

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for award or variation of award

Minister administering the State Service Act 2000

(T13038 of 2007)

ADMINISTRATIVE AND CLERICAL EMPLOYEES AWARD

TECHNICAL EMPLOYEES AWARD

OPERATIONAL EMPLOYEES AWARD

PROFESSIONAL EMPLOYEES AWARD

COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD

FULL BENCH:

PRESIDENT P L LEARY

DEPUTY PRESIDENT P C SHELLEY

COMMISSIONER T J ABEY

Award variation - award review process - application approved - consent application - operative date ffpp 1 December 2007

Minister administering the State Service Act 2000

(T13053 of 2007)

COMMISSIONER T J ABEY

Award variation - variation to salaries for apprentices - addition of adult apprentice provisions - extension of range of qualifications - insertion of relevant qualifications from national framework - consent application - operative date ffpp 1 December 2007

OPERATIONAL EMPLOYEES AWARD

ORDER BY CONSENT -

**No. 1 of 2008
(Consolidated)**

AMEND THE **OPERATIONAL EMPLOYEES AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING; AND THE AWARD IS CONSOLIDATED:

1. TITLE

This award is the "Operational Employees Award".

2. SCOPE

This award is to apply to persons employed under the *State Service Act 2000* for whom classifications appear in this award and are not included in other awards of the Tasmanian Industrial Commission.

3. INDEX

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4. DATE OF OPERATION

This award will come into operation from the first full pay period commencing on or after 1 December 2007.

5. AWARD INTEREST

- (a) The following employee organisations are deemed to have an interest in this award pursuant to Section 63(10) of the Industrial Relations Act 1984:
- (i) the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union;
 - (ii) the Communication, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Tasmania Branch;

- (iii) The Community and Public Sector Union (State Public Services Federation Tasmania) Inc;
 - (iv) the Health Services Union of Australia, Tasmania No. 1 Branch;
 - (v) the Liquor, Hospitality and Miscellaneous Union - Tasmanian Branch.
- (b) The employer deemed to be an employer organisation having an interest in this award pursuant to Section 62(4) of the *Industrial Relations Act 1984*:
the Minister administering the State Service Act 2000

6. SUPERSESSION

This award incorporates and supersedes the Operational Employees Award No. 2 of 2007 (Consolidated).

PROVIDED that no entitlement accrued or obligation incurred is to be affected by the supersession.

7. DEFINITIONS

- (a) General Definitions

'Casual Employee' means a person engaged to work for a period not exceeding five consecutive days, or on an irregular basis as required by the employer.

'Employee' means a person employed under the provisions of the State Service Act 2000.

'Employer' means the Minister administering the State Service Act.

'Full-time employee' means a person engaged to work for the full ordinary weekly hours of work of the relevant position.

'Part-time employee' means a person engaged to work on a regular basis for a lesser number of ordinary weekly hours than is applicable to an equivalent full-time employee.

- (b) Classification Standards

A position falling within the scope of this award shall be classified in accordance with the following classification standards.

Level 1 classification standard:

Trainee level - Work under direct supervision and undertake routine activities which require basic mental and physical skills.

Work routines, methods and procedures well established.

Level 2 classification standard:

Works under direct supervision either individually or in a team environment.

Performs routine manual tasks and/or operates basic equipment requiring previous training or experience.

Exercises minimal judgment in deciding how tasks are to be performed.

Level 3 classification standard:

Works either *individually* or *in a team environment* under general supervision.

Performs a variety of manual tasks and/or operates plant, equipment and vehicles requiring more than a basic level of skill.

Exercises judgment in deciding how tasks are to be performed.

Exercises good communication and interpersonal skills where routine client liaison and/or supervisory responsibilities apply.

This is the first level within some industry streams at which a person may be required to supervise staff.

Level 4 classification standard:

Works under general supervision, either individually or in a team environment performing a variety of tasks requiring knowledge of standardised practices and procedures for the work area and requiring skills obtained through training and experience;

OR

Provides routine assistance to technical and/or professional and/or other staff requiring a limited level of technical knowledge and skill;

OR

Operates vehicles/plant requiring skills obtained through training and experience;

OR

Under limited supervision, supervises staff engaged on a variety of routine manual tasks. Supervision will include the assignment and quality control of work.

Exercises judgment in deciding how tasks are to be performed.

Exercises good communication and interpersonal skills.

Level 5 classification standard:

Works under general supervision either individually or in a team environment, performing trade work or work requiring an equivalent level of skills and knowledge;

OR

Under general supervision, operates vehicles/equipment requiring a high level of operational skill;

OR

Under limited supervision, supervises a number of staff engaged on a variety of routine manual tasks; or a number of work teams.

Exercises independent judgment in deciding how tasks are to be performed and have authority to adapt work methods in dealing with non-standard problems.

Applies quality control techniques to their work and the work of other staff.

Exercises good communication and interpersonal skills.

Level 6 classification standard:

Under general supervision either individually or in a team environment, performs trade work requiring a high level of trade skill, employs initiative and judgment above that undertaken at the basic trade level;

OR

Under limited direction, operates vehicles/equipment requiring an advanced level of skill;

OR

Under limited supervision, supervises, plans and co-ordinates the work of small work teams or controls the operations of an organisational element of a program which undertakes predominantly a variety of manual tasks.

A person in a supervisory role at this level could be expected to exercise initiative and judgement in solving day to day operational problems which may include:

- estimating and ordering
- work prioritising
- staffing control and training
- maintenance of records and basic reporting.

Level 7 classification standard:

Under limited supervision, either individually or in a team environment undertakes special class trade work, employs an independent approach and a high degree of initiative. These tasks may encompass the provision of trade and equivalent level guidance and assistance to other members of a work team;

OR

Under administrative supervision, takes charge of an occupational group of staff engaged in a wide range of activities normally within a work stream and is responsible for a range of functions which may include:

- implementation of quality control
- training and/or teaching
- staff recruitment
- estimation of costs
- preparation of orders
- setting of and review of procedures;

OR

A person at this level in a supervisory role could be expected to exercise a high degree of initiative and judgment in solving day to day problems which may include:

- staff training and/or teaching
- estimating and ordering
- work prioritising
- overseeing records maintenance and preparation of minor reports;

OR

As a specialist make recommendations and/or implement alternative methods of approach to complex operational problems.

Level 8 classification standard:

Under limited supervision, either individually or in a team environment, supervises a large group of trades and/or non-trades staff in more than one field employed on a varied range of more complex operational equipment or projects;

OR

As an advanced engineering tradesperson under limited supervision, performs work beyond the special class tradesperson involving intricate systems and designs;

OR

Under administrative supervision, exercises direct and indirect control over a large group of staff, which may include subordinate supervisory staff, undertaking a varied range of work within a stream.

A person at this level in a supervisory role would be expected to exercise a high degree of initiative, judgment and flexibility in solving complex trade or operational related problems which may include:

- co-ordination of resources
- oversight of training
- estimation of costs
- arranging recruitment
- oversight safety measures
- review work methods and oversee quality control;

OR

As an inspector carry out inspections of valuable assets and ensure they meet quality standards, approve completed jobs;

OR

As an advanced engineering tradesperson make recommendations and/or implement alternative methods of approach to complex operational problems using a high level of initiative.

Level 9 classification standard:

Under limited direction, controls three or more significant groups of trades staff, or staff with an equivalent level of skills and knowledge, engaged in specialised activities which may include subordinate supervisory staff;

OR

Under administrative supervision, controls a major service operation which may include a large number of trades, non-trades and/or associated staff;

OR

Under limited supervision, oversight and conduct trade training courses in theory and practice which may include the supervision of instructors.

A person at this level is expected to exercise a high degree of initiative, independent judgment and leadership in solving complex operational problems.

Level 10 classification standard:

Under administrative supervision, controls a large multi-disciplined group or several small multi-disciplined groups of trades staff, or staff with an equivalent level of skills and knowledge, engaged in specialised activities which may include subordinate supervisory staff;

OR

Under administrative supervision, supervise construction and/or repairs and maintenance activities undertaken by employees or under contract;

OR

Under administrative supervision, carry out inspection, certification and oversee installation of building engineering systems.

A person at this level is expected to demonstrate a high degree of initiative, independent judgment and leadership in the management of a complex operational program or business unit.

For the purpose of this definition, unless the contrary intention appears:

'Administrative supervision' means persons working under administrative supervision would normally have the work area defined in terms of broadly stated responsibilities and functions. They are expected to undertake work within this framework and would not usually be told what is to be done. The person would not normally receive technical instruction from their supervisor.

The person has a broad framework of trade or subject matter knowledge and extensive experience. Within this framework they would be required to make informed decisions relating to their own work, the work of their area and the supervision of that area.

The person's own performance and the overall performance of their area are kept under review through oral and written work reports. Inspection of the work area would be infrequent.

'Direct supervision' means persons working under direct supervision are usually given a few easily understood instructions. Where appropriate, deadlines and priorities for task completion would also be given.

While the person may be expected to use some judgment in carrying out routine recurring assignments, it is expected that deviations, problems or unfamiliar situations not covered in general instructions would be referred to the supervisor.

The work is normally subject to progress checks, and the final product or results are usually checked.

'Direction' refers to instructions and guidance to subordinate operational staff by senior personnel. It includes direction from non-human sources such as manuals, codes, standards, etc.

'General supervision' means persons working under general supervision would be provided with general instructions usually covering only the broader aspects of the work, or where there are unusual situations which do not have clear precedents. This allows some latitude for staff to select the appropriate method and sequence in completing their tasks or assignments.

The person normally has a good knowledge and makes more involved decisions within the confines of this knowledge.

Tasks and assignments may be subject to progress checks usually to ensure in broad terms, that satisfactory progress is being made. Completed work may be evaluated for suitability and conformity to policy and requirements.

'Limited direction' means persons working under limited direction are provided with a clear statement of overall objectives and the resources available. In conjunction with their supervisor they decide on projects and assignments to be carried out and set deadlines.

The person is fully competent and very experienced in a technical sense and requires little guidance during the performance of assignments. The person would have authority to plan and carry out assignments, using some latitude in approach to achieve the desired objectives.

Completed work is reviewed only in terms of flexibility, compatibility with other work, or effectiveness in meeting defined objectives.

'Limited supervision' means persons working under limited supervision would be expected to have a broad trade or subject matter knowledge and wide experience. They perform work in accordance with broadly based standing instructions. In a technical sense, the person is fully competent and very experienced requiring little guidance.

The person is expected to report on the work of the area required. The area's progress and performance would normally be inspected at irregular intervals. The standard of product performance of the area is kept under review.

'Supervision' means the supervision given to subordinate operational staff by senior personnel and consists of ensuring adherence to directions, solving operational problems, giving decisions on operational solutions proposed by subordinate personnel and reviewing and checking the work of operational staff.

8. SALARIES

- (a) An employee appointed to a position classified under this award is to be paid at the salary rate applicable to a classification level determined in accordance with Clause 7 – Definitions, subclause (b) - Classification Standards.

	Salary perAnnum \$
Level 1	31560
After 3 months	32075
After 15 months	32985
Level 2	33963
Level 3	34648
Level 4	35933
Level 5	37378
Level 6	38927
Level 7	42233
Level 8	45854
Level 9	49523
Level 10	55020

- (b) Salaries for Apprentices (Australian Qualifications Framework Certificate III, Higher Tradesperson Apprentices (AQFIV) and Advanced Tradesperson Apprentices (AQFV).

Apprentices engaged under the terms of this award are to be paid a percentage of the Level 5 salary per week by reference to Clause (c)(iv) – Competency Based Training as follows:

%
Stage 1 – 44.5
Stage 2 – 57.5
Stage 3 – 75.0
Stage 4 – 88.0

The above table shall apply to higher tradesperson apprentices and advanced tradesperson apprentices except that in Stage 4 higher tradespersons apprentices

shall receive a minimum rate of 88% of Level 7 and advanced tradespersons apprentices shall receive a minimum of 88% of Level 8 in Stage 4.

An apprentice engaged under the terms of this award who has completed year 11 schooling will be paid 53.5% at Stage 1 of the apprenticeship in lieu of 44.5%

An apprentice engaged under the terms of this award who has completed year 12 schooling will be paid 54.5% at Stage 1 of the apprenticeship, and 63.5% at Stage 2 of the apprenticeship in lieu of 44.5% and 57.5% respectively.

Adult Apprentices

Adult apprentices engaged under the terms of this award are to be paid the following salary rates contained in Clause 8(a) by reference to subclause (c)(iv) – Competency Based Training as follows:

- Stage 1- Level 1
- Stage 2 – Level 1 (after 15 months)
- Stage 3 – Level 2
- Stage 4 – Level 3

Higher Tradesperson (Special Class) and Advanced Tradesperson (Diploma)

- (i) The duration and pay for these apprenticeships are dealt with in subclause (ii).
- (ii) The classification on completion of a Higher Tradesperson apprenticeship will be as a minimum Level 5. Where the apprentice is offered employment at the completion of their apprenticeship and such employment is in the area of the apprenticeship training, such that they are exercising or will be required to exercise the skills and knowledge gained during their apprenticeship necessary for a Level 7 level of work they shall be classified at Level 7.
- (iii) The training program for each Higher Tradesperson apprentice is to be consistent with the minimum training requirement for the classification of Level 7 Special Class Tradesperson, as determined from time to time by the relevant Industry Skills Council (ISC), and as endorsed by the National Training Quality Council. Each apprentice shall also complete the requirements for a trade certificate as defined in (i), as part of the training program leading to the completion of a relevant nationally endorsed "Certificate IV".
- (iv) The training program for each Advanced Tradesperson apprentice is to be consistent with the minimum training requirement for the classification of Level 8 Advanced Tradesperson, as determined from time to time by the relevant Industry Skills Council and as endorsed by the National Training Quality Council. Each apprentice shall also complete the requirements for a trade certificate as defined in (i), and a relevant "Certificate IV" as part of the training program leading to the completion of a relevant Diploma.

Competency Based Training

- (i) Apprenticeships under this award are competency based.

The actual time taken to complete an apprenticeship will therefore vary depending upon factors such as the intensity of training and the variety of work experience.

- (ii) The nominal period of the apprenticeship shall be four years however this period may be varied as follows:

- With the approval of the Office of Post Compulsory Education & Training, to recognise prior learning including vocational education and training in school, pre-apprenticeship programs and other prior learning, the nominal period of the contract may be shortened to reflect the proportion of the competencies already acquired.
- It may be extended by up to 6 months in stage 3 in the apprenticeship when required to complete the competencies.

- (iii) Notwithstanding the nominal period, the apprenticeship shall be completed in shorter period when:

- the qualification specified in the Training Agreement is successfully completed; and
- the apprentice has the necessary practical experience to achieve competency in the skills covered by the Training Agreement. The determination as to whether this condition has been met shall be by agreement between the Registered Training Organisation, the employer and the apprentice. Where there is a disagreement concerning this matter the matter may be referred to the Tasmanian State Training Authority for determination; and
- the requirements of the Office of Post Compulsory Education & Training and any requirements of the relevant National Industry Skills Council in respect to demonstration of competency and any minimum necessary work experience requirements are met and
- In respect to trades where there are additional licensing or regulatory requirements under Tasmanian State legislation, when these requirements are met.

- (iv) The salary rates applying to apprenticeships based on competency based training progression are as determined below:

Tradesperson

Terms of Apprenticeship – AQF Certificate III

Stage of Apprenticeship	Entry, Exit and Progression Requirements
Stage 1	<p>Entry No entry requirements</p> <p>Exit There is no exit point at this stage.</p>
Stage 2	<p>Entry An apprentice enters Stage 2: on attainment of 25% of the total competency units for the relevant AQF Certificate III qualification specified in the training agreement; or 12 months after commencing the apprenticeship; whichever is earlier.</p> <p>Exit There is no exit point at this stage *See note below.</p>
Stage 3	<p>Entry An apprentice enters Stage 3: on attainment of 50% of the total competency units for the relevant AQF Certificate III qualification specified in the training agreement; or 12 months after commencing Stage 2; whichever is earlier.</p> <p>Exit There is no exit point at this stage</p>
Stage 4	<p>Entry An apprentice enters Stage 4: on attainment of 75% of the total competency units for the relevant AQF Certificate III qualification specified in the training plan; or 12 months after commencing Stage 3; whichever is earlier.</p> <p>Exit Upon the attainment of 100% of the total competency units for the relevant AQF Certificate III qualification specified in the training agreement and subject to (c)(ii) and (c)(iii) an apprentice will exit with the relevant AQF Certificate III qualification</p>

Higher Tradesperson

Terms of Apprenticeship – Higher Tradesperson (Special Class) – AQF Certificate IV

Stage of Apprenticeship	Entry, Exit and Progression Requirements
Stage 1	<p>Entry Nil entry requirements</p> <p>Exit There is no exit point at this stage.</p>
Stage 2	<p>Entry An apprentice enters Stage 2: on attainment of 25% of the total competency units for the relevant AQF Certificate IV qualification specified in the training plan ; or 12 months after commencing the apprenticeship; whichever is earlier.</p> <p>Exit There is no exit point at this stage.</p>
Stage 3	<p>Entry An apprentice enters Stage 3: on attainment of 50% of the total competency units for the relevant AQF Certificate IV qualification specified in the training plan; or 12 months after commencing Stage 2; whichever is earlier.</p> <p>Exit Upon the attainment of 75% of the total competency units for the relevant AQF Certificate IV qualification specified in the training plan and subject to (b)(i), (b)(ii), (b)(iii) an apprentice will exit with the relevant AQF Certificate III qualification.</p>
Stage 4	<p>Entry An apprentice enters Stage 4: on attainment of 75% of the total competency units for the relevant AQF Certificate IV qualification specified in the training plan or 12 months after commencing Stage 3 whichever is earlier.</p> <p>Exit Upon the attainment of 100% of the total competency units for the relevant AQF Certificate IV qualification specified in the training plan and subject to (c)(ii) and (c)(iii) an apprentice will exit with the relevant AQF Certificate IV qualification</p>

Advanced Tradesperson

Terms of Apprenticeship – Advanced Tradesperson – AQF Certificate V

Stage of Apprenticeship	Entry, Exit and Progression Requirements
Stage 1	<p>Entry Nil entry requirements.</p> <p>Exit There is no exit point at this stage.</p>
Stage 2	<p>Entry An apprentice enters Stage 2: on attainment of 25% of the total competency units for the relevant Diploma qualification specified in the training plan ; or 12 months after commencing the apprenticeship; whichever is earlier.</p> <p>Exit There is no exit point at this stage.</p>
Stage 3	<p>Entry An apprentice enters Stage 3: on attainment of 50% of the total competency units for the relevant Diploma qualification specified in the training plan; or 12 months after commencing Stage 2; whichever is earlier.</p> <p>Exit Upon the attainment of 75% of the total competency units for the relevant AQF Diploma qualification specified in the training plan and subject to (b)(i), (b)(ii), (b)(iii) an apprentice may exit with the relevant AQF Certificate III and/or AQF Certificate IV qualification.</p>
Stage 4	<p>Entry An apprentice enters Stage 4 On the attainment of 75% of the total competency units for the relevant AQF Diploma specified in the training plan; or 12 months after commencing Stage 3, subject to (b)(ii); whichever is earlier.</p> <p>Exit Upon the attainment of 100% of the total competency units for the relevant AQF Diploma qualification specified in the training plan and subject to (b)(i), (b)(ii), (b)(iii), an apprentice will exit with a relevant AQF Diploma Qualification.</p>

An apprentice who completes a Diploma Qualification relevant to their employment will be paid 95% of the Level 8 rate in the first year after completion of the apprenticeship and subsequently thereafter at the Level 8 rate of salary.

(c) School-Based Apprenticeships

(i) Definition

This subclause applies to school-based apprentices. A school-based apprentice is a person who is undertaking an apprenticeship in accordance with this clause while also undertaking a course of secondary education.

(ii) Wage Rates

The hourly rates for full-time apprentices as set out in this award apply to school based apprentices for total hours worked including time deemed to be spent in off-the-job training.

For the purposes of the above paragraph, where a school based apprentice is a full time school student, the time spent in off-the-job training for which the apprentice is paid is deemed to be 25 per cent of the actual hours each week worked on-the-job. The wages paid for training time may be averaged over the semester or year.

(iii) Off-the-job training

A school based apprentice is allowed, over the duration of the apprenticeship, the same amount of time to attend off-the-job training as an equivalent full-time apprentice.

For the purposes of this sub-clause, off-the-job training is structured training delivered by a Registered Training Organisation separate from normal work duties or general supervised practice undertaken on-the-job.

(iv) Duration of apprenticeship

The duration of the apprenticeship shall be as specified in the training agreement or contract for each apprentice. The period so specified to which the apprentice wage rates apply shall not exceed six years.

(v) Progression through wage structure

School based apprentices progress through the wage scale at the rate of 12 months' progression for each two years of employment as an apprentice.

The rates of pay are based on a standard apprenticeship of four years. The rate of progression reflects the average rate of skill acquisition expected from the typical combination of work and training for a school based apprentice undertaking the applicable apprenticeship.

- (vi) Conversion from a school based to full time apprenticeship

Where an apprentice converts from a school based to a full-time apprenticeship, all time spent as a full-time apprentice counts for the purposes of progression through the wage scale. This progression applies in addition to the progression achieved as a school based apprentice.

- (vii) Award entitlements

School based apprentices are entitled to pro rata entitlements available to employees covered by this award.

9. CONDITIONS OF EMPLOYMENT

- (a) Unless specified otherwise in this award, conditions of employment applying to employees covered by this award are to be as prescribed in the General Conditions of Employment Award.
- (b) Where there is an inconsistency between the 'second tier' agreement T1233 of 1988 and provisions contained in this award or the General Conditions of Employment Award the provisions of the 'second tier' agreement are to prevail.
- (c) Part-time and Casual Employees
 - (i) Employees are to be paid in the same ratio that their ordinary weekly hours bear to the ordinary weekly hours of equivalent full-time employees.
 - (ii) Casual employees are to be paid a loading of 20 percent to compensate for having no entitlement to payment for annual leave, sick leave and holidays not worked.
 - (iii) A casual employee is to be engaged by the hour with a minimum payment of three hours for each day worked.

10. SPREAD OF HOURS

Ordinary hours of work may be performed between 7.00 am and 7.00 pm.

11. OVERTIME

Employees classified up to and including Level 10 are entitled to payment for authorised overtime worked at the direction of the employer. The payment is to be calculated by reference to the employee's actual salary as prescribed in this award and the overtime rates as prescribed in the General Conditions of Employment Award.

12. HIGHER DUTIES ALLOWANCE

Higher duties allowances are payable as follows:

- (a) An employee classified up to and including Level 10 is entitled to a higher duties allowance only when the employee acts in and performs the duties of a higher-classified position for a minimum period of 10 consecutive working days and the acting position is two or more levels higher than the employee's substantive classification;
- (b) An employee substantively classified between Level 1 and Level 10 is entitled to a higher duties allowance if required to act in and perform the duties of a position classified one level higher than the employee's substantive classification and where the acting appointment is for a period of 40 consecutive working days or more.

13. SALARY INCREMENTS

- (a) An employee occupying a position covered by a classification containing a salary scale providing for annual increments is entitled, at the completion of each period of twelve months continuous service in that position, to receive the relevant annual increment until the maximum salary for that classification is reached.
- (b) An employee is not entitled to an annual increment unless, in the opinion of the employer, the employee's conduct, diligence and efficiency have been satisfactory during the twelve month period preceding the date upon which the increment falls due.

