



Government of South Australia
Department of the Premier
and Cabinet

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**Public Sector
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Ms Jan McMahon
General Secretary
Public Service Association
122 Pirie Street
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Hand delivered
Without Prejudice

Dear Ms McMahon

Wages Parity Enterprise Bargaining – Salaried Group – Offer

I refer to previous correspondence concerning the development of a new Wages Parity Enterprise Agreement (Salaried) [WPEA Salaried] to replace the current agreement. While the current agreement will nominally expire on 21 December 2009, it will of course continue in operation in accordance with the *Fair Work Act 1994*.

I have had regard to the various claims made by your association and the extensive and intensive discussions that have been occurring with a view to developing a new agreement at the earliest opportunity. The time, candour and intensity of effort that has gone into those without prejudice discussions with you and your representatives is appreciated.

Please find *attached* the Terms of Offer, which set out the general intent of each of the elements of the offer that will in due course be included within a new agreement. The offer is made as a total package and is conditional on employee acceptance and subsequent approval by the Industrial Relations Commission of SA.

Following is a *summary* of the most significant elements of the offer.

- General salary increases will be backdated for employees to apply in October 2009, with further increases in October 2010 and 2011
- Continuation of the current provisions in relation to security of employment
- Existing conditions continue
- Improvements to Paid Maternity and Adoption Leave
- Improvements to other conditions, eg. meal break penalties; on-call rates; penalty rates; night shift penalty; TOLL and flexitime arrangements; professional development and training and development
- Agreement will nominally expire in June 2012, with early commencement of negotiations
- Schedules to address specific matters, including classifications and descriptors.

Should you wish to discuss the matters contained in this correspondence, please contact Ms J Summerton, Principal Industrial Relations Adviser.

Yours sincerely

Chief Executive, Department of the Premier and Cabinet

per:

A handwritten signature in black ink, appearing to read "Elbert Brooks", written over a horizontal line.

Elbert Brooks
**EXECUTIVE DIRECTOR
PUBLIC SECTOR WORKFORCE RELATIONS**

Terms of Offer
for a new Wages Parity Enterprise Agreement (Salaried)

Period of Agreement

It is proposed that a new Wages Parity Enterprise Agreement (Salaried) ["WPEA Salaried"] will come into effect on the date of approval by the Industrial Relations Commission of South Australia (IRCSA) and operate until a nominal expiry date of 30 June 2012. (Note: a reference in these Terms to approval of the WPEA Salaried will be taken to mean approval by the Commission.)

Security of Employment

It is proposed to continue the clause that refers to the Memorandum of Understanding and consequently to extend the life of the MOU for the life of the WPEA Salaried; and to vary Attachment A to the current agreement in relation to Redeployment Practice and clarify pegging.

Fair and Reasonable Salary/Wage Increases

Salaries and Wage Rates

It is proposed that the salary rates and any wage rates in the salary and wages schedules of the WPEA Salaried be adjusted by general increases of 2.5% pa. from the first full pay period to commence on or after 1 October 2009, 1 October 2010 and 1 October 2011.

One-off Payment

It is proposed to provide a one-off payment of \$600- (pro rata for part-time) for employees (other than casuals). This one-off payment will not count for any other purpose whatsoever. Subject to employee acceptance of the WPEA Salaried, it will be payable as soon as reasonably practicable after application is made for approval.

Existing Conditions

It is proposed to include in the WPEA Salaried a clause to the effect that in making and applying this Enterprise Agreement the employer is committed to existing conditions of employment applying to a party not being reduced. The agreement will operate in accordance with its terms but not to the effect that (considered as a whole) would result in a diminution of conditions existing as at the date of approval by the Commission.

Improvements to Conditions and Allowances

Meal Breaks

It is proposed to continue to provide that an employee is entitled to a meal break after 5 hours and to provide an entitlement whereby an employee will become entitled to payment of a 50% penalty in particular circumstances where an employee is required by management to continue working without a meal or crib break, which payment will be required to be claimed within 8 weeks of the end of the pay-cycle in which the meal or crib break was not provided.

TOLL (Time Off In Lieu)

It is proposed to continue to provide that employee who accrues time off in lieu (TOLL) in accordance with the applicable Award or this Agreement cannot lose that entitlement; to enable an employees to accrue up to 10 days TOLL (rather than the current 5 days); and where an employee has been permitted to accrue TOLL in excess of 10 days, to enable the employee to apply to the employer to convert such TOLL into a payment at their ordinary rate of pay.

Flexi-time

It is proposed that where for operational reasons an employee has accrued flexi-time with the approval of management to meet workload demands, the employee cannot lose the benefit of that time. A clause will be included to the same effect as in relation to TOLL (above).

Paid Maternity and Adoption Leave

It is proposed:

- To increase paid maternity/adoption leave to 16 weeks effective from not earlier than 22 December 2009, subject to employee acceptance of the WPEA Salaried.
- That for employees who, at the time of taking such leave, have been employed in the SA public sector for not less than 5 years (including any periods of approved unpaid leave) the period of paid maternity/adoption leave will, on and from a date 12 months after approval of the WPEA Salaried, be extended from sixteen to 18 weeks.
- To provide further flexibility such that where both prospective parents are employees covered by the new enterprise agreement, the period of paid maternity/adoption leave may be shared by both employees, provided that the total amount of paid maternity/adoption

leave does not exceed the relevant period and that the periods are taken in reasonable blocks/s of time (eg. not less than four weeks) that have regard to the operational needs of the agency or agencies.

- That the period of paid maternity or adoption leave that applies under the WPEA Salaried will be in addition to, but cannot be taken at the same time as, leave that may be taken as a result of the Commonwealth's Paid Parental Leave scheme.

On call Rates

It is proposed to increase on call rates as follows:

Increase from (current): \$13.90 (Mon to Fri) \$27.60 (Weekends/public hols)
 To: \$25.70 (Mon to Fri) \$44.95 (Weekends/public hols) from
 the date of approval and adjust by 2.5% on each of 1 October 2010 and 1 October 2011.

Penalty Rates

It is proposed to increase the overtime cap (currently based on ASO5) such that for the purposes of payment for overtime, the maximum salary for an employee or position that has a classification in Column 1 is the top increment of the classification level in Column 2.

Column 1	Column 2
ASO; OPS; TGO; CFS; and any other classification not listed in this Column	ASO 6
[new] ALH	ALH 3
DSO	DSO 1
GFSc	GFSc 3
LeC; LSC; LE	LeC 3; LSC 3; LE 3
MeSc	MeSc 3
PO	PO 3

Night Shift Penalty

It is proposed to increase the night shift penalty from 15% to 20.5%.

Professional Development

It is proposed to:

- Provide for the reimbursement by the agency of the reasonable cost of appropriate professional development expenses incurred by professional classification employees during their employment with the agency subject to conditions. The conditions will include that the professional development is a compulsory requirement of a recognised professional registration or accreditation body relevant to the employee's professional capacity in order for the employee to maintain or acquire his or her registration or accreditation in the professional occupation or capacity in which he or she is employed; the employer explicitly requiring such registration or accreditation to be maintained or acquired for the performance by the professional employee of the duties for which he or she is employed. There will be some circumstances in which expenses will not be payable, eg. if not successfully completed or if the employee leaves employment before completion. This reimbursement will not displace current (discretionary) processes in relation to paid or unpaid leave; and
- Provide such employee with up to 5 days paid professional development leave over 2 years to attend approved professional development for which the employee is entitled to reimbursement under this arrangement. Leave beyond 5 days will be subject to the current (discretionary) processes in relation to paid or unpaid leave.

Training and Development

It is proposed to include a provision to the effect that mobility and secondments are recognised as means by which employees can take up potential development opportunities by undertaking temporary positions at their substantive or higher remuneration level (whether within or outside their agency); and having access to vacancies on a temporary or ongoing basis as a learning or development opportunity.

Schedule Matters

Saved Clauses

It is proposed that the various Saved Clauses will generally continue in effect subject to removing obsolete references and editorial or non-substantive alterations.

Workplace Flexibility Agreements (WFAs)
It is proposed that current WFAs that continue to be relevant will continue during the life of the WPEA Salaried and that further WFAs can be added where any such WFA is made in accordance with the current process.

Allied Health Professionals Structure and Work Level Descriptions

It is proposed to include a salary and classification structure that will apply to occupations that are agreed as coming within the category of "Allied Health Professional" ["AHP"], which will apply from the first full pay period on or after approval and will provide for transitional arrangements.

Medical Scientists and Grant Funded Scientists

It is proposed to include a salary and classification structures that will apply to Medical Scientists and to Grant Funded Scientists, which will apply from the first full pay period on or after approval and will provide for transitional arrangements. It is also proposed to include a flexibility provision that enables the employer and Grant Funded Scientist to have regard to the salary basis of a relevant grant and, if applicable, may agree remuneration arrangements (but not less than the WPEA Salaried).

Allowances

It is proposed to:

- Vary the (OPS) Correctional Officer Allowance; and to include a review clause both to facilitate the review of options identified by the agency, PSA or officers for improving efficiency and effectiveness and enable the implementation (or trial) of agreed matters either administratively or by one or more WFAs within the first 12 months of the WPEA Salaried.
- Include an allowance for OPS classified Secure Training Centre Youth Workers employed by DFC, Families SA who work in the (custodial) Secure Training Centres located at Magill (and its replacement) and Cavan but only while the employee works at one or other Centre and include a similar review clause.

Other

Objects & Commitments

To vary the objects and commitments by including a reference to advancing the objects of, and the public sector principles and practices referred to in, the *Public Sector Act 2009*, and including a reference to supporting the South Australian Health Care Plan.

Reviews

It is proposed to include a review clause in relation to Engineers (re: remuneration arrangements); CFS/SES officers (re: working arrangements); Fisheries officers (re: working arrangements); Translators/Interpreters (re: technology: complex languages), to be conducted during the life of the WPEA Salaried in consultation with the PSA and APESMA (as applicable).

Date of Operation

Except where otherwise indicated, it is proposed that the operative date of new provisions contained in the proposed WPEA Salaried will be the date of approval by the IRCSA.

No Extra Claims

It is proposed that the WPEA Salaried will continue to subject to a no extra claims clause.

Renegotiation

It is proposed to provide that negotiations for a new agreement can commence not earlier than 1 January 2012 with a view to making reasonable endeavours to reach at least an in-principle agreement by or about the nominal expiry date of the WPEA Salaried.

Note

These "Terms of Offer" are provided on a without prejudice basis as a package in full settlement of all claims made. Public Sector Workforce Relations (PSWR), on behalf of the employer, reserves the right to vary, withdraw or correct any unintended aspect of this offer. The offer is conditional on an agreement being reached and approved. Except where indicated, the proposals in this "Terms of Offer" outline the nature of each aspect of the offer on the basis that, where applicable, issues of detail or clarification will be provided in the draft agreement or be the subject of further clarification if necessary.