



26 July 2012

Mr Greg Mullins AFSM  
Commissioner  
Fire and Rescue NSW  
PO Box A249  
SYDNEY SOUTH NSW 1232

Dear Mr Mullins,

**Re: 2012/2013 Budget reduction requirements**

I write in response to your letter of 17 July concerning the O'Farrell Government's demand for labour expense cuts of 1.2% per annum over the coming four financial years, and following detailed consideration of these issues by yesterday's State Committee of Management meeting.

The Union understands the size of these cuts to be such that even a 100% reduction in overtime expenditure (an impossible goal for an emergency service) would not meet the full savings demanded, and that even the radical measures now being proposed by the Department will not be enough to meet the required savings by year three, let alone year four. It is difficult to see how firefighter job cuts can be avoided by 2014/15 without the funding situation (or the Government) changing.

Our analysis of all overtime incurred over the course of FY2011/12 indicates that only one-third of the overtime worked last year could be attributed to sick or related (eg, personal/carer's) leave. Even an overnight 50% reduction in firefighters' sick leave and personal/carer's would reduce the overtime attributed to these forms of leave by only \$4M per annum, still \$21M short of the required \$25M per annum savings.

It is clear then that sick leave is neither the problem nor the answer, but merely a contributing (albeit significant) factor in both. It is also a factor that the Department has completely failed to manage.

Your observation that the Attendance Management Policy (AMP) has not been successful is both noted and agreed, but it is wrong to attribute blame for this on the Policy itself. Rather it is management's failure to properly administer the Policy that has left the 87 hour goal unmet. How many formal interviews have been conducted since 2009? How many sanctions have been applied for failure to comply? How many joint reviews of the AMP's operation have been conducted, as required by subclauses 23.12 and 23.13 of the Permanent Award?

The State Committee yesterday reaffirmed the Union's commitment to work collaboratively with FRNSW management to reduce the incidence of permanent sick leave and personal/carer's leave to an average of 87 hours or less per member per annum, and the Union again invites the Department to do so.

It would be wrong to discuss sick leave-related overtime without also considering the much higher proportion of overtime that was incurred in FY2011/12 due factors completely beyond the control of the workforce or the Union. The fact is that insufficient relieving staff to cover permanent members who were on annual, consolidated and/or long service leave was responsible for almost one quarter of all overtime worked and that a continued shortage of

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retained staff was responsible for a further one-fifth of the remaining overtime worked this last year. The answer to both problems is to employ more firefighters, yet the Government's response is to cut funding and, by extension, existing jobs, thereby placing even more strain on the system. It is a classic example of a downward spiral with no apparent end.

The Department's primary response to date to this challenge appears to be to:

- a) extend the taking of stations temporarily off line (TOL) to permanent brigades; and
- b) replace on-duty permanent firefighters with retained firefighters on call.

The logic appears to be that if we do not TOL then we will suffer forced job losses. The State Committee, however, believes that far from avoiding job losses TOLing will in fact ensure them – commencing with a newly redundant 630-strong relieving corp. The Union will therefore oppose any extension of TOLing beyond that already available to FRNSW management under In Orders 2008/22.

The State Committee considered each of your other proposals for cost savings, the majority of which it was noted would require the Union's agreement to implement. You predicted that "some of these will be unpalatable to the FBEU," and you were correct. Most were found to be either unacceptable or inappropriate to discuss outside of award negotiations. Unfortunately, the Government's rigid refusal to negotiate new awards more than six months prior to their expiration does nothing to assist either party in situations such as this.

The Union instead proposes that discussions now take place on the following initiatives:

- the temporary de-staffing and redeployment of permanent staff attached to non-response areas (eg, College, FIRU, Fire Safety, Senior Instructors Country, etc) to fill Station Officer or firefighter vacancies at fire stations;
- the acting-down of any rank to fill Station Officer or firefighter vacancies at fire stations;
- the temporary de-staffing of heavy rescue, heavy hazmat and major aerial appliances to fill Station Officer or firefighter vacancies at fire stations;
- the amendment of the Permanent Award to provide, for members performing Perisher relief (only), a minimum payment of 2 hours to calls attended outside of rostered hours and the payment an "on-call" hourly allowance; and
- the amendment of the Permanent Award to allow for the calculation and taking of Long Service Leave in hourly lots, and for a minimum of a single shift.

The Union also invites discussion on the possible trialling of:


- the tightening of evidentiary requirements for the taking of personal/carer's leave so that statutory declarations could be relied upon only once within each calendar year;
- the contraction of the annual leave conversion trial to allow the working of Friday and Saturday night shifts only (ie, cease the ability to work Wednesday and Thursday days shifts);
- the splitting of the allocation, taking and accrual of sick leave on an 84/60 hour basis, so that while 84 hours per annum could continue to be taken as per current arrangements, the remaining 60 hours per annum could only be accessed for long term absences;
- flex-time for some non-response (eg Operational Support) permanent staff; and
- the extension to all permanent employees of the ability to perform out-duties and the reduction in the annual out-duty limit per employee from 12 to 6 per calendar year.

The Union is further open to the possible revision of the previously concluded agreement for the decommissioning of Wollongong and Katoomba Comms Centres in order to allow the resultant excess staff positions to be used to reduce overtime locally, rather than staffing interim water tankers at both locations and further, the early introduction of global minimum staffing levels across Newcastle and Sydney Comms Centres. Please note, however, that Union agreement for either measure would be conditional on the Department acknowledging that global staffing and the reduction in total Comms allowances payable following the closure of Wollongong and

Katoomba Comms Centres are both employee-related cost savings for the purposes of the 2014 Permanent Award negotiations. Note also that given the nature of the "LSV dispute" which gave rise to IRC Matter No. 1662 of 2011, the Union would also require that any revised Comms agreement be given effect to by way of an award or similarly enforceable instrument of the Industrial Relations Commission of NSW.

Please contact Senior Industrial Officer Chris Read in the first instance should you or your representatives wish to discuss the matters raised in this letter.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Jim Casey', with a stylized flourish at the end.

Jim Casey  
State Secretary