



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2021–22
(C2022/1)

**EDUCATIONAL SERVICES (SCHOOLS) GENERAL STAFF AWARD
2020**
[MA000076]

Educational services

JUSTICE ROSS, PRESIDENT
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MELBOURNE, XX JUNE 2022

Annual Wage Review 2021–22.

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2021–22 on 15 June 2022 [[2022] FWCFB 3500], the above award is varied as follows:

1. By deleting the example appearing in clause 12.2(f) and inserting the following:

For example:

Brad works 38 hours per week and is classified at Level 3.1. The annual rate of pay for a full-time employee working 52.18 weeks of the school year is \$49,127.

Brad is required to take leave without pay during non-term weeks.

As there are 39.4 term weeks in the school year, Brad is required to work 39.4 term weeks.

The formula in clause **Error! Reference source not found.** is:

$$A = C \times \frac{(\text{working weeks} + 4 \text{ weeks annual leave})}{52.18}$$

Calculating the adjusted annual salary:

Step 1: (working weeks + 4 weeks annual leave) = 39.4 + 4 = 43.4

Step 2: 43.4/52.18 = 0.8317

Step 3: \$49,127 x 0.8317 = \$40,859

Adjusted annual salary = **\$40,859.**

2. By deleting the example appearing in clause 15.2(d)(ii) and inserting the following:

For example:

Janet is a part-time employee classified at Level 3.1. Her hourly rate of pay is **\$24.78.**

Janet starts work at 7.00 am Thursday and finishes work at 9.00 am on Thursday. She recommences work at 2.00 pm on Thursday and works until 6.00 pm on Thursday.

Janet will:

- Work 6 hours of ordinary time
- Work a broken shift.

Calculating the ordinary time pay including the broken shift penalty:

Add the broken shift penalty (15%) to the hourly rate of pay. Multiply the result by the number of ordinary hours worked = $(\$24.78 + (24.78 \times 15/100)) \times 6 = (\$28.50) \times 6 = \$171.00.$

Janet is paid a total of **\$171.00** for Thursday.

NOTE: Calculations in this example are based on the rounded hourly rates in Schedule B—Summary of Hourly Rates of Pay.

3. By deleting the table appearing in clause 17.1 and inserting the following:

| Employee classification level | Annual salary ¹ (full-time employee) | Minimum weekly rate (full-time employee) | Minimum hourly rate |
|-------------------------------|--|---|---------------------|
| | \$ | \$ | \$ |
| Level 1 | | | |
| 1.1 | 43,560 | 834.80 | 21.97 |
| 1.2 | 45,146 | 865.20 | 22.77 |

| Employee classification level | Annual salary¹ (full-time employee) | Minimum weekly rate (full-time employee) | Minimum hourly rate |
|--------------------------------------|---|---|----------------------------|
| | \$ | \$ | \$ |
| 1.3 | 46,727 | 895.50 | 23.57 |
| Level 2 | | | |
| 2.1 | 47,072 | 902.10 | 23.74 |
| 2.2 | 48,522 | 929.90 | 24.47 |
| Level 3 | | | |
| 3.1 | 49,127 | 941.50 | 24.78 |
| 3.2 | 50,004 | 958.30 | 25.22 |
| Level 4 | | | |
| 4.1 | 51,856 | 993.80 | 26.15 |
| 4.2 | 54,455 | 1043.60 | 27.46 |
| Level 5 | | | |
| 5.1 | 56,224 | 1077.50 | 28.36 |
| 5.2 | 58,916 | 1129.10 | 29.71 |
| Level 6 | | | |
| 6.1 | 61,030 | 1169.60 | 30.78 |
| 6.2 | 65,183 | 1249.20 | 32.87 |
| Level 7 | | | |
| 7.1 | 67,093 | 1285.80 | 33.84 |
| 7.2 | 69,248 | 1327.10 | 34.92 |
| 7.3 | 71,387 | 1368.10 | 36.00 |
| Level 8 | 77,743 | 1489.90 | 39.21 |

4. By deleting the year "2021" in clause 17.7(b) and inserting "2022".
5. By deleting the amounts "\$774.96" and "\$3.23" appearing in clause 19.2(a)(i) and inserting "\$810.60" and "\$3.38" respectively.
6. By deleting the amount "\$51.66" appearing in clause 19.2(b)(i) and inserting "\$54.04".
7. By deleting the table appearing in clause B.1.1 and inserting the following:

| | Ordinary hours | Saturday¹ | Saturday² | Sunday¹ | Sunday² | Public holiday |
|--|---------------------------------|-----------------------------|-----------------------------|---------------------------|---------------------------|-----------------------|
| | % of minimum hourly rate | | | | | |
| | 100% | 125% | 150% | 175% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ |

| | Ordinary hours | Saturday¹ | Saturday² | Sunday¹ | Sunday² | Public holiday |
|----------------|---------------------------------|-----------------------------|-----------------------------|---------------------------|---------------------------|-----------------------|
| | % of minimum hourly rate | | | | | |
| | 100% | 125% | 150% | 175% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 | | | | | | |
| 1.1 | 21.97 | 27.46 | 32.96 | 38.45 | 43.94 | 54.93 |
| 1.2 | 22.77 | 28.46 | 34.16 | 39.85 | 45.54 | 56.93 |
| 1.3 | 23.57 | 29.46 | 35.36 | 41.25 | 47.14 | 58.93 |
| Level 2 | | | | | | |
| 2.1 | 23.74 | 29.68 | 35.61 | 41.55 | 47.48 | 59.35 |
| 2.2 | 24.47 | 30.59 | 36.71 | 42.82 | 48.94 | 61.18 |
| Level 3 | | | | | | |
| 3.1 | 24.78 | 30.98 | 37.17 | 43.37 | 49.56 | 61.95 |
| 3.2 | 25.22 | 31.53 | 37.83 | 44.14 | 50.44 | 63.05 |
| Level 4 | | | | | | |
| 4.1 | 26.15 | 32.69 | 39.23 | 45.76 | 52.30 | 65.38 |
| 4.2 | 27.46 | 34.33 | 41.19 | 48.06 | 54.92 | 68.65 |
| Level 5 | | | | | | |
| 5.1 | 28.36 | 35.45 | 42.54 | 49.63 | 56.72 | 70.90 |
| 5.2 | 29.71 | 37.14 | 44.57 | 51.99 | 59.42 | 74.28 |
| Level 6 | | | | | | |
| 6.1 | 30.78 | 38.48 | 46.17 | 53.87 | 61.56 | 76.95 |
| 6.2 | 32.87 | 41.09 | 49.31 | 57.52 | 65.74 | 82.18 |
| Level 7 | | | | | | |
| 7.1 | 33.84 | 42.30 | 50.76 | 59.22 | 67.68 | 84.60 |
| 7.2 | 34.92 | 43.65 | 52.38 | 61.11 | 69.84 | 87.30 |
| 7.3 | 36.00 | 45.00 | 54.00 | 63.00 | 72.00 | 90.00 |
| Level 8 | | | | | | |
| | 39.21 | 49.01 | 58.82 | 68.62 | 78.42 | 98.03 |

8. By deleting the table appearing in clause B.1.2 and inserting the following:

| | Afternoon & night | Afternoon & night plus broken shift | Broken shift | Permanent night | Permanent night plus broken shift |
|--|---------------------------------|--|---------------------|------------------------|--|
| | % of minimum hourly rate | | | | |

| | 115% | 130% | 115% | 130% | 145% |
|----------------|-------------|-------------|-------------|-------------|-------------|
| | \$ | \$ | \$ | \$ | \$ |
| Level 1 | | | | | |
| 1.1 | 25.27 | 28.56 | 25.27 | 28.56 | 31.86 |
| 1.2 | 26.19 | 29.60 | 26.19 | 29.60 | 33.02 |
| 1.3 | 27.11 | 30.64 | 27.11 | 30.64 | 34.18 |
| Level 2 | | | | | |
| 2.1 | 27.30 | 30.86 | 27.30 | 30.86 | 34.42 |
| 2.2 | 28.14 | 31.81 | 28.14 | 31.81 | 35.48 |
| Level 3 | | | | | |
| 3.1 | 28.50 | 32.21 | 28.50 | 32.21 | 35.93 |
| 3.2 | 29.00 | 32.79 | 29.00 | 32.79 | 36.57 |
| Level 4 | | | | | |
| 4.1 | 30.07 | 34.00 | 30.07 | 34.00 | 37.92 |
| 4.2 | 31.58 | 35.70 | 31.58 | 35.70 | 39.82 |
| Level 5 | | | | | |
| 5.1 | 32.61 | 36.87 | 32.61 | 36.87 | 41.12 |
| 5.2 | 34.17 | 38.62 | 34.17 | 38.62 | 43.08 |
| Level 6 | | | | | |
| 6.1 | 35.40 | 40.01 | 35.40 | 40.01 | 44.63 |
| 6.2 | 37.80 | 42.73 | 37.80 | 42.73 | 47.66 |
| Level 7 | | | | | |
| 7.1 | 38.92 | 43.99 | 38.92 | 43.99 | 49.07 |
| 7.2 | 40.16 | 45.40 | 40.16 | 45.40 | 50.63 |
| 7.3 | 41.40 | 46.80 | 41.40 | 46.80 | 52.20 |
| Level 8 | 45.09 | 50.97 | 45.09 | 50.97 | 56.85 |

9. By deleting the table appearing in clause B.1.3 and inserting the following:

| | Monday to Friday | | Saturday— employees other than Nursing services employees | | Sunday— employees other than Nursing services employees | Saturday & Sunday— Nursing services employees¹ | Public holiday |
|----------------|---------------------------------|--------------------------|--|--------------------------|--|--|---------------------------|
| | First 3 hours | After 3 hours | First 3 hours | After 3 hours | | | |
| | % of minimum hourly rate | | | | | | |
| | 150% | 200% | 150% | 200% | 200% | 150% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 | | | | | | | |
| 1.1 | 32.96 | 43.94 | 32.96 | 43.94 | 43.94 | — | 54.93 |
| 1.2 | 34.16 | 45.54 | 34.16 | 45.54 | 45.54 | — | 56.93 |
| 1.3 | 35.36 | 47.14 | 35.36 | 47.14 | 47.14 | — | 58.93 |
| Level 2 | | | | | | | |
| 2.1 | 35.61 | 47.48 | 35.61 | 47.48 | 47.48 | — | 59.35 |
| 2.2 | 36.71 | 48.94 | 36.71 | 48.94 | 48.94 | — | 61.18 |
| Level 3 | | | | | | | |
| 3.1 | 37.17 | 49.56 | 37.17 | 49.56 | 49.56 | — | 61.95 |
| 3.2 | 37.83 | 50.44 | 37.83 | 50.44 | 50.44 | — | 63.05 |
| Level 4 | | | | | | | |
| 4.1 | 39.23 | 52.30 | 39.23 | 52.30 | 52.30 | — | 65.38 |
| 4.2 | 41.19 | 54.92 | 41.19 | 54.92 | 54.92 | — | 68.65 |
| Level 5 | | | | | | | |
| 5.1 | 42.54 | 56.72 | 42.54 | 56.72 | 56.72 | — | 70.90 |
| 5.2 | 44.57 | 59.42 | 44.57 | 59.42 | 59.42 | — | 74.28 |
| Level 6 | | | | | | | |
| 6.1 | 46.17 | 61.56 | 46.17 | 61.56 | 61.56 | 46.17 | 76.95 |
| 6.2 | 49.31 | 65.74 | 49.31 | 65.74 | 65.74 | 49.31 | 82.18 |
| Level 7 | | | | | | | |
| 7.1 | 50.76 | 67.68 | 50.76 | 67.68 | 67.68 | 50.76 | 84.60 |
| 7.2 | 52.38 | 69.84 | 52.38 | 69.84 | 69.84 | 52.38 | 87.30 |
| 7.3 | 54.00 | 72.00 | 54.00 | 72.00 | 72.00 | 54.00 | 90.00 |

| | Monday to Friday | | Saturday— employees other than Nursing services employees | | Sunday— employees other than Nursing services employees | Saturday & Sunday— Nursing services employees ¹ | Public holiday |
|----------------|--------------------------|------------------|--|------------------|--|---|-------------------|
| | First 3 hours | After 3 hours | First 3 hours | After 3 hours | | | |
| | % of minimum hourly rate | | | | | | |
| | 150% | 200% | 150% | 200% | 200% | 150% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 8 | 58.82 | 78.42 | 58.82 | 78.42 | 78.42 | 58.82 | 98.03 |

10. By deleting the table appearing in clause B.2.1 and inserting the following:

| | Ordinary hours | Saturday ¹ | Saturday ² | Sunday ¹ | Sunday ² | Public holiday |
|----------------|--------------------------|-----------------------|-----------------------|---------------------|---------------------|-------------------|
| | % of minimum hourly rate | | | | | |
| | 125% | 150% | 175% | 200% | 225% | 275% |
| | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 | | | | | | |
| 1.1 | 27.46 | 32.96 | 38.45 | 43.94 | 49.43 | 60.42 |
| 1.2 | 28.46 | 34.16 | 39.85 | 45.54 | 51.23 | 62.62 |
| 1.3 | 29.46 | 35.36 | 41.25 | 47.14 | 53.03 | 64.82 |
| Level 2 | | | | | | |
| 2.1 | 29.68 | 35.61 | 41.55 | 47.48 | 53.42 | 65.29 |
| 2.2 | 30.59 | 36.71 | 42.82 | 48.94 | 55.06 | 67.29 |
| Level 3 | | | | | | |
| 3.1 | 30.98 | 37.17 | 43.37 | 49.56 | 55.76 | 68.15 |
| 3.2 | 31.53 | 37.83 | 44.14 | 50.44 | 56.75 | 69.36 |
| Level 4 | | | | | | |
| 4.1 | 32.69 | 39.23 | 45.76 | 52.30 | 58.84 | 71.91 |
| 4.2 | 34.33 | 41.19 | 48.06 | 54.92 | 61.79 | 75.52 |
| Level 5 | | | | | | |
| 5.1 | 35.45 | 42.54 | 49.63 | 56.72 | 63.81 | 77.99 |
| 5.2 | 37.14 | 44.57 | 51.99 | 59.42 | 66.85 | 81.70 |
| Level 6 | | | | | | |

| | Ordinary hours | Saturday¹ | Saturday² | Sunday¹ | Sunday² | Public holiday |
|----------------|---------------------------------|-----------------------------|-----------------------------|---------------------------|---------------------------|-----------------------|
| | % of minimum hourly rate | | | | | |
| | 125% | 150% | 175% | 200% | 225% | 275% |
| | \$ | \$ | \$ | \$ | \$ | \$ |
| 6.1 | 38.48 | 46.17 | 53.87 | 61.56 | 69.26 | 84.65 |
| 6.2 | 41.09 | 49.31 | 57.52 | 65.74 | 73.96 | 90.39 |
| Level 7 | | | | | | |
| 7.1 | 42.30 | 50.76 | 59.22 | 67.68 | 76.14 | 93.06 |
| 7.2 | 43.65 | 52.38 | 61.11 | 69.84 | 78.57 | 96.03 |
| 7.3 | 45.00 | 54.00 | 63.00 | 72.00 | 81.00 | 99.00 |
| Level 8 | 49.01 | 58.82 | 68.62 | 78.42 | 88.22 | 107.83 |

11. By deleting the table appearing in clause B.2.2 and inserting the following:

| | Afternoon & night | Permanent night |
|----------------|---------------------------------|------------------------|
| | % of minimum hourly rate | |
| | 140% | 155% |
| | \$ | \$ |
| Level 1 | | |
| 1.1 | 30.76 | 34.05 |
| 1.2 | 31.88 | 35.29 |
| 1.3 | 33.00 | 36.53 |
| Level 2 | | |
| 2.1 | 33.24 | 36.80 |
| 2.2 | 34.26 | 37.93 |
| Level 3 | | |
| 3.1 | 34.69 | 38.41 |
| 3.2 | 35.31 | 39.09 |
| Level 4 | | |
| 4.1 | 36.61 | 40.53 |
| 4.2 | 38.44 | 42.56 |
| Level 5 | | |
| 5.1 | 39.70 | 43.96 |

| | Afternoon & night | Permanent night |
|----------------|---------------------------------|------------------------|
| | % of minimum hourly rate | |
| | 140% | 155% |
| | \$ | \$ |
| 5.2 | 41.59 | 46.05 |
| Level 6 | | |
| 6.1 | 43.09 | 47.71 |
| 6.2 | 46.02 | 50.95 |
| Level 7 | | |
| 7.1 | 47.38 | 52.45 |
| 7.2 | 48.89 | 54.13 |
| 7.3 | 50.40 | 55.80 |
| Level 8 | 54.89 | 60.78 |

- 12. By deleting the amount “\$46,967” appearing in clause C.1.1 and inserting “\$49,127”.
- 13. By deleting the table appearing in clause C.1.1 and inserting the following:

| Allowance | Clause | % of standard rate | \$ | Payable |
|------------------------------------|---------------|-----------------------------------|-----------|------------------|
| First aid allowance— Annual; or | 19.2(a)(i) | 1.65 | 810.60 | per annum |
| First aid allowance— Daily | 19.2(a)(i) | 1/240th of annual allowance | 3.38 | per day |
| Sleepover allowance | 19.2(b)(i) | 0.11 | 54.04 | per sleepover |

B. This determination comes into operation on 1 July 2022. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 1 July 2022.

PRESIDENT