



### NTPS FIRE-FIGHTERS' BULLETIN 11

#### Background

As you are aware, during the course of negotiations to date the parties have identified a number of issues relating to current leave rostering arrangements and have been looking to develop improved arrangements which among other things, provide for increased flexibility and the ability for employees to fully acquit their leave.

In addition, earlier this year my representatives put forward a proposal for consideration, which involved the roll up of leisure leave into salary as a means of achieving an outcome in excess of 3% in the first year of the agreement (consistent with Government's Wages Policy that any outcome exceeding 3% must be funded through bankable, productivity off-sets, such as workplace reforms that achieve real, quantifiable cost savings). United Voice subsequently advised that a mandatory roll up was not supported, but that it was happy to further discuss an "opt in" approach under which individual employees who may value additional income more than leave could elect to roll up leisure leave.

It was agreed at the enterprise bargaining of 5 March 2014 that working party discussions on these matters would continue.

#### Update on meeting outcome

At a working party meeting of earlier this week, my representatives advised United Voice that NTFRS has further considered leave roster options since the 5 March meeting. However, following extensive analysis, it has become clear that it is impossible to develop a roster that allows full acquittal of leave each year in light of the current leave entitlement and minimum staffing level requirements.

While it may be possible to achieve full acquittal through:

- Introduction of a block leave roster or partial block leave roster;
- Removal of minimum staffing levels from the enterprise agreement (with minimum staffing numbers placed in a policy, along with a provision allowing the Chief Fire Officer to depart from minimum numbers in low risk situations in order to facilitate the taking of leave);
- The roll up of leisure leave into salary;

United Voice has reported that none of these options have the support of employees.

United Voice was invited to reconsider any of the above issues and bring any alternative ideas to the attention of employer bargaining representatives for consideration.

On the issue of roll up of leisure leave into salary, United Voice was advised that:

- The roll up of leisure leave into salary is proposed on the basis that it is adopted across the board (and is subject to further consideration and full costing); and
- NTFRS is prepared to undertake the costing exercise and further consider the roll up of leisure leave if members indicate a willingness to consider the proposal as an “all in” rather than an “opt in”.

The above-stated position regarding the mandatory nature of the roll up of leisure leave is influenced by the fact that I have already offered the cash out of recreation leave on an “opt in” basis, which effectively addresses situations where an employee may (at his or her discretion) wish to be paid out a portion of his or her leave.

I should also note that whilst cash out of leave may have been granted on occasion in the past on compassionate grounds, the *Fair Work Act* does not allow employers to cash out recreation leave in the absence of such a provision in the enterprise agreement. As such there will be no ability for NTFRS to continue this discretionary practice unless a clause enabling this is included in the enterprise agreement.

United Voice has advised that the option to cash out recreation leave was initially rejected. However, employees may wish to reconsider their position on the issue in light of the above.

At the meeting delegates queried why certain matters surrounding recreation leave rostering arrangements (such as periodic reviews throughout the year to facilitate greater flexibility for employees, and the ability to populate the roster to fill leave hand backs) cannot be implemented pending the outcome of negotiations, given these are ultimately operational matters. My representatives reiterated previous advice that given the impact that the unauthorised overtime practice is having on the availability of staff to back-fill unforeseen vacancies, and the consequent impact on the NTFRS budgetary position, management is not in a position to facilitate changes to rostering arrangements providing greater flexibility for employees.

### **Next meeting**

The next enterprise bargaining meeting is scheduled for 2 April 2014.

Any queries or comments in the meantime can be directed to my Office via the Enterprise Bargaining Feedback form located on the OCPE website:

<http://www.enterpriseagreements.nt.gov.au/feedback/>



CRAIG ALLEN  
Commissioner for Public Employment

28 March 2014