

16/214552 Negotiations for the Local Government (State) Award 2017

Summary of the agreed changes to the Local Government (State) Award 2014 to be contained in the proposed Local Government (State) Award 2017:

1. Clause 2 [Statement of Intent] – The clause has been amended to incorporate the commitment of the Award parties set out in Clause 37, Work Health and Safety, to cooperating positively to promote the safety and welfare of workers and other people in the workplace, eliminate unsafe work practices, and ensure that employers and employees understand and comply with their WHS obligations.
2. Clause 4 [Definitions] – The clause has been amended to include a definition of “Rostered Day Off”.
3. Clause 9 [Performance Evaluation and Reward] – The subclause 9A(c) has been deleted, to remove the requirement to take into account, when developing key enterprise performance indicators, the Office of Local Government publication ‘Comparative Information on New South Wales Government Councils’.
4. Clause 10 [Payment for Relief Duties/Work] – A new subclause has been inserted so that where an employee relieves in a higher position for an employee who is on a rostered day off, the relieving employee will not receive higher grade pay unless they had been receiving higher grade pay prior to the operative date of the Award.
5. Subclause 15(iii) [Sewer Chokes] – The Subclause has been amended so that the sewer choke allowance is payable per shift rather than per day.
6. Subclause 15(vii) [Telephone] – The subclause has been amended to clarify the entitlement where an employee agrees to be contacted by a fixed phone line at a residence, and there is no reliable mobile telephone coverage.
7. Subclause 15(x) [Travelling Allowance] – the Subclause has been amended so that an employee is entitled to a vehicle allowance for using their own vehicle to transport other employees or materials where there is agreement with the employer for the use of the vehicle.
8. Subclause 15(xi) [Camping Allowance] – This substantive provision remains unchanged however the allowance in Table 2 of Part B, which is payable when employees are required to camp out, will be increased from \$54.16 to \$67.55 over the three year term of the Award.
9. Subclause 15(xii) [Community Language, Signing and First Aid Work] – The subclause has been amended to provide a separate subclause for First Aid Work, to include some general provisions relating to first aid, and to amend the criteria for payment of the allowance.
10. Clause 16 [Motor Vehicle Arrangements] – The existing clause 16, Leaseback Motor Vehicles, has been amended as follows:
 - o The clause is titled Motor Vehicle arrangements. The Vehicle Allowances provisions from subclause 15(x) have been moved into this clause.

Local Government (State) Award 2017
Summary of changes

- Vehicle Allowances: Increase in minimum quarterly payment based on 11,000km at .78 per kilometre, indexed to movements in the Federal Local Government Industry Modern Award.
 - Leaseback Motor Vehicles:
 - (i) Removal of the factors to consider when determining whether a leaseback vehicle is a condition of employment;
 - (ii) Requirement for employers to provide reasons when increasing leaseback fees by more than CPI.
 - Insertion of a provision referring to novated leases.
11. Clause 18 [Hours of Work] – The Clause has been amended to provide that a rostered day off may be altered by agreement at any time, and may be altered by the employer on two (2) weeks' notice, where there are genuine operational or safety reasons and the employee is not unreasonably disadvantaged. Where an employee works on a RDO, clause 19A, Overtime, applies.
12. Clause 18 [Hours of Work] – The clause has been amended to provide that an employee will not be required to work more than five (5) hours without an unpaid meal break of at least 30 minutes, instead of the current requirement for a meal break within the first five (5) hours of continuous work. The clause has also been amended to create more flexibility in the timing of meal breaks.
13. Clause 19 [Overtime] – The clause has been amended to reduce from four (4) weeks to two (2) weeks the period of an annual closedown during which an employee can be directed to take time in lieu of overtime.
14. Subclause 19B [Hours of Work Flexibility Agreements] - The subclause has been renamed 'Excess Hours Agreements'. In addition, the clause has been amended to provide the right for an employee to request to enter into an excess hours agreement, and to set out the arrangements if the request is refused.
15. Subclause 19C [On Call] – The subclause has been amended to make a minor change to the response requirement for employees on call.
16. Subclause 20 [Holidays] – The Clause has been amended to provide that where a rostered day off falls on a public holiday, the next working day will be substituted, or another day by agreement, except for employees on a seven (7) day rotating roster system.
17. Subclause 20 [Holidays] – The subclause has been amended to permit an employer to direct that an employee take time in lieu for working on a public holiday (the Award provides that an employee who works on a public holiday may by agreement be paid time and a half for the hours worked and be granted equivalent time off in lieu).
18. Subclause 21A [Sick Leave] – The subclause has been amended to clarify the circumstances when proof of illness or injury is required. The type of proof required must be reasonable and may include a medical certificate or a statutory declaration.

Local Government (State) Award 2017
Summary of changes

19. Subclause 21C [Emergency Services Leave] – The subclause has been amended to provide that where an employee is not eligible for emergency services leave because they have less than 12 months service or would retain less than 3 weeks of sick leave, the employer may grant special leave.
20. Subclause 21D [Annual Leave] – The subclause has been amended to reduce from four (4) weeks to two (2) weeks the period of an annual closedown during which an employee can be directed to take annual leave.
21. Subclause 21E [Long Service Leave] – The Subclause has been amended to provide for the right for employees with at least five (5) years of service with the employer, to apply for long service leave accrued between each completed five (5) years of service on a pro rata basis calculated monthly.
22. Subclause 21E [Long Service Leave] – The subclause has been amended to provide for the cashing out, by consent, of excess long service leave. The Award provides for a higher rate of accrual of long service leave than the *Long Service Leave Act 1955 (NSW)* (“the LSL Act”).
23. Subclause 21E [Long Service Leave] – The subclause has been amended to limit the transfer of long service leave between councils to 5 years’ accrual, unless otherwise agreed, with the accrual to be calculated based on the most recently accrued leave.
24. Subclause 21G [Requests for Flexible Work Arrangements] – The subclause has been deleted.
25. Subclause 21J [Bereavement Leave] – The subclause has been amended to include the spouse or de-facto partner of an employee’s sibling in the category of persons in respect of which 2 days bereavement leave can be granted.
26. Subclause 21K [Other Paid Leave] – The subclause has been amended to change the circumstances in which paid union training leave is available. The current clause refers to accredited training, and does not cap the available leave. The proposed amended clause provides for five (5) days paid leave for eligible employees (union delegates) for training courses directly related to delegate responsibility such as understanding the Award, and code of conduct. Additional leave for training can be granted in excess of the cap because the clause provides a mechanism for reasonable additional training to be granted.
27. Subclause 21L [Special Leave] – the subclause has been renamed, and a new subclause included, which gives an employer discretion to grant special leave with or without pay for any specific matter, including but not limited to leave for victims of domestic or family violence, engaging in voluntary emergency management activities, compassionate leave, and defence force leave.
28. Clause 22 [Flexibility for Work and Family Responsibilities] – The clause has been amended to incorporate the substance of the provisions referred to in the deleted Clause 21G, Requests for Flexible Work Arrangements.

Local Government (State) Award 2017
Summary of changes

29. Clause 24 [Health and Wellbeing] – The clause has been amended to reduce the sick leave employees are required to retain when accessing health and wellbeing leave from three (3) weeks to two (2) weeks.
30. Clause 30 [Junior and Trainee Employment] – The clause has been amended to update the language concerning entry level training for trainees and apprentices, to update the provisions relating to school based trainees and apprentices by referring to the relevant Australian Qualifications Framework (AQF) levels.
31. Clause 31 [Training and Development] – The clause has been amended so that Band 3 and 4 employees who are required to either hold professional qualifications or complete further professional qualifications shall have access to continuing professional development (CPD) that is consistent with the training plan for their position, in the amount of 10 hours per year or in accordance with legislation, whichever is greater.
32. Clause 32 [Consultative Committees] – The clause has been amended to include “Health and wellbeing programs” in the list of matters within the scope of consultative committees.
33. Clause 36 [Disciplinary Procedures] – The clause has been amended to vary the circumstances in which employees may be suspended during workplace investigations. A new subclause 36C, Workplace Investigations has been inserted. This subclause refers to guidelines concerning workplace investigations which the parties developed as part of the negotiations.
34. Clause 39 [Workplace Change] – The clause has been amended to specify information that is required to be provided by employers when giving notice to the unions of proposed changes in organisation structure that are likely to have significant effects on employees and/or result in a reduction in the size of the employer’s workforce. This information includes the nature of the proposed change, the reason(s) for the proposed change, and the position(s) likely to be affected. Provisions relating to termination of employment, redeployment, and redundancy have been moved to a separate clause 40.
35. Clause 40 [Termination of Employment and Redeployment due to Redundancy] – This new clause contains provisions relating to termination, redeployment, and redundancy that were previously in clause 39. The job search allowance of \$2500.00, to meet expenses associated with seeking other employment, will increase in line with percentage pay increases.