



4 December 2014

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

WITHOUT PREJUDICE

Dear Mr Mullins,

Re: 24 hour shifts

I refer to recent and ongoing discussions between the parties regarding the working of 24 hour shifts following amendment of the Permanent Award's subclause 8.11 to facilitate this.

The Union sees no obstacle to the working of 24 hour shifts (either regularly or sporadically) by members of any rank working the Standard 10/14 Roster, subject to the Department's approval and the reciprocal agreement of one or more other members to do likewise. It should not, in our view, be considered necessary for entire stations to work in any particular way. It is as feasible for half a platoon/station to work 24 hour shifts and the other half to continue to work the Standard 10/14 Roster as it is for the entire station to work either.

The ability of members to elect (but not be directed) to work 24 hour shifts was, and remains, essential to the Union's support for this initiative. And indeed to its success.

The parties left our Joint Consultative Committee meeting on 18 November with a joint commitment to allow 24 hour shifts to be worked on the understanding that we would cooperatively work through any issues as and when they arose. It was also agreed that the "sky might fall" argument that 24 hour shifts could not be worked until guidelines had been drafted held no merit, and that common sense - and mutual good will between the parties - would ensure that any problems that did arise could be sensibly resolved with a minimum of fuss. This is of course exactly what the Union has been telling its members in SITREPs 40 and 41.

While some 24 hour shifts have already been worked by way of agreed full changes of shift between members, their arrangement has not been without controversy. This was initially due to the Standing Orders, which expressly precluded working in this way until they were amended following our meeting with Commissioner's Orders 2014/24. Subsequent difficulties can largely be traced to concerns by middle management that procedures were not yet in place to allow 24 hour shifts to be approved. To the extent that it is considered necessary, this letter attempts to clarify those questions and procedures in order that members who wish to work 24 hour shifts may now do so without further delay.

The Union is of course already in receipt of the proposed 24 Hour Roster submitted by the members at No. 42 Station, Ryde in accordance with the new Award's alternative roster provisions at subclause 8.2. While not opposed to that approach, the Union's officials believe it would be simpler and easier for all concerned, at least initially, if the working of 24 hour shifts on a regular and organised basis was done by way of pre-arranged full changes of shift rather than by an alternative roster pursuant to subclause 8.2.

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This approach has the advantage of delivering essentially the same practical outcomes without the need to immediately address all of the unresolved industrial issues associated with a formal 24 Hour Roster. Immediately below is a change of shift roster that the Union proposes be worked as an interim measure at No. 42 Station, Ryde (and for that matter at any other station where the members attached might agree) commencing at 0800 hours on 26 December.

Week	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday
1	A	A	D	D	C	C	B
	B	B	A	A	D	D	C
2	B	A	A	D	D	C	C
	C	B	B	A	A	D	D
3	B	B	A	A	D	D	C
	C	C	B	B	A	A	D
4	C	B	B	A	A	D	D
	D	C	C	B	B	A	A
5	C	C	B	B	A	A	D
	D	D	C	C	B	B	A
6	D	C	C	B	B	A	A
	A	D	D	C	C	B	B
7	D	D	C	C	B	B	A
	A	A	D	D	C	C	B
8	A	D	D	C	C	B	B
	B	A	A	D	D	C	C

Key

A	A rostered shift	168 hours
B/D	A change of shift	70 hours for D, 98 hours for B
B	B rostered shift	168 hours
A/C	B change of shift	70 hours for A, 98 hours for C
C	C rostered shift	168 hours
B/D	C change of shift	70 hours for B, 98 hours for D
D	D rostered shift	168 hours
A/C	D change of shift	70 hours for C, 98 hours for A

Staff shortages at change of shift

Clearly, the provisions of Award subclause 8.11 present a significant hurdle to the practical operation of 24 hour shifts given the inability to retain off-going staff to cover on-coming staff shortages. The Union therefore proposes, on a strictly without prejudice basis, that a staff shortage at the conclusion of a 24 hour shift (only) may be considered an emergency circumstance for the purpose of subclause 8.11.3.

This offer is made on the understanding that management will actually treat any such overtime as an emergency and duly arrange for the relief of the member(s) being held back as soon as possible and further, that its continued operation beyond 30 June 2015 would be dependent upon a separate and subsequent agreement between the parties.

Consideration of “per shift” employment conditions

While most entitlements remain unaffected, further challenges present with the application and calculation of “per shift” employment conditions including:

- The Relieving Allowance;
- Calculation of outduties worked; and
- Calculation of NMCs and sick leave.

The Union notes the Department’s concerns over the potential inefficiencies associated with the regular working of relievers on 24 hour shifts, at least until there are more members at more stations working 24 hour shifts. In the absence of any apparent solution to this problem in the short term, the Union reluctantly accepts that relievers may not initially be included in the 24 hour change of shift roster, in which case the calculation and payment of the Relieving Allowance will not be disturbed and/or require further attention at this juncture.

For the balance of these matters, the Union proposes that they continue to be treated as per the current Award and change of shift arrangements already in place given that the Standard 10/14 Roster is continuing to be worked.

By way of example, a member who was rostered to work a day shift and who had arranged a change of shift to work the night shift immediately following (ie, 24 hours) would be considered for the purposes of subclause 12.7 (outduties) to have worked two shifts – 0800 to 1800 hours and 1800 to 0800 hours, but for the purposes of Clause 23 (sick leave) to have worked only one shift – 0800 to 1800 hours.

It is currently the case that if a member who arranges to work a change of shift reports sick, the sick leave and/or pay of the member who was originally rostered to work the shift is debited. While this remains a less-than-ideal arrangement, the solution is sufficiently complex to lead us to suggest that it not be disturbed at this point in time. The Union does however propose that the member who was rostered to work should also be given the option of using an unsupported sick leave absence (NMC) in such circumstances. It follows that it would continue to require two NMCs, not one, in order to cover any consecutive 24 hour period of sick leave.

Working of double shifts on overtime

Provided the member in question agrees to do so and, having regard to the 8 hour break requirement in subclause 8.11.2, the shift pattern permits it, the Union sees no barrier to the working of the entire shift following the member’s rostered (not change of) shift on overtime. The “emergency circumstance” concession offered earlier would apply, if necessary (and with the same conditions), in this situation also.

While the parties remain agreed that a change of shift in order to work 24 hours can only be worked at the one station, the Union proposes that the limited "rules" previously issued by the Union (ie, that a member can only work a "double" shift if one of those shifts is the member's rostered shift) and the Department (ie, that no more than one member per shift, per station can work a 24 hour shift) should now both be considered superseded and withdrawn.

Be assured that the Union fully supports the working of 24 hour shifts by any member on the Standard 10/14 Roster who wishes to do so, and is ready and willing to work with management to help make this happen as soon as possible. Please contact me directly should you wish to discuss any of the matters herein further.

Yours sincerely,

A handwritten signature in blue ink that reads "J Casey". The signature is written in a cursive, flowing style.

Jim Casey
State Secretary