



SITREP 24/15

Working outside of the Award is illegal

Some members continue to operate under the misunderstanding that it is OK to reach a local or one-on-one agreement between themselves or a group of employees and management to work outside of, or contrary to, the Award. It's not.

Working outside of your Award (aka "contracting out") is not a question of personal preference or freedom of choice, it's an unlawful breach of an award of the Industrial Relations Commission of NSW and the Department can and will be prosecuted for it if the Union becomes aware of it occurring. Union officials and staff have the power to demand to inspect the Department's records where an Award breach is suspected, with or without the agreement of either the management or the employees concerned. If you think the Award is not being observed then let your Union know.

Dept prosecuted for Award breaches on job ads

The advertisement of permanent firefighter vacancies in Commissioner's Orders changed mid-2011 by referring applicants to the intranet jobs board for further information. Then in late 2012 Commissioner's Orders stopped advertising Country and Op Support vacancies altogether.

The Award requires all of the following positions/promotions to be advertised in Commissioner's Orders: SF to LF (subclause 13.7.1), LF to SO (13.8.1), SO to LSO (13.9.1), LSO to INSP (13.10.1), INSP to SUPT (13.11), all Operational Support positions (14.5), regional Comms and Hazmat positions (28.6.1.5), and Country Station Officers and Inspectors (28.7.1). The Union has no objection to the advertisement of vacant positions on the intranet jobs board, but doing that does not relieve the Department of its Award obligation to also advertise them in Commissioner's Orders.

After ignoring repeated requests to advertise these vacancies in Commissioner's Orders, and then warnings about the need to do so, the Union was left with no choice but to prosecute FRNSW for repeated Award breaches. We'll report on the outcome in due course but in the meantime, if a position on the jobs board is not advertised in Commissioner's Orders then email or call the Union.

AMP: more carrot, less stick – update #1

We this week asked the Department for a response to our proposal to relax the AMP in locations where the 87 hours or less per annum target had been met. This was first raised in a meeting with Commissioner Mullins in August last year and was subsequently followed up with a letter to the Department in January this year. As we reported back in SITREP 1/2015:

"Our first letter proposes that the AMP be relaxed or suspended altogether at locations already averaging 87 hours or less sick leave per member, per year. While the Department complains about an alleged FRNSW-wide average in excess of 100 hours p.a., its figures ignore the many members, platoons, stations and even zones who already use less (and often much less) than 87 hours. The blanket use of the AMP is a blunt instrument that often targets members with low sick leave usage and zones with no sick leave "problem". Suspending the AMP in locations with sub-87 hour averages would acknowledge the effort of all of those members, including our senior officer members who would no longer have to enforce it."

Six months is more than enough time for management to consider this and respond, so we'll hopefully have an answer to both this proposal, and to their sick leave gauges (see below) in time for SITREP 25.



SITREP 24/15

Continued from page 1

Idiotic sick leave gauges – update #1

SITREP 23 promised that if management could find an explanation for their intranet sick leave gauges then we'd reprint it in SITREP. When approached about that this week, the Department conceded that there did appear to be "some issues" with the gauges and that an explanation was being sought. Our offer stands so if those answers ever arrive, we'll print them. In the meantime, the gauge has grown even weirder by showing a "financial year to date" figure of 95.15 hours to 11 July?! Our advice is simple: ignore their gauges and take your sick leave if you're sick and report for duty if you're not.

Permanent A/L and allocation of Leave Groups

The Union last year discovered that one Area's management had placed all of its Station Officers on an A/C Leave Group, including those who were on B and D Platoons. This has given rise to numerous problems for our members, not least the inability of those on B and D to enjoy last year's annual leave reforms that now avoid annual leave periods commencing or concluding in the middle of a set of shifts. The Department is now on notice for a trip to the IRC if this matter is not rectified this week.

The Award requires all permanent members of Inspector rank and below to be assigned to an Annual Leave Group and, we contend, to a Group that aligns with their platoon and roster. This includes Operational Support staff, whose trial of flexible A/L was never confirmed.

The Union's officials are currently considering amendments for the 2016 Award whereby all employees, including Operational Support (and possibly also Executive Officers) would be assigned a Leave Group, which would be your default leave period. If you wanted to take your leave at some other time (or perhaps even for shorter periods) and management agreed, then well and good, but otherwise you would continue to take your leave as rostered. There's more work to be done, but this approach appears to tick a lot of boxes by (a) opening the option of annual leave flexibility to all, subject to management approval, while (b) still ensuring that employees use their annual leave and at the same time (c) preventing management from directing members to take A/L when they did not want to. All comments and suggestions to office@fbeu.net, or join the discussion on our online Forum.

In brief ...

- Ticket sales for the Union's inaugural Rex Threlfo Annual Toast on Tuesday 28 July will close next Tuesday 21 July owing to the need to confirm numbers for catering purposes. There will be no tickets available on the day so don't miss out, buy your ticket now at www.fbeu.net
- Further to SITREP 23, it appears (although nobody we've asked at FRNSW is 100% sure) that the unexplained extra \$5M in the FRNSW employee-related costs budget that we reported last week is for the 40 extra permanent firefighters announced on 24 November last year to end TOLing.
- Our MFR Sub-Committee has held its second meeting and is moving from an investigation to a recommendation stage, but member feedback to mfrsubcom@fbeu.net remains open and welcome.

Jim Casey
State Secretary

Monday 13 July 2015