An employee who has been absent within the preceding 12 months:
  - (i) on paid leave for more than four months in aggregate; or
  - (ii) on unpaid leave in excess of five days in aggregate,may have their assessment and pay point progression delayed by the period of such absence/s.
- (d) Assessment for incremental progression, as provided in clause 12.6(b), shall occur:
  - (i) at six monthly intervals for employees working within Bands 1 to 4; and
  - (ii) at twelve monthly intervals for employees working within Bands 5 to 8.
- (e) Appointment to the next band level will normally be by successful application to an advertised vacancy, except in work units where competency-based development or role progression is approved by the Council. At the time of advertising a vacant position applicants must be advised that competency-based development progression exists and be provided with a copy of the relevant position descriptions.
- (f) Where Council identifies a need, a role may be classified and advertised as a broadbanded position within Bands 1 to 2 or Bands 1 to 3. At the time of advertising, a role statement identifying the skills, competencies and responsibilities that are required at each band level must be available. An employee appointed to a broadbanded role, who has reached the top incremental pay point in Band 1 and/or Band 2, may progress to the next band level with the approval of the Branch manager, provided the employee has achieved the goals outlined in the performance appraisal process and satisfies the requirements for selection to the higher band level.

- (g) Where Council identifies a need, a professional role may be classified and advertised as a broadbanded position within Bands 4 to 5 to allow for professional development. A professional employee appointed to a broadbanded role, who has reached the top incremental pay point in Band 4 and has achieved their goals as outlined in the performance appraisal process, may progress to the higher band with the approval of the Divisional manager.
- (h) An employee may seek to have their work role expanded and reclassified, provided that the expanded role meets Council needs. If the revised role statement is classified at a higher band, then the role must be advertised and merit based selection principles applied.
- (i) Where a role is reclassified as a result of organisational restructuring or reassignment of roles and responsibilities within a section or work unit, then advertisement may be "quarantined" to that section or work unit.

## **13. Allowances**

### **13.1 First-aid allowance**

An employee holding a certificate in first-aid issued by the Queensland Ambulance Service or equivalent qualification who is appointed by the Council as a first-aid attendant/officer shall be paid an additional \$14.25 per week in which an employee works three days or more days.

### **13.2 Motor vehicle allowance**

- (a) Where the Council requires an employee to use their own vehicle in or in connection with the performance of their duties, or an employee reaches an agreement with the Council to use their own vehicle when travelling on official business, the employee shall be paid an allowance for each kilometre of authorised travel as follows:
  - (i) motor vehicle - \$0.77 per kilometre; and
  - (ii) motorcycle - \$0.26 per kilometre.
- (b) The Council may require an employee to record full details of all such official travel requirements in a log book.

### **13.3 Overtime meal allowances and meal breaks**

- (a) A meal will be provided, or a meal allowance of \$16.25 shall be paid, to an employee other than a shift worker who:
  - (i) is entitled to payment for overtime and is required to continue duty for at least one hour after their ordinary finishing time; or
  - (ii) is required to continue work for more than 4 hours after the first hour of overtime as described in clause 13.3(a)(i), with an additional allowance paid after each subsequent 4 hour period of overtime worked.
- (b) Subject to clause 13.3(c) an employee, other than shift worker, required to work overtime on Saturday, Sunday or any public holiday shall be entitled to:
  - (i) a meal allowance of \$16.25 if the employee is required to continue to work after 1200; and
  - (ii) a meal after 1800; and
  - (iii) a further meal allowance of \$16.25 after each 4 hour period that the employee is required to work after 1800.

- (c) However, if the employee has been notified not later than the previous day of the need to work such overtime, no allowance shall be paid in respect of the first meal.
- (d) A shift worker required to work overtime for more than one hour shall be paid a meal allowance of \$16.25 with a further meal allowance after each subsequent 4 hour period of overtime worked.

#### **13.4 Site and special conditions payments**

- (a) Employees who directly supervise or work in close association with (in accordance with the way that phrase is defined clause 15.1(d)) employees covered by another Award shall be entitled to receive the All purpose operational allowance as outlined at clause 13.1 of the *Brisbane City Council - Operational and Trade Employees Award - State 2016* when actually subject to the disabilities for which that payment is prescribed.
- (b) Annual leave payments for all employees having an entitlement under this clause shall be calculated in the same manner as the employees or employees they supervise or work in close association with.
- (c) The ordinary hours of duty of any employee relieving any other employee shall, for the period of relief, be the same as the hours of duty of the employee so relieved.
- (d) Employees engaged on construction work who are required to find their own means of transport to job sites in accordance with clause 25 of the *Brisbane City Council Operational and Trade Employees Award - State 2016* and who meet the requirements of that Award regarding travelling to and from a work site shall be paid the travelling allowance prescribed in that Award.
- (e) For the purpose of clause 13.4(d) **work site** shall mean any work site of a temporary nature that does not afford the usually accepted standard of permanent facilities and amenities.

#### **13.5 Working in the rain allowance**

When an employee is required to work in the rain they shall wear waterproof clothing as provided by the Council. If an employee gets their work clothing wet as a result of a requirement to perform work in the rain, regardless of wearing waterproof clothing supplied by the Council, the employee shall be paid single time in addition to ordinary time or overtime payments for the time between becoming wet and changing into dry clothes or until the employee ceases work, whichever is sooner.

#### **13.6 Adjustment of monetary allowances**

- (a) Other than the expense related allowance at clauses 13.2 (motor vehicle allowance) and 13.3 (overtime meal allowances and meal breaks), respectively, all other monetary allowances specified in clause 13 shall be automatically adjusted from the same date and in the same manner as monetary allowances are adjusted in any State Wage Case decision or other decision of the Commission adjusting minimum wage rates in this Award.
- (b) At the time of any adjustment to the wage rates in this Award the expense related allowance at clauses 13.2 (motor vehicle allowance) and 13.3 (overtime meal allowances and meal breaks), respectively, shall be automatically adjusted by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (c) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index, as follows:

Allowance

Eight Capitals Consumer Price Index  
(ABS Cat No. 6401.0 - Table 7)

Motor vehicle allowance  
(last adjusted 1 September 2014)

Private motoring sub-group

Overtime meal allowance  
(last adjusted 1 September 2017)

Take-away and fast foods sub-group

#### 14. Superannuation

- (a) Subject to Commonwealth legislation, Brisbane City Council must comply with superannuation arrangements prescribed in the *City of Brisbane Act 2010*, the *Local Government Act 2009* and *Local Government Regulation 2012*.
- (b) Where Commonwealth legislation provides for choice of fund rights to an employee subject to this Award, and that employee fails to elect which superannuation fund to which employer contributions are directed, the Council will direct contributions to the appropriate fund prescribed in the abovementioned Queensland legislation.

### PART 5 - Hours of Work and Related Matters

#### 15. Hours of duty

##### 15.1 Ordinary hours of duty

- (a) The ordinary hours of duty for a full-time employee shall average 36 hours 15 minutes per week and shall be worked continuously, except for meal breaks and rest pauses, between 0700 and 1800 Monday to Friday, inclusive.
- (b) Subject to clauses 15.1(f) and (g) a standard day shall be 7 hours 15 minutes worked within the ordinary spread of hours of 0800 and 1645 Monday to Friday, with not more than one hour for an unpaid meal break, except where flexible working hours, rosters, shift work or other arrangements are in place.
- (c)
  - (i) An employee may be required to work ordinary hours in accordance with a roster. Rosters shall be made available to affected employees and displayed in the workplace at least one week prior to coming into effect.
  - (ii) An employee shall be given at least 48 hours' notice of any change to rostered hours or work location.
- (d) The ordinary hours of work of Council employees who supervise or work in close association with other employees, whether directly employed by the Council or otherwise employed, whose ordinary hours of work exceed 36 hours 15 minutes per week shall be the same as the ordinary hours of work for such other employees, provided that Council employees shall not be required to work in excess of an average 38 hours per week at ordinary rates. Clause 15.1(d) shall not apply to licensed surveyors and engineering surveyors.
- (e) The ordinary starting and finishing times of various groups of employees or individual employees may be staggered or altered by agreement between Council and the majority of employees concerned, with agreement not to be unreasonably withheld.
- (f)
  - (i) The ordinary hours of work shall not exceed 8 hours 30 minutes on any day, except by agreement between an individual employee and Council, in which case the maximum hours of work can be 10 hours.

- (ii) Where the ordinary working hours are to exceed 8 hours 30 minutes on any day for a group of employees, the arrangement of hours shall be subject to the agreement of Council and the majority of the affected employees.
- (g) Council and employees of a section or work unit may agree that the ordinary hours of work may be worked over a fortnightly period of nine working days, in which case not more than 8 hours 30 minutes shall be worked on any such day at ordinary rates.
- (h) The ordinary hours of work, including for shift workers referred to in clause 15.3, may be exceeded in any week or weeks subject to the total ordinary hours worked during any roster period not exceeding an average of 36 hours and 15 minutes, ascertained by multiplying the number of weeks in the roster period by 36 hours 15 minutes.
- (i) No employee shall be required to work ordinary rostered hours over more than six consecutive days without a break of at least 48 hours, unless otherwise agreed.

### **15.2 Flexible working arrangements**

- (a) By mutual written agreement between an employee and their manager, an employee may work their ordinary hours of work to suit their individual circumstances. Such ordinary hours of work may be worked outside the span of hours provided in clause 15.1(a) at ordinary time rates of pay.
- (b) Any such arrangement entered into in accordance with clause 15.2(a) is to be recorded in writing utilising Council's "Flexible Work Arrangements Request" form.

### **15.3 Shift work**

- (a) Shift work shall apply when ordinary hours are worked according to a roster that extends for more than one week and where rostered shifts are worked beyond or outside the spread of ordinary hours of work described in clause 15.1(a).
- (b) An employee may be designated as a shift worker when they are appointed to, acting in, occupying, assigned, placed, transferred or allocated to a role that is designated as a shift work role.
- (c) The ordinary working hours of shift workers whose work is connected with or incidental to any continuous process shall average 36 hours 15 minutes hours per week inclusive of a paid crib break of 30 minutes and, except as provided in clause 15.1(d), shall not exceed 145 hours in 28 consecutive days.
- (d) The ordinary hours of work referred to in clause 15.3(a) may be averaged over the roster period provided that the total hours worked does not exceed an average of 36 hours and 15 minutes or 38 hours if working in the circumstances described in clause 15.1(d), as the case may be.
- (e) The ordinary hours of duty referred to in clause 15.3(a) may be worked according to an agreed roster that is developed in consultation with affected employees and meets Council's business needs.
- (f) Shift workers shall be allowed a paid crib break of 30 minutes during each shift which extends beyond 5 hours. Such break shall be taken at a time and in such manner that it will not interfere with continuity of work where continuity is necessary.
- (g) Subject to clause 15.3(h), shift workers shall be paid 15% in addition to their ordinary salary rate for all ordinary time worked Monday to Friday outside the ordinary spread of hours referred to in clause 15.1(a).
- (h) Where the ordinary rostered shift commences at or before 0530, or finishes at or after 1930, the

additional 15% loading shall apply to the whole shift.

- (i) The extra shift rate in clause 15.3(g) shall not apply to shift work performed on Saturdays, Sundays, public holidays or during overtime, for which other penalty rates are paid.
- (j) An employee who, during a period of engagement on shiftwork, works night shift only shall be paid 25% in addition to their ordinary salary rate for all ordinary time worked on such night shift.
- (k) All time worked during the employee's ordinary rostered shift between midnight Friday and midnight Sunday shall be paid for at the rate of time and one-half.
- (l) Shift workers who work overtime which:
  - (i) is part of a continuous shift roster; and/or
  - (ii) extends continuously into or out of an ordinary rostered shift which has attracted a shift penalty,

shall be paid at the rate of double time for all such overtime worked.

- (m) Non-continuous shift workers who work overtime which is:
  - (i) in addition to an ordinary rostered shift which did not attract a shift penalty; or
  - (ii) worked on a weekend and does not extend continuously into or out of an ordinary rostered shift,

shall be paid in accordance with the provisions of clause 18 for all such overtime worked.

#### **15.4 Flexible hours**

- (a) A permanent, full-time, part-time or temporary employee may access flexible working hours (flex-time) except in circumstances where the employee is working in accordance with a defined roster. Flex-time enables an employee to balance work and personal needs and assists Council to maximise customer service, reduce overtime and meet workplace flexibility requirements.
- (b) Time worked will be recorded in the required format covering a fortnight corresponding to two weekly pay periods. The normal work hours for a full time employee shall be 72 hours 30 minutes over a period of two weeks, between the hours of 0700 and 1800 Monday to Friday. An employee may work extra time to meet business needs, without additional payment, and take flex-time leave for personal needs at a time convenient to operational work flows.
- (c) A standard day for the purposes of flex leave, public holidays, annual leave, sick leave or other approved leave shall be recorded as 7 hours 15 minutes for full-time employees.

#### **15.5 Ability to transfer flex credits and debits**

- (a) The maximum flex credit which an employee shall be allowed to carry over to the next fortnight will be 14 hours 30 minutes.
- (b)
  - (i) If, at the end of a fortnight, an employee's flex-time is in excess of the agreed 14 hours 30 minutes no payment shall be made for such excess period, i.e. the time will be forfeited.
  - (ii) However, if an employee is requested to work additional hours, the additional time worked may be accrued, if approved, in accordance with clause 15.8.



- (c) Carry-over of a flex debit will not be permitted unless approved by the Branch manager. Such approved flex debit should be made up by the employee working extra time during the next fortnight.
- (d) Any continuation of a flex debit beyond the next fortnight will need the approval of the Branch manager in accordance with business needs.

#### **15.6 Accessing flex credit**

- (a) An employee can be granted flex-time leave if they have accumulated an equivalent amount of flex credit as at the commencement of the day/s upon which the leave is required, and if prior approval has been obtained.
- (b) An employee may be granted the equivalent of two days' leave with the approval of their team leader.
- (c) Managers, team leaders and employees shall manage work times and cooperate to contain the accrual of excessive flex-time and to ensure that flex-time leave can be accessed by an employee without disruption to the business operation.

#### **15.7 Overtime and flex-time**

- (a) Employees working in accordance with clause 15.4(a) who are specifically directed to work overtime during Monday to Friday shall be paid at the overtime rates prescribed in clause 18.1 in accordance with the following provisions:
  - (i) for work performed outside standard hours when a flex credit of 14 hours 30 minutes is exceeded;
  - (ii) for all work performed in excess of 7 hours 15 minutes in any one day where the employee elects to receive payment at overtime rates instead of a flex credit;
  - (iii) for all work performed outside the spread of ordinary hours of work as outlined in clause 15.1.
- (b) Equivalent time off in lieu allowed to an employee under the provisions of clause 18.1 shall not be counted towards an employee's flex credit, flex debit or carry-over balance prior to the time such equivalent time-off is actually allowed.

#### **15.8 Time off in lieu of flex-time**

- (a) Where an employee or team leader identifies a need to work additional hours to meet project milestones, specific business need or peak workload, with prior approval of the Branch manager, time off in lieu of flex-time may be accrued on a time-for-time basis of up to 21 hours 45 minutes in addition to 14 hours 30 minutes of flex-time.
- (b) Time off in lieu of flex-time will only be applied with the agreement of both the employee and the Branch manager.
- (c) Time off in lieu of flex-time must be taken ahead of annual and long service leave. Time off in lieu of flex-time must be taken within a four month period of it being accrued or, by agreement between the employee and Branch manager, in conjunction with the next leave period.
- (d) Where time off in lieu of flex-time is not able to be taken within the four month period, or in conjunction with the next leave period as agreed, the Branch manager shall be advised and

arrangements made in agreement with the employee for this leave to be taken at a mutually convenient time.

- (e) Where time off in lieu of flex-time is not able to be taken due to business needs, and the manager and employee have not agreed a specific date for the leave to be taken, the accrued time off in lieu of flex-time will be paid out with the approval of the Divisional manager.
- (f) If the employee refuses to take the accrued time off, despite reasonable efforts by their manager, the accrued time off will be forfeited and no payment will be made.
- (g) Where an employee is transferred to another work unit, their new unit's Branch manager should be advised of, or may require the employee to clear, any time off in lieu of flex-time prior to commencement in the new position.

#### **15.9 Flex-time and performance of higher duties**

- (a) An employee shall not be paid extra remuneration for temporarily filling a higher level position during another employee's absence upon flex-time leave. Furthermore, any such periods shall not be counted in assessing the prescribed minimum qualifying periods for the payment of extra remuneration.
- (b) Where an employee who is temporarily filling a higher level position is absent upon flex-time leave, such flex-time leave shall not be deemed to interrupt the period of performance of such duties if the employee is required to perform the same higher level duties on the employee's return from leave.

#### **15.10 Other working arrangements**

- (a) An employee may request approval from the Divisional manager to work standard hours. Therefore, time worked outside standard hours shall not be credited as flex-time, but shall be recorded as overtime and shall be paid for at the appropriate overtime rate.
- (b) Where an employee elects, they shall be able to make application to their manager to be allowed to participate in a permanent nine-day fortnight arrangement.
- (c) A manager may restrict an employee's access to accrue flex-time, or require the employee to work set times, after discussion with the employee and their union or representative.

### **16. Meal breaks**

- (a) An employee shall not be required to work for more than 5 hours without a meal break of at least 30 minutes. When an employee is directed to work through a meal break they shall be paid at the rate of double time, such payment to continue until a meal break has commenced.
- (b) The delayed meal period shall be of the same duration as the meal period the employee would have enjoyed had that employee not been required to continue working.

### **17. Rest breaks**

- (a) Each employee shall be allowed a rest break of 10 minutes duration in the morning and in the afternoon in the Council's time. Such rest break shall be taken at times to suit the convenience of the Council and so as not to interfere with the continuity of work where, in the opinion of the Council, continuity is necessary.
- (b) Rest breaks may be combined so that one break of 20 minutes can be taken at the discretion of the Council.

## **18. Overtime and penalties**

### **18.1 Overtime and penalty payments**

- (a) Unless otherwise specified in this clause, employees, other than those engaged in shift work as outlined at clause 15.3(l), who work outside of or in excess of the prescribed ordinary working hours during each day, except Sundays and public holidays, shall be paid for that work at the rate of time and one-half for the first 3 hours and double time thereafter. Alternatively, employees shall be granted time off in lieu of such payment equivalent to the number of hours of overtime worked multiplied by the appropriate overtime rate.
- (b) A minimum of 2 hours paid at overtime rates shall apply in respect of overtime performed on a Saturday.
- (c) All time worked on Sundays by employees, other than shift workers, shall be paid for at the rate of double time with a minimum payment as for 2 hours' work.
- (d) Time worked during ordinary rostered hours between midnight Friday and midnight Sunday by shift workers or by team leaders supervising employees who receive penalty rates under another Award for working at weekends, shall be paid for at the rate of time and one-half. Time worked in excess of such ordinary rostered hours between midnight Friday and midnight Sunday shall be paid at the rate of double time.
- (e) Employees in receipt of a stand by allowance prescribed in clause 18.5 who are called out to perform emergency work outside their ordinary working hours will be paid for a minimum of 2 hours:
  - (i) from Monday to Saturday inclusive: at the rate of time and one-half, or
  - (ii) on Sunday: at the rate of double time.
- (f)
  - (i) An employee recalled to work overtime, whether notified before or after leaving the Council's premises, and who returns home on completion of such overtime work shall be paid as for a minimum of 3 hours at the appropriate rate for each time the employee is so recalled.
  - (ii) Except in the case of unforeseen circumstances arising, the employee shall not be required to work the full 3 hours if the work that the employee is recalled to perform is completed in a shorter period.
- (g) Overtime shall be calculated to the nearest 15 minutes in the total amount of time in respect of which extra remuneration is claimed by an employee each week.
- (h) Except as provided for in clause 15.9, an employee temporarily filling and discharging the full duties of a higher graded role shall be paid overtime at the rate applicable to the higher graded role.
- (i) No payment or allowance for overtime worked shall be made to any employee without prior approval. If prior approval cannot be obtained, the manager with the appropriate level of delegated authority may authorise payment if satisfied that the working of overtime was essential.
- (j) Employees working nine days over a fortnightly period who are required to work on their agreed day off shall be paid the overtime rates prescribed for work on Monday to Friday by this Award.

## **18.2 Fatigue leave/rest period after overtime**

- (a) An employee who works so much overtime:
- (i) between the termination of their ordinary work on one day or shift and the commencement of their ordinary work on the next day or shift that they have not had at least 10 consecutive hours off duty between these times; or
  - (ii) on a Sunday or a public holiday, not being ordinary working days, without having had 10 consecutive hours off duty in the 15 hours preceding their ordinary commencing time on their next ordinary day or shift following the working of such overtime,
- shall be released after completion of such overtime until they have had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.
- (b) Overtime worked by an employee who is recalled to work after their ordinary ceasing time, or who is on stand by in accordance with clause 18.5, shall not be regarded as overtime for the purposes of clause 18.2(a) where the actual time worked is less than 3 hours on such recall or on each of such recalls.
- (c) The provisions of clause 18.2(a) shall apply in the case of shift workers who rotate from one shift to another as if 8 hours were substituted for 10 hours when overtime is worked:
- (i) for the purpose of changing shift rosters; or
  - (ii) where a shift worker does not report for duty; or
  - (iii) where a shift is worked by arrangements between the employees themselves.
- (d) If, on the instruction of Council and giving consideration to workplace health and safety issues, the employee resumes work without having had such 10 consecutive hours off duty, the employee shall be paid at the rate of double time until released from duty.

## **18.3 Overtime divisor**

Where it is necessary to establish an hourly rate for the purpose of calculating overtime payments due to an employee whose ordinary hours of duty, pursuant to clause 15.1(d), are 38 per week, the divisor used shall be 36 hours 15 minutes.

## **18.4 Time off in lieu of overtime (TOIL)**

- (a) TOIL is an option to the payment of overtime for employees.
- (b) TOIL will only be applied with the agreement of both the employee and the Branch manager and must be taken within four months of being worked.
- (c) Branch managers have delegated authority to approve the accrual and taking of TOIL and such approval should not be unreasonably withheld.
- (d) The accrual of TOIL will be calculated at existing overtime rates (e.g. 1 hour worked at time and one-half equals 1 hour 30 minutes of TOIL).
- (e) TOIL must be taken ahead of annual and long service leave and must be taken within a four month period or, by agreement between the employee and Branch manager, in conjunction with the next leave period. However, employees are encouraged to take TOIL within one month of its accrual.
- (f) A maximum of five days, at the employee's normal working hours, may be accrued as TOIL at any time.

- (g) Where an employee is transferred to another work unit, the employee will be paid out for their accrued time unless their new unit's Branch manager is willing to accept the TOIL liability.
- (h) Where TOIL has not been taken within four calendar months of its accrual, or an agreement has not been reached under clause 18.4(e), it must be paid out at the rates current at the time of payment.
- (i) Allowances accrued during a period of overtime shall be paid when the overtime is worked, not when the TOIL is taken.
- (j) Branch managers should consider the impact of EBA, salary progression and other pay rises on the potential cost of paying out accrued time.
- (k) Where work units direct-charge employees' time to customers, they must establish appropriate operating accounts to manage the necessary accruals of TOIL.

### **18.5 Stand by allowance**

- (a) The Council may require an employee to stand by and be ready and available to perform emergency work outside ordinary working hours.
- (b) An employee required to stand by for emergency work shall be paid an allowance of 10% of the weekly rate for Band 6, pay point 1 for each week, or part thereof, during which the employee is required to stand by. All work performed by such employee at the Council's premises or work site outside ordinary working hours shall be paid for at the call out overtime rates prescribed at clause 18.1(e).
- (c) An employee required to stand by for emergency work on any public holiday shall have one day added to the employee's annual leave for each public holiday on which the employee is required to stand by.
- (d) An employee who is required to remain within a designated site of the Council's operations during periods of stand by shall be paid the stand by allowance as specified in clause 18.5(b) plus an additional 30% of that allowance.

## **PART 6 - Leave of Absence and Public Holidays**

### **19. Annual leave**

Annual leave is provided for in Division 5 of the QES. Clauses 19.1 to 19.3 supplement the QES.

#### **19.1 Amount of annual leave**

- (a) All employees covered by this Award, other than casuals, shall be entitled to four weeks' annual leave on full pay at the end of each year of service.
- (b) Employees engaged on continuous shift work shall be entitled to one additional week of annual leave for each 12 months so engaged, with proportional leave to be calculated for employees who have worked more than 13 weeks of continuous shift work.
- (c) The calculation of annual leave entitlements as prescribed in clauses 19.1(a) and (b) shall be in hours.

## 19.2 Taking annual leave

- (a) (i) Subject to clause 19.2(a)(ii) untaken annual leave may accumulate from year to year but shall not exceed eight weeks.
- (ii) In the case of a continuous shift worker, accumulated leave shall not exceed 10 weeks.
- (b) An employee must give reasonable notice in writing to the Council, on the prescribed form, of the date from which the employee desires to take annual leave.
- (c) Managers shall determine the time when annual leave shall be taken and may direct an employee to take leave at any time after it is due. However, as far as practicable, an employee shall be granted leave at a time convenient to the employee and, in any event, shall be given reasonable notice of the time they will be required to take such leave.

## 19.3 Payment for annual leave

- (a) A shift worker proceeding on annual leave shall be paid:
  - (i) an amount equal to the ordinary salary being paid to the employee immediately before the employee takes the leave for the period of such leave calculated according to the employee's roster or projected roster, including Saturdays, Sundays, public holidays and shift allowances prescribed in clause 15.3; or
  - (ii) an amount equal to the ordinary salary being paid to the employee immediately before the employee takes the leave for the period of such leave plus a loading of 17.5% on 4 or 5 weeks' annual leave as the case may be, calculated on the rate of wage prescribed in clause 12.2 for their classification and paypoint,whichever is the higher.
- (b) Other employees proceeding on annual leave shall be paid:
  - (i) an amount equal to the ordinary salary being paid to the employee immediately before the employee takes the leave for the period of such leave; and
  - (ii) a loading of 17.5% on 4 weeks' annual leave calculated on the rate of wage prescribed in clause 12.2 for their classification and paypoint.

## 20. Personal leave

Personal leave is provided for in Division 6 of the QES. Clauses 20.1 to 20.4 supplement the QES.

### 20.1 Accumulation and payment

- (a) An employee, other than a casual employee, is entitled to 15 days' personal leave on full pay for each completed year of employment, the unused portion of which will accrue from year to year. The year is measured from the employee's personal leave accrual start date.
- (b) For the purposes of clause 20.1(a), a **day** is equivalent to 1/5th the ordinary hours of work for a full-time employee. Personal leave is calculated on a *pro rata* basis for part-time and flexible permanent part-time employees.
- (c) Personal leave will accumulate progressively during a year of employment.
- (d) Personal leave is accessible once an employee has worked for Council for a minimum period of six weeks.

- (e) Personal leave is available for an employee:
  - (i) Who is unable to perform their duties on account of illness or injury (except for those covered by workers' compensation).
  - (ii) Who is the primary care giver and is required to care for or support a member of their immediate family or household.
- (f) A maximum of 15 personal leave days of accrued personal leave entitlements (*pro rata* for part-time and flexible permanent part-time employees) is able to be accessed by an employee in any one year for caring requirements.
- (g) Payment for personal leave will be made based on the number of ordinary hours which would have been worked by the employee if the employee were not absent on personal leave.
- (h) Personal leave will not be paid out on cessation of employment under any circumstances.

## 20.2 Notice requirements

- (a) Where an employee is to be absent for the reasons described at clause 20.1(e), the employee must promptly notify their immediate supervisor of:
  - (i) the reason for the absence from work; and
  - (ii) the approximate period for which the employee will be absent.
- (b) An employee's access to personal leave is conditional on the employee meeting the above requirements at clause 20.2(a).

## 20.3 Supporting evidence

- (a) **Absence due to illness or injury:** If an employee is absent from duty for more than two days due to illness or injury, the employee's entitlement to paid personal leave is conditional on:
  - (i) the employee giving the Council a medical certificate from a registered medical practitioner detailing the nature of the illness or injury and the approximate period for which the employee will be absent; or
  - (ii) the employee giving the Council other evidence of the illness or injury to the Council's satisfaction.
- (b) An employee is only able to access five absences (occurrences) of up to two days on paid personal leave due to illness or injury in a twelve month period without providing a medical certificate. For every request of personal leave for the remainder of that particular twelve month period, a medical certificate from a registered medical practitioner or other evidence to the Council's satisfaction must be provided in order for the employee to be entitled to paid personal leave.
- (c) **Absence due to carer requirements:** If an employee is unable to attend work due to carer requirements, the employee may be required by the Council to provide a medical certificate from a registered medical practitioner. Where this is required the documentation must state:
  - (i) the name of the person being cared for;
  - (ii) the relationship to the employee;
  - (iii) that the person being cared for is ill; and

- (iv) the illness is such as to require care by another person.

#### **20.4 Rehabilitation**

- (a) Paid personal leave is designed to support employees with the capability, intention and desire to return to work. Council has a responsibility to rehabilitate ill or injured employees and to assist those employees to return to work. Employees have a responsibility to cooperate in the provision of necessary and reasonable information to allow the rehabilitation process to operate effectively.
- (b) An employee may be required to participate in Council's rehabilitation process if considered appropriate by the Council. An employee shall comply with the rehabilitation process otherwise continued payment of personal leave may be suspended.
- (c) Council's responsibility to provide rehabilitation ceases once the employee's illness or injury is medically certified as stable and stationary, or if medical advice indicates the employee is no longer able to perform the inherent requirements of their substantive role.

#### **21. Bereavement leave**

- (a) Bereavement leave is provided for in Division 6 of the QES. Clause 21(b) supplements the QES.
- (b) If an employee, except a casual employee, is responsible for all funeral arrangements or is the legal guardian of the deceased, one additional paid bereavement leave day is available upon application.

#### **22. Parental leave**

- (a) Parental leave is provided for in Division 8 of the QES and covers:
  - (i) birth-related leave for an employee who is pregnant or whose spouse gives birth;
  - (ii) adoption leave; and
  - (iii) surrogacy leave.
- (b) Clauses 22.1 and 22.2 supplement the QES.

##### **22.1 Commencement of parental leave**

- (a) Unless agreed otherwise between the Council and the employee, an employee may commence parental leave at any time within six weeks immediately prior to the expected date of the birth of their child. If recommended by a registered medical practitioner an employee may commence unpaid parental leave at any time during the term of the pregnancy.
- (b) Where an employee continues to work within the six week period immediately prior to the expected date of birth, or where the employee elects to return to work within six weeks after the birth of the child, the Council may require the employee to provide a medical certificate stating that she is fit to work on her normal duties.

##### **22.2 Paid parental leave**

- (a) Paid parental leave is available to full-time and part-time permanent employees after 12 months' continuous service. Paid parental leave is also available to temporary, flexible permanent part-time and long term casual employees after regular and systematic employment of at least two years immediately before the employee seeks to access this entitlement, as follows:



- (i) paid maternity leave of 14 weeks, available immediately after confinement; or
  - (ii) paid paternity and partner leave of 4 weeks, available as one block at any time within 12 months of the birth of the child, but generally in association with the birth and bringing home of the child.
- (b) For the purposes of clause 22.2(a)(ii) **partner** means the parent in a partnership/marriage who is not the birth parent but who will play a key parental role. Partnership refers to those who are in a same sex relationship, legally married or in a de-facto relationship.

### 23. Long service leave

Long service leave, including for casual employees, is provided for in Division 9 of the QES. Clauses 23(a) to (f) supplement the QES.

- (a) At the completion of 10 years' continuous service employees are entitled to 13 weeks long service leave on full pay.
- (b) For periods of continuous service greater than 10 years, long service leave will be calculated at the rate of one and three-tenths of a week on full pay for each year of continuous service.
- (c) After 10 years' continuous service a part-time or casual employee shall be eligible to the proportionate entitlement of long service leave.
- (d) An employee's continuous service ends if the employment is broken by more than three months between the end of one employment contract and the start of the next employment contract.
- (e)
  - (i) Recognition of previous service with a Commonwealth, State or Local Government authority shall be given for the purpose of calculating long service leave, where the Commonwealth, State or Local Government authority has in existence a reciprocal arrangement with the Council, provided that continuity of service with or between the relevant authority and Council shall not be broken.
  - (ii) For recognition of previous service to occur, the employee must commence service with the Council within three months of termination of service with a recognised body.
- (f) Long service leave portability between Council and other local government/s will apply where provided for in relevant legislation.

### 24. Public holidays

Public holidays are provided for in Division 10 of the QES. The following clauses supplement the QES provisions.

- (a) All work performed by an employee on:
  - 1 January (New Year's Day)
  - 26 January (Australia Day)
  - Good Friday
  - Easter Saturday (The day after Good Friday)
  - Easter Monday
  - 25 April (ANZAC Day)
  - Birthday of the Sovereign
  - Labour Day
  - Show Holiday
  - 25 December (Christmas Day)
  - 26 December (Boxing Day), or
  - any day appointed under the *Holidays Act 1983* to be kept in place of any such holiday,

shall be paid for at the rate of double time and one-half with a minimum payment as for 2 hours' work.

- (b) Where a public holiday is substituted to the next working day due to falling on a weekend, an employee who is required to work on both an observed and actual public holiday shall be paid the penalty rate for working on the observed public holiday only.
- (c) Where an observed public holiday is gazetted as being in addition to an actual public holiday, an employee who is required to work on both the observed and actual public holiday shall be paid the penalty rate prescribed in clause 24(a) for working on each public holiday.
- (d) If any holiday listed in clause 24(a) falls on a day that a shift worker is rostered off duty, that employee shall have an extra day added to their annual leave entitlement.
- (e) All time worked by any employee on any of the above-mentioned public holidays outside the ordinary starting and finishing times observed by such employee for the day of the week on which such holiday falls shall be paid for at double the rate prescribed by this Award for such time when work is performed outside the ordinary starting and finishing times on that day.

## **25. Jury service**

Jury service leave is provided for in Division 12 of the QES.

## **PART 7 - Travelling and Working Away From Usual Place of Work**

### **26. Travelling and accommodation**

- (a)
  - (i) An employee who is required to relieve another employee or perform duties away from the employee's usual place of work, and where less than 48 hours' notice has been provided, shall travel within ordinary time or be paid at ordinary time rates for the time spent travelling outside their ordinary working hours.
  - (ii) The employee shall also be reimbursed the cost of additional fares or paid a motor vehicle allowance as specified in clause 13.2, unless supplied with transport by the Council.
- (b) An employee who is required to:
  - (i) travel on official duty; or
  - (ii) take up duty away from the employee's usual place of work; or
  - (iii) relieve another employee or perform special duty,shall be allowed actual and reasonable expenses or allowances for accommodation and meals necessarily incurred by the employee.
- (c) The method of payment of travelling and relieving expenses or allowances for employees may be made from the following options:
  - (i) payment direct to the supplier through the use of corporate credit cards; and/or
  - (ii) payment direct to the supplier by contractual arrangement or billing system; and/or
  - (iii) reimbursement to the employee for the actual, reasonable costs incurred by the employee.

- (d) Council will supply overnight accommodation when employees are requested to perform duties overnight in accordance with the Brisbane City Council Travel Policy.

## **PART 8 - Training and Related Matters**

No provisions.

## **PART 9 - Occupational Health and Safety Matters, Equipment, Tools and Amenities**

### **27. Uniforms and protective clothing**

Where an employee is directed to wear protective clothing and equipment as stipulated by the *Work Health and Safety Act 2011*, the Council shall provide, or reimburse the employee for the cost of purchasing, such special clothing and equipment.

## **PART 10 - Union Related Matters**

### **28. Industrial relations education leave**

- (a) To support the application of clause 7, union shop stewards/delegates/employees may be granted up to five working days leave (non cumulative) on ordinary pay each calendar year to attend agreed training courses which are supportive of achieving the objectives of the Act.
- (b) To assist in the completion of this training, union/s agree to advise the Council Joint Consultative Committee on a periodic basis of the nature and number of people that may be involved in training.

### **29. Right of entry**

- (a) Authorised industrial officer
  - (i) An 'authorised industrial officer' is any union official holding a current authority issued by the Industrial Registrar.
  - (ii) Right of entry is limited to workplaces where the work performed falls within the registered coverage of the union.
- (b) Entry procedure
  - (i) An authorised industrial officer may enter a workplace at which the Council carries on a calling of the officer's organisation, during the Council's business hours, to exercise a power under Chapter 9, Part 1, Division 5, Subdivision 2 of the Act as long as the authorised industrial officer:
    - (A) has notified the Council or the Council's representative of the officer's presence; and
    - (B) produces their authorisation, if required by the Council or the Council's representative.
  - (ii) Clause 29(b)(i) does not apply if, on entering the workplace, the officer discovers that neither the Council nor the Council's representative having charge of the workplace is present.

- (iii) A person must not obstruct or hinder any authorised industrial officer exercising their right of entry.
  - (iv) If the authorised industrial officer does not comply with a condition of clause 29(b)(i) the authorised industrial officer may be treated as a trespasser.
- (c) Inspection of records
- (i) An authorised industrial officer is entitled to inspect the time and wages record required to be kept under section 339 of the Act.
  - (ii) An authorised industrial officer is entitled to inspect such time and wages records of any current employee except if the employee:
    - (A) is ineligible to become a member of the authorised industrial officer's union; or
    - (B) has made a written request to the Council that they do not want their record inspected.
  - (iii) The authorised industrial officer may make a copy of the record, but cannot require any help from the Council.
  - (iv) A person must not, by threats or intimidation, persuade or attempt to persuade an employee or prospective employee to make, or refuse to make, a written request to the Council or prospective employer that the record not be available for inspection by an authorised industrial officer.
- (d) Discussions with employees
- An authorised industrial officer is entitled to discuss with the Council, or a member or employee eligible to become a member of the union:
- (i) matters under the Act during working or non-working time; and
  - (ii) any other matter with a member or employee eligible to become a member of the union, during non-working time.
- (e) Conduct
- (i) The Council must not obstruct the authorised industrial officer exercising their right of entry powers.
  - (ii) An authorised industrial officer must not wilfully obstruct the Council, or an employee during the employee's working time.

*Note: Clause 29 - Right of entry, deals with comparable provisions contained within the Act. In order to ensure the currency of existing legal requirements parties are advised to refer to Chapter 9, Part 1, Division 5 of the Act as amended from time to time.*

## **Schedule 1 - Administrative Role Classification Standards**

### **Administrative employee - Band 1**

#### **Role**

Employees work under close direction and undertake routine activities which require the practical application of basic skills and techniques.

#### **General features**

Employees perform clearly defined activities with outcomes being readily attainable and clearly defined. Employees' duties will be closely monitored with instruction and assistance being readily available.

Freedom to act is limited by standards and procedures. However, with experience, employees may have sufficient freedom to exercise judgment in the planning of their own work within those confines.

Work roles initially involve employees in extensive on the job training including familiarisation with the goals and objectives of the work area. Work may be varied to provide employees with an appropriate breadth of experience within the area.

Employees will be responsible for the timeliness and quality of their own work and required to use basic numeracy, written and verbal communication skills.

Within this Band supervision of other staff is not a feature.

#### **Knowledge, skills, qualifications**

No formal qualifications are required for entry to this band.

Within the band it would be expected that employees would complete a basic post secondary certificate in office administration, or other appropriate area of studies or complete required skill modules for progression within Band 1.

On-the-job training includes developing knowledge of the section/department or division operation, basic knowledge of administrative practices and procedures, and a developing knowledge of work practices and policies.

Employees who have undertaken the administrative traineeship, or who can demonstrate equivalent competence in the skill areas required would commence on appointment at the first salary point within Band 1.

While basic numeracy, keyboard, written and verbal communication skills relevant to the work area are assumed, these may be developed as the employee progresses through the band.

#### **Responsibilities**

To contribute to the operational objectives of a work area, a work role within this band may include some of the following:

- undertake routine activities of an administrative and/or support nature;
- undertake straightforward operation of keyboard equipment, including data input and basic word processing;
- provide routine information including general reception and telephonist services;
- apply established practices and procedures.

## **Administrative employee - Band 2**

### **Role**

Employees work under regular direction within clearly defined guidelines and undertake a range of administrative activities requiring the application and continuing development of acquired skills and knowledge.

### **General features**

Employees perform functions which are defined by established routines, methods, standards and procedures with limited scope to exercise initiative in applying work practices and procedures. Assistance will be readily available. Employees may be responsible for a minor function and/or may contribute specific knowledge and/or specific skills to the work of the Council. In addition, employees may be required to assist more senior employees with specific projects.

Employees will be expected to have an understanding of work procedures relevant to their work area and may provide assistance to lower classified employees concerning established practices and procedures.

In addition, employees may be required to assist in establishing procedures to meet the objectives of a minor function.

Employees will be responsible for managing their own time and planning and organising their own work. They may be required to guide the work of less experienced employees, although direct supervision of such employees is not a feature of this band.

Employees could be required to resolve minor work procedural issues in the relevant work area within established constraints.

### **Knowledge, skills, qualifications**

Entry to this band would assume the prior completion of appropriate certificate qualifications, or equivalent level of competence obtained through structured training or equivalent demonstrated competence gained through experience.

Other skill requirements relevant to this band include:

- basic skills in oral and written communication with clients and other members of the public;
- knowledge of established work practices and procedures relevant to the work area;
- knowledge of policies and regulations relating to the work area;
- understanding of clear but complex rules;
- understanding of basic computing concepts including ability to use Council's word processing and office automation system;
- application of techniques relevant to the work area;
- attainment of appropriate standards of proficiency;
- developing knowledge of statutory requirements relevant to the work area.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake a range of activities requiring the application of established work procedures and may exercise limited initiative and/or judgment within clearly established procedures and/or guidelines;
- achieve outcomes which are clearly defined;
- operate a computer and/or programs and peripheral equipment;
- understand data entry operating procedures and initiate corrective action at an elementary level;
- operate a basic word processor and/or other basic business software and be conversant with and utilise the functions of such systems and reach an appropriate level of proficiency in their use;
- provide administrative support requiring the exercise of sound judgment, initiative, confidentiality and sensitivity in the performance of work, e.g. shorthand, meeting preparation;
- receive and account for petty cash, and other minor cash transactions;
- provide more than routine information to clients/ratepayers.

### **Administrative employee - Band 3**

#### **Role**

Employees work under more routine direction in the application and further development of skills and knowledge appropriate to the work. Procedures, methods and guidelines are well established.

#### **General features**

Employees perform tasks or activities of increasing complexity using knowledge, judgment and work organisational skills. Assistance is available from more senior employees. Employees may receive guidance on the broader aspects of their work. In addition, employees may assist other employees.

Work roles within this band allow employees the scope to exercise initiative in the application of established work procedures, and may involve employees in internal and external liaison and communication activities.

Employees may be required to coordinate a small work team, undertake some complex operational work and may undertake planning and coordination of activities within the work area. Employees will be responsible for organising and planning their own work and that of staff working under their guidance, and may be required to deal with minor disciplinary issues within their work area.

Employees should have a basic knowledge of the principles of human resource management and practices, and be able to assist with on-the-job training, as required.

#### **Knowledge, skills, qualifications**

Entry to this band would assume continuing progress beyond advanced certificate level, or obtaining equivalent levels of structured training, or can demonstrate an equivalent level of competence based on previous experience.

Other skill requirements relevant to this band include:

- thorough knowledge of work activities performed within the work area;
- sound knowledge of procedural/operational methods of the work area;
- may utilise some specialised knowledge;
- ability to apply computing concepts;
- working knowledge of statutory requirements relevant to the work area.

#### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake responsibility for various activities in a specialised area;
- exercise responsibility for a limited function within the work area;
- assist in a range of functions and/or contribute to interpretation of matters for which there are no clearly established practices and procedures although such activity would not be the sole responsibility of the employee;
- provide administrative support requiring judgment, initiative, confidentiality and sensitivity in the performance of work;
- proficiency in the operation of general computer systems including the use of software packages and the identification of operational problems;
- under guidance, apply basic programming knowledge and skills;
- understanding of Council's computerised applications and ability to liaise with operational and programming staff;
- cash handling, acceptance of account payments and balancing of monies received.

#### **Administrative employee - Band 4**

##### **Role**

Employees work under general direction in functions that require the application and further development of skills and knowledge appropriate to the work. Guidelines and work procedures are generally established.

##### **General features**

Under broad instruction employees apply knowledge and skills gained through qualifications and/or previous experience. Employees will be expected to contribute knowledge in establishing procedures in the appropriate work related field. In addition employees may be required to supervise various functions within a work area.

Work roles may involve a range of functions which could contain a component of supervision or require employees to provide specialist advice.

Work roles could require sound knowledge of program, activity, operational policy or service aspects of the work performed within a function or a number of work areas.

Employees require skills in managing time, setting priorities, planning and organising their own work and that of staff working under their guidance, to achieve specific objectives.

Employees should have a basic knowledge of the principles of human resource management and be able to assist with on-the-job training, as required.

Employees will be expected to set outcomes and develop general work procedures where required.

##### **Knowledge, skills, qualifications**

Entry to this band assumes qualifications at associate diploma level, or equivalent skill standard obtained through structured training or demonstrated competency.

Other skill requirements relevant to this band include:

- knowledge of statutory requirements relevant to work area;
- knowledge of section procedures, policies and activities;
- sound discipline knowledge gained through previous experience, training or education;
- knowledge of the role of departments and divisions within Council and/or service functions;
- specialists require an understanding of the underlying principles in the relevant disciplines.



## **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake activities which may require the employee to exercise judgment in a limited field and/or contribute knowledge and skills where procedures are not fully defined;
- exercise responsibility for various functions within a work area including compliance with regulations, codes, procedures, etc;
- perform duties of a specialised nature requiring the development of knowledge over time;
- identification of specific or desired performance outcomes;
- provide administrative support of a complex nature to senior employees;
- undertake a wide range of activities associated with program, activity or service delivery;
- undertake computer based work requiring system and/or programming knowledge and experience;
- under guidance apply programming knowledge and skills in systems development, maintenance and implementation;
- assist with user training, as required;
- apply established procedures, practices, standards, etc.;
- observe Council's financial policies and processes e.g. arranging collection of cash and cheques;
- balancing and reconciling monies received from various areas e.g. parking meters, bus ticket sales.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Administrative employee - Band 5**

### **Role**

Employees undertake a range of functions requiring the application and continuing development of knowledge and skills to achieve results in line with departmental and/or Council goals. Employees are subject to general direction from more senior employees.

Employees adhere to established work practices. However, they may be required to exercise initiative and judgment where practices and direction are not clearly defined.

### **General features**

Employees are involved in establishing sectional/departmental programs and procedures. Work roles will include a range of functions and may involve the supervision of a small group or section. Work may span more than one discipline. In addition, employees may be required to assist in the preparation of, or prepare, budgets. Employees will be required to provide advice and assistance to other employees.

Work roles demand the application of knowledge which is gained through qualifications and/or previous experience. In addition, employees will be required to set priorities and monitor workflows in their area of responsibility.

Employees are required to set project priorities, plan and organise their own work and that of staff under their guidance and establish the most appropriate operational methods. In addition, interpersonal skills are required to gain the cooperation of clients and staff.

Employees responsible for projects and/or functions will be required to establish outcomes to achieve Branch or Section goals. Specialists may be required to provide multi-disciplinary advice.

### **Knowledge, skills, qualifications**

Entry to this band would assume continuing progress towards diploma or degree qualifications, or appropriate equivalent skill standard gained through structured training or demonstrated competency.

Other skill requirements relevant to this band include:

- knowledge of departmental programs, policies and activities;
- sound discipline knowledge gained through experience;
- knowledge of the role of Council's structure and service.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- responsible for a range of functions within a group or small section;
- undertake responsibility for a moderately complex project;
- undertake a minor phase of a broader or more complex professional assignment;
- assist in the budget preparation and review process, including the identification and provision of required information;
- set priorities and monitor workflow in areas of responsibility;
- exercise judgment and initiative where procedures not clearly defined;
- understand computer based systems and operations to enable the provision of training, advice and support;
- provide project and development support and undertake analysis/design of systems and/or undertake programming in specialist areas.

## **Administrative employee - Band 6**

### **Role**

Employees operate under limited direction from senior employees and undertake a range of functions for which operational policies, practices and guidelines may need to be developed. Increasing emphasis is placed upon the acquisition and application of key management skills and competencies.

### **General features**

Employees have the scope to influence the operational activities of the relevant organisational unit. Employees will be expected to contribute to its management, assist/prepare budgets, establish procedures and work practices etc. In addition, employees will be required to provide expert advice to lower classified employees.

Work roles will require responsibility for decision making in their particular work area and the provision of expert advice. Employees will be required to provide consultation and assistance relevant to the area. Employees will be required to set outcomes for the work area for which they are responsible.

Employees may exercise limited managerial responsibility for a work area, work independently as specialists or may be a senior member of a single discipline project team or provide specialist support to a range of programs/activities.

Managing time is essential so that outcomes may be achieved. A high level of interpersonal skills is required to resolve organisational issues, negotiate contracts, develop and motivate staff under guidance. Employees are required to understand and implement effective human resource management practices.

### **Knowledge, skills, qualifications**

Entry to this band would assume substantial progress towards diploma or degree qualifications, or appropriate equivalent skill standard gained through structured training, or demonstrated competency.

Other skill requirements could include:

- discipline knowledge gained through experience, training or education;
- appreciation of the long term goals of the organisation;
- detailed knowledge of program activities and work practices relevant to the work area;
- knowledge of organisation structures or functions;
- knowledge of Council policies;
- comprehensive knowledge of statutory requirements relevant to the discipline.

In particular, employees are expected to enhance their management skills and competencies.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include:

- undertake significant projects and/or functions involving the use of analytical skills;
- provide advice on matters of complexity within the work area and/or discipline;
- undertake a range of duties within the work area, including problem definition, planning and the exercise of judgment;
- provide advice on policy matters and contribute to their development;
- negotiate on matters of significance, within the section and/or department or division, with other bodies and/or members of the public;
- control and coordinate a work area within budgetary constraints;
- exercise a degree of autonomy, within budgetary constraints, in establishing the operation of the work area;
- undertake duties which involve more than one discipline;
- provide a consultancy service for a range of activities.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Administrative employee - Band 7**

### **Role**

Employees operate under broad direction. They may exercise responsibilities for various functions within a department or division or operate as a specialist, a member of a specialised team or independently.

Significant emphasis is placed upon the acquisition and application of key management skills and competencies.

### **General features**

Employees are involved in establishing operational procedures which impact on activities undertaken and outcomes achieved by Council and/or activities undertaken by sections of the community served by the Council. Employees will also be required to monitor policies and activities within the work area.

Employees are involved in the formation/establishment of programs, procedures and work practices within departments or divisions and will be required to provide assistance to other employees, sections

and/or departments or divisions.

Work roles will demand responsibility for decision making and the provision of expert advice to other areas of Council. Employees would be expected to undertake the control and coordination of a section, or significant work area. In addition employees require a good understanding of the long term goals of Council.

Management of staff is normally a feature at this level and employees are responsible for a significant work area. Employees are required to set outcomes in relation to their section and/or function and may be required to negotiate matters on behalf of the work area.

### **Knowledge, skills, qualifications**

Entry to this band would assume degree qualification or appropriate equivalent skill standard gained through structured training, or demonstrated competency.

Other skill area requirements include:

- general knowledge of Council policies and procedures;
- application of a high level of discipline knowledge;
- knowledge and ability to apply human resource management skills.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake managerial or specialised functions under a wide range of conditions to achieve results in line with divisional/corporate goals;
- plan, direct, control and evaluate operations which include providing analysis and interpretation for either a major single discipline or multi-discipline operation;
- develop work practices and procedures for various projects;
- establish work area outcomes;
- prepare budget submissions for senior employees and/or Council;
- develop and implement significant operational procedures;
- review operations to determine their effectiveness;
- train other staff;
- develop appropriate methodology and apply proven techniques in providing specialised services.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Administrative employee - Band 8**

### **Role**

Employees are subject to broad guidance from senior executives. They may exercise managerial responsibility for a section or similar organisational unit. In addition, employees may operate as senior specialists providing multi-functional advice to various departments or divisions, or executive management.

Considerable emphasis is placed upon the personal ability to demonstrate key management skills and competencies.

## **General features**

Employees are involved in the initiation and formulation of extensive projects/programs which impact on Council's goals and objectives.

Employees are involved in the identification of current and future options and the development of strategies to achieve desired outcomes.

Additional features may include providing relevant financial, specialised, and/or administrative advice on policy matters within the department or division and/or Council.

In addition, employees will be required to develop and implement techniques, work practices and procedures in all facets of the work area to achieve corporate goals.

Employees require a high level of proficiency in the application of optimal solutions to new problems and opportunities as they occur.

Work roles will demand responsibility for decision making within the constraints of divisional/corporate policy and require employees to provide advice and support to other areas of Council. Employees will have significant impact upon Council's policies and programs and will be required to provide initiative, the ability to formulate, implement, monitor and evaluate projects and/or programs.

## **Knowledge, skills, qualifications**

A degree qualification or equivalent skill standard is required for entry to this band. Other relevant skill areas include:

- detailed knowledge of Council policies, programs, procedures and practices;
- high level of discipline knowledge;
- knowledge and ability to apply human resource management skills;
- detailed knowledge of statutory requirements.

Employees are expected to enhance their knowledge and skills, particularly with regard to management competencies.

## **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake work of significant scope and/or complexity. Major portion of the work requires initiative;
- undertake duties of innovative, novel and/or critical nature under minimal direction;
- undertake functions across a range of administrative, specialist or operational areas which may include specific programs/activities, management of service delivery and the provision of high level advice;
- provide specialist advice on policy matters and contribute to the development/review of policies;
- coordinate and control extensive projects/programs in accordance with departmental/corporate goals. This may require the development, implementation and evaluation of those goals; administer complex policy and program matters;
- offer consultancy service;
- evaluate and develop/revise methodology techniques and/or the application of a high level of analytical skills to attain Council objectives.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Schedule 2 - Technical Role Classification Standards**

### **Technical employee - Band 1**

#### **Role**

Employees work under close direction and undertake routine activities which require the practical application of basic skills and techniques.

#### **General features**

Employees perform clearly defined tasks with outcomes being readily attainable and clearly defined. Employees' duties will be closely monitored with instruction and assistance being readily available.

Freedom to act is limited by established standards, practices and procedures. However, with experience, employees may have sufficient freedom to exercise judgment in the planning of their own work within those confines.

Work roles initially involve employees in extensive on the job training including familiarisation with the goals and objectives of the work area. Work may be varied to provide employees with an appropriate breadth of experience within the area.

Employees will be responsible for the timeliness and quality of their own work and required to use basic numeracy, written and verbal communication skills.

Supervision of other staff is not a feature within this band. However, with more experience an employee may undertake technical oversight of a minor work activity.

#### **Knowledge, skills, qualifications**

No formal qualifications are required for entry to this band.

Within this band it is expected that employees would complete appropriate certificate level qualifications.

On-the-job training includes developing knowledge of relevant functions and operations, basic knowledge of work area requirements and a developing knowledge of work practices and policies. While basic numeracy, keyboard, written and verbal communication skills relevant to the work area are assumed, these may be developed as the employee progresses through the band.

#### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake activities of a basic technical attendant, assistant or support nature.
- undertake straight forward operations of keyboard equipment.
- provide routine information.
- apply established practices and procedures.
- assist in a minor works activity.

### **Technical employee - Band 2**

#### **Role**

Employees work under regular direction within clearly defined guidelines and undertake a range of

applied technical activities requiring the application and continuing development of acquired skills and knowledge.

### **General features**

Employees perform tasks or activities which are defined by established routines, methods, standards and procedures with limited scope to exercise initiative in applying work practices and procedures. Close technical guidance will be readily available. Employees may be responsible for some limited operational supervision within a minor works program. In addition, employees may be required to assist more senior employees with specific projects.

Employees will be expected to have an understanding of work practices and procedures relevant to their work area and may provide assistance to other employees concerning established practices and procedures.

Employees will be responsible for managing their own time and planning and organising their own work.

### **Knowledge, skills, qualifications**

Entry to this band would assume the prior completion of appropriate certificate qualifications, or equivalent level of competence obtained through structured training, or equivalent demonstrated competence gained through experience.

Within this band ongoing progress would be expected towards post certificate studies relevant to the work area, i.e. commencement of associate diploma studies.

Other skill requirements relevant to this band include:

- basic skills in oral and written communication with clients and other members of the public;
- knowledge of established work practices and procedures relevant to the work area;
- knowledge of policies and regulations relating to the work area;
- understanding of clear but complex rules;
- understanding of basic computing concepts;
- developing knowledge of statutory requirements relevant to the work area.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake a range of technical tasks requiring the application of established work practices and procedures;
- the limited application of initiative and/or judgment within clearly established procedures and/or guidelines;
- achieve outcomes which are clearly defined;
- where prime responsibility includes technical oversight of work performed by outside employees, employees may be required to arrange minor works or other activities, under regular direction and within established procedures;
- where prime responsibility is in a technical drafting or related field, employees apply established practices and procedures in the conduct of such activities.

## **Technical employee - Band 3**

### **Role**

Employees work under more routine direction in the application and further development of skills and knowledge appropriate to the work. Procedures, methods, and guidelines are well established.

### **General features**

Employees perform tasks or activities of increasing complexity by using knowledge, judgment and work organisation skills. Assistance is available from senior employees. Employees may receive guidance on the more technical aspects of their work. In addition, employees may provide assistance to other employees. Employees may be involved in a range of work activities in a specialised area and/or the undertaking of a number of minor works within a total program.

Work roles may require the employee to establish goals, objectives and outcomes for their own particular programs.

Employees will be responsible for organising and planning their own work and that of staff working under their guidance. Employees may be required to deal with minor disciplinary issues within their work area.

Employees may be required to coordinate a small work team. They should develop a basic knowledge of personnel principles and practices, and be able to assist with on-the-job training, as required.

### **Knowledge, skills, qualifications**

Entry to this band would assume continuing progress towards associate diploma studies with the third year completed, or appropriate equivalent training, or demonstrated equivalent competence based on previous experience.

Other requirements relevant to this band include:

- thorough knowledge of work activities performed within the work area;
- sound knowledge of procedural/operational methods of the work area;
- ability to utilise technical knowledge;
- ability to apply computing concepts;
- working knowledge of statutory requirements relevant to the work area.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- with technical guidance undertake responsibility for tasks or activities within a specialised area, and/or components of a program;
- assist in a range of functions and/or contribute to interpretation of matters for which there are no clearly established practices and procedures, although such activity would not be the sole responsibility of the employee;
- where prime responsibility is to supervise outside employees:
  - plan and coordinate the activities of employees within a single function of Council;
  - supervise the day-to-day operation of a minor project;
  - responsible for a minor project/program;
- where prime responsibility lies in a technical field:
  - apply established practices and procedures in the conduct of a range of technical activities;
  - responsible for a minor project.



## **Technical employee - Band 4**

### **Role**

Employees work under general direction in functions that require the application and further development of skills and knowledge appropriate to the work. Guidelines and work practices are generally established.

### **General features**

Under broad instruction, employees perform activities or functions involving the application of knowledge and skills gained through qualifications and/or previous experience. Employees will be expected to contribute specialist knowledge in establishing programs and/or projects in the appropriate work related field. In addition, employees may be required to supervise limited projects, or a part of a total program of a complex nature. There is scope for initiative in the application of established work practices.

Work roles may involve a range of functions which could contain a component of supervision, or require employees to provide specialist advice.

Employees require skills in managing time, setting priorities, planning and organising their own work and that of staff working under their guidance to achieve specific objectives. They may be required to deal with disciplinary issues within their work area.

Employees should have a basic knowledge of the principles of human resource management, and be able to assist with on-the-job training, as required.

Employees will be required to set outcomes and develop general work procedures where required.

Work roles may involve employees in internal and external liaison and communication activities.

### **Knowledge, skills, qualifications**

For entry to this band it would be assumed that the employee has completed an associate diploma or can demonstrate equivalent skill and knowledge.

Other skill requirements relevant to the band include:

- knowledge of statutory requirements relevant to the work area;
- knowledge of section programs, policies and activities;
- sound discipline knowledge gained through experience, training or education;
- knowledge of the role of departmental structures and/or service functions;
- an understanding of the underlying principles in the relevant disciplines.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake activities which may require the employee to exercise judgment in a limited field and/or contribute knowledge and skills where procedures are not fully defined;
- perform duties of a specialised nature requiring the development of knowledge over time;
- identification of specific or desired performance outcomes;
- where the prime responsibility is to supervise the work of outside employees, supervision may extend to several elements of the work;

- employees under general direction will plan and coordinate minor works, take responsibility for such works and determine objectives for the functions under their control. Responsibilities could typically include:
  - for work groups including the completion of assignments, work quality and/or compliance with regulations, codes and specifications;
  - assist senior employees with the establishment of work programs of a more complex nature;
  - part of a works program budget;
- where the prime responsibility lies in a technical field, employees perform moderately complex functions including:
  - projects which impact on the sections and/or departments or divisions program;
  - a variety of activities in the field of technical operation requiring initiative and judgment in the selection and application of established principles, techniques and methods;
  - assist and review work done by subordinates.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

### **Technical employee - Band 5**

#### **Role**

Employees undertake a range of functions requiring the application and continuing development of knowledge and skills to achieve results in line with departmental and Council goals.

Employees are subject to general direction from more senior employees.

Employees adhere to established work practices. However, they may be required to exercise initiative and judgment where practices and direction are not clearly defined.

#### **General features**

Employees are involved in establishing sectional work programs and procedures. Work roles may include a range of activities or functions and may involve the supervision of a small group or section. Work may also involve specialist knowledge in a more limited number of functions, or disciplines. In addition, employees may be required to assist in the preparation of, or prepare, budgets. Employees will be required to provide advice and assistance to other employees.

Work roles demand the application of knowledge which is gained through qualifications and/or previous experience. In addition, employees will be required to set priorities and monitor workflows in their area of responsibility.

Employees are required to plan and organise their own work and that of staff under their guidance, and establish the most appropriate operational methods. In addition, interpersonal skills are required to gain the cooperation of clients and staff.

Employees responsible for programs will be required to establish outcomes to achieve branch or section goals. Specialists may be required to provide multi-disciplinary advice.

#### **Knowledge, skills, qualifications**

Entry to this band assumes the prior completion of an associate diploma or the demonstration of equivalent skill and knowledge. It would be expected that employees would progress towards full diploma qualifications.

Other skill requirements relevant to this band include:

- knowledge of departmental programs, policies and activities;
- sound discipline knowledge gained through qualifications and experience;
- knowledge of the role of Council's structure and service.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- responsible for a range of functions within a section;
- undertake responsibility for a moderately complex program/project;
- undertake a minor phase of a broader or more complex assignment;
- assist in the budget preparation and review process, including the identification and provision of required information;
- establish priorities and monitor workflow in area of responsibility;
- where prime responsibility is to supervise outside employees, employees:
  - exercise operational responsibility for programs;
  - exercise judgment and initiative where procedures are not clearly defined;
  - assist with the establishment of work programs.
- where prime responsibility lies in a technical field:
  - lead teams on moderately complex technical projects;
  - exercise initiative and judgment in the selection and application of established principles, techniques;
  - supervise the work of other staff;
  - provide reports to management and/or recommendations on technical suitability of equipment, procedures, processes and results.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Technical employee - Band 6**

### **Role**

Employees operate under limited direction from more senior employees and undertake a range of functions for which operational policies, practices and guidelines may need to be developed. Increasing emphasis is placed upon the acquisition and application of key management skills and competencies.

### **General features**

Employees are given the scope to influence the programs of the relevant work area. Employees will be expected to contribute to its management, assist/prepare budgets, establish procedures and work practices etc. In addition, employees will be required to provide expert advice to lower classified employees.

Work roles will require responsibility for decision making in the particular work area and the provision of expert advice. Employees will be required to provide consultation and assistance relevant to the area. Employees will be required to set outcomes for the work area for which they are responsible. Employees may exercise limited managerial responsibility for large work programs, work independently as specialists or may be a senior member of a single discipline project team, or provide specialist support to a range of programs/activities.

Managing time is essential so outcomes can be achieved. A high level of interpersonal skills is required to resolve organisational issues, negotiate contracts, develop and motivate subordinate staff. Employees are required to understand and implement effective human resource management practices.

### **Knowledge, skills, experience**

A diploma qualification or demonstrated equivalent skill and knowledge is expected as an entry requirement.

Other skill requirements include:

- discipline knowledge gained through experience, training or education;
- appreciation of the long term goals of the organisation;
- detailed knowledge of program activities and work practices relevant to the work area;
- knowledge of organisation structures or functions;
- knowledge of Council policies;
- knowledge of statutory requirements.

In particular, employees are expected to enhance their management skills and competencies.

### **Responsibilities**

To contribute to the operational objectives of the work area, a work role within this band may include some of the following:

- undertake significant work programs and/or projects involving the use of analytical skills;
- provide advice on matters of complexity within the discipline;
- undertake a range of duties within a discipline, including problem definition, planning and the exercise of judgment;
- provide advice on policy matters and contribute to their development;
- negotiate on matters of significance within the section and/or department or division, with other bodies and/or members of the public;
- where the prime responsibility is in a technical field, employees:
  - undertake duties which involve more than one discipline;
  - contribute to the development of new techniques and methodology;
  - provide a consultancy service for a range of activities;
- where prime responsibility is to supervise outside staff, employees:
  - control and coordinate programs within budgetary constraints;
  - supervise large outside workforce and/or contractors;
  - exercise a degree of autonomy, within budgetary constraints, in establishing works programs.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Schedule 3 - Professional Role Classification Standards**

### **Professional employee - Band 4**

#### **Role**

Employees appointed to this band will be under the direct supervision of a senior employee. The newly graduated employee will be expected to undertake structured induction into relevant work functions, programs and policy aspects of their work.

#### **General features**

Employees apply knowledge and skills gained through qualifications and any relevant experience.

As work related skills are developed and applied on-the-job, graduates will be expected to exercise a level of independent judgment within a limited field. In addition, they will be expected to acquire and develop skills in managing time, setting priorities, and organising their own work.

#### **Knowledge, skills, qualifications**

This is the entry band for graduates with required degree level qualifications appointed to undertake work within a professional vocation.\*

(\* Note: The definition **professional** includes a mandatory requirement for a degree in order to undertake a defined role in a field of Council activity.)

#### **Responsibilities**

At entry, graduates working initially under direct supervision:

- may undertake minor phases of broad or complex assignments; and
- assist senior employees.

Graduates are expected to work with increasing independence of judgment and autonomy as they progress through this band, subject to general guidance as to methods and requirements.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

### **Professional employee - Band 5**

#### **Role**

Employees entering this band will have completed graduate induction training and will continue professional development within this band to become competent, experienced professionals. Employees could be expected to perform limited coordinative functions under regular supervision. There is scope for the exercise of initiative and judgment in the performance of increasingly complex and creative roles, and more explicit attention is given to quality of individual output.

#### **General features**

Employees apply and develop knowledge and skills based on combining previous qualifications with role training and experience.

Limited supervision of employees from other occupations may be a feature within this band. As supervisors, employees would be expected to prioritise, plan and organise project work in the most

effective way.

### **Knowledge, skills, qualifications**

Degree qualification is assumed, together with relevant training and experience. Employees are expected to continue to enhance their knowledge and skill base through appropriate structured training.

### **Responsibilities**

Employees within this band may:

- under general guidance undertake roles of an increasingly complex nature;
- exercise professional judgment within prescribed areas;
- coordinate a discipline related project, or program;
- provide reports on progress of project activities, including recommendations.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Professional employee - Band 6**

### **Role**

Employees enter this band with sound experience obtained subsequent to graduation. Under limited direction they are expected to provide advice at an experienced professional level related to their discipline and contribute to the success of projects of branch level significance. Increasing emphasis is placed upon the acquisition and application of key management skills and competencies.

### **General features**

Employees apply specialist knowledge based on their qualifications, previous training and experience in areas relevant to their discipline. Supervision of employees from other disciplines may be a feature, as well as the coordination and control of projects and programs.

Scope is provided to influence and assist in the development of operational procedures and activities.

### **Knowledge, skills, qualifications**

Degree qualification is assumed, together with relevant training and experience. Employees are expected to continue to enhance their knowledge and skills, with particular reference to the development of management competencies.

### **Responsibilities**

Employees within this band may:

- provide support to a range of activities or programs;
- control and coordinate projects;
- contribute to the development of new techniques and methodology;
- provide expert/specialist advice/assistance relevant to the discipline;
- supervise/manage the operation of a distinct element within a larger function;
- supervise technical staff and on occasions other professional staff within the discipline;
- provide consultancy services for a range of activities.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Professional employee - Band 7**

### **Role**

Employees enter this band after considerable relevant experience subsequent to graduation. Under broad direction they undertake work of branch, departmental or corporate significance.

Significant emphasis is placed upon the acquisition and application of key management skills and competencies.

### **General features**

Employees apply expert knowledge based upon their qualifications and considerable previous training and experience.

Supervision of a section involving one or more disciplines may be a feature, as well as coordination and control of significant projects and programs.

Employees are expected to provide policy and applied procedural advice on complex matters, formulate strategies and plans, and present reports and recommendations on significant issues.

Employees are required to demonstrate proficiency in the application of theoretical or applied approaches.

### **Knowledge, skills, qualifications**

Degree qualification is assumed together with specialised training and substantial relevant experience. Employees are expected to continue to enhance their knowledge and skills, particularly in regard to the further development and progressive application of management competencies.

### **Responsibilities**

Employees within this band may:

- control and coordinate programs in accordance with corporate goals;
- provide advice on policy matters and contribute to policy development;
- provide consultancy services to a range of clients;
- undertake functions which involve complex professional problem solving;
- train other staff.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.

## **Professional employee - Band 8**

### **Role**

Employees enter this band to exercise either managerial or senior specialised responsibilities under broad guidance from senior executives. In addition, they may provide multi-functional advice to other professional groups, sections or departments or divisions within Council, or to executive management.

Considerable emphasis is placed upon the personal ability to demonstrate key management skills and competencies.

### **General features**

Employees are involved in the initiation and formulation of projects and programs which impact on Council's goals and directions.

Employees are involved in the identification of current and future options and the development of strategies to achieve desired outcomes.

Additional features could include providing professional advice on policy matters within departments or divisions.

In addition, employees will be required to develop and implement techniques, work practices and procedures in all facets of the work area to achieve corporate goals.

Employees require a high level of proficiency in the application of theoretical or applied approaches in the search of optimal solutions to new problems and opportunities which may be outside of the original field of specialisation.

Work roles will demand responsibility for decision making within the constraints of divisional/corporate policy and require employees to provide advice and support to other areas of Council. Employees will have significant impact upon Council's policies and programs and will be required to provide initiative, the ability to formulate, implement, monitor and evaluate projects and/or programs.

### **Knowledge, skills, experience**

Degree qualifications are assumed, together with specialist training and substantial relevant experience. Employees are expected to continue to enhance their knowledge and skills, particularly with regard to the development of key management competencies.

### **Responsibilities**

Employees within this band may:

- contribute to the development of operational policy;
- assess and review the standards and work of other professional personnel/external consultants;
- initiate and formulate departmental or divisional/Council programs;
- implement Council objectives within corporate goals;
- develop and recommend on-going plans and programs for department or division/Council;
- provide specialist advice;
- ensure the outcome of work of significant scope and/or complexity.

As part of the performance assessment for Band 4 employees and above, regard shall be had as to how such employees have made performance assessment decisions in relation to subordinate staff.



## Schedule 4 - Supported Wage System

This Schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the supported wage system.

**Definitions** - In this Schedule:

**approved assessor** means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

**assessment instrument** means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

**disability support pension** means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), or any successor to that scheme

**relevant minimum wage** means the minimum wage prescribed in this Award for the class of work for which an employee is engaged

**supported wage system (sws)** means the Commonwealth Government system to promote employment for people who cannot work at full Award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: [www.jobaccess.gov.au](http://www.jobaccess.gov.au)

**sws wage assessment agreement** means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate

### Eligibility criteria

- (a) Employees covered by this Schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this Award, because of the effects of a disability on their productive capacity, and who meet the impairment criteria for receipt of a disability support pension.
- (b) This Schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of the *Workers' Compensation and Rehabilitation Act 2003*.

### Supported wage rates

- (a) Employees to whom this Schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following Table and Note:

Assessed capacity (see below)	Relevant minimum wage*
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

\*Note: The minimum amount payable to an employee receiving a supported wage must not be less than \$84 per week.

- (b) Where an employee's assessed capacity is 10%, the employee must receive a high degree of assistance and support.

### **Assessment of capacity**

- (a) For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the sws by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.
- (b) All assessments made under this Schedule must be documented in a sws wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

### **Review of assessment**

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the sws.

### **Other terms and conditions of employment**

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this Schedule will be entitled to the same terms and conditions of employment as other workers covered by this Award on a *pro rata* basis.

### **Workplace adjustment**

If the employer wishes to employ a person under the provisions of this Schedule it must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation.

### **Trial period**

- (a) In order for an adequate assessment of the employee's capacity to be made, the employer may employ a person under the provisions of this Schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (b) During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.
- (c) The minimum amount payable to the employee during the trial period must be no less than the amount recorded in the Note under the Table (above).
- (d) Work trials should include induction or training as appropriate to the job being trialled.
- (e) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment (see **Assessment of capacity** - above).

By the Commission,  
[L.S.] J. STEEL,  
Industrial Registrar.