



26 June 2017

Mr Paul Baxter
Commissioner
Fire and Rescue NSW
1 Amarina Avenue
GREENACRE NSW 2190

Dear Mr Baxter,

The Union writes in confirmation of its without prejudice proposal to resolve numerous problems with the Operational Support framework generally, and within ComSafe in particular, following the conference between the parties on 9 June and the emails exchanged on 21 June.

While the areas of difference between the parties have narrowed, the Union continues to see the Department's proposed attachment of rank promotions to OS positions as an unnecessary and illogical response to current recruitment and retention difficulties, and more so if the Union's counter-proposals to open allegedly unattractive OS positions to retained staff and to re-introduce the OS3 classification are both adopted. The Union also opposes the dual clerk/firefighter approach advanced by the Department and the proposition that a position's relevant award is determined not by the position itself, but rather by its occupant.

The Union therefore provisionally proposes (subject to approval by the State Committee and a general meeting of the Union's members) a ten-point-plan for comprehensive Operational Support reform whereby:

1. The Award's minimum service requirement for Operational Support positions will be amended from 48 months to QF rank (ie 24 months).
2. The rank/classification of Operational Support Inspector will be discontinued and Operational Support Level 3 reinstated, with incumbent OS Inspectors to transition to Inspectors holding an OS3 position. This restoration of Operational Support career-pathing will invite a much wider field of applicants and provide further incentive for members to remain in OS2 positions, which will in turn become more attractive to non-Operational Support staff.
3. The Permanent Award's Clause 7 will be amended to remove the requirement for OS3 positions to be filled by OS2 staff (ie any member of QF rank or above could fill any Operational Support position on merit, thereby resolving anomalous and problematic situations like the Fleet Officer).
4. All Operational Support positions will be initially advertised to all permanents of QF rank and above. In the event that there are no suitable applicants then the position will be readvertised to all permanent firefighters of QF rank and above and to all retained firefighters with 8 or more years service, this being consistent with the 24 month service/QF requirement for permanent staff and the well-received 25% service recognition of former retained firefighters who transfer to permanent employment, who could therefore be employed as QFs and satisfy the Award's revised QF service requirement for Operational Support.
5. Successful retained applicants will be employed as permanent firefighters on the

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understanding that they will need to serve a minimum of three years in the Operational Support position for which they applied and will not be eligible for transfer to another position (OS or station) before satisfying all of the other requirements for permanent employment (PAT, medical, appropriate Recruit training course).

6. The current ComSafe "clerks" will, in the case of the retained firefighters, be employed asap pursuant to point 5. The contrivance of the OS2 permanent firefighter being placed on leave without pay to instead work as a clerk in an OS3 position will be dispensed with by terminating his alleged clerical employment and him performing higher duties at the OS3 position pursuant to Clause 7.
7. The Award's current OS1 rate will be adjusted from \$1705.21 to \$1,614.26 per week (ie Senior Firefighter plus \$5.53), and casual ComSafe duties (only) will be performed by off duty permanent staff on overtime at the OS1 rate, regardless of rank, and in all other respects in accordance with the Permanent Award.
8. The parties will agree that retained staff who perform casual ComSafe duties are working in lieu of permanent staff and will therefore be paid in accordance with the Retained Award's subclause 6.7, Relief Duties for any and all such work performed.
9. The parties will amend Permanent Award's Clause 14 as necessary to reflect these agreements, and to clarify and simplify the return to operational duties provisions of subclauses 14.9 and 14.9a.
10. The parties will agree that permanent firefighters (including former retained who are appointed pursuant to points 5 and 6) cannot be employed as retained firefighters, and that permanent firefighters shall not perform work for FRNSW (in all of its guises) other than under the Permanent Award.

While the matters are currently listed separately before the IRC's Chief Commissioner, the Union considers the Comsafe (Matter No. 2017/139958) and Turner/Waldon (Matter No. 2017/187210) disputes to be closely related. The Union therefore looks forward to discussing and hopefully resolving not only these two matters, but also avoiding further disputes (for example, the Fleet Officers) on Wednesday through the adoption of the Union's ten-point plan.

Yours sincerely,



Leighton Drury
State Secretary

File Ref. No: FRN17/147

TRIM Ref. No:

Mr Leighton Drury
State Secretary
Fire Brigade Employees' Union of NSW
1-7 Belmore St Surry Hills NSW 2010

20 July 2017

Dear Mr Drury,

Re: ComSafe and Operational Support Positions

I write in reply to your letter to Commissioner Baxter of 26 June 2107 regarding Operational Support positions.

Given the progress made in proceedings before the Industrial Relations Commission regarding ComSafe on 14 July, it would seem logical to divide my response into two parts, ComSafe specifically and then Operational Support generally.

ComSafe: Fire & Rescue NSW remains of the view that the matter of Award application to ComSafe has not been determined and, in that context, proposes to apply to following arrangements:

- a) The Deputy Manager position is to be dual badged an Operational Support Inspector/Operational Support Level 3 and will be advertised as such in the near future. This will allow OS2s to act up into the role as required and allow a much bigger applicant pool. In the event the role proves unable to be filled, Fire & Rescue would advertise it as a Clerk 9/10.
- b) The Senior Instructor roles, when vacant, will be advertised initially to Permanent Firefighters. If filled, the permanent firefighter would be employed as an OS2. If not filled by a suitable applicant, the role would then be advertised to Retained Firefighters. If filled, the Retained Firefighter would be employed as an OS2, but would be ineligible to transfer to any other permanent firefighter role in the first 3 years, and after that time would have to satisfy any unmet requirements made of Recruit Firefighters before being considered for transfer. In the event the role could not be filled by a suitable Retained Firefighter, it would be advertised as a Clerk 7/8.
- c) The casual trainer roles are a separate and distinct contract of employment to deliver training as far as Fire & Rescue NSW is concerned. The work cannot reasonably be regarded as overtime beyond the requirements of a contract as a Permanent or a Retained Firefighter. I note that there is no casual clause within the Permanent Firefighting Award. Accordingly Fire & Rescue NSW will

apply the Clerks conditions to casuals. Existing Casual trainers will be given 4 months notice of changed conditions to revert to the new arrangements.

Operational Support positions generally:

In the main, the union's proposals would require variations to the Award to be given effect and would also require prior approval of the Wages Policy Taskforce and Industrial Relations Commission. In that context, Fire & Rescue NSW can only offer preliminary comments and commit to further discuss your suggestions. Specifically;

- We are not opposed to the suggestion that the service requirement of 48 months to apply for OS positions might be reduced to 24 months.
- As you know, the Operational Support Level 3 role was removed from the Award by consent previously however we are willing to consider certain targeted Operational Inspector positions to be dual badged in future as Operational Inspector/Operational Support Level 3 and appreciate your suggestion that the Fleet Operations Officer (FOO) is a good example of where such a change should be considered. Fire & Rescue has no interest in a full reversion of Operational Inspector positions to the former OS3.

The two principles above, if implemented, might prove sufficient to increase our ability to attract and retain staff to hard-to-fill positions and accordingly your more substantial suggested reforms, such as offering Retained Firefighters access to Operational Support positions within the Permanent Award, do not need to be dealt with unless the difficulties with attraction/retention persist into the future.

As we are meeting tomorrow regarding the Death & Disability Award, I would be happy to further discuss these matters.

Yours sincerely

Bernard King
Director Employee Relations