



14 October 2009



Mr Frank Terenzini MP  
Chair  
Committee on the Independent Commission Against Corruption  
Legislative Assembly of New South Wales  
Parliament House  
Macquarie St  
Sydney NSW 2000

Dear Mr Terezini

Inquiry into the protection of public sector whistleblower employees

I refer to your letter of 13 October 2009 requesting a copy of the Electorate Officers Entitlements on Termination of Employment Agreement. I enclose a copy of the current agreement, which was originally made in 2002.

Yours sincerely

Russell D Grove  
Clerk of the Legislative Assembly

## **Electorate Officers' Entitlements on Termination of Employment Agreement**

### **1. TITLE**

This agreement is to be known as the Electorate Officers Entitlements on Termination of Employment Agreement

### **2. ARRANGEMENT**

#### **Clause Subject matter**

1. Title
2. Arrangement
3. Area, incidence, duration and purpose
4. Amendment to award
5. Entitlements on termination of employment
6. Signature of Parties

### **3. AREA, INCIDENCE, DURATION AND PURPOSE**

- 3.1 This agreement is a collateral Agreement between the Speaker of the Legislative Assembly, and the Public Service Association of NSW, ("the Association"), to amend the Separation from service provisions of the Crown Employees (Parliamentary Electorate Officers) Award (2000) ("the Award").
- 3.2 This agreement will commence on execution of this agreement by both parties and apply until 30 December 2003 and continuing until amended or replaced by agreement.
- 3.3 The intent of this agreement is to vary clause 17 (b) of the Award. Other provisions of the award will continue to apply.
- 3.4 This agreement may be varied only by the consent of the parties.
- 3.5 A review of this agreement will be undertaken following the General Election for the Legislative Assembly of March 2003.
- 3.6 The agreement is binding upon the parties to it and on all employees as defined in the award.
- 3.7 This agreement provides for:
  - improved benefits for Electorate Officers on the termination of their employment following the retirement, defeat at an election or other wise when the Member they work for ceases to hold office as a Member of the Legislative Assembly
  - recognition of the different impact upon staff that arise depending on the length of service as an Electorate Officer and the manner in which the member ceases to hold office as a member.

#### **4. AMENDMENT TO AWARD**

- 4.1 **Clause 17 (b) Separation payments** of the Award will cease to have effect during the term of this agreement and will be replaced by the part 5, Entitlements on Termination of Employment of this agreement.
- 4.2 Unless otherwise stated in this Agreement, all remaining provisions of the Award unaffected by this agreement will continue to apply for the term of this agreement. To the extent that any part of this agreement conflicts with the Award, this Agreement will prevail.

#### **5. ENTITLEMENTS ON TERMINATION OF EMPLOYMENT**

- 5.1 Provisions applying to all Electorate Officers terminated in accordance with Clause 17 of the Award.

(i) 6 weeks payment in lieu of notice

(ii) An allowance of 30% of the Eligible Termination Payment where the Australian Taxation Office does not accept the termination of employment as bona fide redundancy.

In addition to 5.1

- 5.2 Where the employee has less than 4 years continuous service, the employee will receive the following entitlements:

- (i) severance pay of 4 weeks for each year of service max 15 weeks
- (ii) expense reimbursement up to \$2,500 for training and career transition job assistance
- (iii) 6 weeks jobs search leave, or

- 5.3 Where the employee has 4 years but less than 8 years continuous service, the employee will receive the following entitlements:

- (i) severance pay of 16 weeks for 4 years service plus 3 weeks for each year of service above 4 years to max 27 weeks
- (ii) expense reimbursement up to \$3,500 for training and career transition job assistance
- (iii) 8 weeks jobs search leave, or

**5.4** Where the employee has 8 years but less than 12 years continuous service, the employee will receive the following entitlements:

- (i) severance pay of 28 weeks at 8 years service plus 3 weeks pay each additional year of service to max 39 weeks payment
- (ii) expense reimbursement up to \$4,000 for training and career transition job assistance
- (iii) 10 weeks jobs search leave, or

**5.5** Where the employee has 12 or more years continuous service, the employee will receive the following entitlements:

- (i) severance pay of 40 weeks at 12 years service plus 2 weeks pay for each additional year of service to maximum 48 weeks payment at 16 years service and thereafter,
- (ii) expense reimbursement up to \$5,000 for training and career transition costs for job assistance
- (iii) 12 weeks jobs search leave.

#### **SIGNATURE OF PARTIES TO THE AGREEMENT**

**SIGNED BY**

The Speaker of the Legislative Assembly

(John Murray)

In the presence of:

(Witness signature and date)

**SIGNED BY**

General Secretary

Public Services Association of NSW

(Maurie O'Sullivan)

In the presence of:

(Witness signature and date)

## **Electorate Officers Entitlements on Termination of Employment Agreement**

### **Guidelines**

#### **Continuous Service**

In addition to continuous service in the NSW Parliament, continuous service in the NSW public sector is recognised for the purposes of this termination payment, provided that no previous redundancy payment has been made for this service. An employee's service is deemed continuous if

- the employee entered on duty in a NSW public sector department on the next working day following cessation of employment with the former government employer; or
- the employee has been accepted for employment by the NSW public sector department prior to the last day of service with the former declared governmental employer, in which case a break of up to 2 months may be allowed between cessation of duty with the former declared governmental employer and commencement of duty in the NSW public sector department.

#### **Obligations of employees - Re-employment**

Employees accepting a termination payment are required to sign an undertaking to refund to the Crown that proportion of the termination payment applying to the period of re-employment should they be re-employed (including employment in a temporary or consultancy capacity) in a NSW public sector organisation, within the period covered by the termination payment. The repayment excludes the six week payment in lieu of notice.

#### **JOB ASSIST SCHEME**

##### **Assessment, counselling and training**

The Job Assist Scheme provides financial assistance in seeking alternative employment or additional knowledge and skills which are in demand in the broader community. Assistance will be provided by the Parliament or a commercial provider as appropriate for each employee. Upon production of receipts, employees may receive reimbursement of expenses associated with the following:

- stress management counselling;
- career transition, retraining opportunities and occupational information;
- professional assessment to assist in determining vocational skills, aptitudes and interests;
- programs to upgrade existing skills or acquire new skills, including payment of fees, training allowances, and books;

- assistance with job search, resume preparation and interview skills before recruitment processes occur;
- assistance with trade/skill certification;
- removal costs to gain employment
- childcare-related expenses in relation to any of the above.

Reimbursement occurs only once, for expenses accumulated over the period of training. In special cases, the Parliament may exercise the discretion to pay for the training in advance. The expenses may accumulate for the items described above, for a period of up to one year from the employee's last day of duty.

## **JOB SEARCH LEAVE**

Job Search Leave assists employees to seek alternative employment during their remaining period of employment with the Parliament.

During a period of job search leave, the employee continues to receive their normal pay while they actively seek alternative employment.

### **Conditions applying to Job Search Leave**

Job Search Leave is a concession only available to those employees who are actively seeking alternative employment.

The following conditions apply:

- the period of Job Search Leave granted can only be taken in one block;
- the employee is still regarded as being in service and will continue to accrue annual leave and extended leave for the actual period of Job Search Leave taken;
- the leave is paid fortnightly, at the employee's substantive rate, excluding any overtime, and payment will not be made in advance;
- if the employee obtains and commences another job during the period of Job Search Leave, the employee must advise the Parliament in writing. The period of Job Search Leave will cease from the date the employee commences in the new job;

### **Calculations of Job Search Leave**

Two dates are to be arranged and agreed between the staff member and the Parliament.

These dates are:           the last day on the job  
                                       the last day of service (the exit date).

The period between the two dates will be the period of Job Search Leave. The termination payment will be made on the last day of service and not during the period of Job Search Leave.

#### **FURTHER INFORMATION**

Further information and advice in relation to the Termination Package for Electorate Officers is available from the Manager, Employee and Corporate Services, Legislative Assembly on (02) 9230 2226.