

From: Luana Payne [mailto:Luana.Payne@corrs.com.au]

Sent: Tuesday, 26 April 2016 5:53 PM

To: Chambers - Ross J

Cc: FRANCESCHINI, Mirella; John Tuck; Janine Young

Subject: 4 yearly review of modern awards - Fire Fighting Industry Award 2010 - AM2014/202

Dear Associate

Please find **attached**, for filing with the Commission, witness statement of Malcolm Connellan of Fire & Rescue NSW.

Please note that we have made arrangements for Mr Connellan to attend the hearing in Melbourne this Thursday to give his evidence.

Kind regards

Luana Payne

Senior Associate

luana.payne@corrs.com.au

Tel +61 3 9672 3117

Fax +61 3 9672 3010

www.corrs.com.au



FAIR WORK COMMISSION

Matter No. AM2014/202

Fire Fighting Industry Award 2010 – Part-Time Work

WITNESS STATEMENT OF MALCOLM CONNELLAN

I, Malcolm Connellan, of 227 Elizabeth Street, Sydney, Chief Superintendent of Fire & Rescue NSW (**FRNSW**) say as follows:

1. I hold the rank of Chief Superintendent of FRNSW and my current role is the Chief of Staff for the Commissioner of FRNSW. Since April 2015 I have also acted as the Director Human Resources for FRNSW.
2. I am authorised by FRNSW to make this statement on its behalf.
3. I make this statement from my own knowledge except where otherwise indicated. Where I make statements based on information provided to me by others, I believe such information to be true and correct.

My background and current role

4. I have been employed by FRNSW since 11 November 1983.
5. I have held the role of Chief of Staff since 2011. I report to the Commissioner of FRNSW, Greg Mullins, and my key duties include:
 - a) Management of the “Office of the Commissioner”
 - b) Project Management on behalf of the Commissioner
 - c) Management of the Honours and Awards System for FRNSW
 - d) Representation of the Commissioner at key events
 - e) Management of Investigations
6. Since April 2015 I have also acted as the Director Human Resources for FRNSW in which I manage the following:

15330734/4

Lodged by: Corrs Chambers Westgarth on behalf of the the Metropolitan Fire and Emergency Services Board

Address for service:

CORRS CHAMBERS WESTGARTH

Lawyers

Level 25, 567 Collins Street

MELBOURNE VIC 3000

AUSTRALIA

Telephone: (03) 9672 3000

Facsimile: (03) 9672 3010

Email: john.tuck@corrs.com.au

Ref:JT/JXM

- a) Health and Safety Branch;
 - b) Operational Personnel;
 - c) Industrial Relations Branch;
 - d) HR Advisory Services;
 - e) Workforce Planning;
 - f) Recruitment; and
 - g) Awards negotiations.
7. Prior to that I was Assistant Director, Recruitment and Staffing from 2008 – 2011. In that role my key duties were:
- a) Industrial agreement interpretations;
 - b) Day-to-day staffing matters;
 - c) Promotions;
 - d) Recruitment;
 - e) Overseas exchange programs;
 - f) Payroll issues; and
 - g) Disposition and capability.
8. Following appointment as a firefighter in 1983, I served at a number of Sydney based firestations, and was qualified to operate Aerial-type appliances.
9. I was promoted to Station Officer in 1997 and served at Sydney, Regional NSW stations before serving as the Station Officer at Wollongong Fire Station which is a semi-remote area with heavy industry.
10. In 2005 I was promoted to Inspector and again served at many Sydney and Regional locations.
11. Between 2006 and 2010 I also held the following positions:
- a) Overtime reduction project officer;
 - b) Professional Standards and Conduct Officer; and
 - c) Manager Operational Personnel.

12. I have been awarded:
- a) the Australian Fire Service Medal;
 - b) the FRNSW Long Service and Good Conduct Medal;
 - c) FRNSW 2 Clasps;
 - d) the National Medal and Clasp;
 - e) Unit Commendation for Meritorious Serve.

Background

13. I am aware that this matter relates to the ability of public sector employers to employ operational staff on a part-time basis under the *Fire Fighting Industry Award 2010 (Modern Award)*.
14. FRNSW and its employees are not covered by the Modern Award. Our applicable industrial instrument is the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2016 (the 2016 Award)*.
15. As at 31 March 2016, FRNSW had 7260 employees, comprising 23 senior executives, 3,441 permanent career fire officers, 3,345 retained fire officers and 451 trades and administrative staff. These numbers exclude recruits, firefighters on union leave, employees who have been seconded out or in, apprentices and casuals.
16. FRNSW is one of the world's largest urban fire and rescue services and is the busiest in Australia, responding in 2014/15 to 128,076 emergency incidents at an average of 351 per day. We protect 90% of the New South Wales population from emergencies involving fire, motor vehicles and other dangerous situations, and provides a full range of services to the people of NSW including:
- a) education around preventing or preparing for emergencies;
 - b) providing rapid, reliable help in emergencies - 24 hours a day, 7 days a week;
 - c) protecting 100% of the State's population from hazardous material emergencies and building collapse; and
 - d) providing counter-terrorism consequence management for 100% of the State.

Flexible working in FRNSW – Permanent firefighters

17. The predecessor to the 2016 Award was the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2014* (the **2014 Award**).
18. The 2014 Award provided, for the first time, provisions which allowed flexibility away from the previous 10/14 roster, including by providing for part-time employment.
19. Prior to this part-time work was first introduced in 2007 through a trial part-time roster for persons with carers' responsibilities. This roster allowed participants to work twenty hours per week on either K Platoon or L Platoon as follows:

K Platoon

Week 1: Saturday 0800 -1800 hrs
Sunday 0800 -1800 hrs

Week 2: Friday 1800 - 0800 hrs
Saturday 1800 - 0800 hrs

L Platoon

Week 1: Friday 1800 - 0800 hrs
Saturday 1800 - 0800 hrs

Week 2: Saturday 0800 -1800 hrs
Sunday 0800 -1800 hrs

20. This "K and L" roster continued in place until 2014 when it was formally replaced by the new provisions in the 2014 Award and was used by a number of firefighters, in particular our female firefighters who were returning from a period of parental leave.
21. Further, in 2010, FRNSW introduced a trial where firefighters could participate in "Job Share" arrangements for persons with carers' responsibilities. This permitted two employees to work on one shift roster, dividing the hours between them. Equally, this had uptake from employees, and continued until 2014 when it was formally replaced by the new provisions in the 2014 Award.
22. The 2016 Award now provides even more flexibility than the 2014 Award, which was the first Award into which the part-time arrangements were formally set out.

The 2016 Award gives employees the ability to agree at a station level what rostering they would like to propose for approval, including part-time arrangements.

23. The standard full-time working hours are 40 hours per week. All permanent operational firefighters can also elect to work part time by working fewer than 40 ordinary hours per week. Part time employees accrue leave and are paid on a pro-rata basis.
24. The 2016 Award has the following rostering options:
 - a) the standard 10/14 roster;
 - b) a 'back to back' roster, which is based on four consecutive day shifts in a row of 12 hours per shift followed by 4 days off;
 - c) an 'overlap roster' which is predominantly worked in specific customer service areas such as Fire Safety Division. It comprises of 2 rosters: **Roster 1** - Monday to Thursday in week 1, then Tuesday to Friday in week 2 for 10.5 hours each day; **and Roster 2** - Tuesday to Friday in week 1 and Monday to Thursday in week 2; or
 - d) any other alternative roster that is agreed to by FRNSW (at a local level) and meets the criteria set out at clause 8.2.2 of the 2016 Award.
25. The roster variations are found in clause 8 of the Award.
26. Every work location has a "default roster", that is, a roster that workers will follow if agreement cannot be reached, which is usually the 10/14 roster.
27. One alternative roster that has proved popular is the "24 hour" roster, which generally works on the basis of a 24 hour shift commencing at 0800, followed by 24 hours off and then a 2nd 24 hour shift followed by a 5 day break.
28. The 24 hour roster has been adopted by 106 fire stations across NSW in an eight month period, which is the majority of the 10/14 stations. In total, we have 337 fire stations.
29. There is a FRNSW agreed "FAQ" document titled "Default rosters, Alternative rosters and Changes of shift" which we jointly agreed with the union (the Fire Brigade Employees Union). It refers to the 2014 Award but is the current version we are using, and acts as the 'operating principles' to use in conjunction with the

Award provisions. Attached and marked “MC-1” is a true and correct copy of this document.

Part-time employment in FRNSW

30. We do not accept new recruit employees on a part-time basis, but once recruits have finished their initial 12 week training program, any firefighter can apply to work an alternative roster, which would include part time rosters fewer than the standard 40 hours per week – there is no roadblock based on years of service or seniority to an employee who wishes to ask for part-time working.
31. Most of the applications we have had so far have been from employees with parental responsibilities and female firefighters returning from parental leave, but we have also had employees who want to go part-time for a short period because they are studying.
32. To assist firefighters working on flexible rostering systems they are usually assigned one local station officer and one local Commander who remain consistent regardless of the roster or station worked at. This makes sure that there are always at least two personal continuous points of contact for the employee if they are having any welfare issues.
33. Those persons are also directly responsible for managing the employee’s training and equipment and other similar matters.
34. In terms of training requirements, FRNSW has a standard drill program which sets out various ‘subjects’ which firefighters have to cover off such as Pumps and Pumping Operations, Basic Life Support, Self-contained Breathing Apparatus (S.C.B.A) and Search and Rescue. One drill could cover multiple subjects, and some subjects need to be done only once per year, and others multiple times per year.
35. It is the shared responsibility of each employee and the organisation to ensure that adequate training is undertaken, and this is managed at a station level within whichever roster is being worked. Part time employees, together with their assigned local station officer and local Commander are responsible for monitoring and ensuring training requirements are met by that employee.

36. Welfare is managed through the normal channels, that is, the local commander manages the “hot debrief” at the time of the incident and the Fire & Rescue NSW support team follow up regardless of the roster or working arrangements.
37. The flexibility and variation provided by the roster system, and the ability of employees to work part-time, mean that teams are changing on a regular basis. We monitor and proactively manage any arising issues as a consequence.
38. FRNSW has a fatigue management policy which sets out the control management responsibilities of supervisors and workers. Fatigue management when working any shift system is critical, and is a responsibility which is shared by the organisation, the managers and the employees.
39. Fire & Rescue NSW had an existing Policy which was reviewed and amended in light of the 24 hour roster arrangements. As a result, updated fatigue management policies and procedures have been implemented throughout the organisation.
40. As an organisation our view is that the shift from the 10/14 system has offered greater opportunities for work/life balance for frontline firefighters.
41. At the moment we have 23 part-time permanent operational firefighters on-shift. Those employees generally form part of our minimum establishment numbers. The benefits to these employees include greater certainty with set days and hours of work so that they can, for example, plan their child minding arrangements.
42. The arrangement always has to work both ways – it is often the case that a part-time employee wishes to work particular fixed days, e.g. only Monday to Wednesday. If we are able to accommodate that we do, but there is also give and take, and it may be contingent on other part-time employees wishing to work Thursday, Friday and the weekend, for example.
43. The male/female and full-time/part-time head-count breakdown for permanent career firefighters in FRNSW as a ‘snapshot’ at 31 March 2016 is as follows:

Diversity	Numeric data	Percentage
Employment type of permanent	Full time: 3,418 Part time: 23	Full time: 99.33% Part time: 0.67%

career firefighters	Total: 3,441	Total: 100%
Gender	Male: 3,271	Male: 94.8%
	Female: 170	Female: 5.2%
	Total: 3,441	Total: 100%

Retained firefighters

44. In addition to our permanent career firefighters, FRNSW also has 3,345 retained firefighters as at 31 March 2016.
45. Retained fire officers are professional firefighters, who are ‘on call’ to respond to alarms. They undergo an initial six month probationary period as recruits, during which time they must complete required training competencies which total 96 hours over 8 days. The training is structured over two block sessions of four eight-hour days.
46. Ongoing training and skills maintenance is essential and all retained firefighters are required to attend drills and undertake continuous training and development. Retained firefighters must be available, or ‘on call’, for at least 24 hours a week, and form a critical part of FRNSW response capabilities.
47. Retained firefighters are paid a “retainer”, an hourly rate for attendance at drills and training, receive superannuation entitlements and accrue leave such as annual leave and long service leave.
48. Retained firefighters have a scheduled drill program of one 2 hour session twice per month for skills maintenance (i.e. 4 hours per month). This training is undertaken at station level.
49. The male/female head-count breakdown for retained firefighters in FRNSW as a ‘snapshot’ at 31 March 2016 is as follows:

Diversity	Numeric data	Percentage
Gender	Male: 3,094	Male: 91.89%
	Female: 251	Female: 8.11%

	Total: 3,345	Total: 100%
--	---------------------	--------------------

Malcolm Connellan

26 April 2016

FAIR WORK COMMISSION

Matter No. AM2014/202

Fire Fighting Industry Award 2010 – Part-Time Work

ATTACHMENT MC-1

This is the attachment marked **MC-1** referred to in the witness statement of Malcolm Connellan dated 26 April 2016.



Default rosters, Alternative rosters and Changes of shift

New 2014 Permanent Award provisions have been developed and negotiated between the FBEU and FRNSW to allow greater roster flexibility for firefighters who seek it. They also ensure that employees who do not want to work 24 hour shifts cannot be forced to, and that the 10/14 Roster remains the principal roster within FRNSW.

These FAQ's have been prepared and agreed between the FBEU and FRNSW to help employees understand the new arrangements, and should be read together with the new Award subclauses.

- 1. Background**
- 2. Changes of Shift (PCOS)**
- 3. Alternative Rosters**
- 4. 24 Hour Shifts**
- 5. General**

Background

1.1 What's a default roster?

The 2014 Permanent Firefighting Staff Award requires every FRNSW station/workplace with permanent firefighting staff attached to have a roster that can only be changed following consultation between FRNSW and the Union or, if FRNSW and the Union do not agree, by the IRC. This is now known as the default roster for that station, and is in most cases the Standard 10/14 Roster.

1.2 Do I have a default roster?

Yes. The Award also requires every permanent firefighter below the rank of Superintendent to be attached to a station/workplace, so every firefighter has a default roster – ie, your station's default roster (see 1.1).

1.3 What about alternative rosters and changes of shift?

The default roster applies to all employees attached to a station, however individual firefighters can now apply to work different hours by either:

- an alternative roster; or
- a change of shift agreement.

1.4 What's the difference?

There are several. They both have their own benefits and limitations, relative to the other, and their own rules.

An alternative roster is an agreement between an employee, or a group of employees, and FRNSW that will usually operate on a longer term basis. An alternative roster agreement will operate for a set period of time until:

- ended by the employee with 14 days notice; or
- ended by FRNSW with 21 days notice if the agreement was conditional on one of more other employees also working that alternative roster (see 4.1); or
- the employee accepts a transfer to another area under Clause 28 of the Award.

A change of shift is an agreement between two or more employees that will usually operate for shorter periods (and often only for single shifts), although they can operate for longer periods. A change of shift agreement can be suspended or cancelled by FRNSW with “good and proper reason” and “sufficient notice”, which will depend on the particular circumstances (see 2.2).

1.5 What’s a “full change of shift” and a “part change of shift”?

A “full” change of shift occurs when one employee works another employee’s entire shift and a “part” change of shift occurs when one employee works part of their own shift and another employee works the balance of that shift (either before or after) in their stead. However, for ease of convenience, all changes of shift will continue to be referred to as “PCOS”.

1.6 Is there a minimum or maximum period required to work an alternate roster or change of shift?

No. There is no minimum or maximum number of shifts that an alternative roster must be worked, although some alternative rosters (like the 24 hour “Ryde Roster”) must commence and finish at the start/end of each 8 week roster cycle.

Specific conditions, such as duration, starting dates and roster need to be formalised with your Zone or Area Commander prior to commencement (see 3.5). Depending on the circumstances and roster requested, agreement may be conditional on your agreement to a change of location and/or becoming a reliever.

Similarly, there is no minimum or maximum number of changes of shift that must be worked. It’s possible, for example, for two or more employees to apply for an extended arrangement with one PCOS application.

Changes of Shift (PCOS)

2.1 How do I apply?

PCOS applications will continue to operate as they always have. Employees must apply in writing at least 24 hours prior to performing a full or part change of shift. This application, which may provide for multiple and/or recurring changes of shift, must include the number of hours, the relevant times and date(s) and the names and signatures of both the employee(s) seeking the change and the employee(s) who shall be working in their stead.

Employees who wish to enter into an extended PCOS agreement with one or more other employees (eg, from 1 April to 30 June) can apply by way of report rather than the standard PCOS pro-forma. Make sure you include all of the information required.

2.2 What is “good and proper reason” for my PCOS application to be declined?

The following situations are indicative of what will be considered “good and proper reason” for refusal or cancellation of a PCOS application:

- Employee B does not hold the qualification(s) held by Employee A (e.g. rescue, hazmat, pumper or aerial operator qualifications), and it is therefore likely that overtime will be required if the application is approved;

- Training has been arranged for an employee on the day of the proposed change of shift and it is not reasonably practicable to delay or rearrange that training for another shift;
- An employee works extended periods of night shifts only and it becomes necessary (for reasons which should be explained) for that employee to work some day shifts;
- An employee develops a significant imbalance in the number of changes of shift worked on their behalf versus the number of changes of shift worked by them on behalf of other employees;
- Insufficient notice is provided (at least 24 hours' notice is required).

2.3 Can double (ie 24 hour) shifts by PCOS start at either 0800 or 1800 hours?

No. FRNSW and the Union have agreed that applications to commence at 1800 hours will not be approved until a general joint review of these new arrangements has been carried out later this year. In the meantime, all pre-arranged 24 hour shifts (either by PCOS or alternative roster) will need to be arranged so that they are worked starting at 0800 hours.

Unexpected staff shortages are different and a double shift commencing 1800 hours may, if necessary, be worked by overtime (eg, a rostered 10/14 shift from 1800-0800 followed by overtime from 0800-1800). See 4.8.

2.4 How does an extended PCOS agreement work? What if I take leave, or the employee who agreed to work for me takes leave?

The old change of shift Standing Orders left it up to the two employees involved to make a PCOS work. If an employee who agreed to work for you didn't show then they were in trouble and your pay was docked.

This has changed. Now, if you agree to work a PCOS for someone else and you take leave – either rostered (eg, annual leave) or not (eg, sick leave) - then your leave is docked, not theirs, and FRNSW will treat it as any staff shortage. Equally, an employee who agreed to work your shift but does not do so is responsible for that absence, not you.

It's possible to have an ongoing PCOS agreement that continues while one employee is on annual or long service leave, provided that approval will require the number of hours that you nominally arrange to work for one or more other employees during that leave period to balance with the number of hours that they arrange to work for you. A PCOS cannot be arranged in such a way that you would achieve a credit of annual leave.

FRNSW and the Union have agreed that uncertainty at this early stage about the full impact of PCOS agreements during annual or long service leave warrants cautious introduction, so extended applications may be declined while these arrangements remain under joint review. Employees whose extended PCOS applications are declined for this reason may be offered the option of an alternative roster agreement instead.

If your PCOS application is approved and you proceed on annual or long service leave in the middle of an extended PCOS agreement, then you'll be docked the leave hours for both your own rostered shifts and the shifts of the other employee(s) who you agreed to work for, but you'll also then be re-credited with the leave hours of any of your rostered shifts that were worked by the other employee while you were on leave. If your agreement with the other employee was on a shift for shift basis then your leave balance will end up exactly the same as it would normally.

2.5 What about sick leave?

If you take sick leave (including an NMC) when you were meant to work for someone else then you'll be docked the sick leave hours (and NMC) for that shift, not the other employee who was rostered to work, however the other employee will be paid for that shift and not you.

2.6 Can I work a 24 hour double shift at two stations (e.g. 10 hour day at one station and 14 hour night at another station) if I have someone come in early for me at the first station, or someone stay back for me at the second station?

No, you can only undertake a 24 hour PCOS at the same station you commenced duty.

2.7 Who decides if my application is approved or declined?

Responsibility for approval of PCOS applications rests with the Duty Commander, but short term approvals may be delegated to the Station Officer with that Station Officer's agreement. Applications should be submitted at least 24 hours prior to the shift(s) in question.

2.8 What if my application is declined?

There is no right or entitlement for employees to work a PCOS, which remain subject to approval by FRNSW – although FRNSW is required to approve a change of shift agreement unless there is “good and proper reason” not to (see 2.2), or because the proposed PCOS is a double shift starting at 1800 hours (see 2.3). FRNSW and the Union both support PCOS applications being determined as far as possible at a local level, however the Union can make representations to management if your application is declined.

2.9 Is it possible for Station Officers to input PCOS agreements into SAM rather than Duty Commanders?

Access is available in SAM for Station Officers to approve and enter PCOS agreements on a voluntary basis, but whoever the officer is who approves a PCOS agreement (see 2.7) should also be the officer who enters the agreement in SAM.

2.10 How many PCOS hours can I accumulate? How long do I have to pay these hours back?

There is no limit, although one of the examples given for a “good and proper reason” to decline or cancel a change of shift is where “an employee develops a significant imbalance in the number of changes of shift worked on their behalf versus the number of changes of shift worked by that employee on behalf of other employees”.

Provided you both agree then there is also no minimum or maximum time within which you have to repay a change of shift - this is entirely between you and the other employee(s). It should however be noted that the more shifts you are owed, the greater the chance of incurring difficulties in having them paid back. Employees may be transferred from one station and/or platoon to another, thereby restricting their ability to repay you. Any liability rests with you.

2.11 Can I enter into a PCOS agreement with a firefighter on alternate duties?

No, you can only enter into a PCOS agreement if both employees are fit to perform each other's duties at the time of the agreement. FRNSW may terminate a PCOS agreement if either employee is unable to perform the duties of the other firefighter for an extended period of time.

2.12 Can I enter into a 24hr PCOS agreement with a reliever if they are covering an annual leave at my station? Or does the possibility they may be moved for that shift, leaving me unable to work the adjoining shifts, mean that a 24hr PCOS in this situation is not possible?

Perhaps, but arrangements would need to be discussed with your Duty Commander to ensure that this suits operational needs.

2.13 Can I withdraw from a PCOS agreement?

No. Employees remain bound by a PCOS agreement unless and until they agree otherwise, or FRNSW cancels that agreement. You should therefore think carefully before entering into a long-term or ongoing PCOS agreement with another employee (or group of employees) because, unlike an alternative roster, you may find yourself stuck in a different work pattern that no longer suits.

Alternative Rosters

3.1 How do I apply?

Employees who wish to work an alternative roster should apply by report stating that you are applying to work an alternative roster in accordance with subclause 8.2.3 of the Award and setting out your proposed alternative roster together with its proposed commencement and cessation times and dates.

Your proposed alternative roster can work in any way you like provided it:

- operates over an eight-week cycle;
- allows at least eight consecutive hours between the cessation of one rostered shift and the commencement of the next rostered shift;
- does not allow split or broken shifts;
- does not allow more than five days' work, or more than five rostered shifts, in any seven day period; and
- does not average more than forty two ordinary working hours per week over the eight-week cycle.

Until further notice, if you are attached to an SO and 3 station then your alternative roster must also operate within the hours and days of work of your station's default roster (see 3.3) and any 24 hour shifts must commence at 0800 hours (see 2.3).

Approvals for alternative rosters are not guaranteed. Consideration of each application will be based on not only benefits to the employee(s) involved, but also to FRNSW. Considerations for FRNSW will include impact of efficiencies such as availability of firefighting staff at peak periods.

If you're interested in working an alternative roster you can discuss this with your Zone Commander and/or the Union.

3.2 Can someone else apply on my behalf in order to avoid the need for multiple reports?

Yes, but only if every employee who agrees to work the alternative roster signs the report. Stations don't work an alternative roster, individual employees do, so each employee who wishes to work an alternative roster needs to either sign the joint application, or submit their own. It is preferable if employees applying in conjunction with one or more others (eg, four employees, one on each platoon) submit a joint application. See 4.1.

3.3 Are these alternative rosters only available to firefighters on the 10/14?

No. Any employee may apply to work an alternative roster, including those whose default roster is not the 10/14, but your alternative roster must meet all of the requirements of Award subclause 8.2.3 and, if you are attached to an SO and 3 station, must operate until further notice within the hours and days of work of your station's default roster. For example, if your default roster is the Back to Back then your alternative roster must operate between 0600 and 1800 hours, and if it is the Special Roster then your alternate roster must operate between Monday and Friday and between 0800 and 1630 hours.

3.4 What about part time work?

Employees do not need to work full time in order to work an alternative roster. The Award provides pro-rata pay for employees who work an alternative roster with fewer hours than provided by their default roster, so it is open to employees to devise their own rosters, including part-time work rosters, to suit their own personal circumstances. Or employees may simply apply to work the Part Time Roster (see Award subclause 8.6a).

When applying for part time work you should provide as much supporting information as possible for consideration by your Area Commander, who will take into account both your circumstances and organisational contingencies / priorities in making their determination.

3.5 Who decides if my application is approved or declined?

Applications for 24 hour alternative rosters should be submitted to your Zone Commander and for all other alternative rosters (or to work the Part-Time Roster), to your Area Commander.

Applications to work an alternative roster should be submitted at least 28 days prior to the desired commencement date. Alternative roster arrangements agreed to by FRNSW will be drawn up by FRNSW and provided to both the employee(s) concerned and the Union at least 14 days prior to commencement.

3.6 What if my application is rejected?

There is no right or entitlement for employees to work an alternative roster and approval will remain subject to FRNSW operational requirements and efficiencies. Your Zone or Area Commander will work with you in an attempt to progress your alternative roster application or find a suitable alternative. If your application is declined then reasons will be provided.

The Union can also assist you and make representations to management.

3.7 Can I withdraw from an alternative roster agreement?

Yes. The Award expressly provides a right for employees who no longer wish to work an alternative roster to return to their default roster within 14 days, so you can never be forced into or stuck working an alternative roster (or part-time) if you do not want to.

24 hour shifts

4.1 How can I start working the 24 hour “Ryde Roster”?

It's important to understand that a station doesn't work an alternative roster, individual employees do. Even at a station like 42 Ryde, whose firefighters and officers have all been working a 24 hour roster since December, the station's default roster is still the 10/14 – it's just that all of the individual employees attached there have agreed to work a 24 hour alternative roster.

If four employees (one on each platoon) agree to work a 24 hour roster and one employee later requests to return to their default roster then FRNSW may (but not must) also return the other three who originally agreed to work the 24 hour roster to the 10/14 with 21 days notice.

If you want to work a 24 hour roster, it is preferred that you do so in conjunction with three other employees at your station (one employee from each of the other three platoons). This will increase the chances of FRNSW approving your application. It's also possible that FRNSW will make approval of your application conditional upon you finding one or more other employees to work it with you, or may propose that you facilitate the working of 24 hour shifts by a PCOS agreement instead.

4.2 Can I start working the 24 hour roster at anytime?

No. The 24 hour "Ryde Roster" operates over a minimum 8 week cycle and must commence and finish at the start of each roster cycle, which commences at 0800 hours on the first A Platoon Friday day shift following a pay day. If that sounds confusing then a quick check of the 10/14 roster calendar will show that the next possible start date is 0800 on Friday 12 June, followed 8 weeks later by 7 August, 2 October and 27 November.

If you want to start working the 24 hour "Ryde Roster" then these are the dates that you should be looking at. B Platoon works the first 24 hours, followed by A, followed then by D, A, D, C, B, C and finally B, and then repeats.

4.3 If two or more employees wish to work 24 hour shifts between themselves by PCOS do they have to submit PCOS forms for every shift during that arrangement?

No. A single report can be used to cover the entire period. See 2.1

4.4 Does everyone at my station have to agree to work the same alternative roster before we can work it?

No. There is no need for everyone at the station to be on the same roster. For example, it is possible for one or more employees per platoon to be working the 10/14 and one or more employees per platoon to be working a 24 hour roster, either by alternative roster, or PCOS, or a combination of both.

4.5 There are concerns regarding fatigue management. How will fatigue be managed, especially at busy stations?

For fatigue management to work effectively employees and managers need to take responsibility. Notification of Station Officers, Duty Commanders and Incident Controllers etc when employees suspect that fatigue may become an issue will allow for the situation to be safely and effectively managed.

4.6 Can I remain at my station after I have ceased duty if I feel fatigued?

Yes, however you will need to seek approval from the on shift Station Officer.

4.7 Can I be forced to work 24 hour shifts?

No. Both FRNSW and the Union will support any employee who wishes to remain on the 10/14, which remains the default roster for every station working 24 hour shifts.

4.8 Can an employee work a double shift (24 hours) in lieu of another employee undertaking a recall?

Technically yes. There is no restriction on this other than the requirement for both the employee concerned and FRNSW to agree, however the recall list of employees who have provided their availability on their days off should be used in the first instance.

4.9 What happens if I am required to stay back at the conclusion of my 24 hour shift?

While all employees may be held back for a staff shortage, priority will always be given to the relief of employees working in excess of 24 hours for any reason. Relief will occur as soon as reasonably practicable, either by the deployment of relievers or out duties or, if necessary, by early recall (ie, it will not be necessary for employees on recall to wait until 1000 hours to commence duty).

4.10 What happens if I am working a 10/14 day shift at a station where everyone else is working 24 hour shifts and there is no on-shift employee available to relieve me at 1800 hours?

The Duty Commander will arrange for your relief as soon as possible and, if no on shift relievers or outduties are available, an employee on recall will be arranged to commence duty as soon as possible (ie, it is not necessary for the recall to wait until 2200 hours to commence duty).

4.11 How are my “per shift” entitlements calculated for a 24 hour shift?

The answer depends on whether the 24 hour shift is being worked by alternative roster or PCOS.

On Alternative Roster

For each 24 hour shift worked by alternative roster:

- the Relieving Allowance (if payable) is paid twice;
- an outduty performed is counted as two outduties;
- compassionate leave is counted as two shifts; and
- an unsupported sick leave absence (NMC) is counted as two NMCs.

This double payment or double count only applies in the case of 24 hour shifts. For example, a Relieving Employee who works an 18 hour shift will still be paid the standard (single) Relieving Allowance.

On PCOS

24 hour (double) shifts worked by PCOS will continue to be treated and paid for all purposes as two separate shifts. PCOS agreements operate on the general principle that only one employee can be paid for the work performed, so for each shift worked by PCOS:

- the Relieving Allowance (if payable) is paid to either the employee who was originally rostered to work (Employee A) or the employee who agreed to work for them (Employee B), but not both. If both employees are entitled to payment (for example, if Employee A is a Reliever and Employee B performs an outduty that shift), then only Employee B is paid the Relieving Allowance;
- an outduty performed is counted against either Employee A or Employee B, but not both. If both employees perform an outduty (for example, if Employee A works from 0800 to 1400 hours and Employee B from 1400 to 1800 hours) then only Employee B will be counted as having performed the outduty, provided that both employees will be paid for any distances actually travelled and that Employee B's base station is, for each PCOS worked, Employee A's base station;
- an unsupported sick leave (NMC) absence for all or part of both shifts (eg, a 10 hour day shift followed by a 14 hour night shift) is counted as two NMCs, whereas an unsupported sick leave absence for only one shift, or that commenced mid-shift (for example, at 2000 hours) is counted as one NMC.

4.12 Why am I required to use two NMCs if I am on a 24 hour alternative roster?

To maintain the value of 10/14 per shift relieving and leave entitlements for employees working 24 hour shifts.

All employees still accrue 3 NMCs per year. Employees on the 10/14 work 160 shifts per year, whereas employees working 24 hours by alternative roster work 80 shifts per year. If employees

working 24 hour shifts required only one NMC per shift, then they would effectively have twice the NMC entitlement as employees on the 10/14. The same applies for compassionate leave.

On the other hand, all employees still have a limit of 12 outduties per year. If employees working 24 hour shifts were counted as working only one outduty per shift, then they would effectively have twice the outduty limit as employees on the 10/14. The same applies for relieving allowances, which would otherwise be effectively half the value of the 10/14 entitlement.

General

5.1 Can I take sick leave or carer's leave for part of a shift?

There are a number of scenarios when answering this question:

- If you become ill during a shift you have already commenced then yes, you can proceed on sick leave using either an NMC or MC;
- If you reported sick prior to the start of your shift then no, you may not return to duty during that shift (or, if you have arranged to perform a double shift by PCOS, during that double shift) unless you provide an MC that clearly states the date and time that you are fit to commence duty. If you reported sick using an NMC, but subsequently provide an MC in support of your return to duty then the NMC(s) will be re-credited; and
- If, during a shift, you are required to attend a specialist appointment then you may cease and subsequently resume duty provided that you produce an MC with the time and date of the appointment. Given Specialist appointments are often booked well in advance, prior notice should be provided whenever possible to your Duty Commander.

The same conditions apply for carer's leave, whether by MC or Statutory Declaration, provided that an MC will not be required to return to duty.

Employees who work a 24 hour shift by PCOS are still working two shifts, not one. For example, an unsupported sick leave absence that commences at 2000 hours will be treated as one NMC (ie, for that night shift only), whereas an unsupported sick leave absence that commences at 1500 hours will be treated as two NMCs (ie, one NMC for that day shift and a second NMC for that night shift).

Employees who work a 24 hour shift by alternative roster are working one shift, not two, so an unsupported sick leave absence will always be treated as two NMCs regardless of the time that absence commences (see 4.11 and 4.12).

5.2 Can I take consolidated leave during a shift as long as I give the required notice?

Yes.

There is no change to the rules for the taking of consolidated leave (CL) - with one exception.

If overtime will be necessary to cover your CL at the start or end of your shift and that overtime will be worked by an employee on a 24 hour shift, then you can take either:

- 1 hour CL, in which case the employee working the 24 hour shift will work the 1 hour of overtime required to cover it; or
- 4 (or more) hours' CL, in which case the Duty Commander will make other arrangements to fill the shortage.