



# TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2015

Your guide to the agreement

September 2015

# Overview

The purpose of this document is to provide you with a summary of the TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2015.

To view or download the full list of drafting changes from the 2013 agreement, or to access a copy of the Agreement and other reference material, visit the [TAFE NSW enterprise bargaining website](#).

**The proposed *TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2015* (the ‘proposed agreement’) covers all TAFE NSW staff employed in administrative, support and related roles.**

**The proposed agreement provides for a 2.5% increase to salaries, wages, and related allowances effective from the first pay period commencing on or after 1 July 2015 and a further increase of 2.5% to salaries, wages and related allowances from the first pay period on or after 1 July 2016. The proposed agreement will operate until 30 June 2017.**

**The proposed agreement maintains key conditions of employment in the current agreement, including all leave entitlements for all employees.**

**The new Section 6 – TAFE NSW Support Employees sets out the terms and conditions of employment that apply to employees once they are appointed to a position under the contemporary classification structure.**

## The offer



Your current conditions remain the same until there is a business review or you apply for a newly created position



Current employees will receive a 2.5% wage increase each year for 2 years from July 2015 if the reforms are supported



A common set of employment conditions (including existing leave entitlements) will apply to new positions created under the Contemporary Classification Structure

## Proposal summary

Proposal	What this means for you
<b>2.5% pay increase</b>	<ul style="list-style-type: none"> <li>• No immediate change to current conditions</li> <li>• Pay rise backdated to July 2015 provided the ballot is successful</li> <li>• Further salary increase of 2.5% from 1 July 2016</li> </ul>
<b>Duration</b>	<ul style="list-style-type: none"> <li>• The proposed enterprise agreement will be of 24 months duration and will expire on 30 June 2017</li> </ul>
<b>Conditions of employment for current employees in existing classifications</b>	<ul style="list-style-type: none"> <li>• No change to conditions of employment for current employees in classifications under the current agreement (Parts A – G) until the contemporary classification structure is implemented</li> <li>• The 2013 Flexible Working Hours Agreement will continue to apply to employees while they are employed in existing classifications</li> </ul>
<b>Introduction of a contemporary classification structure</b>	<ul style="list-style-type: none"> <li>• It is proposed that the Contemporary Classification Structure (CCS) will be made up of two streams:               <ul style="list-style-type: none"> <li>○ Learning and Business Support</li> <li>○ Library</li> </ul> </li> <li>• Library stream employees will retain their current salary structure and classification descriptions</li> <li>• The CCS is intended to provide career progression, support employee mobility and provide broader employment opportunities for TAFE NSW employees</li> </ul>
<b>Implementation of the new structure</b>	<ul style="list-style-type: none"> <li>• TAFE NSW will not commence any placement into the new structure until at least 1 January 2016 to ensure smooth transition</li> <li>• Implementation will only occur through business reform and new/vacant positions</li> </ul>
<b>Salary Structure levels and points</b>	<ul style="list-style-type: none"> <li>• 10 salary levels, with 5 salary points per level</li> <li>• Fixed percentages in between increments</li> </ul>
<b>Work Level Standards</b>	<ul style="list-style-type: none"> <li>• Developed by an external party (Mercer) in consultation with the unions</li> <li>• All positions created under Section 6 will be evaluated utilising the work level standards as defined in the enterprise agreement</li> </ul>
<b>36.25 hours of work per week for employees under Section 6</b>	<ul style="list-style-type: none"> <li>• 7 hours and 15 minutes per day</li> <li>• A common set of working hours for all new positions</li> </ul>
<b>New flexible working hours agreement for Section 6 employees</b>	<ul style="list-style-type: none"> <li>• The majority of employees will have access to flex (except for the proposed part-year employees)</li> <li>• If a shift worker 'opts-in', they can have days off taken as approved flex</li> </ul>

Proposal	What this means for you
	<ul style="list-style-type: none"> <li>• Day and shift workers may have access to up to 24 flex days off per annum</li> <li>• Employees can gain approval to accrue time towards flex days, in advance</li> <li>• Business unit hours will be set at the unit or section level in consultation with employees</li> <li>• Managers cannot unreasonably refuse employees taking flex days</li> <li>• Dispute mechanisms are in place to resolve any issues</li> </ul>
<p><b>Opening hours and bandwidth is 6am–9pm. Overtime for day workers and shift loading for shift workers after 7pm if directed/rostered</b></p>	<ul style="list-style-type: none"> <li>• TAFE NSW will be open 6am–9pm for customers when they need us, but employees will be properly paid for additional work</li> <li>• If a day worker is directed to work after 7pm, overtime will be paid or an employee can elect to have time off in lieu (at the overtime rate)</li> <li>• If a shift worker is rostered on a shift finishing after 7pm, shift penalties will be paid for the whole shift</li> </ul>
<p><b>Legacy grades</b></p>	<ul style="list-style-type: none"> <li>• The classifications of Senior Officer and Clerk 11/12 will be maintained as legacy grades under Section 6 of the agreement</li> <li>• There will be no new permanent appointments to these classifications</li> </ul>
<p><b>Broken shifts apply only if an employee agrees</b></p>	<ul style="list-style-type: none"> <li>• Broken shifts are designed to work for both the business and employees</li> <li>• Broken shifts can only apply to employees by mutual agreement</li> <li>• Employees who work a broken shift will receive an allowance</li> </ul>
<p><b>Introduction of part year employment under the Agreement</b></p>	<ul style="list-style-type: none"> <li>• TAFE NSW is proposing to introduce greater certainty of employment under part year employment arrangements</li> <li>• This means for those employees who currently work during term time under short term temporary contracts TAFE NSW may be able to offer employment on an annual basis</li> <li>• This proposal allows part year employees to choose to annualise their salary to be paid a regular fortnightly income, or be paid for the hours fortnightly, as they are worked</li> </ul>

# The proposal

Following three months of productive bargaining meetings and consultation since June 2014 with unions on the Contemporary Classification Structure, TAFE NSW is of the view that this is a fair and reasonable offer.

## What's changed?

A full list of drafting changes to the 2013 agreement and a description of each clause under the new Section 6 is available on the [TAFE NSW enterprise bargaining website](#).

### What changes are in the proposed agreement?

- A new Section 6 – TAFE NSW Support Employees has been included in the enterprise agreement. This Section contains specific terms and conditions, including rates of pay and allowances applicable to positions established under the modern classification structure.
- An amended salaries clause reflecting TAFE NSW's salary offer of a 2.5% increase from the first pay period on or after 1 July 2015 and 1 July 2016.
- An amended allowances clause reflecting TAFE NSW's offer of a 2.5% increase from the first pay period on or after 1 July 2015 and 1 July 2016 to salary and wage related allowances.
- 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.
- Part year employment has been introduced as a form of employment under Section 6 of the agreement, supported by the [TAFE NSW Part-Year Employment Guidelines](#). Schedules 35 – Librarian, 36 – Library Assistant and 37 – Library Technician have been amended as agreed in the previous round of bargaining to remove reference to library shifts being determined in accordance with Public Service Board Determination 5050 of 1974.
- Clause 8, Consultation has been amended to include the Fair Work requirement for the employer to consult about changes to regular rosters and hours of work.

### How has the TAFE position changed during the bargaining period?

- TAFE NSW has reduced the proposed weekly working hours for all employees under the new Section 6 from 37 hours per week to 36 hours 15 minutes per week.
- TAFE NSW has expanded access to the Flexible Working Hours Agreement to shift workers on an "opt-in" basis.
- TAFE NSW has agreed to maintain a separate library stream under the enterprise agreement, which maintains the current salary structure and position descriptors.
- TAFE NSW has agreed to maintain the classifications of Librarian Grade 4 and Grade 5 under the library stream – rather than as a legacy grade as was proposed.
- TAFE NSW has agreed that broken shifts can only be worked by agreement between the employee and employer.

## What other outcomes have been achieved from bargaining?

- The Flexible Working Hours Agreement (FWHA), 2013 will continue for the duration of the proposed agreement. The 2013 FWHA is [available here](#).
- TAFE NSW intends to enter into a new Flexible Working Hours Agreement for employees under Section 6 of the enterprise agreement. The proposed 2015 FWHA is [available here](#).

## What are the key benefits of TAFE NSW's proposal?

If the agreement is endorsed through the ballot, employees currently employed under the agreement will receive a salary increase of 2.5% effective from the first pay period after 1 July 2015.

Employees will continue to work according to the same conditions of employment as under the 2013 agreement until the contemporary classification structure is implemented.

Implementation of the new structure will not commence until after 1 January 2016. Implementation will be achieved 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.

## Leave entitlements

Your leave entitlements are unchanged from the 2013 agreement. TAFE NSW has ensured that once employees move to classifications under the new structure, leave entitlements under Section 3 – General Conditions will continue to apply. Under the proposed Agreement, you are entitled to leave including:

- 4 weeks annual leave, with an additional one week's leave for employees in remote areas and employees employed as seven-day shift workers (clause 34)
- Annual leave loading (clause 35)
- Employees accrue 15 days paid sick leave per annum (clause 49)
- Paid sick leave for personal carers leave to provide care and support (clause 46)
- Family and Community Service leave (clause 39)
- Up to two days paid compassionate leave for each occasion (clause 37)
- Community Service leave for jury service and acting as an emergency volunteer (clause 36)
- Extended leave and long service leave (clause 38)
- Parental leave (clause 45)
- Ability to purchase leave (clause 48)
- Study leave, assistance and time of up to 4 hours per week (clause 54)
- Special Leave (clause 53)
- Leave for casual staff (clause 31)

Your eligibility for the above leave will depend on whether you are engaged on a full-time, part-time, casual, or temporary basis.

## The dispute resolution procedures

The procedures, which set out the process for minimising and settling disputes which may arise in relation to the Agreement, are unchanged.

## Work Health and Safety

TAFE maintains its commitment to achieving and maintaining accident-free and healthy workplaces and a harassment-free workplace.

## The bargaining process

**1 June 2015** – The notice of representational rights was issued for this agreement.

**18 June 2015** – [A joint communication](#) about the status of consultation in relation to the new classification structure was issued by TAFE NSW and unions.

**18 June 2015** – The first Bargaining Meeting for this agreement was held. There has been a further 11 full-day bargaining meetings held since then.

**28 August 2015** – TAFE NSW [confirmed to bargaining representatives in writing](#) the proposal it intended to take to employee ballot.

TAFE NSW has carefully listened to, considered and responded to all proposals that have been put forward by bargaining representatives, and adopted elements of bargaining representatives' proposals in the proposed agreement that it's taking to ballot.

TAFE NSW has also provided the unions and other bargaining representatives with opportunities to comment on the drafting of the proposed enterprise agreement.

TAFE NSW is committed to giving employees the opportunity to vote for a retrospective salary increase from the first pay period after 1 July 2015.

## Bargaining representatives

Bargaining representatives who participated in negotiations were:

- the TAFE NSW team, led by Kerry Penton, Institute Director of Riverina Institute
- Community and Public Sector Union/Public Service Association
- United Voice
- Australian Workers' Union Greater NSW Branch
- Australian Workers Union Port Kembla Branch
- Broken Hill Town Employees' Union
- A self-nominated bargaining representative.

# Documents

## Ballot materials

- [Proposed TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2015 \(inclusive of Section 6\)](#)
- [Flexible Working Hours Agreement 2013](#)
- [Proposed Flexible Working Hours Agreement 2015](#)
- [Proposed TAFE NSW Part-Year Employment Guidelines](#)
- [Overview of changes to the 2013 agreement and description of clauses under Section 6](#)

## Frequently asked questions?

### Who is covered by the Agreement?

The Agreement covers Administrative, Support and Related Employees. Employee groups covered by the agreement include: administrative and support, security, trades, childcare and hospitality staff. A full [list of classifications](#) covered by the agreement is available in the draft agreement.

### Where can I find the ballot copy of the Agreement?

The ballot copy of the proposed Agreement is [available on the TAFE enterprise bargaining website](#). You can also request a hard copy from your HR representative or Manager.

### Are there other documents that I should look at?

- [Flexible Working Hours Agreement 2013](#) – this agreement will continue to apply to current staff in existing classifications
- [Proposed Flexible Working Hours Agreement 2015 for employees covered by Section 6](#)
- [Overview of changes to the 2013 agreement and description of clauses under Section 6](#)

### Do I have to vote?

Voting is not compulsory, but participation is strongly encouraged, because the Enterprise Agreement is the basis of pay and conditions for people employed under it. It's important that you have your say on the proposed Agreement.

### What does it take to get an Agreement approved?

Employees have to endorse an agreement by voting on it. For an agreement to be made, it has to be approved by the majority of employees who vote. It then goes to the Fair Work Commission for approval. The agreement comes into effect seven days after approval by the Fair Work Commission.



## What does the Agreement contain? Why is it so long?

The proposed agreement sets out the conditions of employment and rates of pay for all [employees covered](#) by it.

## What part(s) of the agreement apply to me?

The structure of the proposed agreement mirrors the structure in the 2013 agreement.

It now contains 6 Sections:

Section	Title	Coverage
1	Application and Operation	All staff unless stated otherwise – the Dictionary does not apply to Section 6 employees.
2	Employment Arrangements	All staff unless stated otherwise. This Section does not apply to Section 6 employees.
3	General Conditions	All staff unless stated otherwise
4	Transferred Employees Compensation	Permanent and temporary employees
5	Parts A-G	Applies to employment group specified in Part A-G. This Section does not apply to Section 6 employees.
6	TAFE NSW support Employees	This section applies to Employees in positions under the contemporary classification structure.

### **Section 1 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 1 provides for the application and operation of the proposed enterprise agreement.

The section sets out the employees covered and the duration of the enterprise agreement. It also sets out the structure of the Agreement and how the agreement operates.

This section also includes:

- the Dictionary for the agreement; the Dispute Resolution Procedures, which sets out the process for the resolution of disputes that may arise about matters in the agreement;
- the Flexibility clause, which sets out the circumstances in which TAFE and an Employee may agree to make an individual flexibility arrangement to vary the effect of terms of the agreement;
- the Consultation clause, which establishes the process for consulting with employees when TAFE introduces a major change; and information on the Management of Conduct and Performance.

**Section 2 applies to all employees, unless otherwise stated.**

This Section does not apply to Section 6 employees.

This section contains information on the types of employment used by the TAFE Commission, the payment of wages and hours of work, including overtime.

**Section 3 applies to all employees, unless otherwise stated.**

This section includes clauses relating to work, health and safety commitments; leave types under the agreement; trade union activities; and general conditions of employment.

Section 3 also provides leave conditions for all employees.

**Section 4 applies to permanent and temporary employees covered by the agreement.**

This section provides for reimbursement towards expenses of employees who are transferred by TAFE NSW to work in a new location, which requires them to relocate their principal place of residence.

**Section 5 is made up of 7 parts, A – G.**

This Section does not apply to Section 6 employees.

Part A-G reflect the different employment groups under the proposed agreement:

Part A	Administrative and Support Staff
Part B	Security and General Services Officers
Part C	Early Childhood Educators
Part D	Printing and Graphic Arts Employees
Part E	Trades Assistants
Part F	Skilled Trades
Part G	Hospitality Employees

Each part contains terms and conditions of employment that are specific to the employee classifications covered by that Part. Each part has salaries, wages and allowances rules; shift allowances; payment for overtime; and, information specifically relevant to the classifications it covers.

Each part also contains schedules for salaries, wages and allowances. These schedules may also contain information particular to a classification such as incremental progression, shift allowances or qualifications.

**Section 6 contains specific conditions of employment, including rates of pay and allowances.**

This section only applies to Employees in positions under the contemporary classification structure.

## Policies referenced in the proposed enterprise agreement

Clause reference	Policy / Procedure / Guideline
8.3 Consultation	Managing Excess Employees Policy <a href="http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0007/135178/D2011-07_MEE_2011_Version_2_POL.pdf">http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0007/135178/D2011-07_MEE_2011_Version_2_POL.pdf</a>
53.2.1 Special Leave - Emergency Volunteers	TAFE Policy – Special Leave <a href="https://detwww.det.nsw.edu.au/humanresources/tafepoli/spelword.htm">https://detwww.det.nsw.edu.au/humanresources/tafepoli/spelword.htm</a>
6.2.2 Dispute Resolution Procedures 9. Management of Conduct and Performance	Guidelines for the Management of Conduct and Performance NSW TAFE Commission Staff <a href="https://detwww.det.nsw.edu.au/detresources/pd20060335_TAFE_guidelines_2012_kxXnXgLNDK.pdf">https://detwww.det.nsw.edu.au/detresources/pd20060335_TAFE_guidelines_2012_kxXnXgLNDK.pdf</a>
15.2 Promotions Appeals	TAFE Promotions Appeals Procedures – for Administrative, Support and Related Employees <a href="https://www.det.nsw.edu.au/media/downloads/about-us/news-at-det/announcements/tafe-nsw-teachers-salary-negotiations/tafe-promotions-appeals-procedures-foradmin-support-and-related-employees.pdf">https://www.det.nsw.edu.au/media/downloads/about-us/news-at-det/announcements/tafe-nsw-teachers-salary-negotiations/tafe-promotions-appeals-procedures-foradmin-support-and-related-employees.pdf</a>

# Next steps

1. Employees consider the Agreement	2. Employees vote	3. Implementation
<ul style="list-style-type: none"><li>• Employees have 7 days to review the proposed new Agreement from the day the Managing Director notifies that the formal access period begins <b>on 2 September 2015</b>.</li><li>• This gives you the chance to check out the website, ask questions and get the information you need to cast an informed vote.</li></ul>	<ul style="list-style-type: none"><li>• Employees are being asked to support the proposed Agreement by voting for it.</li><li>• The ballot opens on <b>10 September</b> and will close on <b>16 September 2015</b>.</li><li>• For the Agreement to be approved by employees, the majority of employees who vote must vote 'yes'.</li><li>• That means, 50% +1 vote = 'yes'</li><li>• CorpVote, an independent company with expertise in managing independent and secure voting processes, is managing the electronic balloting process.</li></ul>	<ul style="list-style-type: none"><li>• If the Agreement is supported by the majority of employees, then it will be filed with the Fair Work Commission for approval.</li><li>• The new Agreement will come into effect 7 days after the Commission approves it.</li><li>• The increase will be paid effective from the first pay period after 1 July 2015 following approval of the Agreement by the Fair Work Commission.</li></ul>

## Want to know more?

If you have any questions about the *TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2015*, or you'd like to get a copy of the ballot copy of the Agreement and a full explanation of changes you can:

- Visit the enterprise bargaining [website](#)
- Email the [TAFE Bargaining team](#)
- Speak to your HR representative or Manager.