

Summary of key conditions

for proposed Department of Jobs and Small Business Enterprise Agreement 2019-2022

The following table provides a summary of the provisions in the Department of Employment Enterprise Agreement 2016-2019 and any changes to those provisions in the proposed Department of Jobs and Small Business Enterprise Agreement 2019-2022 (EA). This includes the introduction of the Serious Illness Register, further details of which are contained in the Serious Illness Register Policy. Please contact the [Bargaining Mailbox](#) if anything in this document is unclear, or there is additional information that you would like included in this document.

In addition to the specific changes outlined in the tables below, the following general changes have also been made:

- Removed gendered language at draft clauses: 44, 114, 145, 186, 230, 233, 268, 301, 302, 313 and the note before clause 296.
- Change “this term” to refer to specific clauses to remove ambiguity at clauses 246-249, 254-257, 263 and 269.

Scope of the Agreement

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Scope of the Agreement	<ul style="list-style-type: none">• Operation of the Agreement is supported by policies, procedures and guidelines.• Any guidelines, policies and procedures referred to in this Agreement are not incorporated into, and do not form part of this agreement.	<ul style="list-style-type: none">• No change.
National Employment Standards	<ul style="list-style-type: none">• No reference.	<ul style="list-style-type: none">• Nothing in the enterprise agreement reduces the entitlement available to an employee under the National Employment Standards.

Salary, Temporary Performance, Classifications

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Salary on engagement, promotion, movement or reduction	<ul style="list-style-type: none"> Employee engaged, promoted or moved will be paid at base rate of classification. Employee reduced will be at the top pay point. Secretary may determine otherwise. Employee from another agency whose salary is above the top pay point will be maintained until absorbed into pay structure. 	<ul style="list-style-type: none"> No change
Salary advancement	<ul style="list-style-type: none"> Progression of one salary point linked to achieving a performance rating of 'mostly achieves' or greater through the performance management system. 	<ul style="list-style-type: none"> No change
	<ul style="list-style-type: none"> Salary advancement provisions for Government Lawyers are outlined in Attachment C. 	<ul style="list-style-type: none"> Clause 23 does not apply to employees in the Government Lawyer Broadbands. Salary advancement provisions for Government Lawyers are outlined in Attachment C.
Salary advancement and TPL	<ul style="list-style-type: none"> No clause to clarify Government Lawyers salary advancement arrangements for TPL. 	<ul style="list-style-type: none"> Clauses 26 and 27 do not apply to employees in the Government Lawyer Broadbands. Salary advancement provisions for Government Lawyers are outlined in Attachment C.
Salary advancement and promotion	<ul style="list-style-type: none"> No clause to clarify Government Lawyers salary advancement arrangements for promotion or advancement within the broadband. 	<ul style="list-style-type: none"> Clauses 29 and 30 do not apply to employees in the Government Lawyer Broadbands. Salary advancement provisions for Government Lawyers are outlined in Attachment C.
Accelerated advancement	<ul style="list-style-type: none"> Progression of two salary points linked to achieving a 'consistently exceeds' rating for both key business deliverables and observable work behaviours. 	<ul style="list-style-type: none"> No change.

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Casual employees	<ul style="list-style-type: none"> Entitled to 20 per cent loading in lieu of public holidays and some leave. 	<ul style="list-style-type: none"> No change.
Superannuation	<ul style="list-style-type: none"> Employer contributions to members of the PSSap of no less than 15.4% of an employee's fortnightly contribution salary. 	<ul style="list-style-type: none"> No change.
	<ul style="list-style-type: none"> Where employees exercise super choice, employer contributions will be no less than 15.4% of an employee's ordinary time earnings. 	<ul style="list-style-type: none"> No change.
	<ul style="list-style-type: none"> For employees (including casual employees) who take paid and/or unpaid parental leave (which includes maternity, supporting partner, adoption and foster care leave), employer contributions will be made for a period equal to a maximum of 52 weeks as if the entire period of leave was paid leave, in accordance with the rules of the appropriate superannuation scheme. Contributions will be based on the employer contribution amount in the full pay period immediately prior to commencing leave. 	<ul style="list-style-type: none"> For employees who take paid and/or unpaid parental leave (which includes maternity, supporting partner, adoption and foster care leave), employer contributions will be made as if the entire period of leave was paid leave, in accordance with the rules of the appropriate superannuation scheme. For employees who exercise superannuation choice, the contributions will be based on the employer contribution amount in the full pay period immediately prior to commencing leave.
Salary packaging	<ul style="list-style-type: none"> Employees may salary package up to 100 per cent of their salary. 	<ul style="list-style-type: none"> No change.
Individual flexibility arrangements	<ul style="list-style-type: none"> Secretary may make an individual flexibility agreement with employees to vary the effect of any of the terms of the agreement. 	<ul style="list-style-type: none"> No change

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Classification structures	<ul style="list-style-type: none"> • General Broadbands: <ul style="list-style-type: none"> - Employment Broadband Level 1 (APS1-APS3) - Employment Broadband Level 2 (APS4-APS6) - Employment Training Broadband (APS1-APS4) - Executive Level 1 - Executive Level 2 • Government Lawyer Structure and Broadband <ul style="list-style-type: none"> - Government Lawyer Broadband 1 (APS3–EL1) - Principle Government Lawyer (EL2) • IT Specialist Designation (EL1) 	<ul style="list-style-type: none"> • General Broadbands: <ul style="list-style-type: none"> - Broadband Level 1 (APS1-APS3) - Broadband Level 2 (APS4-APS6) - Training Broadband (APS1-APS4) - No change - No change • No change • No change.
Salary ranges	<ul style="list-style-type: none"> • APS 1.1-APS 1.2 • APS 2.1-APS 2.3 • APS 3.1-APS 3.2 • APS 4.1-APS 4.3 • APS 5.1-APS 5.3 • APS 6.1-APS 6.3 • EL 1.1-EL 1.4 • EL 2.1-EL 2.4 	<ul style="list-style-type: none"> • No change.

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Allowances

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Health related allowance	<ul style="list-style-type: none"> • APS 1-3 employees: \$500 payment on the first pay period on or after 1 September each year. • APS 4 – EL2 employees: payment of \$200 on the first pay period on or after 1 September each year. 	<ul style="list-style-type: none"> • Health related allowance will be increased each year in line with the All Groups Consumer Price Index advised by the Bureau of Statistics for the 12 months preceding the June quarter.
School holiday care allowance	<ul style="list-style-type: none"> • The Department will contribute to the cost of school holiday care for primary school children of employees. • Up to \$18 per day up to a maximum of \$180 per family per week. 	<ul style="list-style-type: none"> • No change.
Department Liaison Officer (DLO) allowance	<ul style="list-style-type: none"> • Allowances made to DLOs, increased in line with salary increases. 	<ul style="list-style-type: none"> • Allowances made to DLOs, will be increased by two per cent each year.
Workplace Responsibility Allowance	<ul style="list-style-type: none"> • Workplace Responsibility Allowance \$26 per fortnight. 	<ul style="list-style-type: none"> • Workplace Responsibility Allowance will be increased by two per cent each year.
Community Language Allowance	<ul style="list-style-type: none"> • Community Language Allowance \$1,700 per annum. 	<ul style="list-style-type: none"> • Community Language Allow will be increased by two per cent each year.
Studies assistance	<ul style="list-style-type: none"> • Financial assistance of up to \$3,000 per year. • Study leave of up to eight hours per week (up to 15 hours per week for Indigenous employees). 	<ul style="list-style-type: none"> • No change.

Working arrangements

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Flexible working arrangements	<ul style="list-style-type: none"> The Department recognises employees have family and personal commitments and is committed to providing flexibility in working arrangements that allow the Department to be responsive and to assist employees to balance their personal and work commitments. Any employee, including casual employees, may request flexible working arrangements. 	<ul style="list-style-type: none"> No change to existing and additional dot point: <i>The Department is committed to supporting employees who experience domestic and family violence and providing a workplace environment that affords employees flexibility at the time of need. The Department will provide employees with leave and support in accordance with this Agreement.</i>
Working hours	<ul style="list-style-type: none"> 7 hours 30 minutes per day. 37 hours 30 minutes per week. 	<ul style="list-style-type: none"> No change.
Rest breaks	<ul style="list-style-type: none"> At least eight hours plus travelling time break from previous days' work. Employees must take a meal break of at least 30 minutes after five continuous hours of work. The maximum number of agreed working hours to be worked in a day is 10 hours, unless also working overtime. 	<ul style="list-style-type: none"> No change.
Ordinary hours – full time employees	<ul style="list-style-type: none"> Ordinary hours for full time employees are 150 hours per settlement period. An employee's pattern of ordinary hours should be agreed between the employee and their manager in accordance with the flextime and EL working arrangements. 	<ul style="list-style-type: none"> No change.

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Part time employment	<ul style="list-style-type: none"> • An employee may request access to part time employment at any time. Managers will make every attempt to accommodate the request having regard to both the operational requirements of the department and the personal needs of the employee. • A part time employee is an employee whose ordinary hours are less than 150 hours in a settlement period. • Provided with access to part time work on return from maternity, parental or adoption leave up until child reaches three years of age – Part F Leave. 	<ul style="list-style-type: none"> • No change.
Public Holidays	<ul style="list-style-type: none"> • An employee is entitled to public holidays in accordance with the National Employment Standards (NES). • An employee and the Secretary may come to an agreement to substitute any public holiday for a cultural or religious day of significance to the employee. 	<ul style="list-style-type: none"> • No change.
Christmas Closedown	<ul style="list-style-type: none"> • Employment workplaces close from 12:30 pm on the last working day before Christmas Day and will re-open on the first working day following 1 January. 	<ul style="list-style-type: none"> • No change.
Flexitime	<ul style="list-style-type: none"> • Available to APS 6 employees and below. • An employee’s pattern of ordinary hours should be agreed between the employee and their manager. These agreed hours may on occasions need to be varied by either the employee or the manager to accommodate operational or personal requirements. • In the event that agreement cannot be reached, a manager may direct an employee to work a standard day, or for part time employees, ordinary hours as per their part time arrangement. • Maximum 37.5 hours flex credit into next settlement period, unless exceptional circumstances. • Maximum 22.5 hours debit. 	<ul style="list-style-type: none"> • No change.

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Overtime	<ul style="list-style-type: none"> • Mon to Sat – time and a half first 3 hours and double time after that. • Sunday – double time. • Public holidays – double time and a half • Emergency duty – double time with a minimum payment of 2 hours. • Overtime meal allowance of \$26. • Time off in lieu arrangements may be approved under certain circumstances. • Executive Level employees will only be eligible to receive overtime payments in exceptional circumstances with the approval of the Secretary. 	<p>Clause changed to clarify payment on a public holiday (other clauses unchanged):</p> <ul style="list-style-type: none"> • Public holidays within employee’s ordinary hours: two and a half times the hourly rate (duty on a public holiday not in excess of 7 hours and 30 minutes – that is, duty that is not overtime – will be paid at one and a half times the hourly rate additional to payment for the holiday. • Public holiday outside employee’s ordinary hours: two and a half times the hourly rate.
Restriction Allowance	<ul style="list-style-type: none"> • Where the Secretary requires an employee to remain contactable and available to perform extra duty outside their agreed ordinary hours (i.e. be restricted), they will be paid a restriction allowance. • Restricted employees will receive a Restriction Allowance at the rate of 9% of their ordinary hourly rate for each hour they are restricted outside the bandwidth. • Restriction Allowance is payable whether or not the restricted employee is required to perform duty outside the agreed ordinary hours. Where a restricted employee, entitled to overtime payment is required to perform duty, overtime will be payable and subject to: <ul style="list-style-type: none"> - a one hour base rate of payment when work is performed without the necessity to travel to the workplace - a three hour base rate of payment including travel time if work is required to be performed at the workplace. • Restriction Allowance will continue to be paid for periods of overtime worked while restricted. 	<ul style="list-style-type: none"> • No change.

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Emergency Duty	<ul style="list-style-type: none"> Emergency duty will attract a base payment of two hours (which includes reasonable travel time) at double the hourly rate, which will be payable for all emergency callouts without prior notice. Executive Level employees will only be eligible to receive emergency duty payments in exceptional circumstances. 	<ul style="list-style-type: none"> No change.
Overtime Meal Allowance	<ul style="list-style-type: none"> Where an employee is directed to work overtime for at least three hours outside their ordinary hours their manager will approve a flat rate overtime meal allowance of \$26. Where an employee works a further five hours overtime on a Saturday, Sunday or public holiday, they will receive an additional overtime meal allowance of \$26. 	<ul style="list-style-type: none"> No change.
Executive level employees - time off in lieu	<ul style="list-style-type: none"> The hours of duty worked by Executive Level employees are not regular and Executive Level employees may be required to work additional time beyond ordinary hours. Where an EL employee makes a significant additional productive effort by working considerable additional hours, managers may, subject to operational requirements, approve access to reasonable time off in lieu in recognition of the additional hours worked. 	<ul style="list-style-type: none"> Clause changed: <i>The hours of duty worked by Executive Level employees are not regular and Executive Level employees may be required to work additional time beyond ordinary hours. Where an EL employee works considerable additional hours, managers may, subject to operational requirements, approve access to reasonable time off in lieu in recognition of the additional hours worked.</i>
Working from home	<ul style="list-style-type: none"> Available by agreement for regular or casual home based work arrangements. Employees with approved working from home arrangements can apply for assistance to maintain IT equipment and internet connection up to a maximum value of \$3,000 per year for regular home based work arrangements. 	<ul style="list-style-type: none"> No change.

Leave

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Portability of leave	<ul style="list-style-type: none"> Recognition of prior service for other APS or ACT Government employees. 	<ul style="list-style-type: none"> No change.
Deferral, cancellation and re-crediting of leave	<ul style="list-style-type: none"> Where an employee takes 30 or more days leave without pay not to count as service in a calendar year, no leave without pay will count for service for annual and personal leave. When leave is cancelled or employee is recalled to duty, reasonable unavoidable associated costs will be reimbursed and unused leave re-credited. 	<ul style="list-style-type: none"> No change.
	<ul style="list-style-type: none"> The Secretary may approve other types of leave during a period of annual leave or long service leave where satisfactory evidence is provided. Annual leave and/or long service leave will be re-credited to the extent of any other leave subsequently granted. 	<ul style="list-style-type: none"> The Secretary may approve other types of leave during a period of annual leave or long service leave where satisfactory evidence is provided. Annual leave and/or long service leave will be re-credited to the extent of any other leave subsequently granted.
Annual leave	<ul style="list-style-type: none"> 20 days credit per year - accrued monthly Employees with 20 or more days may cash out annual leave, provided they take 10 days in the same calendar year. An employee with 40 or more days of annual leave accrued may be directed to take leave of at least 10 days within 12 weeks of the direction, unless long leave is planned and approved within 6 months. Annual leave can be taken at half pay but not in the same calendar year as purchased leave. 	<ul style="list-style-type: none"> Changed to four weeks to be consistent with the National Employment Standards.
Purchased leave	<ul style="list-style-type: none"> Purchase up to 8 weeks additional annual leave - funded over 12 months. Not to be taken in the same calendar year as annual leave at half pay. 	<ul style="list-style-type: none"> No change.

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Personal leave	<ul style="list-style-type: none"> 18 days paid days (or the part time equivalent) personal/carer's leave annually, credited on 1 January each year. 	<ul style="list-style-type: none"> 18 paid days (or the part time equivalent) personal/carer's leave per year of service, credited on 1 January each year
	<ul style="list-style-type: none"> Employees may take a maximum of three consecutive days without a medical certificate from a registered medical practitioner. 	<ul style="list-style-type: none"> Employees may take a maximum of three consecutive days without a medical certificate from a registered medical practitioner or registered health professional.
	<ul style="list-style-type: none"> Where an employee has exhausted their paid personal/carer's leave entitlements are entitled to unpaid carer's leave as prescribed in the <i>Fair Work Act 2009</i>. 	<ul style="list-style-type: none"> No change.
	<ul style="list-style-type: none"> Employees may be granted personal/carer's leave at half pay instead of full pay where extraordinary circumstances exist. 	<ul style="list-style-type: none"> Employees may be granted personal/carer's leave at half pay instead of full pay. Where an employee takes personal/carer's leave at half pay, personal/carer's leave credits will be deducted at half the duration of the leave.
	<ul style="list-style-type: none"> Personal leave may be granted without pay where personal leave credits are exhausted. Personal/carer's leave gives employees access to paid personal/carer's leave to be used when they are absent: <ol style="list-style-type: none"> due to personal illness or injury attendance at personal medical appointments to provide care or support for a member of the employee's family or household who is ill or injured to provide care or support for a member of the employee's family or household who is affected by an unexpected emergency or special circumstance or due to domestic or family violence as a result of special or exceptional circumstances (moving house, personal emergency situations). 	<ul style="list-style-type: none"> No change. d) to provide care or support for a member of the employee's family or household who is affected by an unexpected emergency or special circumstance, including medical appointments.

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Serious Illness Register	<ul style="list-style-type: none"> No provision. 	<ul style="list-style-type: none"> An employee may, under certain circumstances, donate up to two days per annum of their accrued personal leave credits to the serious illness register. A serious illness register will be established, in which certain employees can voluntarily elect to donate up to two days of their personal/carer's leave. This leave may be accessed by other employees, who are experiencing hardship due to a serious illness or injury which is not-compensable under the Safety, Rehabilitation and Compensation Act 1988. Further information is available in the Serious Illness Register Policy which was made on 23 November 2018 and previously circulated to staff. A copy of the Serious Illness Register Policy was tabled and is available on the intranet.
Compassionate leave	<ul style="list-style-type: none"> Up to three days paid leave for each occasion a member of the employee's family or household contracts or develops a personal illness that poses a serious threat to their life, or dies. 	<ul style="list-style-type: none"> No change.
Long service leave	<ul style="list-style-type: none"> An employee will be eligible for LSL in accordance with the Long Service Leave (Commonwealth Employees) Act 1976. Minimum period for which LSL may be granted is seven continuous calendar days at full pay (or 14 calendar days at half pay). 	<ul style="list-style-type: none"> No change.
Community service leave	<ul style="list-style-type: none"> Entitled to paid leave to undertake emergency service duty including rest and recuperation time after such duty and regular training and ceremonial duties. 	<ul style="list-style-type: none"> Entitled to paid leave to undertake emergency service duty including training, emergency service responses, reasonable recovery and travelling time and ceremonial duties.
	<ul style="list-style-type: none"> Leave with pay may be granted for jury duty. 	<ul style="list-style-type: none"> No change.

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Defence Reserve leave	Defence Reserve leave with or without pay.	Defence Reserve leave with or without pay.
War Service Leave	Managers will grant war service sick leave to employees who are unfit for duty because of a war-caused or defence-caused condition determined under the relevant legislation.	Managers will grant war service sick leave to employees who are unfit for duty because of a war-caused or defence-caused condition that has been accepted by the Department of Veterans' Affairs to be war caused or Defence caused within the meaning of the relevant legislation.
Miscellaneous leave	<ul style="list-style-type: none"> • Miscellaneous leave may be granted with or without pay. • Two days community volunteering and two days cultural leave. • 20 days unpaid ceremonial leave for Aboriginal and Torres Strait Islander Employees. 	<ul style="list-style-type: none"> • No change. • Cultural leave and community volunteer leave moved into their own leave types.
Cultural leave	<ul style="list-style-type: none"> • Under Miscellaneous Leave. • Two days paid cultural leave for religious or cultural activities. • 20 days unpaid ceremonial leave for Aboriginal and Torres Strait Islander Employees. 	<ul style="list-style-type: none"> • Moved to own leave type. • No change.
Community volunteer leave	<ul style="list-style-type: none"> • Under Miscellaneous Leave. • Two days paid community volunteer leave. • Employees covered by the Government Lawyer Broadband may request to use this leave to volunteer legal services. 	<ul style="list-style-type: none"> • Moved to own leave type. • No change.
Parental Leave	<ul style="list-style-type: none"> • Payment for all paid parental leave types may be spread over a longer period (up to double the full pay equivalent period). However, when paid over a longer period, only the full pay equivalent period will count as service. 	<ul style="list-style-type: none"> • Payment for all paid parental leave types may be spread over a longer period (up to double the full pay equivalent period). However, when paid over a longer period, only the full pay equivalent period (up to a maximum of 14 weeks) will count as service.

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Maternity/ maternal	<ul style="list-style-type: none"> • 14 weeks full pay available after 12 months service. • Paid leave can be taken at half pay. • Right to access part time hours on request, until the youngest child reaches three years of age. 	<ul style="list-style-type: none"> • No change.
Primary carer leave	<ul style="list-style-type: none"> • Six weeks primary carer leave for an employee other than the mother who becomes the primary care giver due to serious illness or death of mother. 	<ul style="list-style-type: none"> • No change.
Adoption, long term foster care & permanent care orders	<ul style="list-style-type: none"> • 14 weeks paid leave available – paid leave can be taken at half pay. • Paid leave is subject to employee having 12 months of service. 	<ul style="list-style-type: none"> • Clarifying that the maximum period of 52 weeks is inclusive of any period of paid or unpaid leave for adoption, long term foster care and permanent care orders.
Supporting partner leave	<ul style="list-style-type: none"> • Two weeks supporting partner leave with pay - may be taken at half pay. • Leave to be taken directly following the birth or adoption of a child or placement of a foster child. 	<ul style="list-style-type: none"> • No change.
Unpaid parental leave	<ul style="list-style-type: none"> • Eligible employees entitled to unpaid parental leave of up to 12 months, less any period of paid maternity, adoption or supporting partner leave taken. • Upon request from the employee, the department will agree to an extension of unpaid parental leave for a further period up to 12 months, immediately following the end of the initial 12 month period. 	<ul style="list-style-type: none"> • No change.

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Returning from any type of parental leave	<ul style="list-style-type: none"> • Where an employee returns to work after a period of maternity leave, the employee will be assigned to the duties previously performed or to alternative duties appropriate to the employee’s skills and classification if their former position no longer exists. • An employee returning to duty from maternity, parental, adoption and foster care leave will have the right to access part time work up until the child reaches three years of age in accordance with the part time provisions. 	<ul style="list-style-type: none"> • No change.
Unauthorised absences	<ul style="list-style-type: none"> • Ability to cease pay and benefits where employee is absent without approval. 	<ul style="list-style-type: none"> • No change.

Performance management

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Performance management	<ul style="list-style-type: none"> • All employees must participate in the Department’s performance management arrangements and have a current performance agreement. • Four point rating scale with dual ratings. 	<ul style="list-style-type: none"> • No change.

Workforce management and planning

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Movement within a broadband	<ul style="list-style-type: none"> • Employees may be moved between classification levels in a broadband in certain circumstances. • Movement to a higher APS classification level within a broadband is not automatic and can only occur when:... 	<ul style="list-style-type: none"> • Employees may be moved between classification levels in a broadband in certain circumstances. • Movement to a higher APS classification level within a broadband is not automatic and may be approved by the delegate when:...
Temporary Performance Loading (TPL)	<ul style="list-style-type: none"> • TPL only payable where employee is acting for five continuous working days or more. • A payable where employee is acting at the SES level for ten continuous working days or more. • Payment would normally be at the base pay point of the higher classification. A manager may approve payment at a higher pay point. 	<ul style="list-style-type: none"> • No change.

Management of excess employees

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Voluntary redundancy	<ul style="list-style-type: none"> • Two weeks' salary for each year of service, four week minimum and 48 week maximum applies. • Up to \$1200 payable for financial advice. • Up to \$1200 payable for career advice. • Up to \$3000 for employees over 45 years of age and employees in regional and remote areas may be eligible for outplacement assistance during the retention period. • Two month discussion and consideration period from date of formal offer. 	<ul style="list-style-type: none"> • No change.
Retention period	<ul style="list-style-type: none"> • Seven months (or 13 months for employees with 20 or more years' service or over 45 years of age). • Where an employee elects redeployment, and the Secretary and employee agree, the employee can be paid out for the balance of the retention period. 	<ul style="list-style-type: none"> • No change.
Involuntary redundancy	<ul style="list-style-type: none"> • In deciding whether to terminate an excess employee, the Secretary will take account of any re-assignment process that may be in progress. 	<ul style="list-style-type: none"> • In deciding whether to terminate the employee's employment, the Secretary will take account of any re-assignment process that may be in progress.

Separation

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Payments on separation	<ul style="list-style-type: none"> • Annual leave will be paid out on cessation. • Flex debt will be recovered. • Payment on death. 	<ul style="list-style-type: none"> • No change.
Resignation	<ul style="list-style-type: none"> • Employees should give the Secretary at least two weeks' notice in writing of their intention to resign or retire. 	<ul style="list-style-type: none"> • An employee should give their Branch Manager at least two weeks' notice in writing of their intention to resign or retire.

Consultation

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Diversity	<ul style="list-style-type: none"> • The Department is committed to increasing employment opportunities and accessibility for all including <ul style="list-style-type: none"> - People with disability - Aboriginal and Torres Strait Islander people - Mature age workers. 	<ul style="list-style-type: none"> • The Department is committed to increasing employment opportunities and accessibility for all including <ul style="list-style-type: none"> - People with disability - Aboriginal and Torres Strait Islander peoples - Multigenerational workers - Culturally and Linguistically diverse employees - Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ+) people.
Representation	<ul style="list-style-type: none"> • No clause. 	<ul style="list-style-type: none"> • Employees have the right to be represented by a representative of their choice in workplace matters. The Department and any employee representative will deal with each other in good faith.
Consultation arrangements	<ul style="list-style-type: none"> • The department is committed to consulting directly with employees about workplace matters that affect them. • Model clause under schedule 2.3 of the Fair Work Regulations 2009. 	<ul style="list-style-type: none"> • No change.
Consultation committee	<ul style="list-style-type: none"> • The Department will establish and maintain a consultative committee for the life of the Agreement. 	<ul style="list-style-type: none"> • The Department will establish and maintain an Employee Consultative Committee (ECC) for the life of the Agreement. The ECC will act as a forum for consultation and open discussion between management and employee representatives about matters covered by this Agreement.
Dispute resolution	<ul style="list-style-type: none"> • Model clause under schedule 6.1 of the Fair Work Regulations 2009. • Dispute resolution arrangements apply if a dispute relates to a matter arising under the Enterprise Agreement. 	<ul style="list-style-type: none"> • No change.

Summary of key conditions for the proposed Department of Jobs and Small Business Enterprise Agreement 2019-2022

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Allowance for Impact of Building Work	<ul style="list-style-type: none"> • A daily allowance will be paid to employees in the affected accommodation area for the period of exposure. • Allowance for impact of building work \$10 per day. 	<ul style="list-style-type: none"> • No change.

Travel

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Part day travel	<ul style="list-style-type: none"> • \$40 part day travel allowance for travel of at least 10 hours not involving an overnight stay. 	<ul style="list-style-type: none"> • No change.
Meals and incidentals	<ul style="list-style-type: none"> • Meals to be on the travel card. • Cash from ATM \$40 per day (incidentals, lunch) - non-acquittable. 	<ul style="list-style-type: none"> • No change.
Non-commercial accommodation	<ul style="list-style-type: none"> • Employees receive \$55 per night to meet expenses associated with staying in non-commercial accommodation. 	<ul style="list-style-type: none"> • No change.
Reviewed Travel Allowance	<ul style="list-style-type: none"> • Payment arrangements and the level of entitlement for travel expenses will be reviewed after 21 days away from home (in the one location) and paid on the basis of reasonable actual expenses or an alternative package of assistance agreed between the employee and the Secretary. A trip home will not be regarded as a break for the purposes of determining reviewed travel allowance. 	<ul style="list-style-type: none"> • No change.
Recognition of travel time	<ul style="list-style-type: none"> • Travel within the bandwidth is recognised as flex time for APS level employees. • Start and finish times of the 12 hour bandwidth (7 am – 7 pm) may be adjusted in recognition of travel time. • Reasonable time off for employees directed to travel outside the bandwidth. 	<ul style="list-style-type: none"> • No change.
Motor Vehicle Allowance	<ul style="list-style-type: none"> • 75 cents per kilometre, expenditure approved will be the amount equivalent to the lowest practical fare. 	<ul style="list-style-type: none"> • No change.
Emergency situations while travelling on official business	<ul style="list-style-type: none"> • Assistance may be provided where an employee becomes ill for family to visit, or for the employee to visit their ill family. 	<ul style="list-style-type: none"> • No change.
Family care expenses when travelling	<ul style="list-style-type: none"> • Reimbursement may be provided for additional commercial care for family members. 	<ul style="list-style-type: none"> • No change.

Remote localities

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Remote locality allowance	<ul style="list-style-type: none"> • The Department has no employees located in remote localities. • If in future employees are located in a remote locality, the Secretary can determine assistance payable. 	<ul style="list-style-type: none"> • No change

Relocation

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Relocation assistance	<ul style="list-style-type: none"> • Relocation assistance on reimbursement basis for employer initiated moves. • Relocation assistance on reimbursement basis for employee initiated moves. • Disturbance Allowance \$810 for an employee who relocates alone or \$1,500 for an employee who relocates with a spouse, partner or dependant. 	<ul style="list-style-type: none"> • No change.

Government lawyers

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Transfer to Government Lawyer Broadband	<ul style="list-style-type: none"> Employees who meet eligibility may apply to transfer into Government Lawyer Broadband. Eligibility requirements. 	<ul style="list-style-type: none"> No change.
Government lawyer practising certificates	<ul style="list-style-type: none"> If the Head of the Legal Area in which the employee works determines it appropriate, possession of a current restricted practising certificate issued by the ACT Law Society, or the obtaining of such a certificate within three months of commencing employment within the department. 	<ul style="list-style-type: none"> If the Head of the Legal Area in which the employee works determines it appropriate, possession of a practising certificate issued by an Australian State or Territory Law Society, or the obtaining of such a certificate within three months of commencing employment within the department.
Salary determination	Salary will be determined within the relevant classification level.	No change.
Advancement provisions	<ul style="list-style-type: none"> Advancement through the salary points set out in Table 1 and Table 2 will be effective from 15 August each year, after assessment of performance under the provisions as set out in Part G of this Agreement (to the extent that it is not inconsistent with this Schedule) on the following conditions: <ol style="list-style-type: none"> where an employee has attained a key business deliverable rating shown in Column 1 of Table 3 below, the employee shall be advanced by the number of pay points specified in Column 2 of Table 3 corresponding to the observable work behaviours rating attained by the employee an employee within the Employment Government Lawyer Broadbands shall not be advanced beyond the first pay point in the Employment Government Lawyer Broadbands unless the Secretary is satisfied that the employee has been admitted as a legal practitioner, 	<ul style="list-style-type: none"> Advancement for employees in the Government Lawyer Broadband, and Principal Government Lawyer Band, structure, including for an employee in receipt of TPL, through the salary points set out in Table 1 and Table 2 will be effective from 15 August each year, after assessment of performance under the provisions as set out in Part G of this Agreement (to the extent that it is not inconsistent with this Schedule) on the following conditions: <ol style="list-style-type: none"> subject to clause 306, the employee has performed duties in the Department at that classification level or higher for a period of three continuous months or more in the performance cycle where an employee has attained a key business deliverable rating shown in Column 1 of Table 3 below, the employee shall be advanced by the number of pay points specified in Column 2 of Table 3 corresponding to

Summary of key conditions for the proposed Department of Jobs and Small Business Enterprise Agreement 2019-2022

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
	<p>however described, of the High Court or the Supreme Court of a State or Territory</p> <p>c) an employee within the Employment Government Lawyer Broadbands shall not be advanced beyond the sixth pay point in the Government Lawyer scale unless the employee has:</p> <ul style="list-style-type: none"> ▪ performed work of the type and complexity required by a Senior Government Lawyer for at least three months ▪ received performance ratings of 'Consistently Achieves' or better for both key business deliverables and observable work behaviours at the end of the performance cycle ▪ the Secretary determines that the employee is capable of performing work at the Senior Government Lawyer level, and ▪ there is work at that level available for the employee to perform <p>d) where an employee is advanced to the Senior Government Lawyer level, such an employee will only be advanced to the first salary point in the Senior Government Lawyer scale and must remain at that level for at least 12 months before being eligible for further advancement within the Senior Government Lawyer scale, and</p> <p>e) where the Secretary determines that there is more than one employee at the Government Lawyer level who is capable of performing work at the Senior Government Lawyer level, but that there is insufficient work available</p>	<p>the observable work behaviours rating attained by the employee</p> <p>c) an employee within the Government Lawyer Broadbands shall not be advanced beyond the first pay point in the Government Lawyer Broadbands unless the Secretary is satisfied that the employee has been admitted as a legal practitioner, however described, of the High Court or the Supreme Court of a State or Territory</p> <p>d) an employee within the Government Lawyer Broadbands shall not be advanced beyond the sixth pay point in the Government Lawyer scale unless the employee has:</p> <ul style="list-style-type: none"> ▪ performed work of the type and complexity required by a Senior Government Lawyer for at least three months ▪ received performance ratings of 'Consistently Achieves' or better for both key business deliverables and observable work behaviours at the end of the performance cycle ▪ the Secretary determines that the employee is capable of performing work at the Senior Government Lawyer level, and ▪ there is work at that level available for the employee to perform <p>e) where an employee is advanced to the Senior Government Lawyer level, such an employee will only be advanced to the first salary point in the Senior Government Lawyer scale and must remain at that level</p>

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Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
	<p>at the Senior Government Lawyer level for all such employees, a merit selection exercise should be conducted to determine which employee or employees will be advanced to the Senior Government Lawyer level.</p>	<p>for at least three months, or until they have continuously acted at this classification and pay point from 1 April to 15 August that year, before being eligible for further advancement within the Senior Government Lawyer scale, and</p> <p>f) where the Secretary determines that there is more than one employee at the Government Lawyer level who is capable of performing work at the Senior Government Lawyer level, but that there is insufficient work available at the Senior Government Lawyer level for all such employees, a merit selection exercise should be conducted to determine which employee or employees will be advanced to the Senior Government Lawyer level.</p> <ul style="list-style-type: none"> • Where an ongoing employee within the Government Lawyer Broadband, and Principal Government Lawyer Band, is in receipt of TPL on 15 August, they will be eligible for salary advancement in accordance with clause 305 at both their temporary performance and substantive levels, effective from 15 August. Despite clause 305(a), the employee will only be entitled to advancement at their TPL classification where the employee was continuously acting at the same classification and pay point from 1 April to 15 August that year. • Where there is a break of three weeks or less in TPL between 30 June and 15 August of the same calendar year the employee is still eligible for salary advancement at both levels.

IT Specialist Designation

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
IT Specialist Designation	<ul style="list-style-type: none"> • Classification to recognise IT specialists. • Available in limited circumstances. • Salary advancement subject to a performance ratings of 'Consistently Exceeds' on both key deliverables and observable work behaviours. 	<ul style="list-style-type: none"> • No change.

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Shift workers

Subject	Summary of Department of Employment Enterprise Agreement 2016-19 provisions	Proposed Department of Jobs and Small Business Enterprise Agreement
Rates	<ul style="list-style-type: none"> • Penalty rates: <ul style="list-style-type: none"> - Outside broadband - 15% - Exceeding four weeks outside the broadband – 30% - Saturday – 50% - Sunday – 100% - Public holidays – 150%. 	<ul style="list-style-type: none"> • No change.
Other	<ul style="list-style-type: none"> • Crib time, operation of shifts, consultation, leave and 12 hour shifts. 	<ul style="list-style-type: none"> • No change.