

# Appointment of Forestry Tasmania Employees to DPIPWE

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The following information is provided to Forestry Tasmania (FT) employees who are considering an offer of employment made by the Department of Primary Industries, Parks, Water and Environment (DPIPWE) as a consequence of a recent Expression of Interest process conducted by Parks and Wildlife Service, DPIPWE.

The *Forestry Management Bill 2013* has been passed by Parliament and to be proclaimed on 11 December 2013. This provides the legislative base for the EOI process, the appointment of FT employees to DPIPWE and transition of LSL entitlements.

## **Wages Agreement**

Since the release of employment offers to FT employee, a Public Sector Unions Wages Agreement 2013 has been made between the Minister administering the *State Service Act 2000* and public sector unions. Salaries have now increased by 2% as from December 2013, with further 2% from December 2014, and 2% from December 2015.

Therefore FT employees considering an employment offer should take these salary increases (and future salary progressions within their classification Band) into account when considering their offer as the salary rate quoted in their letter from the Department was issued prior to the being informed of the registration of the wages agreement.

## **Release of Personal Information**

Forestry Tasmania employees who expressed an interest in the DPIPWE positions have already signed an authority during November 2013 for Forestry Tasmania to release of "all my personal records DPIPWE representative Ashley Rushton". Therefore it is DPIPWE's view that another authority to release information from FT to DPIPWE's Human Resources Branch is unnecessary.

DPIPWE are liaising with FT to obtain current payroll, leave and other individual data for each FT employee for the DPIPWE human resources information system and calculate transitioning entitlements per employee.

### **Recreation Leave**

Recreation Leave Balances not paid out by FT will be honoured by DPIPWE.

Any staff with excessive leave balances will need to be managed within budget and the Director SSMO advised that a leave plan will need to be implemented to reduce balances to the maximum allowed to be accrued as per the award (40 days) within six months of commencement with DPIPWE.

### **Personal Leave**

As FT has a "No Credit-No Debit" sick leave system, TSS terms and conditions will apply using the triennium entitlement system as a new employee. However, DPIPWE will recognise FT service when determining each employee's start-up entitlement. No disadvantage will require determination of "entitlement starting balance" based on a continuous employment commencement date with FT.

There will be a deduction from either 22 days, or 66 days, or 132 days (that is the first, or second, or third triennium entitlement) based on the average days taken for Personal Leave of seven (7) days per calendar year for DPIPWE (see Fact Sheet on FT website for more details).

The Public Sector Unions Wages Agreement 2013 provides for an alternate scheme to the triennium entitlement system being an accumulation scheme as from March 2014 based on twenty (20) days accumulating each year less any leave taken to an ongoing cap of 260 days for a full time employee.

Transferring employees may elect to transfer to this scheme from 1 July 2014.

### **Long Service Leave**

The *Forest Management Bill 2013* provides for FT employees to have their years of continuous service recognised for the purpose of long service leave when appointed into their new position within DPIPWE and any future redundancy program that might be offered under the State Service.

The LSL entitlement for a former FT employee <sup>1</sup> appointed to DPIPWE is calculated as 0.866 weeks for each year of service at FT plus 6.5 days per year at DPIPWE less any LSL days taken. A minimum of ten years continuous service in FT or FT added to DPIPWE is required before LSL may be taken.

FT employees are required to advise FT in writing at the time of their resignation to not be paid any LSL entitlement if they so elect.

<sup>1</sup> *FT employees employed prior to 1994 are already on the same LSL scheme as DPIPWE employees and would therefore have their entitlement calculated at the rate of 6.5 days per year for their whole period of service (less any LSL taken).*

## **Superannuation**

The *Forest Management Bill 2013* provides for that the superannuation entitlements of Forestry Tasmania employees who make this transition under these arrangements will not be affected.

The default superannuation scheme used by FT is the Retirements Benefits Fund (RBF), where an employee has not exercised fund choice. FT employees transitioning to the TSS will have a new opportunity of fund choice or remain in their current scheme.

In all cases, FT employees are strongly advised to individually contact RBF (or other scheme) either prior to resigning from FT to take up employment with DPIPWE or within three months of taking up appointment with DPIPWE to confirm their employment and superannuation arrangements with their superannuation provider.

## **Tenure with DPIPWE**

SSMO and Unions consider that the new DPIPWE positions (remuneration and conditions) will fall outside the jurisdiction of Fair Work Australia. This was discussed and was generally accepted at a preliminary meeting of FT and DPIPWE with the

CPSU and AWU on 14 June 2013. The *Fair Work Act 2009* was recently amended for the transfer of business from the public to private sectors with employees' salaries and conditions being retained for five years.

Further SSMO and Unions advised that this is not a transfer of business as the new DPIPW positions are being created to manage additional reserved land as opposed to continuing forestry operations. SSMO has further advised Fair Work transfer conditions do not apply to a transfer of business from a GBE to the public sector.

The Public Sector Unions Wages Agreement 2013 (Section 7) provides for **job security** in the state service by stating "The parties agree that for the duration of this Agreement the Employer will to the extent that is lawful to do so, not terminate the employment of any permanent employee in reliance on S.44(3)(B) of the Act (i.e. on the ground of redundancy).".

The Director SSMO has also advised that the normal permanent appointment letter is to be used as an Instrument of Appointment and a commencement date with DPIPW of 16 January 2014 has been agreed to by all parties unless unforeseen operational circumstances prevent this.

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