

1983

PARLIAMENT OF NEW SOUTH WALES

SIXTH REPORT

OF THE

PUBLIC ACCOUNTS COMMITTEE

OF THE

FORTY-SEVENTH PARLIAMENT

*(INQUIRY INTO THE REFERENCE MADE BY THE
AUDITOR-GENERAL TO THE COMMITTEE UNDER THE PROVISIONS OF
SECTION 16 OF THE AUDIT ACT, 1902, CONCERNING OVERTIME
PAYMENTS TO CORRECTIVE SERVICES OFFICERS)*

MEMBERS OF THE COMMITTEE

MR M.R. EGAN, B.A., M.P. (Chairman)

(a) MR J.J. AQUILINA, B.A., Dip. Ed., M.P.

MR J.C. BOYD, M.P.

(b) MR P.E.J. COLLINS, B.A., LL.B., M.P.

(c) MR N.F. GREINER, M.P.

MR S.T. NEILLY, M.P.

(d) MR T.S. WEBSTER, M.P.

(a) appointed 30 March, 1983

(b) appointed, 29 March, 1983

(c) resigned, 21 March, 1983

(d) resigned, 30 March, 1983

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FOREWORD CHAIRMAN'S

This report completes the Committee's inquiry into the reference made to it on 9 February, 1982, by the Auditor-General, concerning the incidence and nature of overtime payments in the Police Force and the Department of Corrective Services. The Committee's report concerning Police Overtime was tabled in the Legislative Assembly on 24 November, 1982.

As will be evident from this report, the Department of Corrective Services has itself taken strong action over the last twelve months to reduce excessive level of overtime. The Department is to be commended on these initiatives.

In respect of both the Police

Force and the Department of Corrective Services, it is apparent that one of the major causes of overtime is the high level of sick leave. This raises the question as to whether abuse of sick leave entitlements is confined to these organisations or whether it is a malaise afflicting the public sector generally. For that reason, I anticipate that the Public Accounts Committee will give close attention to sick leave when it examines all Departments during its first ever examination of the Public Accounts later this year.

I would like to place on record

the Committee's appreciation of the services of Miss C. Kibble, Miss R.M. Long and Mr M.H. Sheather during the course of this enquiry.

Michael Egan, B.A., M.P.

Chairman

BOX 12.
SYDNEY N.S.W. 2001

9th February, 1982

The Chairman,
Parliamentary Public Accounts Committee,
Parliament House,
SYDNEY. 2000

In the first Report of the Public Accounts Committee of the 47th Parliament was a reference to the scope for more intensive investigation of the incidence of overtime payments to Police and Corrective Services officers.

As it presently stands, Section 16 of the Audit Act would permit an inquiry by your Committee into "any question which may have arisen in connection with the Public Accounts, and which may have been referred to the Committee, either by a Minister or by the Auditor-General or by a resolution of the Legislative Assembly" - but it does not provide for the Committee to initiate its own inquiries.

In my Report to Parliament for 1980-81, I referred briefly to the growth in payments for overtime at the Corrective Services Commission, both as to total amounts and as a percentage of individuals earnings. The probability of serious defects in rostering and manning procedures was cited as a contributing factor.

If the growth in costs is to be contained, strong and perceptive management control is needed. The first stage is to find and correct any unnecessary or uneconomical practices before they become too deeply embedded in officers' expectations. In turn, management depends on the early receipt of information, and analyses of it, if it is to know where action is needed.

Management has been acting to improve the flow of information but significant cost savings have not yet shown up.

Because of the complex of factors at work, the powers and processes of your Committee seem admirably fitted to investigate the causes, effects and justification of this area of expenditure of public moneys voted by the Parliament.

Preliminary reviews at the Police Department suggest that somewhat similar conditions may be developing there. If the Corrective Services experience can be used as a guide, there is need for early action if the growth and seeming permanence of similar high expenditure levels by the Police Department is to be avoided. The Report of the Lusher Inquiry into the New South Wales Police Administration provides a number of examples of the types of practices and the extent to which they can produce pressures which are difficult to contain. It would be clear that the costs of coping with strikes in the prison system, security alerts, murder investigations and so on must be met. What needs examination, however, is whether practices exist which result in avoidable or unnecessary use of resources. For example, the existing compulsion of Police officers to wait at Courts for many hours, and sometimes days, to make brief statements certainly does give rise to staffing difficulties. Moreover, the high cost to the community of Police "waiting time" at Courts is starting to show up in some computer analyses from the payroll. How to resolve the conflict between the needs of justice to the subject and the optimum use of Police resources is but one example of the general problems to which the Government and the Parliament, with the assistance of your Committee, might wish to direct their attention.

In the absence of precedent the problem is how best to bring the matter before the Committee. In my view, an amendment of the Audit Act to give the Committee power to initiate inquiries of its own volition would be a giant step forward. However, under present conditions the Auditor-General has wide powers under Section 63 of the Audit Act to report and to make recommendations upon all matters relating to the public accounts, public moneys and stores. I propose now to use that power in conjunction with Section 16 (1)(a) formally to refer to the Public Accounts Committee the questions relating to Police and Corrective Services payments discussed herein.

In terms of Section 16 (1)(a) of the Audit Act, 1902, I therefore refer to the Public Accounts Committee for inquiry the extent of overtime payments to Police and Corrective Services Officers and the validity of the processes giving rise to such payments. In particular but without limiting the scope of the referral, the following questions or aspects of the general overtime question are considered relevant :

the causes of the high levels of overtime payments to Police and Corrective Services officers;

the causes and degree of relationship between payments for overtime and/or shift allowances and the base salaries of the officers concerned;

the extent to which the overtime payments result from defective or irregular management, rostering or other practices;

. the extent to which an absence of or defects in management

information systems and/or controls contribute to the high level of entitlement to overtime payments;

the likely effect on the general efficiency and overall productivity of officers who continually record lengthy periods of overtime;

whether the appointment of additional officers would produce a corresponding reduction in the overtime payments to existing staff.

The reference now made is not restricted to expenditures included in the Public Accounts for the 1980-81 year but applies equally to payments made and being made in the current year under authority of the Appropriation Act, 1981.

AUDITOR-GENERAL

SUMMARY OF RECOMMENDATIONS

Page Reference

The Committee recommends that:

- | | | |
|-----|--|----|
| (1) | A suitable staffing formula be agreed upon by the Department, the Public Service Board, the Treasury and the Premier's Department which will allow a uniform calculation to be used in the staffing and establishment of a post and the staff number for the post. | 23 |
| (2) | The agreed staffing formula should contain a provision for contingencies, such as sick leave, escorts, detailed duty, etc. | 23 |
| (3) | The Department continue to introduce measures which will enable it to gain effective control over the incidence of sick leave taken by Prison Officers. | 29 |
| (4) | No Officer who takes more than two days sick leave in any two month period shall be permitted to work overtime in the following two month period, except in emergencies. | 29 |
| (5) | For the sake of the health of its Officers and the security of the institution limits be placed on the amount of overtime which an Officer may be permitted or required to work. | 45 |

Prison Officers of the New South Wales Department of Corrective Services are employed pursuant to the New South Wales Public Service Act and Agreements between the New South Wales Public Service Board and the Public Service Association of New South Wales. (Appendix "A")

Excessive overtime is a result of a general staffing problem which had been suffered by the Department for many years. In spite of extensive recruitment campaigns there have always been considerable vacancies.

In recent years base rates of pay have been increased until the levels are now comparable with those of the Police Force. Efforts of the Department to develop a "professional" standard within Custodial ranks has met with a level of success. However, implementation of the recommendations of the Nagle Royal Commission into New South Wales Prisons required a substantial increase in the number of Prison Officers and recruitment was unable to keep pace with the new requirement.

Creation of unauthorised posts

which were manned on overtime became normal practice. The Public Service Board and the Premier's Department were aware of the practice and the consequent effect on the level of overtime. In recent years both the Board and the Premier's Department expressed concern and the Premier's Department attempted within the existing financial constraints to reduce the prevalence of overtime.

Investigations undertaken by the Auditor General in 1978/79 showed a high incidence and ratio of overtime payments as against ordinary salaries. The audit also showed patterns of sick leave and unscheduled absences for various causes which produced call-backs of Officers on rostered days off resulting in payments at overtime rates. Also revealed was the practice of manning unauthorised posts solely on an overtime basis so that every Officer who manned the particular post was paid at overtime rates for the full period of duty.

Recommendations of the Departments 1978/79 Overtime Committee were criticised in the 1981 Overtime Committee's report in the following terms -

" ...the basic problem with previous overtime reviews was that the exercise was tackled in an ad hoc manner without being seen as an on-going administrative task and without accurate and complete data being obtained.

Previously, statistical returns showing the causes of overtime were submitted to the Department's Research Division. That Division was not in a position to verify the information and the task was generally relegated to a junior officer. Returns were not analysed to the extent necessary and there was inadequate reporting to top management or follow-up of matters highlighted in these returns.

The earlier returns had discrepancies in information, and in some cases, little regard was had to accuracy when the returns were being completed at the institutions".

In his 1979/80 Report the Auditor General again expressed concern about the rosters, overtime, management information services and the incidence of unrostered leave.

By 1980/81 management information systems had been introduced which were able to identify and analyse causes of overtime but no effective control measures were introduced and the level of overtime continued to rise.

Overtime payments as a percentage of salary payments for the eleven years ended 30 June, 1982, are shown in the following table:

OVERTIME PAYMENTS AS A PERCENTAGE OF SALARY PAYMENTS

ELEVEN YEARS ENDED 30 JUNE, 1982

Year	Total Salaries Overtime, and Allowance Payments	Overtime	(2) as % of 1)
	(1) ** \$	(2) * \$	
1971/72	8,470,000	1,100,000	12.99
1972/73	9,270,000	1,240,000	13.38
1973/74	12,270,000	1,960,000	15.97
1974/75	16,390,000	2,530,000	15.44
1975/76	20,690,000	3,200,000	15.47
1976/77	24,410,000	4,040,000	16.55
1977/78	28,290,000	4,870,000	17.21
1978/79	32,550,000	6,590,000	20.25
1979/80	42,550,000	9,350,000	21.97
1980/81	52,790,000	11,830,000	22.41
1981/82	65,160,000	13,751,000	21.10

* These figures are free of shift allowances which are included in total salary and allowance payments.

** Represents payments to all employees including Custodial Officers.

As can be seen there was only marginal improvement in 1981/82.

However, by June, 1982, the Department had developed a strategic plan by which the level of staffing in every gaol was reassessed and requirements met within the current staff number. The primary benefit of the reorganisation

will be elimination of the overtime generating unauthorised posts. This action is a major factor in the plan to reduce overtime hours in 1982/83 by 50%. (Appendix "B"). Overtime is now running at approximately 22,000 hours per fortnight as compared with an excess of 35,000 hours before the reorganisation. Although the Department is to be congratulate(! for its efforts the current figure is still far from satisfactory. If it is not possible to further reduce the number of posts then support must be given to the Departments other proposals including a revision of the current staffing formula. Reform in the method of sentencing prisoners which would be comparable with penal practice in other states would also assist in reducing overtime.

COMPARISON OF OVERTIME HOURS SHOWING A MARKED
IMPROVEMENT DURING THE LATER HALF OF 1982

FORTNIGHT ENDING	TOTAL FORTNIGHTLY OVERTIME HOURS	FORTNIGHT ENDING	TOTAL F'NIGHT O'TIME HOURS
4.6.81	41631	3.6.82	
18.6.81	35498.5	17.6.82	34879.5
2.7.81	36651	1.7.82	31651.5
16.7.81	36147.75	15.7.82	33712.75
			32684.5
30.7.81	35103.75	29.7.82	
13.8.81	33939.75	12.8.82	33278.25
27.8.81	36254	26.8.82	32695.75
10.9.81	37185.75	9.9.82	33227
24.9.81	36597.5	23.9.82	31317
8.10.81	36829.5	7.10.82	29301.5
22.10.81	36483.25	21.10.82	25807.75
5.11.81	35729.25	4.11.82	26214.75
19.11.81	36278.25	18.11.82	24269.5
3.12.81	36119.5	2.12.82	23060.75
17.12.81	35163	16.12.82	21300
31.12.81	29852.5	30.12.82	20996
			17254.5

REFORMS CURRENTLY BEING CONSIDERED BY THE DEPARTMENT

In addition to the reorganisation previously mentioned the Department is also considering a number of other reforms.

Pursuant to S110 and S111 of the

Prisons Act prisoners in New South Wales earn remissions for good behaviour, work performed in prison and participation in Educational Programmes. At present these remissions are

credited against the head sentence' that is,

if a sentence is handed down for five years with a non parole period of three years the remission is deducted from the five years whereas in Victoria the remission is deducted from the three years. This is one of the reasons Victoria has a lower prisoner population ratio than New South Wales. The Department is seeking reforms which align the New South Wales system with the systems operating in other states.

Alternatives to imprisonment such

as an extension of community service orders and the removal of the overnight accommodation factor from weekend and periodic detention are also being considered by the Department.

The Penal Reform Council of New South Wales has also advocated a number of reforms which it feels would be of benefit both to staff and inmates of penal institutions as well as a financial benefit to the Department. Amongst the reforms proposed are:

- (1) Greater use of modern technology and electronic surveillance.
- (2) Use of prison labour to carry out many of the mundane clerical and administrative tasks of an institution. It is considered that this would relieve Officers to perform other duties and provide employment opportunities for prisoners.
- (3) Less frequent transfer of inmates between institutions.
- (4) Changes to the classification system so that the only criteria affecting a prisoner's security rating would be the danger posed by him -
 - (a) to staff and other inmates within each institution, and
 - (b) to the community if he escapes

("Danger" is defined as "the risk of the prisoner becoming violent")

Clearly, if this criteria were used a number of costly maximum security institutions could be replaced by minimum security establishments.

The Committee recognises that the primary purpose of such reforms is to keep pace with community requirements for a just and humane penal system. However, the reforms detailed above may have incidental financial benefits in reducing the workload of Prison Officers and thereby allowing further reductions in the level of overtime.

THE CAUSES OF HIGH LEVELS OF OVERTIME PAYMENTS TO

CORRECTIVE SERVICES OFFICERS

The Department provided the Committee with the following analysis of the causes of overtime.

Causes of Overtime

Causes of Overtime

Cause	Ordinary Hours Paid at Overtime Rates. 1.7.1,981 to 30.6.1982	% of Total Hours
Staffing Deficiency	276,222	30
Sick Leave	250,277	27
Detached Duty	109,274	12
Escorts	73,184	8
Recreation Leave	41,582	4
Other Leave	28,937	3
Maintenance	32,860	4
Prisoner Activities	14,883	2
Miscellaneous	108,486	10
	935,705 hours	100%.

The overtime hours worked is equivalent to 508 additional Officers on the present staffing formula.

STAFFING DEFICIENCY

The requirements of Government and Departmental policies, industrial practice and the implementation of the recommendations of the Nagle Royal Commission have introduced considerable complexity to the staffing of the State's gaols.

The matter of staffing deficiencies

is therefore examined under the following headings -

- * The Staff Number
- * Authorised and Unauthorised Posts
- * The Staffing Formula
- * Industrial Requirements
- * Recommendations of the Nagle Royal Commission into New South Wales Prisons

The Staff Number

Each year the Department advises the Premier of its staffing requirements. After a review of requirements the Department is informed as to the maximum number of staff which may be employed during the forthcoming year. It can be seen from the following table that although the Premier agreed to an increase in numbers to meet the department's new initiatives the time taken to recruit and train new Officers meant that the actual numbers of Officers employed, except in 1981, was substantially below the authorised number. It can also be seen that the Annual Daily Average Number of prisoners in the same period has decreased marginally.

Number of Prison Officers Employed in Institutions and Annual Daily Average Number of Prisoners

June	Authorised	Actual	Daily Average Number of Prisoners
1976	1305	1125	: 3688
1977	1294	1149	, 3662
1978	1367	1199	3638
1979	1424	1286	3896
1980	15,62	1490	3836
1981	1679	1728	3417
1982	1810	1734	3624

AUTHORISED POSTS

Authorised posts are those positions established by the Public Service Board pursuant to the Public Service Act and which constitute all the positions considered necessary for staffing the gaols and the Department. As can be seen from the previous table the Department has usually been in the position where it has insufficient Officers to meet the authorised number. This has meant that the resultant vacant posts must be staffed by Officers working overtime.

UNAUTHORISED POSTS

Approximately fourteen years ago the practice developed of establishing unauthorised posts to meet urgent demands of a security or industrial nature. Sometimes the need was temporary and after a short time the post was cancelled. On other occasions subsequent action was taken to obtain authorisation for the post from the Public Service Board. However, the practice also developed for the Minister, Department Head or Superintendents to create unauthorised posts without subsequent reference to the Public Service Board.'

The growth in unauthorised posts after 1978 was principally attributable to initiatives arising from the Nagle Report into New South Wales Prisons and the adoption of the sight or sound security principle following the murder of Prison Officer Newburn in August, 1979.

At the commencement of 1980 it was estimated that there were in excess of 200 unauthorised posts throughout the State's Institutions. Action was taken then to regularise the situation and by 30 June, 1982, the number of unauthorised posts had been reduced to 105. The Prison Staffing Review of 21 September, 1982, proposes the elimination of all unauthorised posts. (Appendix "B")

THE STAFFING FORMULA

In order to assess the availability of an Officer for duty the Department uses a standard formula of 230 shifts per Officer per year. This is based on the following:

Days in the year		365
Deduct: Rest days - 4 per fortnight	104	
Annual Leave entitlement	30	134
		231

Application of this formula means that where Officers are absent for any purpose other than normal recreation leave their position must be filled by another Officer working overtime.

The formula was arrived at in 1979 by a task force comprising representatives of the Department, The Prison Officers Vocational Branch and the Public Service Board.

The task force decided to make no provisions for sick leave, long service leave or contingencies such as detached duty or court appearances. The Department's Review of Overtime completed in March 1979 proposed that the staffing formula provide for ten days sick leave per Officer per annum. The Public Service Board rejected the suggestion in July, 1979, stating:

"... as the provision of paid sick leave is a concession granted to staff (not an entitlement) the Board considers that provision for sick leave in the staffing formula would not be appropriate".

The Board also considered that other staff shortages due to extraneous duties such as detached duty, escorts, activities, miscellaneous regular duties, etc., would be better covered by the appointment of special relieving Officers rather than adjustment to the formula.

The Board's decision was appropriate

in 1979. For many years vacancies at the larger institutions had been substantial and at Long Bay in particular the number of vacancies had regularly fluctuated between fifty and one hundred. The inability to recruit sufficient Officers would not have been assisted by a change in the formula at that time. However, the employment situation now is considerably different. The Department has had time to make a practical assessment of the operation of the formula and now believes that an adjustment for contingencies should be made.

The Committee is advised that under the provisions of the Public Service Act 1979 this formula is a matter pertaining to the efficiency of the Department and may therefore be determined by the Department Head. However, any change to the formula will be of little use unless:

- (i) The Public Service Board agrees to the application of the new formula in calculating the number of positions needed to staff a post.

- (ii) The Treasury agrees to fund posts in accordance with the new formula.

- (iii) The Premier agrees to a staff number which will allow posts to be staffed in accordance with the new formula.

The Committee recommends that:

- * a suitable staffing formula be agreed upon by the Department, the Public Service Board, the Treasury and the Premier's Department which will allow a uniform calculation to be used in the staffing and establishment of a post and the staff number for the post.

- * the agreed staffing formula should contain a provision for contingencies, such as sick leave, escorts, detached duty, etc.

INDUSTRIAL REQUIREMENTS

Prison Officers have a personal as well as professional interest in the security of the institution in which they are working.

It is therefore not surprising that their unions, the Executive Officers' Vocational Branch and the Prison Officers' Vocational Branch of the Public Service Association, have on numerous occasions given advice and in some instances taken industrial action regarding matters of security.

Added weight was given to their representations following the murder of Prison Officer Newburn on 10 August, 1979. From that time existing positions and new positions in maximum security prisons have been assessed on the "sight or sound principle" which requires that each Prison Officer in a maximum security prison must at all times be within sight or sound of another Prison Officer who can come to his assistance if needed. This has meant the creation of some additional posts and has been a contributing factor to high overtime. It must be understood that the Committee considers the safety of Custodial Officers to be of primary importance and for that reason believes that the sight or sound principle should have been firmly established in the authorised staffing of maximum security institutions rather than left to the doubtful organisation of unauthorised posts manned on overtime.

RECOMMENDATIONS OF THE NAGLE ROYAL COMMISSION
INTO NEW SOUTH WALES PRISONS

Recommendations of the Royal Commission called for the introduction of a number of measures designed to humanise prison life. The Government endorsed many of the reforms and has made a firm commitment to their implementation. For example, Recommendation 134 provides that:

"Prisoners should not be locked in their cells overnight for longer than ten hours"

This meant that time out of cells had to be extended from 6.00 p.m. to 10.00 p.m.

This measure together with increased sporting activity, general activity, contact visits, visiting justices courts, etc., required extra custodial staff.

As previously stated, there were real difficulties experienced in the recruitment and training of new Officers. In addition, many of the new positions were created through the expediency of unauthorised posts.

This meant that most of the new reforms had to be carried out by Officers working on overtime. One outstanding example was the D Watch at Parramatta consisting of 20 unauthorised posts which covered the extended time out of cells. Until it was discontinued in late 1982 the D Watch was manned entirely on overtime.

SICK LEAVE

The Department's records show that in the year ended 30 June, 1982, 250,277 hours of overtime were worked by Officers replacing others who were on sick leave. This represents 27% of all overtime worked and is equivalent to a yearly average of 18 days per Officer or 7.8% of normal working time.

Prison Officers are entitled to the normal public service provisions for sick leave, which means a minimum of 30 days in any one year after the third year of service.

The Department has been closely monitoring sick leave for some years and during that time there have been numerous discussions with the Union.

The problem appears to be largely attitudinal. There is a general belief amongst Prison Officers that sick leave is an entitlement which should be taken each year. An example of this is the attitude of an Officer who regularly absented himself on Saturdays to play cricket. When interviewed about his repetitive sick leave the Officer candidly gave the reason that he believed this was a proper use of his sick leave entitlement.

This Officer was subsequently dismissed by the Department because of his unsatisfactory sick leave record. He then appealed to the Government and Related Employees Appeal Tribunal and was re-instated on probation.

Until November, 1982, the policy of the Department was that where a person was absent on sick leave on eight or more occasions his sick leave record was regarded as unsatisfactory and a medical certificate was required for each subsequent absence. However, as each occasion could involve up to three days absence, a total of twenty one days per annum sick leave could be taken without having to produce a medical certificate. The Department believed that this policy was too generous and has for some time been attempting to tighten up procedures. Negotiations between the Department and the Public Service Association Prison Officers Vocational Branch regarding the introduction of a new policy were protracted. However, it has now been agreed before the Industrial Commission that ten or more days sick leave in any period of twelve months will be regarded as unsatisfactory and medical certificates will be required for further absences.

It is also considered by the Department that where an Officer absents himself and fails to produce a medical certificate in accordance with the requirements he should no longer be given the option of taking a day from his recreation leave but should be required to take leave without pay unless there are compelling and strong reasons supported by the Superintendent as to why recreation leave should be allowed.

The Union has expressed a concern

that the requirement to obtain a medical certificate may well work against the Department because the current ease of obtaining medical certificates may well change what would have been a one or two day absence without a medical certificate to a five day absence with a certificate.

At 1 September, 1982, there were 200 Officers who were on a medical certificate requirement. That is, they had exceeded the eight occasions per annum allowable under the policy then in operation. This is not surprising when one considers that average sick leave for the year ended 30 June, 1982, was 18 days per Officer.

The Committee believes this situation is disgraceful. It defies belief that one out of every nine Prison Officers could be genuinely sick on eight different occasions, each of up to three days, during any one year. The inescapable conclusion is that many of the Officers are sponging on their fellow Officers, the Department and the taxpayer.

The Committee endorses therefore, the recent tightening of sick leave procedures and the measures being taken by the Department to monitor the success of the new procedure.

The Committee recommends that:

- * the Department continue to introduce measures which will enable it to gain effective control over the incidence of sick leave taken by Prison Officers.

- * no Officer who takes more than two days sick leave in any two month period shall be permitted to work overtime in the following two month period, except in emergencies.

DETACHED DUTY

109,274 hours (12%) of total overtime is attributable to replacement of Officers who are absent from an institution on detached duty. The type of areas covered can be seen in the following table taken from the records of Parramatta Gaol for the four weeks ended 29 July,, 1982. As previously stated there is no provision made in the staffing formula for relief of Officers on detached duty and therefore their absence must be covered by other Officers working on overtime.

Detached Duty Parramatta Gaol 4 weeks ended 29 July, 1982

<u>Number of Days</u>	<u>Reason</u>
3	Superintendents Conference
3	Head Office
1	Emu Plains
4	School
4	Firefighting institute
1	Police School
4	Firefighting Institute
5	School
4	Firefighting Institute
20	Central Emergency Unit
3	Court
1	Court
20	Central Emergency Unit
2	Court
20	Central Emergency Unit
4	Firefighting Institute
20	Central Emergency Unit
4	Firefighting Institute
20	Central Emergency Unit
1	Court
20	Central Emergency Unit
1	Police School
20	Parklea
20	Police Driving,School
20	Silverwater
3	Court
5	School
20	Probat ion/Parole
5	School
2	Court
4	Fire fighting
5	School (Printers)
4	School
4	School (Printers)
1	Bank
278 days	
2,224 hours	

ESCORTS

Escort duty accounted for 73,184

hours or 8% of overtime worked in 1981/82. The principle purpose of escort duty is the accompaniment of prisoners between gaols and courts or to hospitals.

There are a number of measures which have since been introduced by the Department to reduce the overtime factor in Escorts. The first was to increase the size of the Emergency Units and to give them sole responsibility for the escort of prisoners between institutions. The second was to reorganise the scheduling of escorts involving non urgent medical treatment. The third was to reorganise procedures regarding Bail Applications made by prisoners on remand. It is not uncommon for approximately fifty persons a week to be appearing before the Supreme Court in respect of applications for bail. This required a large number of escorting Officers which under the current system is very costly in terms of overtime. In August 1982, it was agreed with the Administration of the Supreme Court that new procedures be introduced which have resulted in a reduction of 30% in the number of Custodial Officers required to guard prisoners in the Supreme Court.

RECREATION LEAVE

The Department's records for 1981/82 show that 41,582 hours of overtime were worked replacing Officers on recreation leave.

Although the staffing formula makes

full provision for the recreation leave entitlement of Custodial Officers even the most careful rostering can not anticipate unscheduled absences taken by Officers who having exhausted their sick leave entitlement claim subsequent absences against their recreation leave entitlement.

In his 1978/79 report the Auditor General made specific reference to patterns of sick leave and unscheduled absences for various causes which produced call-backs of Officers on rostered days off resulting in payments at overtime rates.

The Department has 'advised the Committee that where such patterns arise in future the Officer concerned will not be granted retrospective recreation leave and his absence will be charged as leave without pay unless the Superintendent directs otherwise.

Some overtime is also worked by Overseers performing essential duties of other Overseers on recreation leave. As previously mentioned there is no provision in any staffing formula for recreation leave taken by Overseers.

OTHER LEAVE

As stated previously there is no provision made in the staffing formula for leave other than recreation leave. Therefore until the Department is able to implement a system which differentiates between posts which are of paramount importance to the security of the institution and those which may safely be left unmanned for short periods of time, it is difficult to replace Officers absent on short leave long service leave with Officers working ordinary time. In 1981/82 Other Leave accounted for 28,937 hours or 3% of total overtime worked.

MAINTENANCE

The Department's records show that high levels of overtime are worked by overseers as well as Custodial Officers. In 1981/82 32,860 hours that is 4% of total overtime was attributable to maintenance. This is partly due to the fact that emergency maintenance must be carried out when required and partly due to the fact that there is no staffing formula in operation for overseers positions. This means that when an overseer is absent on recreation leave or for any other reason work which cannot be delayed until his return may need to be performed by other overseers working overtime.

PRISONER ACTIVITIES

Custodial Officers appointed as Activities Officers within prisons are responsible for the sporting and cultural activities undertaken by prisoners which frequently requires them and those Officers assisting them to work outside their normal rostered hours. In 1981/82 this accounted for 14,883 hours or 2% of total overtime.

MISCELLANEOUS

Overtime which does not fit into any of the previous categories is listed under miscellaneous. In 1981/82 this amounted to 108,486 hours or 10% of total overtime worked. Included in this category are time spent on security searches, overtime worked within an institution's store and oversight of industries within gaols.

In evidence presented before the Committee the Penal Reform Council of New South Wales was critical of an incident in which

"six Prison Officers from Long Bay arrived at Parramatta Gaol and spent several hours counting every bed sheet in the Parramatta Gaol linen store. such tasks are evidently a waste of the Government's and Taxpayers' funds and could be performed by prisoners at no cost".

The incident referred to was a stock take which had to be carried out by persons independent of those who had daily responsibility for the store. Prisoners from Parramatta Gaol could never be said to be independent of the Officers guarding them and the cost of bringing prisoners and Attendant Custodial Officers from another institution may well have been uneconomical.

That is not to say that the point raised by the Penal Reform Council is not valid and that there may be a number of mundane clerical and other duties currently being carried out by Prison Officers which may provide gainful employment for Prisoners always provided that' the security requirements of the situation did not demand an additional security post to guard the prisoner-clerk.

THE RELATIONSHIP BETWEEN PAYMENTS FOR OVERTIME

AND THE BASE SALARIES OF THE OFFICERS CONCERNED

Since 1971/1972 the relationship between payments for overtime and the base salaries of the Officers concerned has risen from 12.99% to 22.41%.

High levels of overtime payments have clearly become an entrenched part of the prison system and part of the normal remuneration expectation of Prison Officers.....

The following tables show the extent of the overtime problem. In the year ended 30 June, 1981, 13.6% of the prison service employees in 'city gaols received overtime shift allowances greater than their salary.

The Committee was assured by the Department that although the situation for the year ended 30 June, 1982, showed little improvement the major reorganisation currently being undertaken would see a marked improvement in the year ended 30 June, 1983.

DEPARTMENT OF CORRECTIVE SERVICES

CUSTODIAL OFFICERS -- SALARY, ALLOWANCES, OVERTIME PAYMENTS.

Year	Salaries*	Overtime**	** Shift Allowances	Overtime Payments as a Percentage of Salary Payments	Shift Allowances as a Percentage of Salary Payments	Overtime and Shift Allowances as a Percentage of Salary Payments
	\$	\$	\$			
1972/73	5,289,000	1,288,779	320,000	25%	6%	31%
1973/74	6,837,000	2,046,232	489,000	30%	8%	38%
1974/75	8,923,000	2,660,668	643,000	30%	7%	37%
1975/76	10,746,000	3,386,968	812,000	32%	8%	40%
1976/77	12,304,000	4,222,536	1,018,000	34%	8%	42%
1977/78	13,976,000	5,065,627	1,219,000	36 %	9%	45%
1978/79	14,979,000	6,784,664	1,654,000	45%	11%	56%
1979/80	19,404,000	9,514,965	2,338,000	49%	12%	61%
1980/81	23,054,000	11,825,103	3,506,114	51%	15%	66%
1981/82	29,369,000	13,750,650	4,393,311	47%	15%	62%

* Based on actual salaries expenditure for all officers of the Department, including custodial, over the ten year period and after deducting estimated salaries payments for non-custodial staff.

** For the years 1972/73 to 1979/80, the value of shift allowances represents an estimate as for these years, such payments were aggregated within the payroll system with overtime.

SCHEDULE OF OVERTIME/SHIFT EARNINGS AS A PERCENTAGE OF BASE SALARY FOR THE FINANCIAL YEAR ENDED 30 JUNE, 1981

Institution	Total* Employees	1	A	2	B	3	C	4	D	E
		50-75	%	75-100	%	100-125	%	125 +	%	%
Long Bay	753	145	19.2	149	19.8	72	9.6	28	3.7	52.3
Parramatta	236	68	28.8	53	22.5	20	8.5	10	4.2	64.0
Mulawa	106	25	23.6	18	17.0	12	11.3	1	0.9	52.8
Norma Parker Centre	27	4	14.8	5	18.5	5	18.5	2	7.4	59.2
P.L.S.	88	18	20.5	12	13.6	4	4.6	1	1.1	39.8
Silverwater	75	10	13.3	18	24.0	14	18.7	6	8.0	64.0
City Gaols	1,285	270	21.0	255	19.8	127	9.9	48	3.7	54.4
Bathurst	53	16	30.2	14	26.4	3	5.7	-	-	62.3
Golburn	245	69	28.2	8	3.2	1	0.4	-	-	31.8
Maitland	161	54	33.5	28	17.4	3	1.9	-	-	62.8
Grafton	49	20	40.8	1	2.0	2	4.1	-	-	46.9
Newnes	12	5	41.7	4	33.3	3				75.0
Glen Innes	17	7	41.2	4	23.5	1	5.9	-	-	70.6
Mannus	20	5	17.2	6	20.7	4	13.8	-	-	51.7
Oberon	11	4	36.3	1	9.1	2	18.2	-	-	63.6
Cooma	42	14	33.3	1	2.4					35.7
Kirkconnell	18	7	38.9	4	22.2					61.1
Emu Plains	43	18	41.9	3	7.0	1	2.3	-	-	51.2
Berrima	19	11	57.9							57.9
Broken Hill	10	5	50.0	-	.				-.....	50.0
Milson Island	10	-	-	2	20.0	3	30.0	-	-.....	50.0
Cessnock	130	35	26.9	31	23.8	11	8.5	2	1.6.....	60.8
Tomago	4	-	-	1	25.0	1	25.0	1	25.0.....	75.0
	861	277	32.2	108	12.5	32	3.7	3	0.3	18.8
	2,146	547	25.5	363	16.9	159	7.4	51	2.4	52.2

EXPLANATORY NOTES FOR SCHEDULE OF OVERTIME/SHIFT AS A
PERCENTAGE OF BASE SALARY FOR THE FINANCIAL YEAR ENDED 30
JUNE, 1981

- * This report refers to prison service employees who earned in excess of \$10,000 for 1980-81.

Total employees includes some non-custodial staff not readily identifiable from computer produced location reports. Total employees include those terminated during 1980-81.

Columns 1 - 4 represent percentage ranges for overtime in relation to gross year to date salary.

Columns A - D represent percentage of employees in ranges 1 - 4 with respect to total employees.

- Column E represents employees whose overtime is 50% or more of their gross year to date salary as a percentage of total employees at 30 June, 1981.

THE EXTENT TO WHICH THE OVERTIME PAYMENTS

RESULT FROM DEFECTIVE OR IRREGULAR MANAGEMENT,

ROSTERING OR OTHER PRACTICES

Management of the Department of Corrective Services was heavily criticised in the Report of the Royal Commission into New South Wales Prisons completed on 31 March, 1978, and many of the practices and policies which led to high levels of overtime were already in existence at that time.

Conscious of the high level of overtime the Department completed a Review of Overtime in March 1979 which attempted to identify the causes. The Review also recommended that the staffing formula be changed to make provision for sick leave and other leave.

The New South Wales Public Service Board whilst agreeing that it was important to reduce overtime believed the major causes of excessive overtime to be the existence of unauthorised posts and the large number of vacancies. The Board also warned the Department of possible problems which might be faced if overtime was to be substantially reduced.

The Board stated:

"The relatively high overtime payments enjoyed by prison staff over many years have become an integral part of the Prison Officers' expectations and any attempt to reduce the rate of overtime significantly would have the following implications -

- * as positions become less financially attractive, a decline in the success of recruitment drives and an increase in staff turnover;
- * an increase in the average rate of sick leave taken by Prison Officers;
- * increased pressure to create additional posts to generate further overtime.

As a result, industrial unrest and efforts by Unions to increase the basic salary rates of Prison Officers to compensate for loss of overtime payments, could be expected".

It is clear from correspondence at the time that there was no agreement as to how the overtime problem could be solved. The two major difficulties were:

- (i) the inability to fill current vacancies.
- (ii) the base salary at that time was insufficient to retain current staff if overtime were to be substantially cut.

Neither of those difficulties

have existed since 1979 when new pay scales were introduced which considerably improved salary levels. Since that time the number of promotional positions have been substantially increased and the concept of a professional career structure based on merit and educational qualifications has been introduced. (Appendix "C")

Although these initiatives were welcome they did nothing to curb the increase in overtime and in fact other management decisions substantially increased the number of unauthorised posts and made overtime levels even higher.

Another Overtime Review was completed in 1981 but it was not until late 1982 that the Department took decisive action which should result in overtime being reduced by 50%,

It is difficult to assess the affect that bad fostering may have had on the overtime situation. In written evidence before the Committee it was suggested that Prison Officers should not be roster clerks because they lacked objectivity and may find themselves in positions where they draw up their rosters on the basis of maximum return to fellow Officers rather than maximum efficiency. The suggestio n of partiality gains further credence from the enormous differences in overtime payments made to Officers working in the same institution. On balance the Department has decided not to replace Roster Clerks with Clerical Staff but rather to tighten up procedures and supervision of Roster preparation.

THE EXTENT TO WHICH AN ABSENCE OF OR DEFECTS IN
MANAGEMENT INFORMATION SYSTEMS AND/OR CONTROLS
CONTRIBUTE TO THE HIGH LEVEL OF ENTITLEMENT TO
OVERTIME PAYMENTS

In the past four years there has been a considerable development in the Department's management information systems. The Department's ability to provide the Committee with accurate detailed information at short notice is a clear indication that management information systems are adequate.

The Department acknowledges that effective control in respect of overtime is greatly facilitated where there is an adequate information system which will quickly identify increases in overtime and variations from budget. The problem has been to decide how overtime should be controlled.

In the same four year period there have been dramatic changes to penal practice in New South Wales which were the result of Government initiatives taken in response to the 252 Recommendations of the Royal Commission into New South Wales Prisons dated 31 March, 1978.

It is certainly to the Department's credit that at the same time these fundamental changes to prison management were occurring new management information systems were designed and implemented. Assisted by the availability of improved information collection and processing the Department has examined a number of internal procedures and problems. Examinations of Overtime were conducted in 1978/79 and in 1981. As a result of the 1981 report responsibility for the reduction of overtime was placed in the hands of Gaol superintendents.

This met with little success as the improvement for 1981/82 was only marginal. The Department then reviewed staffing in all prisons and drew up a programme which amongst other things eliminated all unauthorised posts (Appendix "B"). The reduction in overtime from this action was anticipated at 20%. Other measures such as controls on sick leave and the reorganisation of escort duties which are no longer to be performed on overtime, have had a decisive effect.

The Committee has been impressed

by the determination the Department has now shown in tackling the overtime problem. The actions recently taken by the Department should reduce the total overtime hours by 50%.

THE LIKELY EFFECT ON THE GENERAL EFFICIENCY AND OVERALL
PRODUCTIVITY OF OFFICERS WHO CONTINUALLY RECORD LENGTHY
PERIODS OF OVERTIME

In his submission to the Committee the Chairman of the Corrective Services Commission Mr V.J. Dalton stated :

"It is recognised that Officers who work excessive overtime hours do so to the detriment of their health and against the efficient performance of their duties.

I believe that incessant overtime militates against the productivity of Officers. I am also aware of the upheaval that excessive overtime has on the social and family lives of Officers.

The diminished effectiveness caused through extensive overtime is indeed worrying in the context of the security nature of the Department's work".

These views were also expressed by others during the course of evidence.

A contrary view was expressed in the conclusion of a document placed before the Committee "Health, Life-Style and Stress in Prison Officers" (1981) from the Waverley Preventive Medicine Clinic and the School of Community Medicine, University of New South Wales, page 69. The document stated'

"The Officers are aware of the low esteem accorded their work, although they believe their work is important. This is a source of stress for them. There is conflict between work and non-work roles which is especially important in its effect on their family life. Despite what would seem to be the obvious contribution of long hours of overtime to conflict of this type, the Officers do not identify imposed overtime as stressful"

The Committee is concerned at the connection between working excessive overtime and the inordinate amount of sick leave taken by Prison Officers, and in particular, concerned about the security risk occasioned by tired Officers working extensive overtime in security posts. One third of Officers in metropolitan gaols earn an additional amount equivalent to more than 75% of their salary in overtime and allowances.

The Committee recommends that'

- * for the sake of the health of its Officers and the security of the institution limits be placed on the amount of overtime which an Officer may be permitted or required to work.

WHETHER THE APPOINTMENT OF ADDITIONAL OFFICERS WOULD PRODUCE A
CORRESPONDING REDUCTION IN OVERTIME PAYMENTS TO EXISTING STAFF

In his submission to the Committee the Chairman of the Corrective Services Commission stated'

"Whilst, prima facie, it can be demonstrated that it is more economical to employ additional staff than to cover staffing deficiencies by overtime, notwithstanding the cost of shift allowances and on-costs such as superannuation liability, etc., in practice, experience has shown that where the number of Officers has increased, so too has overtime.

One of the factors over which the Department has little control is sick leave. It has been observed that where - as a result of the employment of additional staff -overtime due to staffing deficiencies has diminished, overtime caused as a result of sick leave has increased. In some cases, this increase has been greater than the additional hours available from an increase in manpower".

As mentioned previously the Department has mounted a vigorous campaign to control sick leave and has been assisted by a favourable decision from the Industrial Commission.

The Department is of the view that if sick leave can be contained an increase in custodial staffing resources would result in a net saving in respect of salary and overtime costs.

Superintendents and Deputy
Superintendents, etc.

Services

P.S.B. 78/3674

A G R E E M E N T made the 21st day of January

1982.....

BETWEEN THE PUBLIC SERVICE BOARD OF SOUTH WALES, a cor-
poration constituted under the Public Service Act, 1979, and
having its office at 47-53 Macquarie Street, Sydney, in the
State of New South Wales (hereinafter called : 'the Board") of
the one

part and THE PUBLIC SERVICE

..... ASSOCIATION OF NEW SOUTH WALES being
an Association ,or Organisation representing a certain class of
Public Servant (hereinafter called the Association) of the
other part.

(1) INTRODUCTORY

This Agreement is made between the Board and the Association pursuant to the provisions of Section 83 of the Public Service Act, 1979. This Agreement shall be binding upon the Board and all officers as defined herein.

(2) DEFINITIONS

"officer" means and includes all adult persons employed in the General Division under the provisions of the Public Service Act, 1979, and who on the eighth day of October,1981 were occupying one of the positions covered by this Agreement, or who, after that date, are appointed to one of such positions but does not include any person who resigned or whose services were terminated prior to the date of signing of this Agreement.

"Service" means continuous service. Future appointees shall be deemed to have the years of service indicated by the salaries at which they are appointed.

(3) SALARIES

Subject to the provisions of the Public Service Act, 1979, and the regulations thereunder and subject also to the provisions of this Agreement, officers shall be paid the following salaries: -

Position	Per Annum \$
Principal Prison Officer	
Principal Industries Officer	
1st year	21314
2nd year	21942
Assistant Superintendent	
On appointment	23697
Deputy Superintendent	
Grade 2	23697
Deputy Superintendent	
Grade 1	24888
Superintendent	
Grade 3	25476
Superintendent	
Grade 2-	28148
Superintendent	
Grade 1	30392
Chief Superintendent	
(Long Bay) and Deputy	
Director of Establishments	
On appointment	32071
Director of Establishments	35771

(4) ALLOWANCES

- {i) In addition to the salaries prescribed by this Agreement, the following allowances covering call-back and after-hours duty not otherwise provided for, shall be paid: -

	Per Annum
Deputy Superintendent, Grade 2	1504
Deputy Superintendent, Grade 1	1504
Superintendent, Grade 3	1504
Superintendent, Grade 2	1880
Superintendent, Grade 1	2382

Chief Superintendent (Long Bay)
and Deputy Director of
Establishments 2633

Director of Establishments 3134

- (ii) The allowances for Deputy Superintendents and Superintendents referred to in Subclause (i) of this Clause shall only apply to officers occupying such positions in Institutions.
- (iii) Superintendents and Deputy Superintendents who are recalled to duty on account of an emergency shall be entitled to the payment of overtime for all time worked in excess of two hours on each occasion.
- (iv) Deputy Superintendents who are rostered to work an over time shift shall be entitled to payment of overtime at the appropriate rate for all time so worked.

Superintendents and Deputy Superintendents whose salary exceeds an amount equivalent to \$1.00 per annum in excess of the rate prescribed as the maximum rate for Grade 8 of the Administrative and Clerical Division (\$24799 per annum - \$89.10 wb), as varied from time to time, shall be entitled to compensation for overtime worked in accordance with Subclause (iii) or (iv) of this Clause, calculated at the salary prescribed for the overtime salary barrier.

(5) ENVIRONMENT ALLOWANCE

The salaries prescribed in Clause 3 represent a 4% increase in base salary together with a further 8% increase in base salary as an environment allowance making a total of 12% overall increase in pre-existing salaries.

The parties agree that the establishment of an environment allowance does not imply that the environment in which executive officers work has not been taken into account in previous salary fixations. It represents recognition of the pressures and responsibilities inherent in the present climate of executive officers work. The allowance supersedes the allowance previously payable to officers employed in the Special Care Unit, Long Bay Gaol.

(6) ADJUSTMENT OF SALARIES OF OFFICERS
COVERED BY AGREEMENT

Subject to the provisions of this Agreement the salaries of officers employed at the operative date of this Agreement shall be adjusted to the appropriate scale prescribed by this Agreement on the basis of years of service in position - for the purpose of this clause, officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation of this Agreement.

(7) INCREMENTS

- (i) The payment of increments under the scale of salaries prescribed by this Agreement shall be subject to approval by the Board.
- (ii) One month prior to the date 'on which an officer will become eligible for an increment of salary, the Department Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.
- (iii) In cases where the recommendation of the Department }{cad is adverse to the granting of an increment, and such recommendation has been approved by the Board. the officer affected shall have the right of appeal to the Board.

(8) CALCULATION OF SERVICE

In calculating years of service for the purpose of this Agreement, the following periods shall not be taken into account, viz:-

- (a) any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination test;
- (b) any period in respect of which an increment is refused under Clause (7) hereof;
- (c) any leave of absence without pay exceeding five days in any incremental year;
- (d) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 94 or 95 or 133 of the Public Service Act, 1979.

(9) SHIFT WORK

- (i) For the purpose of this clause -

'Afternoon Shift" means any shift finishing after 6 p.m. and at or before midnight.

"Night Shift" means any shift finishing subsequent to midnight and at or before 8.00 a.m.

"Early Morning shift" means any shift commencing before 6.00 a.m.

- (ii) In lieu of existing allowances in respect of Shift Work other than at weekends or On public holidays the following allowances shall be paid:-

Early morning shift	10%
Afternoon shift	15%
Night shift	17 ¹ / ₂ %

(10) ANNUAL LEAVE LOADING

The Annual Leave Loading payable to all officers engaged as shift workers shall be 20% in lieu of all other entitlements under this

heading. A "Shift Worker" for the purpose of this clause means an officer who regularly receives shift allowances including weekend shift allowances as part of his ordinary remuneration.

(11) GENERAL

Nothing in this Agreement shall be construed as restricting the authority of the Board to alter the duties of any position or to abolish any position covered by this Agreement.

(12) ADJUSTMENT OF SALARIES ON ECONOMIC GROUNDS

Leave is reserved to the Association to apply to re-open this Agreement in the event of any enactment or decision by the Government or by the New South Wales Industrial Commission providing for adjustment of salaries in Awards or Agreements generally on economic grounds. Provided that an}' such adjustment in respect of the period prior to the date of operation of this Agreement shall be deemed to be included in the salaries prescribed in Clause 3, herein.

(13) LEAVE RESERVED

Leave is reserved to the Association to pursue its claim for the payment of an allowance covering call-back and after hours duty to an officer occupying a position of Principal Prison Officer or Assistant Superintendent.

(14) AREA, INCIDENCE AND DURATION

Except to the extent that they have been specifically varied by this Agreement, the provisions of Awards, Agreements and Determinations in respect of Executive Officers, Department of Corrective Services, shall continue to remain in force. This Agreement shall apply to all officers as defined herein. It shall have effect for a period of one year on and from the beginning of first pay period commencing on or after the 1st day of October, 1981 and shall continue in force thereafter until one month's notice of its termination is given by either party.

IN WITNESS WHEREOF this Agreement has been'duly executed on the day and year first hereinbefore written..

Signed for and on behalf of)	
THE PUBLIC SERVICE BOARD OF)	
NEW SOUTH WALES by its)	
Chairman and a Member)..;	
.....)	Chairman
)	
)	
)	Member

Prison Officers,
Corrective Services
Agreement No. 2378 of 1981
P SB 78/2626

A G R E E M E N T made the twenty-fourth day of December,
1981 BETWEEN THE PUBLIC SERVICE BOARD OF NEW SOUTH WALES,
a corporation constituted under the Public Service Act, 1979,
and having its office at 47-53 Macquarie Street, Sydney, in
the State of New South Wales (hereinafter called "the Board")
of the one part and THE PUBLIC SERVICE ASSOCIATION OF NEW
SOUTH WALES being an Association or Organisation representing
a certain class of Public Servant (hereinafter called the
Association) of the other part.

(1) INTRODUCTORY

This Agreement is made between the Board and the Association pursuant to the provisions of Section 83 of the Public Service Act, 1979. This Agreement shall be binding upon the Board and all officers as defined herein.

(2) DEFINITIONS

"Officer" means and includes all adult persons employed in the General Division under the provisions of the Public Service Act, 1979, and who on the eighth day of October, 1981 were occupying one of the positions covered by this Agreement, or who after that date, are appointed to one of such positions but does not include any person who resigned or whose services were terminated prior to the date of signing of this Agreement.

"Service" means continuous service. Future appointees shall be deemed to have the years of service indicated by the salaries at which they are appointed.

(3) SALARIES

Subject to the provisions of the Public Service Act, 1979, and the regulations thereunder and subject also to the provisions of this Agreement, officers shall be paid the following salaries:-

<u>Position</u>	Per Annum \$
Probationary Prison Officer	14674
Prison Officer -	
1st year	15276
2nd year	15600
3rd year	15935
4th year	16182
5th year	16420
Prison Officer- <u>1st Class</u>	
Overseer	
1st year	17625
2nd year and Thereafter	18024
Senior Prison Officer	
Senior Overseer	
1st year	18726
2nd year and Thereafter	19124

(4) ENVIRONMENT ALLOWANCE

The salaries prescribed in Clause '3 represent a 4% increase in base salary together with a further 8% increase in base salary as an environment allowance making a total of 12% overall increase in pre-existing salaries.

The parties agree that the establishment of an environment allowance does not imply that the environment in which prison officers work has not been taken into account in previous salary fixations. It represents recognition of the pressures and responsibilities inherent in the present climate of prison officers work. The allowance supersedes the allowance previously payable' to' officers employed in the Special Care Unit, Long Bay Gaol.

(5) ADJUSTMENT OF SALARIES OF OFFICERS
COVERED BY AGREEMENT

Subject to the provisions of this Agreement the salaries of officers employed at the operative date of this Agreement shall be adjusted to the appropriate scale prescribed by this Agreement on the basis of years of service in position - for the purpose of this clause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation of this Agreement.

(6) INCREMENTS

- (i) The payment of increments under the scale of salaries prescribed by this Agreement shall be subject to approval by the Board.
- (ii) One month prior to the date on which an officer will become eligible for an increment of salary, the Department Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.

(11) ADJUSTMENT OF SALARIES ON
ECONOMIC GROUNDS

Leave is reserved to the Association to apply to re-open this Agreement in the event of any enactment or decision by the Government or by the New South Wales industrial Commission providing for adjustment of salaries in Awards or Agreements generally on economic grounds. Provided that any such adjustment in respect of the period prior to the date of operation of this Agreement shall be deemed to be included in the salaries prescribed in Clause 3, herein.

(12) AREA, INCIDENCE AND DURATION

Except to the extent that they have been specifically varied by this Agreement, the provisions of Awards, Agreements and Determinations in respect of Prison Officers, Department of Corrective Services, shall continue to remain in force. This Agreement shall apply to all officers as defined herein. It shall have effect for a period of one year on and from the beginning of first pay period commencing on or after the 1st day of October, 1981, and shall continue in force thereafter until one month's notice of its termination is given by either party.

IN WITNESS WHEREOF this Agreement has been duly executed on the day and year first hereinbefore written.

Signed for and on behalf of THE PUBLIC SERVICE BOARD OF

NEW SOUTH WALES by its
Chairman and a Member

(iii) In cases where the recommendation of the Department Head is adverse to the granting of an increment, and such recommendation has been approved by the board, the officer affected shall have the right to appeal to the Board.

(7) CALCULATION OF SERVICE

In calculating years of service for the purpose of this Agreement, the following periods shall not be taken into account: -

- (a) any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination test;
- (b) any period in respect of which an increment is refused under Clause (5) hereof;
- (c) any leave of absence without pay exceeding five days in any incremental year;
- (d) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 94 or 95 or 133 of the Public Service Act, 1979.

(8) SHIFT WORK

(i) For the purpose of this clause -

'Afternoon Shift' means any shift finishing after 6 p.m. and at or before midnight.

'Night Shift' means any shift finishing subsequent to midnight and at or before 8.00 a.m.

'Early Morning Shift' means any shift commencing before 6.00 a.m.

(ii) In lieu of existing allowances in respect of Shift Work other than at weekends or on public holidays the following allowances shall be paid:-

Early morning shift	10%
Afternoon shift	15%
Night shift	17 1/2%

(9) ANNUAL LEAVE LOADING

The Annual Leave Loading payable to all officers engaged as shift workers shall be 20% in lieu of all other entitlements under this heading. A "Shift worker" for the purpose of this clause means an officer who regularly receives shift allowances including weekend shift allowances as part of his ordinary remuneration.

(10) GENERAL

Nothing in this Agreement shall be construed as restricting the authority of the Board to alter the duties of any position or to abolish any position covered by this Agreement.

PRISONS STAFFING REVIEW (PHASE 1)

APPENDIX "B"
Revised 21.9.82

INSTITUTIONS Posts	to Positions	Unauth.	Variations Existing	Authorised Revised	Staff
BATHURST GAOL		3	+ 129	41	170
BERRIMA GAOL		-	Nil	18	18
BROKEN HILL GAOL		-	Nil	9	9
CESSNOCK CORRECTIVE CENTRE		4	+ 16		107
123					
COOMA PRISON		-	Nil	34	34
EMU PLAINS TRAINING CENTRE		-	- 3		40
37					
GLEN INNES PRISON CAMP		-	+ 2	15	17
GOULBURN TRAINING CENTRE		6	- 8	163	155
GRAFTON GAOL		-	- 15	52	37
KIRKCONNELL PRISON CAMP		3	- 16	17	1
MAITLAND GAOL		2	- 56	149	93
CENTRAL INDUSTRIAL PRISON		18	- 20	185	165
MALABAR EMERGENCY UNIT -			+27	40	67
METROPOLITAN REMAND CENTRE			18	+ 19	139
158					
METROPOLITAN RECEPTION CENTRE			18	+ 26	129
155					
MALABAR TRAINING CENTRE		2	+ 1	94	95
SPECIAL CARE UNIT		-	- 20	47	27
CLASSIFICATION SECTION		-	Nil	5	5
ANNUS PRISON CAMP		-	Nil	27	27
MULAWA DETENTION CENTRE		7	- 17	105	88
NARRABRI GAOL		-	- 9	9	Nil
NEWNES PRISON CAMP		-	- 13	13	Nil
NORMA PARKER CENTRE		-	- 9	30	21
OBERON PRISON CAMP		2	+ 2	12	14
PARKLEA GAOL		-		1	1
PARRAMATTA GAOL		20	- 41	255	214
SILVERWATER PRISON		2	- 7	74	67
TOMAGO PERIODIC DETENTION CENTRE			-	- Nil	2
2					
STAFF DEVELOPMENT STAFF & PERSONNEL, HEAD OFFICE		-	- 17	112	95
3					
ESTABLISHMENTS, HEAD OFFICE		-		Nil	3
12					
INDUSTRIAL SERVICES, HEAD OFFICE		-		- 2	14
5					
EXECUTIVE HEAD OFFICE		-	- 1		2
1					
PROGRAMMES, HEAD OFFICE		-	Nil		1
1					
WORK RELEASE, HEAD OFFICE		-	- 1		1
Nil					
MANAGEMENT SERVICES HEAD OFFICE		-			2
2					
		105	-33		1952
1919					

STAFF DEVELOPMENT BRANCH

TRAINING AND PROGRESSION REQUIREMENTS FOR PRISON OFFICERS AT 1ST JULY, 1982.

During the last 5 years ,there have been several changes in the Training System for Prison Officers.

Currently, because of these changes, there are two (2) categories of officers each group qualifying for progression by a different method.

The two (2) Groups are as follows:

1. Officers employed on or before 30th June, 1976.
2. Officers employed on or after 1st July, 1975. !. OFFICERS EMPLOYED ON OR BEFORE 30TH JUNE, 1976.

- (i) All custodial officers employed on or before 30th June, 1975 must meet the training and progression requirements under Regulation, 279B of the Regulations under the Public Service Act, 1952, as in force at that time, unless they elect to qualify under the proposed regulations that apply to officers employed on or after 1st July, 1976.
- (ii) Officers who qualify under Regulation 279B will be considered equally with those who qualify under the new requirements.
- (iii) The last examination for progression to Senior Prison Officer, under the pre-existing scheme was held before 1st July, 1980.
- (iv) The last examination for progression to Principal Prison Officer under the pre-existing scheme was before 1st July, 1980.

(v) The provisions of Regulation 279B are summarised below:

(a) Probationary Prison Officer:

Every employee who satisfactorily attends and completes the Pre-Service Training Course (Stage A) of fifteen days duration shall be eligible for permanent appointment on Probation from the date of his first commencement of duty.

(b) Prison Officer:

No officer shall have his/her appointment confirmed unless he/she satisfactorily completed the Pre-Service Training Course (Stage B) of fifteen days duration.

- (c) First Class Prison Officer: No further requirements under Regulation 279B.

(d) Senior Prison Officer:

- (i) No officer in the General Division of the Prison Service shall be promoted to the rank of Senior Prison Officer unless he/she has successfully completed the Senior Prison Officer's In-Service Training Course.

- (ii) Officers who have not completed the Senior Prison Officer's In-Service Training Course of 2 weeks may qualify for progression to Senior Prison Officer by the successful completion of Modular Courses 4, 5 and 6. (See schedule of Modular Courses attached).
- (e) Principal Prison Officer or Higher Rank:
 - (i) No officer in the General Division of the Prison Service shall be promoted to the rank of Principal Prison Officer or to a higher rank unless he/she has successfully completed the old Chief Prison Officer's In-Service Training Course.
 - (ii) Officers may qualify for promotion to Principal Prison Officer or higher rank by the successful completion of Modular Courses number (see schedule of Modular Courses attached) 7, 8 and 9.

Officers who have qualified for progression by the successful completion of the 2 weeks Senior and Chief Prison Officer's In-Service courses, and wish to upgrade their skills may be considered for inclusion in appropriate Modular Courses.

(f) Oversee's Ranks

Industrial officers, Maintenance Officers and Overseers may be promoted directly to the rank at which a vacancy exists on the basis of managerial or trade qualifications and experience etc. They must complete the in-service and other requirements applying to custodial officers for the rank held before they can be considered for progression within the custodial ranks.

2. OFFICERS EMPLOYED ON OR AFTER 1ST JULY, 1976.

I. Re-employment

- (a) Where an officer has had less than twelve (12) months previous service he/she will be required to complete the initial training and probationary service requirements as provided for in 2 II (a) Prison Officer Training for Probationary Prison Officers.
- (b) Where an officer has had more than twelve (12) months previous service, he/she will be required to complete a period of training up to 13 weeks duration, as assessed and recommended by the Superintendent, Staff Development.
- (c) An officer, who entered the prison service before 1st July, 1976, subsequently resigned and then rejoined will present any inservice qualifications previously gained to the Commission for its determination on the officer's current standing.

Any officer presently re-employed will present to the Commission details of previous in-service qualifications for determination by the Commission.

II. Initial Employment

- (a) Primary Training for Probationary Prison Officers
Officers will be considered as undergoing primary training and will be on probation during the entire first year of service. This is structured as follows:

Week 1.	Orientation and Induction Programme
Weeks 2 to 7 of service	Primary Training
Weeks 8 and 9 of service	Supernumerary placements at Institutions of employment
Weeks 10 to 24	Rostered duty at institution of employment
Weeks 25 and 26 Recalled for Training	Human Relations 1, First Aid and Weapons Revision Training
Weeks 27 to 44	Rostered duty at institution of employment
Weeks 45 and 46 Recalled for Training	Weapons Revision Training Prison Practice and Procedure, and Security Equipment and Riot Control Techniques.

The satisfactory completion of the above programme and performance of rostered duty is essential for confirmation of appointment as a permanent Prison Officer at the completion of 12 months Probationary Service.

* During the 12 months Probationary Period all trainees performance will be assessed at least once,

* All sections of the above programme must be satisfactorily completed.

If a trainee fails to meet the standard required and pass all sections of the programme this failure may lead to the termination of a trainee's employment.

III. Promotion Requirements.

Officers throughout the Service shall be promoted by merit and efficiency as prescribed in Section 62 of the Public Service Act, 1979. Therefore officers are encouraged at all times to equip themselves with the qualifications and skills to carry out their duties in an efficient and effective manner. They should keep in mind the need to be qualified to relieve in higher positions if they wish to be considered for such relief positions.

(a) First Class Prison Officer.

- (i) Having the relevant experience; and
- (ii) The occurrence of a vacancy.

Following promotion to the First Class Prison Officer, the officer will be required to complete Modular Courses 1, 2 and 3.

(b) Senior Prison Officer.

Officers will be eligible for promotion to the rank of Senior Prison Officer subject to:

- (i)
- (ii)
- (iii) (iv)

Completion of Modular Courses 1, 2 and 3; and

Completion of the Supervision Certificate or equivalent (e.g., Stage I of Management Certificate or two appropriate units of the Associate Diploma in Justice Administration, or some appropriate subjects of either the Personnel Administration Certificate or the Public Administration Certificate); and
Having relevant experience, essential qualifications and efficiency to carry out the duties of the position; and

The occurrence of a vacancy.

Following promotion to S.P.C. officers will be required to complete Modular Courses 4, 5 and 8.

(c) Principal Prison Officer

Officers will be eligible for promotion to Principal Prison Officer (first year rate of salary for P.P.O.) subject to:-

- (i) Completion of Modular Courses, 4, 5 and 6; and
- (ii) Having the qualifications required for the rank of Senior Prison Officer; and
- (iii) Having the relevant experience, and efficiency to carry out the duties of the position; and
- (iv) The occurrence of a vacancy.

Following promotion to P.P.O. officers will be required to complete Modular Courses 7, 8 and 9.

(d) Progression to the Second Year Rate for Principal Prison Officer

Officers will be eligible for progression to the second year rate for Principal Prison Officer subject to:-

- (i) Completion of Modular Courses 7, 8 and 9; and
- (ii) Having the qualifications required for promotion to the rank of Principal Prison Officer (first year rate); and
- (iii) Completion of the Associate Diploma in Justice Administration or equivalent as determined by the Public Service Board from time to time (e.g., Management Certificate, plus Diploma of Criminology or Personnel Administration Certificates plus the Diploma of Criminology, or Public Administration Certificate plus the Diploma of Criminology).

(e) Promotion to Assistant Superintendent or Higher Rank

- (i) Having the qualifications required for promotion to Principal Prison Officer (second year rate); and
- (ii) Having the relevant experience and efficiency to carry out the duties of the position; and
- (iii) The occurrence of a vacancy.

IV. Modular Training Courses

The Corrective Services Commission has agreed that it is essential for the Department to provide in-service training aimed at cumulatively building officers' knowledge and skills in custodial procedures and techniques and, at the higher levels, those aspects of staff supervision, discipline and institutional administration which cannot reasonably be expected to still be provided by external courses.

It is further agreed that the successful completion of these modular Courses (as set out earlier) be a requirement for the various ranks after gaining promotion to the rank. Officers who joined the Service between 1st July, 1976 and 31st January, 1970 and who were not required to complete Modular Courses at that time, will be given until 1st September, 1983 to complete the appropriate Modular Courses. Officers are expected to contribute fully to these courses so they may gain added skills and be more effective in position they have just been promoted to.

Officers entering the Service on or after 1st July, 1976, will be required to complete the Supervision Course or equivalent to qualify for promotion to Senior Prison Officer. After the satisfactory completion of this qualifying course officers will be eligible for selection and promotion to S.P.O. on the criteria set out in 2 III (b) (i) (ii) and (iii). Following promotion to S.P.O. the officer will attend Modular Courses, 4, 5 and 6. This means that officers are given the modular courses after gaining the promotion and not before the promotion as in the past. This procedure applies to all ranks, 1st Class Prison Officer, Senior Prison Officer and Principal Prison Officer. No officer will be allowed to progress to the next rank unless he has completed the modular courses for the rank he currently holds.

Overseers' Ranks

Industrial Officers, Maintenance Officers and Overseers may be recruited directly to the rank at which a vacancy exists on the basis of managerial, professional or trade qualifications and experience etc. Immediately on appointment they must undertake the Primary Training for Custodial Officers. They must also complete the in-service and other requirements applying to Custodial Officers for the rank held before they can be considered for progression within the custodial ranks.

SCHEDULE OF MODULAR COURSES

Modular Course 1 - report Writing and Rules of Evidence

This course covers report-writing, rules of evidence, charges and courts procedures, required at the rank of First Class Officer,

Modular Course 2 - Welfare and Counseling

This course provides the officer with skills and knowledge in interviewing, counselling and welfare work. The officer gains experience through role playing and learns techniques in inter viewing and counselling.

Modular Course 3 - The First Class Prison Officer

The course provides the First Class Prison Officer with skills in management, staff supervision and human behaviour. The rank of First Class Officer has many positions, primarily the Wing Officer. The course covers the essential skills required for these positions.

Modular Course 4 - Leadership and Supervision

This course covers knowledge and skills in leadership required for effective middle management. The officer learns methods on how to exercise leadership in stress situations, appreciate relationship of leader's role in planning and how to handle people - staff and prisoners - generally.

Modular Course 5 - The Senior Prison Officer

,This course provides the Senior Prison Officer with the necessary knowledge and skills to ensure that the prison is functioning smoothly and that he/she is an effective leader. The officer receives instruction in such areas as the reception and discharge of inmates, officer-in-charge of the nightshift and public relations.

modular Course 6 - The Principal Prison Officer

This course is designed to instruct the Principal Prison Officer in key areas of responsibility for the security of the institution and overall supervision of both staff and inmates. He/she is trained in such areas as search procedures, goal hygiene, selection for promotion, rostering and conducting disciplinary interviews. He/she also ad ministers special circumstances for prisoners, e.g., day leave, compassionate leave

Modular Course 7 - Emergency Procedure and Control

This course provides executive officers with skills in handling an emergency and bringing it under control. Officers gain a knowledge in riot formations, emergency equipment, including chemical agents and how to assess hostage situations.

Modular Course 8 - The Skills of an Effective Executive Officer

This course examines systems and techniques which have been developed in managerial practice. Officers are encouraged to adept a rational approach to solve management problems in the prison environment.

Modular Course 9 - Legal Studies

The course teaches executive officers legal asF~ects of prison discipline. This involves training officers: pot only in the law relating to prisoner rights: responsibilities and discipline, but also officer responsibilities and duties in the management of discipline.

CAREER MODEL FOR CUSTODIAL OFFICERS

OPERATIONAL LENGTH OF SERVICE	<u>IN-SERVICE TRAINING REQUIREMENTS</u>	QUALIFICATIONS REQUIRED	SKILLS TRAINING
0-12 MONTHS	(1) Primary Training (9 weeks) (2) Rostered Work Experience (39 weeks) (3) 2 x 2 Week recall training (4 weeks)	Eligible for confirmation of appointment	
	<u>PROGRESSION REQUIREMENTS</u>		
12-36 months	Advised to commence tertiary studies	The skills and efficiency to carry out the duties of the position. Eligible for promotion to 1st Class Prison Officer	<u>After</u> gaining the promotion Mods. 1, 2 &
36-48 months	Supervision Certificate (TAFE) or equivalent	Eligible for promotion to S.P.O.	<u>After</u> gaining the promotion Mods. 4, 5 and 6
48-84 months	As for S.P.O. above	Eligible for promotion to P.P.O	<u>After</u> gaining the promotion Mods. 7, 8 &
84-120	Associate Diploma in Justice Administration (M.C.A.E.) or equivalent	Eligible for progression to P.P.O. (second year rate) or promotion to higher rank	
	<u>DEVELOPMENT PROGRAMMES</u>		
(i) No time specified entry subject meeting the tertiary qualifications or promotion to P.P.O.	Executive Identification and Development Programme	Eligible for progression to P.P.O. (second year rate) or promotion	
(ii) No time specified entry restricted to Executive level officers.	Continuing Executive Development		

PUBLIC SERVICE BOARD
47 - 53 MACQUARIE STREET
SYDNEY 2000

13 OCTOBER 1980

CIRCULAR NO 216 OF 1980

CROWN EMPLOYEES (OVERTIME) AWARD

The Crown Employees (Overtime) Award was varied by the Industrial Commission of N.S.W. on 18th October, 1979. Minutes of the Award were settled on 20th August, 1980, and the full text of the award, which is operative from 23rd November, 1979, is attached.

Action should now be taken to implement the Award. Any difficulties encountered by Departments in the application of this award may be directed to the Policy Section, Industrial Relations Division (extensions 735 and 766).

Guidelines to assist in the implementation of the Award are set out hereunder. These Guidelines should be read in conjunction with the Award.

1. (Overtime is all time directed (by the Department Head or other responsible officer on his behalf) to be worked outside usual office hours. where a flexible working scheme is in operation, the usual office hours shall include the bandwidth of that scheme.
 2. The application of overtime is extended to field officers and other officers not previously entitled to it except with the approval of the Public Service Board. Overtime for these officers for whom usual office hours are not fixed shall be all such time directed to be worked on any day in excess of one-fifth of their ordinary hours of work per week.
- &
3. In work situations where officers, on their own initiative, choose to work in excess of their usual daily spread of hours or on weekends and public holidays, Departments may apply existing time-in-lieu practices. Where however, an officer is directed to work outside usual office hours, or on a public holiday or one-fifth of ordinary hours per week, then the provisions of the Award must be applied.
- &. Where an officer is directed to work on a public holiday which would normally be a working day, the officer shall receive compensation at the rate of time and a half in addition to salary. Any additional time worked in excess of one-fifth of the officer's ordinary hours of work per week shall be compensated at the rate of double time and a half.

For example

- A. An officer, whose ordinary hours per week are 35, works six hours on a public holiday which would normally be a working day. This officer's entitlement would be

$$\begin{array}{rcl}
 7 \times 1 & = & 7 \text{ hours} \quad (\text{normal salary}) \\
 6 \times 1.5 & - & \underline{9 \text{ hours}} \\
 & & 16 \text{ hours}
 \end{array}$$

in this example, an officer would be entitled to nine hours additional payment and may, subject to the provisions of Clause 3, Leave in Lieu of Payment of the Award, elect to take leave in lieu, in multiples of a quarter-day only, up to a maximum of one day. For example, if an officer elects to take leave in lieu for three-quarters of a day he/she would receive payment for the balance of the entitlement i.e. (9 hours - 5.25 hours = 3.75 hours).

An officer, whose ordinary hours per week are 35, works eight hours on a public holiday which would normally be a working day. This officer's entitlement would be:-

7	x	1	-	7	hours	(normal salary)
7	x	1.5	=	10.5		
1	x	2.5	=	<u>2.5</u>		
				20	hours	

In this example, an officer would be entitled to thirteen hours additional payment and may, subject to the provisions of Clause 3, Leave in Lieu of Payment of the Award, elect to take leave in lieu, in multiples of a quarter-day only, up to a maximum of one day. For example, if an officer elects to take one day's leave in lieu, he/she would receive payment for the balance of the entitlement i.e. (13 hours - 7 hours = 6 hours) .

Where an officer is directed to work on a public holiday which would normally be a working day, the officer is to be compensated for at the rate of double time and a half for all time so worked. not

Where a public holiday falls on a day which would normally be a working day, officers on a flexible working scheme shall receive their normal seven or eight hour flexitime credit, regardless of whether they work or not on the public holiday.

Overtime shall not be paid for periods of less than one quarter of an hour where such overtime is worked on a weekend or public holiday when a minimum payment as for three hours work at the appropriate rate shall be paid.

Periods of less than one quarter of an hour may not be accumulated from day to day until a minimum of one quarter of an hour is reached.

The formula for the calculation of overtime at ordinary rates shall be:-

$$\frac{\text{Annual salary}}{1} \times \frac{7}{365.25} \times \frac{1}{\text{Number of ordinary hours of work per week}}$$

Officers for whom compensation specifically is provided for overtime or who are paid an allowance for overtime or whose total salary is fixed as inclusive of overtime under any award, industrial agreement, determination of the Board, or an agreement under Section 83 of the Public Service Act, 1979, or by the regulations under that Act are not entitled to payment for overtime in accordance with this Award without the special approval of the Board.

11. The overtime barrier has been raised to an amount equivalent to \$1.00 per annum in excess of the rate prescribed as the maximum rate for Grade 8 of the Administrative and Clerical Division. The provisions currently relating to compensation to officers working overtime and whose salary exceeds the overtime barrier continue to apply.

12. The award applies to officers employed under the provisions of the Public Service Act, 1979, and who are classified in the clerical, professional and general divisions and persons temporarily employed who are engaged on work which, if permanent, would be classified in the clerical, professional or general divisions.

13. The award is operative from the 23rd November, 1979 and shall continue to operate until otherwise notified by the Board,

D. R. WALKER

Secretary

Per: M~

Crown Employees (Overtime) Award

1. Definitions

(i) Overtime shall mean all time, whether before or after the usual office hours, necessarily occupied, by direction of the Department head or other responsible officer on his behalf, in the performance of work which from its character or from special circumstances, cannot be performed during the usual office hours of the office to which the officer is attached.

Overtime for officers for whom usual office hours are not fixed shall mean all such time on any day in excess of their ordinary hours of work per week divided by 5. Where a flexible working hours scheme is in operation, the usual office hours shall include the bandwidth of that scheme.

(ii) Officer shall mean and shall include all persons permanently employed under the provisions of the Public Service Act, 1979, and who are classified in the clerical, professional and general divisions and persons temporarily employed whose services are wholly at the disposal of the Government employed under the provisions of the Public Service Act, 1979, and who are engaged on work which, if permanent, would be classified in the clerical, professional or general divisions.

(iii) Board shall mean the Public Service Board of New South Wales.

(iv) Association shall mean the Public Service Association of New South Wales and the New South Wales Public Service Professional Officers' Association.

(v) Continuous work means work carried on with consecutive shifts of men throughout the twenty-four hours of each of at least six consecutive days without interruption except during breakdowns or meal breaks or due to unavoidable causes beyond the control of the employers.

2. Rates

Overtime, when worked on the days hereinafter mentioned, shall be paid for at the following rates:

- (i) for all overtime worked before the usual commencing time and after the usual ceasing time, Monday to Friday, inclusive, at the rate of time and one-half for the first two hours and at the rate of double time thereafter until relieved free duty;
- (ii) for all overtime worked on a Saturday at the rate of time and one-half for the first two hours and at the rate of double time thereafter;
- (iii) for all overtime on a Sunday at the rate of double time;
- (iv) for all overtime worked on a Public Holiday at the rate of double time and a half, i.e., ordinary rates and a half in addition to salary.

Provided that:-

- (a) the aforesaid method of compensating an officer shall not apply in the case of overtime worked on a public holiday by a continuous shift worker who shall in lieu be paid for such overtime at the rate of double time;
- (b) overtime rates are not fixed for meal times;
- (c) if an officer is absent from duty on any working day during any week in which overtime has been worked by him, the time so lost may be deducted from the total amount of overtime worked by him during the week unless he has been granted leave of absence for recreation or on account of illness or unless, in the opinion of the department head, his absence has been caused by circumstances beyond his own control;
- (d) an officer who works overtime on a Saturday, Sunday or public holiday shall be paid a minimum payment as for three hours' work at the appropriate rate as prescribed by this award.

3. Leave in Lieu of Payment

An officer who, at the direction of the Department head or other responsible officer on his behalf, works on a Saturday, Sunday or

public holiday, may within two working days following so working, elect to take leave in lieu of payment for all or part of his entitlement in respect of the time so worked, as calculated in accordance with clause 2, Rates, of this award as the case may be.

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Provided that:-

- (a) leave in lieu of payment shall be taken at the convenience of the department;
- (b) such leave in lieu shall be taken in multiples of a quarter-day only;
- (c) the maximum period of leave in lieu that may be allowed in respect of any one period of overtime worked shall be one day;
- (d) leave in lieu shall be taken within one month of the date of election, except in the case of leave in lieu in respect of work performed on a public holiday, in which case an officer may elect to have such leave in lieu added to annual leave credits;
- (e) an officer shall be entitled to payment for the balance of any entitlement not taken as leave in lieu.

4. Conditions

(i) Overtime shall not be paid for periods of less than one quarter of an hour.

(ii) (a) The formula for the calculation of overtime at ordinary rates shall be:

$$\frac{\text{Annual salary}}{1} \times \frac{365.25}{\text{Number of ordinary hours of work per week}} \times \frac{7}{1}$$

(b) To determine time and one-half or double rates or double and one-half rates the hourly rate at ordinary time shall be multiplied by 3/2 or 2/1 or 5/2 respectively, calculated to the nearest cent.

- (iii) Payment for overtime worked shall not be made under this award without the special approval of the Board in the case of officers for whom compensation specifically, is provided for overtime or who are paid an allowance for overtime or whose total salary is fixed as inclusive of overtime under any award, industrial agreement, determination of the Board, or an agreement under Section 83 of the Public Service Act, 1979, or by the regulations under that Act.
- (iv) Officers whose salary, or salary and allowance in the nature of salary, exceeds an amount equivalent to \$1.00 per annum in excess of the rate prescribed as the maximum rate for Grade 8 of the Administrative and Clerical Division, as varied from time to time, shall be entitled only to payment for overtime where the working of overtime has been approved by the Department Head; provided that the Board may approve of compensation for such overtime either in accordance with this award or on such other basis, whether by grant of leave or payment, as it may determine in the particular circumstances of the case.
- (v) Notwithstanding the provisions of subclause (iii) and (iv) of this clause, officers of the State Emergency Services (with the exception of the Deputy Director and the Assistant Directors) shall be entitled to payment for overtime worked in accordance with the terms of the award; provided that time spent as Duty Officer at home during flood alerts shall not be regarded as the performance of work for the purposes of the award and time spent as Duty Officer on weekends and Public Holidays shall be paid for at the rate of one-third of one day's pay for each tour of duty or, if so desired by the officer concerned, time off in lieu of payment may be granted.

5 Leave Reserved

Leave is reserved to the parties to raise the matter of the overtime payable for certain hours worked in the bandwidth of flexible working hours schemes.

6. AREA INCIDENCE AND DURATION

This award shall rescind and replace the Crown Employees (Overtime) Award published 29th April, 1979. It shall apply to all officers

as defined herein.

It shall take effect on and from the beginning of the first pay period to commence on or after 18th November, 1979, and shall remain in force until 30th June, 1980.