

16 Overtime

Clause 10 - Overtime

A. General

- (i) Except where otherwise provided, all time worked by direction, before the agreed commencement of ordinary hours, or later then the agreed completion of ordinary hours, shall be paid for at the rate of time and a half for the first two hours and double time thereafter.
- (ii) Overtime worked on Saturday shall be paid for at the rate of time and a half for the first two hours and double time thereafter, provided any overtime worked after 12 noon Saturday shall be at double time.
- (iii) Overtime worked on Sunday shall be paid for at the rate of double time.
- (iv) Overtime shall be claimed within 30 days of it being worked.
- (v) An employee required to work overtime shall be entitled to have at least 10 consecutive hours off duty between the completion of the overtime on one day and the commencement of ordinary hours on the next working day without loss of pay. If an employee is instructed to resume work without having had 10 consecutive hours off duty, the employee shall be paid at double ordinary rates until released from duty and then shall be entitled to a 10-hour break without loss of pay. This sub-clause shall not apply to employees on a call back in accordance with this award provided such employees are not required to work for four hours or more.
- (vi) Where there is prior agreement between the council and the employee, an employee directed to work in excess of ordinary hours may elect either to be paid the appropriate overtime rate or be granted equivalent time in lieu of the hours worked. This paragraph shall not apply to employees who are on call or called back to work.
- (vii) Employees classified in the Executive Band of this award may be required in addition to their ordinary hours to attend meetings of council and standing and/or special committee meetings up to 11.00pm on any day Monday to Friday provided that such attendance shall not exceed one night per week.

For the purpose of this subclause, an employee who is required to attend meetings of the council and standing and/or special committee meetings after 11:00pm shall be entitled to be paid overtime for actual hours worked after 11:00pm. If required to attend meetings on more than one night per week the employee shall be paid overtime for the actual hours worked in attending meetings in excess of one night per week.

B On Call

- (i) For the purposes of this award, an employee shall be deemed to be on call if required by the council to be available for duty outside of ordinary hours at all times in order to attend emergency and/or breakdown work.
- (ii) Employees who are required to be on call are not required to remain at their usual place of residence or other place appointed by council. However, an on call employee must be able to be contacted and be able to respond within a reasonable time.
- (iii) Employees required to be on call for any period outside their ordinary hours shall be paid an on-call allowance of \$56.30 per week whilst the employee is required to be on call.
- (iv) Employees on call who are required to work outside their ordinary hours shall be entitled to be paid overtime at the appropriate rate for hours worked.
- (v) For each public holiday an employee is required to be on call, the employee shall be granted one-half day to be added to the employee's annual leave.

C Call Back

- (i) For the purposes of this award, an employee shall be deemed to be on a call back if the employee is recalled to work overtime without receiving prior notice before ceasing work.
- (ii) Any employee who is called back to work as defined in sub-clause (i), shall be paid for a minimum of four hours work at the appropriate overtime rate for each time so recalled; provided that any subsequent call backs occurring within a four hour period of a call back shall not attract any additional payment.

Except in the case of unforeseen circumstances arising, the employee shall not be required to work the full four hours if the job that the employee was recalled to perform is completed within a shorter period. This sub-clause shall not apply in cases where it is customary for an employee to return to the place of work to perform a specific job(s) outside the employees ordinary hours, or where overtime is continuous subject to a reasonable meal break with the completion or commencement of ordinary hours.

D Meal Breaks

- (i) An employee who, having been so instructed, works overtime for two hours or more prior to the agreed commencing time shall be paid a meal allowance of \$5.70.
- (ii) An employee who, having been so instructed, works overtime for two hours or more immediately after the agreed finishing time shall be paid a meal-allowance \$5.70.

Thereafter, a further meal allowance of \$5.70 shall be paid after each subsequent four hours worked.

- (iii) An employee who works on a day other than an ordinary working day shall be paid a meal allowance of \$5.70 after each four hours overtime worked.

Hours worked outside the agreed starting and finishing time shall be paid for at the rate of time and one half for the first two hours and double time thereafter. Overtime worked after 12noon on Saturday and on Sunday shall be paid for at the rate of double time.

All employees are entitled to a 10-hour break between completion of overtime on one day and the commencement of ordinary time on the next working day. The 10-hour break will not apply when an employee has been called back provided the employee is not required to work for four hours or more.

The requirement for employees to attend council and standing and/or special committee meetings on one (1) night per week up to 11.00pm in addition to ordinary hours now only applies to employees in the Executive Band. Time after 11.00pm on that night or any time on subsequent nights shall be paid for at overtime rates or, by agreement, granted equivalent time off in lieu. Councils may negotiate a remuneration package with employees in the Executive band which can include attendance at all meetings provided the minimum conditions of the new award are met.

Employees classified in bands other than the Executive Band may be directed to attend meetings of the council, etc., and shall be paid overtime or, by agreement, granted equivalent time off in lieu provided that provision has not been made in the employee's remuneration package for attending such meetings. Where existing employees required to attend meetings have a recognisable component negotiated in their remuneration package over the previous awards and provided that the minimum conditions of the new award have been met, then overtime is not payable.

Council should review who is required to attend council meetings.

On call, call back and meal allowance provisions have been rationalised to apply to employees in all levels and bands.

17 Holidays

Clause 11 - Holidays

- (i) The days on which holidays shall be observed are as follows: New Years' Day; Australia Day; Good Friday; Easter Saturday; Easter Monday; Anzac Day; Queens Birthday; Labour Day; Christmas Day; Boxing Day and all locally proclaimed holidays within the council's area and all special days proclaimed as holidays to be observed throughout the whole of the State of NSW.
- (ii) Union Picnic Day shall for the purposes of this award, be regarded as a holiday. The Picnic Day shall be as observed by the union(s) in any area and shall be on such day as is mutually agreed between council and the union(s).
- Production of the butt of the picnic ticket issued to the employee shall be required for payment for the day to be made.
- (iii) Bank Holiday shall for the purposes of this award be regarded as a holiday for employees engaged in the following functions or for employees who, prior to the making of this award, had been entitled to receive Bank Holiday:
- Administration
 - Building Surveying
 - Community Services
 - Engineering (Professional)
 - Executive Band
 - Finance
 - Health Surveying
 - Library
 - Public Relations
 - Technical Services
 - Town Planning
- (iv) (a) Where any of the holidays prescribed by this award fall on a day ordinarily worked by the employee, the employee shall not have a reduction in ordinary pay.
- (b) Except as otherwise provided, where an employee is required to work on a holiday as prescribed by this award, the employee shall be paid at double time and a half inclusive of payment for the day with a minimum payment of four hours worked.
- (c) All employees classified in the Operational Band of this award employed in garbage, sanitary and sullage (other than supervisors), who are required to work on Good Friday or Christmas Day shall be paid at triple time inclusive of payment for the day with a minimum payment of four hours worked.
- (d) Where an employee is required to work ordinary hours on Bank Holiday, the time worked shall be satisfied by the granting of a day off in lieu.
- (e) Where an employee is required to work ordinary hours on a holiday other than Bank Holiday as prescribed by this award, the council and the employee may agree that the employee be paid time and a half for the hours worked on a holiday and in addition, grant a day off in lieu to be paid at ordinary time for each holiday worked. Such leave shall be taken at a mutually convenient time.

The parties have agreed that hours worked on public holidays, other than Bank Holiday, shall be paid for at double time and one half including payment for the day, with a minimum payment of four hours worked. Where an employee works ordinary hours on a public holiday, other than Bank Holiday, the council and the employee may agree that the employee be paid time and one half plus a day off in lieu, to be taken at a mutually convenient time.

Where an employee is required to work ordinary hours on Bank Holiday the employee shall be entitled to a day off in lieu. **Council should note that Bank Holiday only applies to employees in particular functions or for employees who had previously received it.**

Garbage, sanitary and sullage employees (other than supervisors) who work on Good Friday or Christmas Day shall be paid triple time with a minimum payment of four hours worked.

18 Training and Development

Clause 12 - Training and Development

- (i) (a) The parties to this award recognise that in order to increase the efficiency and productivity of the industry a greater commitment to training and skills development enhancement and maintenance is required. Accordingly, the parties commit themselves to:
1. developing a more highly skilled and flexible workforce;
 2. providing employees with career opportunities through appropriate training to acquire additional skills; and
 3. removing barriers to the utilisation of skills acquired in accordance with the training plan.
- (b) Council shall develop a training plan consistent with:
1. the current and future skill needs of the council;
 2. the size, structure, and nature of the operations of the council; and
 3. the need to develop vocational skills relevant to the council and the Local Government industry through courses conducted by both public and private providers.
- (c) If an employee is required to undertake a course which will develop skills relevant to the current and future needs of the council and the industry, and is consistent with the council's training plan:
1. the council shall grant the employee paid leave to attend course requirements where the training is undertaken during ordinary working hours;
 2. where the course requirements contain more than a 15% off-the-job component calculated over any 12-month period the extent to which council will grant paid leave to attend such course requirements must be specified in the training plan;
 3. council shall pay course fees at the commencement of each stage but shall not pay if the employee is repeating; and
 4. council shall either provide transport or pay reasonable travelling expenses to enable employees to attend course requirements.
- (d) Council may grant an employee undertaking a course consistent with council's training plan, although not at council's requirement, leave with pay or leave without pay to attend course requirements provided that the employee gives reasonable notice of such requirements. Where the employee is not granted such leave council shall give preference in granting annual leave or other accrued leave to attend course requirements provided that the employee gives reasonable notice of such requirements. Council may pay course fees at its discretion.

(ii) Entry Level Training

Entry level training includes:

(a) **Induction level training** which adjusts and enhances skills learned outside of the Local Government industry to the service criteria of a tier of Government;

(b) **Career foundation training** that allows new employees to learn skills within a particular vocation appropriate to Local Government, such as Australian Traineeship Scheme (ATS) students; apprenticeship students; or technical and professional students.

(iii) Career Path Development

(a) This award provides councils and employees with the opportunity to develop career structures within and across the skill bands of the award. The emphasis of the career path is to provide and develop new skills through a structured training program to allow mobility through and across skill bands. The establishment of skill-related career paths will provide an incentive for workers to continue to participate in skills formation.

(b) To provide for genuine and equitable career path opportunities, employees covered by this award shall be given reasonable opportunity to progress by participating in the training plan.

(iv) Multi-Skilling

(a) This award aims to develop a workforce with a wide range of skills and abilities by providing employees with an opportunity to build long term career paths. It also aims to eliminate impediments to multi-skilling and broadening the range of tasks which a worker may be required to perform. In this way the award ensures that work patterns and arrangements enhance flexibility and the efficiency of the industry.

(v) Training Modules

(a) A training module is a stand-alone course which supplies part of the required training for each step within the skill band.

(b) Training modules are designed to allow each council to choose the modules relevant to its skills requirements, and employees to choose the modules that further their careers.

(vi) Training Plan

(a) This award allows for each council to construct a training plan that sets out the modular courses that are relevant to its skills maintenance, development and enhancement in accordance with the skill bands and levels of this award.

(b) A training plan shall be designed in consultation with the consultative committee from an analysis of training needs identified within each council.

(c) Selection of participants to receive council required training in accordance with council's training plan is to be based on merit.

(vii) Skills Applied

(a) In order that both employees and employers have confidence in the ability of employees to apply skills acquired through the training provisions of this award, skill standards are expressed in terms of competencies and application of skills is expressed in terms of performance criteria.

(b) Competencies

A competency is the ability to perform the activities within an occupation or function to the standard expected in employment. Key features of competencies are:

1. related to realistic workplace practices;
2. expressed as an outcome;
3. capable of demonstration and assessment;
4. complementary to their performance criteria;
5. comprehensible to trainees, supervisors and employers; and
6. for complex and non-routine work, expressed in terms that allow for critical thinking, problem solving and the possibility of no one correct solution.

(c) Performance Criteria

Performance criteria are statements by which an assessor evaluates the evidence that an individual can perform the activity specified in a statement of competence to a level **acceptable** in employment including measures of quality as well as quantity where appropriate.

Performance criteria should consist of outcomes and evaluative statements.

(viii) Skills Acquired

Acquired skills are to be assessed both on and off the job to supply objective evidence to council that employees have acquired the necessary skills through training.

As the new award is based on the application of acquired skills the continuing training of employees is essential if the aims of both the council and its employees are to be achieved.

- *The parties are committed to skills development through on-the-job and off-the-job training.*
- *There will not be discrimination in access to training and retraining.*
- *The award will provide that each council must develop a training plan, through its consultative committee.*
- *Each council must review work to take advantage of the higher skill levels to increase efficiency and provide employees with access to more varied, fulfilling and better paid work.*

- *The employee's rate of pay should recognise training at the requirement of council to improve efficiency.*
- *Leave with pay to attend course requirements will be granted to employees required to undertake training during ordinary hours.*
- *Where the course requirements contain more than a 15% off-the-job component the extent to which leave will be paid to attend the course shall be specified in the training plan.*
- *Council shall pay course fees for employees required to undertake training.*
- *Council shall, for employees required to undertake training, either provide transport or pay reasonable travelling expenses to enable employees to attend course requirements.*
- *Anyone required to conduct appraisals and selections and to participate in consultative committees, shall receive appropriate training.*

It would be expected that employees should complete the training required to move into a level before the employee is placed in that higher level.

Training is dealt with in greater detail in the Program for Skills Development part of the Implementation Kit.

18.1 Competency Standards

In the new structure councils will need to develop, through their consultative committee, agreed council specific competency standards as criteria for classifying positions by the level and type of skills and knowledge required for each position.

Competency standards will also be needed to determine whether an employee can apply the skills received through training and also to assess the ability to proceed to a different salary point based on the application of acquired skills.

Competency is defined in the award as the ability to perform the activities within an occupation or function to the standard expected in employment. This will involve judging the competency against prescribed standards of performance. This involves both the recognition of prior learning and formal assessment related to accredited training programs. This is dealt with in greater detail in the Program for Skills Development part of the Implementation Kit.

National competency standards are being developed by the National Local Government Industry Training Council for approval by the National Training Board.