

Drafting overview of the proposed TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2015

Sections 1 – 5

Clause 4 establishes the operation of the agreement, as follows:

Section 1, Application and Operation (containing application; coverage; term; dispute resolution; flexibility; consultation; management of conduct and performance; etc.) applies to all Employees unless otherwise stated. Clause 5.Dictionary, of Section 1, does not apply to Employees employed in positions under Section 6;

Section 2, Employment Arrangements (containing types of employment; ordinary weekly hours by classification; payment of salaries and wages, etc.) applies to all Employees unless otherwise stated, with the exception of Employees employed in positions under Section 6;

Section 3, General Conditions (containing general conditions, including: work health and safety; trade union clauses – activities regarded as on duty/leave and responsibilities of unions/delegates/workplace management; and predominantly leave) applies to all Employees unless otherwise stated.

Section 4, Transferred Employees Compensation applies to all Employees except for Casual Employees;

Section 5, Parts A - G comprises Parts A-G - which contain specific terms and conditions, rates of pay and allowances applicable to the separate employment groups - Section 5 does not apply to Employees employed under Section 6.

Section 6, TAFE NSW Support Employees contains specific conditions of employment, salaries, rates of pay, and allowances applicable to the classifications established under the modern classification structure. These specific conditions of employment, salaries, rates of pay, and allowances only apply to Employees who are employed in classifications covered by Section 6.

Drafting changes to the 2013 agreement in Sections 1 - 5

The Consultation clause has been amended to include the requirement for the employer to consult about changes to regular rosters and ordinary hours of work.

Clause 9A Modern Classification Structure has been amended to indicate that the modern classification structure is set out in Section 6 of the agreement and that implementation of the structure will be by recruitment into new positions; or recruitment into new positions created to support new business opportunities; or business reviews using current engagement and consultation processes.

A typographical error has been identified and amended in clause 16, part time employment – part year employment was included in error in the agreement approved by the Fair Work Commission.

Clause 27 has been amended to:

- Provide for increases to wages/salaries by 2.5% from the first pay period on or after 1 July 2015 and 1 July 2016; and to
- Remove reference to the 2013 public sector salaries case.

Clause 30, Allowances has been amended to provide for increases to wage/salary related allowances by 2.5% from the first pay period on or after 1 July 2015 and 1 July 2016.

Drafting in relation to Library shift arrangements has been removed from Schedules 35, 36 and 37 as agreed by the parties in bargaining in 2013.

In addition to the above there are minor drafting amendments in Sections 1 – 5 to include reference to Section 6, where relevant.

Section 6 – TAFE NSW Support Employees

Clause	Description
Application and Operation	
1. Application	New clause that establishes the application of Section 6 to all permanent, temporary and casual employees employed in the new classification structure.
2. Operation of this Section	New clause that establishes the operation of Section 6. This clause sets out the interaction between Section 6 and the five other sections of the enterprise agreement.
3. Dictionary	The Dictionary is based on the Dictionary in Section 1 of the Agreement; however it includes some new/amended definitions to reflect the proposed conditions of employment under Section 6, including:

	<ul style="list-style-type: none"> - New shift work definitions (afternoon and night shift); - Inclusion of a definition of a part year employee; - Amended definitions relating to TAFE NSW hours of work proposal, e.g. day worker, full time contract worker.
Employment Arrangements	
4. Application to casual employees	Sets out the clauses that do not apply to casual employees in Section 6.
5. Payment of salaries and wages	Sets out that the payment of wages will be fortnightly via EFT – same drafting as clause 11, Payment of Salaries and Wages in Section 2.
6. Types of employment	Sets out the types of employment used by the TAFE Commission (permanent; temporary; casual) – same drafting as clause 12, Types of Employment in Section 2.
7. Permanent employment	Defines permanent employment – minor drafting changes to clause 13, Permanent Employment in Section 2 to accommodate section 6.
8. Probation and initial permanent employment	Sets out that initial permanent appointment shall be for 6 months, or such longer period as the Managing Director directs. Drafting (to clause 14. Initial Permanent Employment) has been amended to reduce the possible extension period from 2 years to 1 year.
9. Promotions appeals	Establishes promotions appeals – same drafting as clause 9, Promotions Appeals in Section 2.
10. Part time employment	Defines part time employment and part year employment arrangements – drafting changes to clause 16. Part time employment to include part year employment and to remove specific reference to additional hours for part time Security Officers.
11. Temporary employment	Defines temporary employment – same drafting as clause 17, Temporary Employment in Section 2 of the Agreement.
12. Appointment of long-term temporary employees to permanent positions	Describes the appointment of long-term temporary employees to permanent positions – same drafting as clause 18, Appointment of long-term temporary employees to permanent position in Section 2 of the Agreement.
13. Casual employment	Sets out hours of work, rate of pay and overtime for casual employees – clause based on clause 19, of Section 2 of the agreement but establishes a standard overtime loading for all employees covered by the Enterprise Agreement – see 13.3. References to Parts A-G removed/amended.
14. Trainees	New clause that establishes that trainees employed by TAFE NSW are entitled to be paid wages in accordance with the modern award.
Modern Classification structure	

15. New TAFE NSW Classification Structure	New clause that establishes the two work streams under the new classification structure: learning and business support and the library stream.
16. Job evaluation	New clause that establishes that positions under Section 6 will be evaluated utilising work level standards to determine the appropriate level in the structure.
17. Classifications excluded from the new classification structure	Sets out the classifications excluded from the new classification structure, including casual only classifications (disability assistants, examination supervisors, artists models and legacy grades: Senior Officers and Clerks 11/12)
Hours of work and related matters	
18. Working hours, overtime and shift allowances – general	General clause that sets out that the working hours of employees and the manner of their recording shall be as determined by the Managing Director. This clause also includes the reasonableness test for overtime. This clause is based on clause 22 in Section 2 – minor drafting amendments to update clause references.
19. Ordinary hours of work	New clause that establishes the ordinary weekly hours of work and the daily span of hours under the agreement.
20. Standard working hours	Sets out standard working hours under Section 6 – minor drafting amendments to clause 86, Standard Working Hours in Part A of the Agreement to provide that standard hours may be determined by workplace management, in consultation with employees to meet operational needs.
21. Local arrangements	This clause establishes that local arrangements may be negotiated between the Managing Director and the union in relation to when work is performed. Such arrangements may be made to vary the operation of one or more clauses. This clause is based on clause 81, Local Arrangements in Part A of the agreement but has some drafting amendments.
22. Morning and afternoon tea breaks	This clause provides that employees may take a 10 minute morning/afternoon tea break. This clause is based on clause 82, Morning and Afternoon tea breaks however the exclusion of 38 hour week workers has been removed.
23. Meal breaks	This clause sets out employees entitlements to meal breaks. This clause is based on clause 83, meal breaks under Part A of the agreement, but includes new drafting in relation to employees required to remain on the premises due to operational requirements receiving a paid crib break.
24. Variation of hours	This clause provides the ability for the Managing Director to vary an employee's hours of attendance if the Employee is unable to comply with the general hours operating in TAFE NSW. This clause is the same as clause 84, Variation of Hours in Part A of the enterprise agreement.
25. Shift work	This clause is based on clause 112, Shift work of part A, clause 128, hours of Part C and the modern award - It describes shift work under Section 6, including the applicable shift loadings and arrangements for broken shifts.

	The clause also provides that shift workers may elect in writing to work in accordance with a flexible working hours scheme established under the Local Arrangements Clause.
26. Overtime – General	This is a general clause that describes Overtime under Section 6 – this is the same as clause 113, Overtime – General in Part A of the enterprise agreement.
27. Overtime worked by shift workers	This clause establishes the rates payable for overtime worked by shift workers. This is based on clause 114, Overtime worked by Shift workers in Part A of the enterprise agreement.
28. Overtime worked by day workers	This clause establishes the rates payable for overtime worked by day workers. This is based on clause 115, Overtime worked by Shift workers in Part A of the enterprise agreement.
29. Recall to duty	This clause establishes the rules where an employee is recalled to work overtime. This is based on clause 116, Recall to Duty in Part A of the enterprise agreement.
30. On-call allowance	This clause establishes that where an employee is directed to be on call for a possible recall to duty payment of an on call allowance shall be made. This is based on clause 105, On-call allowance of the enterprise agreement.
31. Overtime meal breaks	This clause sets out employees’ entitlement to an overtime meal break – based on clause 118, Overtime meal breaks in Part A with some drafting amendments.
32. Overtime meal allowances	This clause sets out employees’ entitlement to an overtime meal allowance. Overtime meal allowances will not be paid where 24 hours’ notice is provided. Employees will be reimbursed for meals – where receipts are provided – up to the appropriate overtime meal allowance rate. This clause is otherwise based on clause 119, Overtime meal allowances of Part A.
33. Payment for overtime or leave in lieu	This clause is the same as clause 121, Payment for Overtime or leave in lieu under Part A of the enterprise agreement.
34. Calculation of overtime	This clause is the same as clause 122, Calculation of overtime under Part A of the enterprise agreement.
35. Review of overtime meal allowances	This clause is the same as clause 123, Review of overtime meal allowances under Part A of the enterprise agreement.
36. Provision of transport in conjunction with working of overtime	This clause is the same as clause 124, Provision of transport in conjunction with working of overtime under Part A of the enterprise agreement.
37. Leave – General provisions	This clause is the same as clause 111, Leave – General Provisions under Part A of the enterprise agreement.
Travel compensation and allowances	
38. Excess travelling time	This clause is the same as clause 89, Excess Travelling Time under Part A of the enterprise agreement.

39. Waiting time	This clause is the same as clause 90, Waiting Time under Part A of the enterprise agreement.
40. Travelling compensation	<p>This clause provides that any authorised official travel and associated expenses incurred by an employee required to perform duty at a location other than their normal headquarters will be reimbursed. Based on clause 91, Travelling Compensation of Part A of the enterprise agreement, but with some amendments:</p> <ul style="list-style-type: none"> - Where the TAFE Commission pays the accommodation provider directly employees can claim expenses reasonably incurred for meals up to the allowance rate specified in Schedule 4 – Expense Related Allowances - Where the TAFE Commission does not pay the accommodation provider, it can elect to pay allowance or reimburse actual expenses.
41. Meal expenses on one-day journeys	This clause is based on clause 92, Meal Expenses on One Day Journeys of Part A except it has been amended – employees to receive expenses reasonably incurred for meals up to the appropriate meal allowance rate.
42. Restrictions on payment of travelling allowances	This clause is the same as clause 93, Restrictions on payment of travelling allowances under Part A of the enterprise agreement.
43. Increase or reduction in payment of travelling allowances	This clause is the same as clause 94, Increase or reduction in payment of travelling allowances under Part A of the enterprise agreement.
44. Production of receipts	This clause is the same as clause 95, Production of Receipts under Part A of the enterprise agreement.
45. Travelling distance	This clause is the same as clause 94, Travelling distance under Part A of the enterprise agreement.
46. Allowance payable for use of private motor vehicle	This clause is the same as clause 99, Allowance payable for use of private motor vehicle under Part A of the enterprise agreement.
47. Damage to private motor vehicle used for work	This clause is the same as clause 100, Damage to private motor vehicle used for work under Part A of the enterprise agreement.
48. Allowance for living in a remote area	This clause is the same as clause 101, Allowance for living in a remote area except for updating references.
49. Overseas travel	This clause is the same as clause 103, Overseas Travel under Part A of the enterprise agreement.
50. Exchanges	This clause is the same as clause 104, Exchanges under Part A of the enterprise agreement.
51. Payment of laundry allowance	This clause provides an employee required by the employer to wear a uniform is entitled to a laundry allowance – similar to clause 106, Payment of Laundry Allowance but drafting updated for clarity.
52. Review of expense related allowances payable in	This clause sets out the basis for adjusting expense related allowances. This is similar to clause 110 of Part A of the enterprise agreement, except some allowances will not be provided to employees under

terms of this Section	Section 6.
53. Reimbursement of licences	New clause provides that the Employer will reimburse the cost of licences where they are an inherent requirement of a position.
Salary related allowances	
54. Community Language Allowance Scheme (CLAS)	This clause is the same as clause 108, Community Language Allowance Scheme (CLAS) of Part A of the enterprise agreement except for updated references to the Schedule.
55. First Aid allowance	This clause is similar to clause 109, First Aid Allowance of Part A of the enterprise agreement, except for updated referencing. The rate selected by TAFE NSW for the base level first aid allowance is the rate currently payable to Trades Assistants, which is higher than the rate for Part A employees. The Higher qualification level is the same as Part A (+2.5% increase).
56. Higher duties allowance	This clause is the same as clause 125, Higher Duties Allowance of Part A of the enterprise agreement.
57. Certified supervisor allowance	This clause is the same as subclause 150.4 of Part C of the enterprise agreement, with updated reference to Schedule 5.
Schedule 1 - Rates of Pay - Learning and Business Support Stream	
	New Schedule sets out the rates of pay for learning and business support stream employees.
Schedule 2 - Rates of pay and classification descriptors for Library Stream employees	
	This Schedule sets out the rates of pay and descriptors for the library stream – based on Schedule 35, 36 and 37 of Part A of the enterprise agreement.
Schedule 3 - Casual hourly rates for casual only classifications	
	New schedule sets out the rates of pay for casual only classifications.
Schedule 4 - Expense related travel motor vehicle and meal allowances	
	Sets out expense related allowances payable under Section 6 – similar to Schedule 63 of Part A with some expense related allowances removed.
Schedule 5 - Salary related allowances	
	Sets out salary related allowances payable under Section 6 – similar to Schedule 62 of Part A – new inclusions are certified supervisor allowance and broken shift and broken shift excess fare allowances.
Schedule 6 - Work Level Standards	
	New schedule contains the work level standards.