



Business as usual: The new 2014 Retained Award explained

The new 2014 Retained Award took effect on Friday 30 May. The Department has bizarrely called this “the end of an era”, but it’s nothing of the sort. The new Award makes numerous changes to retained members’ working conditions however none of these changes – including the new availability arrangements - could sensibly be said to amount to anything even approaching “the end of an era”. Business as usual more like it, albeit with the long-overdue recognition of - and payment for - not only attendance, but availability as well.

This notice provides a summary and explanation of the most significant changes and improvements under the new Award, but is not a substitute for the Award itself. It also does not deal with the availability and attendance changes, which were explained separately in the Union notice titled “*Availability, attendance and the new 2014 Retained Award*” that was faxed to all stations and posted to the Union’s website on 30 May. Members are encouraged to familiarise yourself with these notices and your new Award, to discuss the changes at your station and to seek clarification from us if you remain unsure.

1. New ranks

The new Award halves the number of retained ranks, from 14 to 7:

Old rank	Feb 2012 per hour	New rank	May 2014 per hour
Captain A and B	\$33.44	Captain	\$37.59
CFR Captain A and B	\$33.44	CFR Captain	\$40.22
Dep. Captain A and B	\$28.97	Deputy Captain	\$33.56
CFR Deputy Captain A and B	\$28.97	CFR Deputy Captain	\$35.91
Firefighter A and B	\$28.97	Firefighter	\$30.20
CFR Firefighter A, B and C	\$28.97	CFR Firefighter	\$32.31
Firefighter C (>6 months)	\$28.97	Firefighter	\$30.20
Firefighter C (<6 months)	\$28.97	Recruit Firefighter	\$26.85

New members will progress from Recruit to Firefighter on completion of Phase I and Phase II training and six (6) months service. The new Award also delivers the higher CFR wage rates that were won by the Union in last year’s IRC arbitration case, backdated to June 2013.

2. RTAS Allowance

The RTAS (Retained Telephone Alerting System) Allowance, which was not previously in the Award and was not increased in line with wage increases, has now been included and increased from \$13.85 to \$14.20 per fortnight. When the new availability software is ready (expected within 6 to 9 months), members will elect to either use the new software and continue to receive the RTAS Allowance, or to opt out of both. All members will continue to receive the RTAS Allowance in the meantime. The relevant Award clauses are:

5.2 *The specific commitment in relation to this Award is for the parties to jointly investigate, agree upon and ensure the introduction of a software application that shall be used by all employees in receipt of the RTAS allowance to declare their compulsory availability and, if they elect, any additional availability that they may wish to declare, and to monitor their brigade’s availability on both a projected and real-time basis.*

and

6.9.1 *The Retained Telephone Alerting System Allowance prescribed at Entitlement Code “RTAS” of Table 3 of Part B of this Award shall be paid to employees who provide the Department with a valid telephone number in compensation for the maintenance of that primary contact number and the use of an agreed software application to declare their compulsory availability and, if they elect, any additional availability that they may wish to declare, and to monitor their brigade’s availability on both a projected and real-time basis.*

3. New Retainers

The new Award for the first time now recognises and rewards members for availability as well as attendance, with higher Retainers linked to higher availability commitments. For more on this see the separate Union notice titled “*Availability, attendance and the new 2014 Retained Award*”.

Old rank	Feb 2012 Retainer per fortnight	New rank	Feb 2014 Retainer per fortnight	Increase per fortnight (and per annum)
Captain A CFR Captain A	\$112.50	Captain CFR Captain	Base = \$118.39 50% = \$157.85 75% = \$236.78 100% = \$315.70	\$5.89 (\$153) \$45.35 (\$1,179) \$124.28 (\$3,231) \$203.20 (\$5,283)
Captain B CFR Captain B	\$101.40	Captain CFR Captain	Base = \$118.39 50% = \$157.85 75% = \$236.78 100% = \$315.70	\$16.99 (\$441) \$56.45 (\$1,467) \$135.38 (\$3,519) \$214.30 (\$5,571)
Dep. Captain A CFR Dep. Captain A	\$101.40	Dep. Captain CFR Dep. Captain	Base = \$105.70 50% = \$140.94 75% = \$211.40 100% = \$281.87	\$4.30 (\$111) \$39.54 (\$1,028) \$110.00 (\$2,860) \$180.47 (\$4,692)
Dep. Captain B CFR Dep. Captain B	\$76.20	Dep. Captain CFR Dep. Captain	Base = \$105.70 50% = \$140.94 75% = \$211.40 100% = \$281.87	\$29.50 (\$767) \$64.74 (\$1,683) \$135.20 (\$3,515) \$205.67 (\$5,347)
Firefighter A CFR Firefighter A	\$57.80	Firefighter CFR Firefighter Recruit Firefighter	Base = \$63.42 50% = \$126.84 75% = \$190.26 100% = \$253.68	\$5.62 (\$146) \$69.04 (\$1,795) \$132.46 (\$3,443) \$195.88 (\$5,092)
Firefighter B CFR Firefighter B	\$43.30	Firefighter CFR Firefighter Recruit Firefighter	Base = \$63.42 50% = \$126.84 75% = \$190.26 100% = \$253.68	\$20.12 (\$523) \$83.54 (\$2,172) \$146.96 (\$3,820) \$210.38 (\$5,469)
Firefighter C CFR Firefighter C	\$29.00	Firefighter CFR Firefighter Recruit Firefighter	Base = \$63.42 50% = \$126.84 75% = \$190.26 100% = \$253.68	\$34.42 (\$894) \$97.84 (\$2,543) \$161.26 (\$4,192) \$224.68 (\$5,841)

4. Kilometre payments

The Award’s kilometre rate has increased from \$1.13 to \$1.16, with payment being capped for incident response (only) to a maximum of 7km each way. For example, a member who lives 5km from the station will continue to receive 10km (\$11.60) per call, but a member who lives 8km or more from the station now has a cap on km payments of 14km (\$16.24) per call unless they proceed onto the call in a private (ie, non-FRNSW) vehicle, in which case they are also entitled to those additional return kilometres.

9.1.1 *Where it is necessary for an employee to use the employee’s private vehicle to attend an incident, the employee shall be paid at the rate prescribed at Entitlement Code “KM” of Table 3 of Part B, per kilometre, as follows:*

9.1.1.1 *The return distance from the employee’s residence to the station or the distance actually travelled on the forward and return journeys to the station, which ever is the lesser, provided that payment shall be limited in all instances to a return distance of 14 kilometres; and*

9.1.1.2 *The return distance from the station to the incident, if it is necessary for the employee to use the employee’s private vehicle to travel from the station to the incident.*

There is still no cap on other kilometres, including kilometres for Authorised Duties so, for example, the member who lives 8km from the station remains entitled to payment of at 16km (\$18.56) for each such duty performed at the station - and more again if the duty is performed elsewhere.

Finally, one Zone recently suggested that the words “private vehicle” meant that members were not entitled to kilometres if they used a company car! Members should be in no doubt that for the purposes of the Award, “private vehicle” means any form of transport (eg, including a bicycle) that is not an FRNSW vehicle.

5. Relief Duties (previously known as “stand by”)

Standing by (where members work to maintain minimum retained or permanent staffing at another station, or minimum staffing levels at their own station) has been re-named relief duties.

The old Award provided a minimum payment of one hour at the rate of \$62.83 per hour. The new Award provides a minimum payment of \$101.26 for relief duties performed up to two hours, and a further \$67.52 per hour for any time worked after that. Payment in excess of two hours remains payable to the minute.

It is important to understand that under the new subclause 6.5.2.5, payment of the first two hours does not require you to actually work those two hours - you will still be paid the \$101.26 minimum payment even if you're only needed for minimum staffing for 30 minutes, when you must then be released (see point 6).

It is also important to note that, like the ordinary hourly rate, the minimum relief duty payment is for each such occurrence. For example, if you perform relief duties at your own station for one 30 minute period and then leave the station, you will be paid the \$101.26 minimum payment. If you then return 20 minutes later for another 30 minute period and then leave the station again, (ie, 2 separate relief duties within the same two hour period), then you must be paid another \$101.26 minimum payment.

Members who perform relief duties remain entitled to return kilometres between your home and station, and between your station and the relief station, and to payment at your ordinary hourly rate for the travelling time from your station to the relief station and back again.

6. Release from duty once work completed

While it has always been the case that members did not need to remain for the full hour of a call simply because they were entitled to a full hour's pay, the Union has put this beyond doubt with the insertion of a new subclause 6.5.2.7 which makes it clear that with the exception of drills and authorised duties, you cannot be held back after the purpose for which you were brought in has been completed (eg, responding to a call).

7. Other changes

Again, members are advised to check the full Award document (including our online “highlighted-changes” version) but for the purposes of this summary, the remaining changes of particular note are as follows.

Meals and refreshments: There are new “emergency meal”, “substantial meal” and “refreshment” definitions at Clause 4, and new, improved meal provisions (including the introduction of a universal entitlement to refreshments after 2 (not 3) hours for both metro *and* regional members) at Clause 8.

Overtime for additional public holidays: A new subclause 6.10.3 now provides that, like permanent firefighters, any work performed on any additional (ie, specially declared) public holiday or Easter Sunday will in future be paid at overtime rates.

Authorised Duties: A revised subclause 6.6.1 now confirms that authorised duties performed away from your station are payable from the time you sign on at your station until the time you sign off at your station (and not, as some Business Managers argued, from the time you arrived at the school or meeting, etc. only until the time you finished there). In other words, if you perform authorised duties away from your station then you will be paid at your hourly rate for the travelling time there and back as well the time you spend there. Kilometres may also be payable (see point 4 above).

Higher Duties: The revised Clause 7 provides that higher duties are not payable if your Deputy Captain is in attendance at a call and further, that the senior firefighter who acts as the OIC in the absence of a Captain or Deputy Captain is now paid for that call at the Deputy Captain rate of pay.

Sick Leave without a medical certificate: The insertion of a new subclause 16.8 means that, like permanent firefighters, retained members may now take up to three individual days' sick leave each calendar year without the need for a medical certificate (a timely improvement given Abbott's \$7 GP fee!).

Change and consultation: The insertion of a new subclause 27.2.3 now requires the Department to consult the Union over any change “*which will result in, or is likely to result in, a substantial and ongoing reduction in the work collectively available to a brigade's employees*” before it can be implemented. This is an important safeguard against future threats to jobs, appliances and/or response arrangements.