



TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016

Your guide to the agreement

June 2016

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 2016](#).

To access a copy of the agreement and other related material, visit the [TAFE NSW enterprise bargaining website](#).

The proposed *TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016* (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 1 July 2016. The proposed agreement will operate until 22 June 2019.

The proposed agreement offers:

- An immediate 2.5% pay rise from approval for everyone
- Introduction of a 35 hour working week for all staff
- A fair transition to a new classification structure
- A 3 year agreement for Administrative and Support employees.

The new enterprise agreement sets out the terms and conditions of employment that apply to employees once they are appointed to a position under the contemporary classification structure.

Proposal summary

Proposal	What this means for you
2.5% pay increase (Clause 24)	<ul style="list-style-type: none"> All employees will get an immediate 2.5% pay rise from 1 July 2016.
Duration (Clause 4)	<ul style="list-style-type: none"> Starting 7 days after it is approved by the Fair Work Commission The agreement will continue for 3 years until 22 June 2019.
Transition for all staff to the new structure (Clause 4, Sch E)	<ul style="list-style-type: none"> The current structure and conditions will apply for 6 months while we get our systems and processes ready. Translation to the new structure will occur in January 2017. If your job level moves to a higher pay rate in the new structure, your pay rate will increase. If your job level moves to a lower pay rate in the new structure, your pay rate will stay protected and you will receive further increases when the new rate catches up in the future.
New classification structure, Salary spines and rates of pay (Sch A)	<ul style="list-style-type: none"> There are now 3 streams: <ul style="list-style-type: none"> New 'TAFE worker'. 'Library' keep current salary structure (including Librarian Grade 4 and 5) 'Early Childhood Educators' keep current salary structure. The levels within the new 'TAFE worker' salary scale have steps built in for additional pay increases (similar to the current increments for the clerical roles). Staff employed as a Clerk Grade 11/12 or Senior Officer will continue in their existing classification. New staff will not be employed in these positions.
Work Level Standards (Sch C)	<ul style="list-style-type: none"> TAFE and the unions have developed these together. In the future, these standards will be used to evaluate all position descriptions and determine the level in the new structure.
Weekly hours (Clause 41)	<ul style="list-style-type: none"> 35 hours per week for all full-time employees from the introduction of the new structure in January 2017
Flexible Working Hours Agreement (Clause 43)	<ul style="list-style-type: none"> The proposed agreement allows for flexible working arrangements to be negotiated locally.
Rostered Days Off (Clause 41.3)	<ul style="list-style-type: none"> Rostered employees get 3 rostered days off every 12 weeks.
Bandwidth hours (Clause 5)	<ul style="list-style-type: none"> Hours are as defined by the needs of the area; flex can be worked 6am to 9pm. If directed, shift penalties apply after 6:30pm and overtime after 10 hours.
Broken shifts (Clause 48.17)	<ul style="list-style-type: none"> Only for security positions. Maximum spread to be 12 hours. Maximum 5 hours break.

Proposal	What this means for you
Casual pay rate (Clause 87)	<ul style="list-style-type: none"> • 25% loading for work Monday to Friday.

Conditions

Condition	What this means for you
Shift work definitions and penalty rates	<ul style="list-style-type: none"> • New definitions for shifts, mostly using finishing times instead of starting times. • Rostered Day Shift 6am to 6:30pm; no penalty rate. • Morning Shift commencing after 12am and before 6:00am; 15% penalty rate. • Afternoon Shift finishing after 6:30pm and before 12am; +15% penalty rate. • Permanent Night Shift finishing after 12am or before 6am; 30% penalty rate. • Night Shift finishing after 12am or before 6am; 15% penalty rate (rotating). • Saturday Shift is on Saturday; 50% penalty rate. • Sunday Shift is on Sunday; 100% penalty rate. • Public Holiday Shift is on public holidays; 150% penalty rate.
Casual employee rates of pay (Clause 87)	<ul style="list-style-type: none"> • Casual rates of pay have a 25% loading for work performed Monday to Friday. • Weekend and public holiday rates will remain the same.
Breaks (Clause 44,45)	<ul style="list-style-type: none"> • A standard set of definitions for all breaks for all employees. • Two 10 minute paid tea breaks for a full day. • A 30 to 90 minute unpaid meal break after 5 hours worked if on Flexible Working Hours Agreement.
Overtime (Clause 49-51)	<ul style="list-style-type: none"> • Overtime rates for all employees will be: <ul style="list-style-type: none"> ○ Monday to Friday – time + ½ first 2 hours; double time thereafter ○ Saturday – time + ½ first 2 hours; double time thereafter ○ Sunday – double time for all hours ○ Public holidays – double time + ½ for all hours. • Standard overtime minimum and maximum overtime hours for all employees: <ul style="list-style-type: none"> ○ Hours Monday to Friday overtime is as directed ○ Hours Saturday, Sunday and public holidays must have a minimum of 3 hours overtime worked. • Overtime will only be paid for directed overtime after ordinary daily, or weekly hours, or after 10 hours worked, or on weekends. • Different rules for part time/casual employees.
Part-time employee rates of pay (Clause 20)	<ul style="list-style-type: none"> • All part-time employees will receive pro-rata entitlements based on the rates of full-time employees. • Additional mutually arranged hours up to the normal full-time hours will be at the ordinary rate + 4/48th in lieu of annual leave. • Overtime will be paid if directed beyond the mutually arranged hours.
Types of employment	<ul style="list-style-type: none"> • Standard definitions for all employees will be: <ul style="list-style-type: none"> ○ Permanent

Condition	What this means for you
(Part III)	<ul style="list-style-type: none"> ○ Temporary ○ Casual ○ Full-time ○ Part-time ○ NEW Part-year. <ul style="list-style-type: none"> ● The new part-year employment (Clause 15) will be: <ul style="list-style-type: none"> ○ Available for part time staff working in areas with student contact or student support (e.g. class support, college support services) ○ Engaged between 36 and 44 weeks in each year ○ Limit of 650 permanent part-year positions.
Daily hours	<ul style="list-style-type: none"> ● Contract hours for the week are 35 hours for full-time staff with employees on flexible working hours arrangement able to attend for between 3 and 10 hours (Clause 5). ● Casuals have a minimum 3 hour engagement with overtime to be paid after 9 hours (Clause 19). ● On Call Allowance applies to all employees directed to be on call and there is a minimum 3 hour overtime payment if you are recalled (Clause 53).

Allowances

Allowances	Description
Community Language (Clause 33)	<ul style="list-style-type: none"> ● Expanded to all employees.
Higher Duties (Clause 35)	<ul style="list-style-type: none"> ● Expanded to all employees.
Use of Private Motor Vehicle (Clause 68)	<ul style="list-style-type: none"> ● Expanded to all employees
Broken Shift (Clause 48)	<ul style="list-style-type: none"> ● Will be paid to security employees.
Remote Area (Clause 70)	<ul style="list-style-type: none"> ● Paid to employees in remote areas.
Travel (Part VI)	<ul style="list-style-type: none"> ● Expanded to all employees to be based on reimbursement of actual expenses.
Certified Supervisor (Clause 36)	<ul style="list-style-type: none"> ● Applies only to Children's Centres employees.
Dirty Work (Clause 38)	<ul style="list-style-type: none"> ● Applied to all employees, replacing the dirty, noxious substances, confined spaces and chokage allowances.
First Aid (Clause 34)	<ul style="list-style-type: none"> ● Will have 2 levels, basic and occupational (security will only get occupational).
Height (Clause 37)	<ul style="list-style-type: none"> ● Applied to all employees, replacing height, roof and towers allowances.
Overtime Meal (Clause 55)	<ul style="list-style-type: none"> ● Actuals will be paid when notice is not given.
Travel Assistance on Vacation (Clause 73)	<ul style="list-style-type: none"> ● Will still apply to Broken Hill employees.
Tools (Clause 39)	<ul style="list-style-type: none"> ● Will be paid to trades if TAFE does not provide tools.
Laundry (Clause 79)	<ul style="list-style-type: none"> ● Will be paid at a standard rate.
Obsolete allowances	<ul style="list-style-type: none"> ● Removed or incorporated into the new pay structure.

The proposal

Following 12 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.

The new agreement draws together 7 different arrangements (Parts A-G of the 2013 enterprise agreement) to provide a single set of conditions for staff covered by the agreement.

What's changed?

How has the TAFE position changed during the bargaining period?

- All current 38 hour workers will work 35 hours per week from January 2017. TAFE NSW has reduced this from the previous proposal of 36¼ hours per week.
- TAFE NSW has agreed to maintain a separate library and childcare 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 security staff.

What other outcomes have been achieved from bargaining?

- It is proposed that the Flexible Working Hours Agreement (FWHA), 2013 will continue for the first 6 months of the proposed agreement with a new arrangement to be introduced at the time of transition (January 2017). The proposed [2016 FWHA](#) is available on the [TAFE Enterprise Bargaining](#) website.

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 1 July 2016.

Employees will continue to work according to the same conditions of employment for 6 months until the contemporary classification structure is ready to be implemented.

The roles will be moved into the new salary scales after 6 months. All current positions have been graded by the unions and TAFE NSW.

Your pay rate will increase if your job level moves to a higher pay rate in the new structure.

If your pay rate moves to a lower level, your pay rate will stay protected until the new level of pay catches up in the future.

You can see schedule E of the agreement to find out what a current level position will transition to in the new structure.

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 21 bargaining meetings held since then.

28 August 2015 – TAFE NSW confirmed to bargaining representatives in writing the proposal it intended to take to the first employee ballot.

15 October 2015 – TAFE NSW, the unions and nominated representatives recommenced bargaining.

8 June 2016 – TAFE NSW confirmed to bargaining representatives in writing the proposal it intended to take to the second 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 is 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.

Bargaining representatives

Bargaining representatives who participated in negotiations were:

- the TAFE NSW team, led by Kerry Penton, Institute Director of Riverina Institute
- The CPSU, the Community and Public Sector Union/Public Service Association
- United Voice
- The Australian Workers' Union, Greater NSW Branch
- The 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 2016](#)
- Proposed [Flexible Working Hours Agreement 2016](#)
- [How to vote](#)
- Your guide to the agreement (this document)

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, support, security, trades, childcare and hospitality staff.

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?

- Proposed Flexible Working Hours Agreement 2016
- Translation table of current classifications to the new contemporary classification structure
- Employment conditions comparison (summary of key features)

These documents are available on the [TAFE Enterprise Bargaining](#) website.

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 7 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 parts of the agreement apply to me?

The structure of the proposed agreement consolidates the various parts from the old agreement into a single set of conditions.

At the commencement of the proposed Agreement only certain parts will apply (e.g. 2.5% increase, new part-year employment) with conditions from the [TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2013](#) [PR546806] continuing to apply (Clause 4).

After 6 months the remaining parts will commence and the provisions of the 2013 agreement will no longer apply (Clause 4).

Documents referred to in the proposed enterprise agreement

Clause reference	Policy / Procedure / Guideline
4. Date and Period of Operation	TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2013 [PR546806] https://www.tafensw.edu.au/_data/assets/pdf_file/0018/22077/TAFE-Admin-Support-and-Related-Employees_Enterprise-Agreement-2013_AE406373.pdf
11. Consultation	Managing Excess Employees Policy https://www.tafensw.edu.au/_data/assets/pdf_file/0015/22074/D2011-07_Managing-Excess-Employees-Policy-2011_Version-2.pdf
10. Management of Conduct and Performance	Guidelines for the Management of Conduct and Performance NSW TAFE Commission Staff https://detwww.det.nsw.edu.au/detresources/pd20060335_TAFE_guidelines_2012_kxXnXgLNDK.pdf
18. Promotions Appeals	TAFE Promotions Appeals Procedures – for Administrative, Support and Related Employees https://www.tafensw.edu.au/_data/assets/pdf_file/0020/22079/TAFE_Promotions-Appeals-Procedures_Admin-and-Support_20120815.pdf
22. Contemporary Classification Structure - Childcare Stream	TAFE Commission of NSW Teachers in TAFE Children’s Centres Enterprise Agreement 2013. https://www.tafensw.edu.au/_data/assets/pdf_file/0019/22078/TAFE-Childrens_AE899182.pdf

Next steps

1. Employees consider the agreement	2. Employees vote	3. Implementation
<ul style="list-style-type: none">• Employees have 7 days to review the proposed new agreement from the day the Managing Director notifies that the formal access period begins on 9 June 2016.• This gives you the chance to check out the website, ask questions and get the information you need to cast an informed vote.	<ul style="list-style-type: none">• Employees are being asked to support the proposed agreement by voting for it.• The ballot opens on 17 June 2016 and will close on 23 June 2016.• For the agreement to be approved by employees, the majority of employees who vote must vote 'yes'.• That means, 50% +1 vote = 'yes'.• CorpVote, an independent company with expertise in managing independent and secure voting processes, is managing the electronic balloting process.	<ul style="list-style-type: none">• If the agreement is supported by the majority of employees, then it will be filed with the Fair Work Commission for approval.• The new agreement will come into effect 7 days after the Commission approves it.• The increase will be effective from the first pay period after 23 June 2016 (i.e. 1 July 2016) and will be paid once the agreement is approved by the Fair Work Commission.• Transition to the new structure will occur 6 months after the agreement is approved (i.e. January 2017).

Want to know more?

If you have any questions about the *TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016*, 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 NSW bargaining team](#)
- Speak to your HR representative or Manager.