

4 MAY 2009 – 30 JUNE 2011

INFORMATION FOR EMPLOYEES

The State of Victoria (Victoria) and the Community and Public Sector Union (CPSU) have agreed to extend and vary the Victorian Public Service Agreement 2006.

1. Reasons for an Extended and Varied Agreement

The Victorian Public Service Agreement 2006 was originally negotiated in early 2006 as a pre-Work Choices agreement and was not subject to the limitations on content required by the previous Federal Government's legislation.

Provision exists in the Federal Workplace Relations Act 1996 for a pre-Work Choices agreement to be extended and varied, thus continuing the exemption from the Work Choices legislation limitations.

Both Victoria and CPSU agreed to exercise this option.

The new proposed agreement, therefore, maintains the same title of Victorian Public Service Agreement 2006 and still commences from the original date of 14 March 2006, however, the nominal expiry date will now be extended to 30 June 2011.

2. The Agreement

Victoria and CPSU have reached agreement on a service-wide collective agreement. The Agreement has been negotiated with CPSU as the union covering Public Service staff. The new agreement was negotiated under section 170LJ of the pre-reform Federal Workplace Relations Act 1996.

A copy of the Agreement can be found on either Workforce Victoria's website at http://www.business.vic.gov.au/BUSVIC/STANDARD//PC_61258.html or CPSU's website at <http://www.cpsuvic.org/>.

The proposed Agreement will be comprehensive and effectively replace the present Victorian Public Service Agreement 2006.

The proposed Agreement will cover non-executive employees in all Public Service bodies (Public Service Departments and agencies).

Before the proposed Agreement can be given effect, the new Agreement must be approved by a valid majority of employees.

The only practicable way to demonstrate to the Australian Industrial Relations Commission that this approval has been given is to conduct a ballot.

The Victorian Electoral Commission will conduct the ballot.

You will shortly receive ballot papers directly from the Victorian Electoral Commission at your home address. You should complete these and return them to the Victorian Electoral Commission in accordance with the instructions that will accompany them.

If there is majority support for the proposed Agreement, an application will be lodged with the Australian Industrial Relations Commission for formal certification.

The structure of the Agreement is consistent with the current agreement and has two sections:

Section 1:

- Sets out the core terms and conditions of employment generally applicable to all Employees; and
- Includes schedules and an appendix that have general application in the Public Service.

Section 2:

- Contains agency appendices which set out Department/agency-specific terms and conditions of employment.

3. Remuneration Benefits

The remuneration benefits are outlined below. In summary, the Agreement:

- A.** Provides a series of salary increases;
- B.** Continues during the life of the Agreement the progression payments provided for in the current Agreement; and
- C.** Provides for a one-off lump sum productivity payment.

Principal Scientists, Senior Medical Advisers and Senior Regulatory Analysts are identified in the Definitions clause as being excluded from the above remuneration benefits because pay rates for these classifications are adjusted in a different manner. Other benefits provided by the Agreement will, however, apply to these categories. It should be noted that the new Agreement allows the employment of these categories more widely than currently exists.

Employees in the Departments of Sustainability and Environment and Primary Industries eligible to be members of the Australian Workers' Union whose terms and conditions are determined by reference to the Field Staff Agreements 2005 or 2007, or will be determined by reference to the proposed Field Staff Agreement 2009, are specifically excluded from the operation of the proposed new Agreement.

Employees in the Department of Education and Early Childhood Development whose terms and conditions are determined by reference to the Nurses (Department of Education and Early Childhood Development) Agreement 2008 are also specifically excluded from the operation of the proposed new Agreement.

A. SALARY INCREASES

Employees covered by the proposed Agreement in all Public Service Departments and agencies will receive:

- 2% from 1 July 2009;
- 1.25% from 1 February 2010; and
- 3.25% from 1 October 2010.

B. PRODUCTIVITY PAYMENT

All Employees except casual Employees will receive a non-recurrent lump sum productivity payment of 0.8% of their annual salary as at 4 May 2009.

C. CLASSIFICATION STRUCTURES AND PROGRESSION PAYMENTS

Except where specified below, the classification structures and progression arrangements in the present Agreement remain unchanged.

The exceptions are:

- A. The first four salary points of VPS-1 will be deleted, with affected Employees translating to the present fifth salary point of VPS-1;
- B. The ability for overgrade or “red circle” Employees to access a lump sum progression payment for meeting the progression criteria will cease after the 2008/09 progression round;
- C. New Forensic Officer work level descriptors have been inserted; and
- D. The first five salary points of the Ministerial Chauffeur structure will be deleted, with the Pool rate being the new minimum.

4. Reviews

Victoria and the CPSU have agreed to the following reviews during the life of the Agreement:

A. CLASSIFICATION AND PROGRESSION

The parties agree that within six months of the commencement of the Agreement, a review will commence of the VPS structure, VPS aligned adaptive structures and non-VPS aligned adaptive structures. In addition, the review will include a review of progression principles, including classification and value range descriptors and performance standards.

B. SICK LEAVE BANK SCHEME

The parties will consider the feasibility of introducing a sick leave bank scheme during the first year of the Agreement.

C. JOB SWAP SCHEME

The parties will look at the development of a job swap scheme.

D. PARENTAL LEAVE

The parties agree to review parental leave entitlements following determination of the Federal Government's proposed parental leave scheme.

E. IMPLEMENTATION OF CHANGE

The parties agree to develop guidelines to establish a process for dealing with minor change matters and the applicability of the indicative reasonable timeframes.

5. Conditions of Employment

Victoria and CPSU have agreed that, except where outlined below, the conditions of employment provided for in Section I – Core Terms and Conditions of Employment - of the Victorian Public Service Agreement 2006 will continue to apply in the proposed extended and varied Agreement.

The Agreement sets out the terms and conditions of employment to apply until 30 June 2011.

All references to the 2003 Exceptional Matters Order have been taken out of the Agreement as its contents are either no longer relevant, or have been specifically otherwise included in the Agreement.

The Agreement represents a final settlement of the CPSU's claims in relation to this matter, with both parties agreeing not to make claims for the making of a further agreement before 30 June 2011.

The Agreement expresses the intentions of Victoria and the CPSU to commence negotiations for a further agreement by 1 February 2011, with the parties using their best endeavours to have a new agreement commencing on 1 July 2011.

The Agreement expressly states that, on balance, no employee will have his or her pay or conditions reduced as a result of the making of this Agreement.

6. Conditions of Employment Changes

Salary-related Allowances

All salary-related allowances will increase by the same percentage as salaries increase, with the same dates of effect. These include the first aid allowance, language allowances, overtime meal payments, and permanent relocation allowances.

Disputes and Grievances

A revised clause has been included to more comprehensively specify how disputes and grievances are to be handled. The new clause specifically sets out principles upon which the internal review processes are to be based.

Employment Categories and Entitlements

The initial three month probationary period for new Employees will be able to be extended if non-attendance at work has limited the Employer's ability to assess an Employee. Two weeks' pay in lieu of two weeks' notice will also be available if a probationary Employee is to be terminated. The three year limitation on the use of fixed term employment will no longer apply to overseas postings, whilst limited fixed term employment will be available in future where a review of a work area is occurring.

Termination of Employment

The minimum notice period for termination of employment by the Employer has increased to two weeks, whilst the Employee resignation period will in future be four weeks.

Management of Underperformance and Misconduct

A completely revised clause has been included to cover unsatisfactory work performance, misconduct including serious misconduct, representation of Employees, natural justice, and Employer directions.

Supported Wage System

The minimum supported wage figure has been increased to \$69 per week to reflect the Australian Fair Pay Commission's 2008 decision.

Salary Packaging

The items that by agreement can be packaged will not be limited to the list of items in the current agreement.

Stand-by/Recall

A new core provision has been inserted to provide for stand-by and recall to duty. Separate provisions exist for Employees required to work from home and for those required to return to their workplace. The rates increase by the same percentage as salaries increase, with the same dates of effect. However, stand-by/recall provisions in some agency appendices continue to apply.

Reimbursement of Expenses

A declaration that an incidental expense was incurred may now be permitted where the obtaining of a receipt is impractical.

Superannuation

The provisions have been extended to cover employees over the age of 70 years.

Shift Work

A new definition of shift work has been included and the shift work times for casuals have been clarified. The shift allowance calculation cap has been removed and there is now an option to cash out the fifth week of annual leave and substituted leave in lieu of public holidays.

Overtime

The cashing out by agreement of converted leave (previously annual leave) in lieu of overtime payment is now permitted. It has been clarified that the three hour minimum payment for overtime applies to both recall to duty to the work location and stand-alone overtime.

Annual Leave

Recreation leave has been renamed annual leave and, from 1 January 2011, can be taken once accrued or by agreement.

Purchased Leave

Purchased leave may now by agreement be permitted below 44/52 weeks.

Dangerous Medical Conditions

The provision allowing the Employer to require an Employee to absent themselves from work because they are a danger to other Employees has been extended to situations where they are a danger to themselves or other persons.

Public Holidays

The clause has been amended to bring it into line with recent amendments to the Public Holidays Act in relation to Boxing Day, New Year's Day and Melbourne Cup Day, and to provide for announced changes to that Act in relation to Anzac Day.

Sick Leave

The clause will clarify that sick leave is granted at the commencement of employment and on each anniversary date thereafter, that sick leave without a medical certificate or statutory declaration is still available if 38 hours' sick leave with a medical certificate or statutory declaration has already been taken, and that 38 hours' sick leave without a medical certificate or statutory declaration can be used for either sick leave or carer's leave. The Employer in future will be able to direct an Employee to obtain a medical certificate from a registered practitioner of mutual choice where either the Employee has been on sick leave for at least six weeks or the Employer has a genuine concern about an Employee's capacity to undertake their duties.

Carer's Leave

Carer's leave has been extended to cover ongoing care and attention to a person who is not a member of the employee's immediate family or household. An additional entitlement of two days' unpaid carer's leave on a per occasion basis will be available, with all carer's leave entitlements applying to each year of employment.

Compassionate Leave

An additional entitlement of up to two days' unpaid compassionate leave will be available on each occasion of serious illness to a member of an employee's immediate family or household.

Parental Leave

The clause has been expanded to bring it more into line with the Victorian Public Sector Family Provisions Standard and the Australian Fair Pay and Conditions Standard. Permanent Care Leave has been increased to 14 weeks' paid leave and a new entitlement of up to twelve months' unpaid grandparent leave will be available to primary care givers. Public holidays occurring during paid parental leave will be granted as additional days off, to be taken at the conclusion of the paid parental leave, and female employees who reduce the time fraction they work to better cope with pregnancy will have their subsequent paid maternity leave at their original time fraction.

Leave to Attend Alcohol and Drug Rehabilitation Program

New provisions have been included to cover problem gamblers.

Long Service Leave

The long service leave entitlement will in future be in hours, with added flexibility to take long service leave at any agreed time fraction. The mutual recognition of prior service provisions have been replaced with specific provisions that allow the recognition of prior service with other Australian Public Services, the Victorian public sector and Victorian local governing bodies. A new provision has been included providing for the payout of outstanding entitlements on termination of employment. In future employees who have received a Targeted Separation Package from the Victorian public sector may have their service recognised, whereas recipients of a Voluntary Departure Package will not have their service recognised.

Study Leave

It has been clarified that the provision of five days' paid leave is on a per annum basis.

Accident Make-up Pay

An aggregate figure of 1984 hours' accident make-up pay has been included.

Facilities, Equipment and Accommodation

WorkSafe's Workplace Amenities and Work Environment Compliance Code and First Aid in the Workplace Compliance Code have been specifically referred to in the Agreement, but these guidelines do not form part of the Agreement.

Redeployment

The redeployment principles have been expanded to provide that a valid offer will be made where a vacancy exists for which a redeployee is suitable or, where there is more than one redeployee candidate, a valid offer will be made to the best suitable redeployee candidate.

7. Any Queries

Departments and agencies will advise employees of the contact for any queries in relation to this proposed Agreement.

Employees may also wish to contact CPSU on 96391822 or toll free on 1800 810 153 or e-mail enquiry@cpsuvic.org.

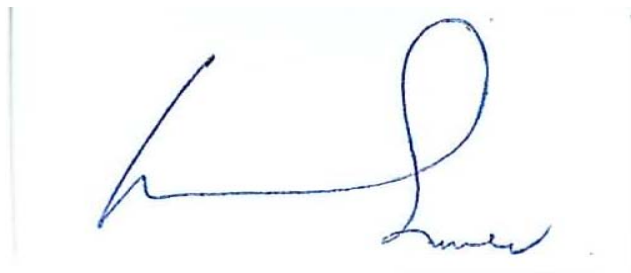
8. Conclusion

This proposed Victorian Public Service Agreement is being varied and extended during the transition period to new national industrial relations laws as the Work Choices bargaining system still applies.

New work laws will not apply in full until January 2010.

The State of Victoria and CPSU therefore commend the proposed Victorian Public Service Agreement to you.

It deserves employee support.



HELEN SILVER
Secretary
Department of Premier and Cabinet



KAREN BATT
Victorian Branch Secretary
Community and Public Sector Union

28 May 2009