



24 June 2013

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

Dear Mr Mullins,

Re: Inspectors Promotion Program

I write further to our correspondence dated 23 May 2013 and the direction hearing before Commissioner Newall where he recommended that the parties continue consulting on the matter of the Inspector Promotion Program (IPP).

The Union's previous correspondence, to which there has been no reply, set out in some detail our concern with the timeframe for implementing a new selection process for the IPP. It also raised some issues with the Department's proposal, including the threshold issue of adequate remuneration for applicants who met the specific first stage selection criteria.

The following is a list of more detailed matters of concern and it is stressed that this is not exhaustive (and not necessarily in order of importance):

1. The competency and experience levels required of applicants for promotion under the Department's proposed process would exceed what is presently required. There has been no discussion between the parties as to how prospective Inspectors might access the necessary training/experience, nor on whether the employer or the employee should be expected to bear the cost of any relevant external qualification. Significantly, the Department recognised the Union's expectation of additional payment as "a first principle" in November 2011, yet there has been no discussion between the parties since and no recognition provided in the Department's current proposal.
2. The proposed IPP pre-entry test would require experience in non-operational fields as part of the selection criteria. Operational Support positions are limited in number, and as a result most prospective Inspectors would not have had, and could not attain, experience in these fields. Further, prospective Inspectors who are based outside of Sydney have little, if any, opportunity to attain Operational Support positions and would therefore be significantly disadvantaged.
3. Experience in a range of operational positions is listed as a contributory element of the Department's proposed criteria. However there is no known or understood process for firefighting staff, including prospective Inspectors, to be transferred to stations that would assist in building such experience. For example, incident rates vary amongst stations, thereby providing an uneven opportunity to fulfil many of the portfolio measures. The issue of how firefighters are transferred was already acknowledged by the parties as

both important and unresolved. The Department's proposal could not reasonably or equitably proceed without resolution of this question.

4. Last week's passage of legislation to remove the Commission's express role in hearing promotion appeals has obvious implications for this issue. In all previous discussions between the parties, the Department has repeatedly sought to reassure the Union that any new promotion system would remain subject to independent review by the IRC. This is a clearly significant development in these deliberations, yet there has been absolutely no discussion between the parties on this issue.
5. Under the Department's proposal the unsuccessful candidate would receive feedback on their performance at each stage of the process. Whilst this appears reasonable on face value, there remain a number of unresolved (and indeed completely undiscussed) details, not least being if and how the Department will assist unsuccessful candidates to address the areas in which they were identified as deficient.
6. The Department said nothing about psychometric testing prior to its letter of 16 May. Psychometric testing is sufficiently controversial that the NSW Ambulance Service is apparently abandoning it as a part of its recruitment process. This is yet another complex matter on which there has been no discussion between the parties and one which raises many questions including, for example, why any firefighter of any rank should not be permitted to undertake this test in order to gauge their prospects for promotion?
7. There has been no discussion between the parties on the fundamental question of payment for applicants undergoing assessment. The Department is of course aware that candidates for the current pre-entry test who are rostered off duty are entitled to both payment at overtime rates and for travel. The Department's proposal introduces multiple assessment stages and yet there has been no consultation between the parties on this aspect as required by sub-clause 19.1.

The Union's position was abundantly clear in its correspondence dated 23 May 2013:

The Union remains open to further discussions on the IPP but cannot support any substantial changes to the current arrangements during this calendar year. As you would be aware, the Union has consistently argued that any changes to the IPP Pre-Entry Test should be made in concert with corresponding changes to the SOPP Pre-Entry Test on the grounds that if one warrants attention then so does the other. Consistent with the concerns raised in the preceding paragraph, the Union strongly believes that all members should be afforded at least 12 months' notice before any such change takes effect.

Negotiations for the 2014 Permanent Award are due to start within the next few months. Rather than attempting to force this unrefined proposal through now, and holding scores of IPP candidates hostage in the process, I urge you to instead return to the negotiating table and work with me to deliver a win/win outcome for both FRNSW and the Union's members. To avoid doubt, the Union expects that in the absence of any agreement to the contrary that the 2013 IPP will be conducted in strict accordance with the current arrangements.

With this in mind the Union now proposes the alternative arrangements set out here below for the purpose of further 'without prejudice' negotiations.

- Progression to Senior Firefighter rank would cease, although the rank would remain and continue to be adjusted in line with general wage increases until all existing occupants had been promoted, resigned or retired.


- The closure of the Senior Firefighter rank to future firefighters would coincide with:
 - i) the lifting of the existing cap on the Leading Firefighter rank; and
 - ii) the deletion of the Station Officer Level 1 rank and the realignment of all Station Officers Level 1 and Level 2 at the new rank of Station Officer;
 - iii) the creation of the new rank of Station Officer Qualified; and
 - iv) the realignment of relativities in accordance with the following table:

Rank	Requirement	Relativity
Qualified Firefighter	Certificate III	100%
Leading Firefighter	Operational Units of Competency	112.5%
Station Officer	Merit selection, followed by SOPP	125%
Station Officer Qualified	Operational Units of Competency	135%
Inspector	Merit selection, followed by IPP	150%

- Progression from Qualified Firefighter or Senior Firefighter to Leading Firefighter would be subject to the completion of agreed units of competency that map to the operational requirements of a Station Officer.
- Progression from Leading Firefighter to Station Officer would be on the basis of competitive merit selection from Leading Firefighter applicants and, if selected, the completion of the Station Officers Promotion Program (SOPP), which would focus primarily (if not solely) on the managerial requirements of a Station Officer.
- Progression from Station Officer to Station Officer Qualified would be subject to the completion of agreed units of competency that map to the operational requirements of an Inspector, including the completion of the 50 hour online "Blue Card" course.
- Progression from Station Officer Qualified to Inspector would be on the basis of competitive merit selection from Station Officer Qualified applicants and, if selected, the completion of the Inspectors Promotion Program (SOPP), which would focus primarily (if not solely) on the managerial requirements of an Inspector.
- Applications for entry into the coming year's Promotional Programs would be called for from eligible members (being those holding the rank immediately below the rank in question) in Commissioner's Orders in an agreed month each year. The number of positions available in the coming year's Promotional Programs would be specified in the same Commissioner's Orders based on the forward planning needs of the Department.
- The order of merit for entry into the Promotional Programs would be determined by an agreed competitive merit selection process. Members would be promoted to Station Officer or Inspector (whichever applied) immediately upon successful completion of the Promotional Program.

The Union proposes that in accordance with Commissioner Newall's recommendation the parties meet on Tuesday 25 June at 1000 hours. Please contact Senior Industrial Officer Gemma Lawrence on 9218 3444 to make the necessary arrangements.

Regards


 B Jim Casey
 State Secretary