

Local Government Workforce Transition
Code of Practice

Stronger councils, for a growing Queensland



Queensland Government

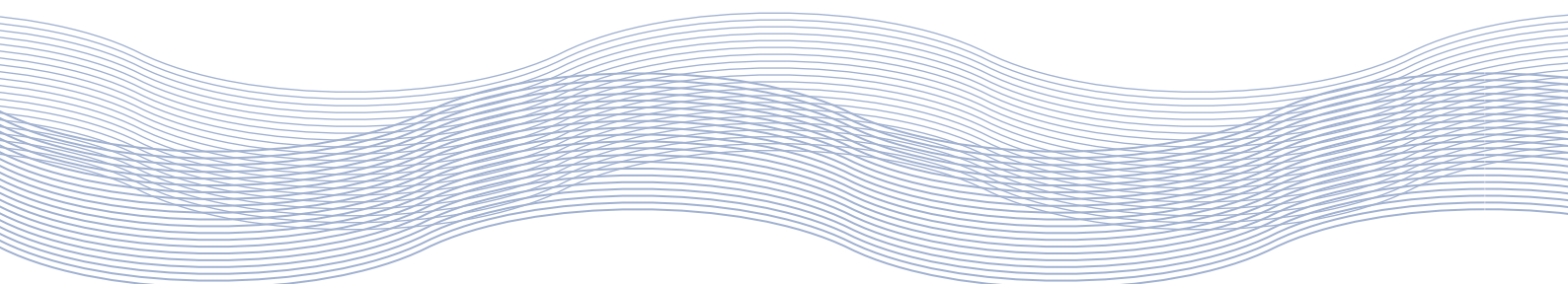
Department of Local Government, Planning,
Sport and Recreation

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Local Government Workforce Transition Code of Practice

Table of Contents

SECTION		Page
1	Title	1
2	Commencement and expiry.....	1
3	Objectives of the Code	1
4	Relationship to existing employment agreements.....	1
5	Application	1
6	Dispute settlement.....	2
7	Staff support transition principles	3
8	Prescribed employment practices	3
8.1	Job security	3
8.2	Industrial environment.....	3
8.3	Transmission of employees and conditions of employment (on changeover day)	4
8.4	Appointments to the interim structure	4
8.5	The new corporate structure.....	4
8.5.1(a)	Direct translation.....	4
8.5.2(b)	Selection to vacant positions within the new corporate structure.....	4
8.6	Redeployment	5
8.7	Transfers.....	5
8.8	Relocations.....	6
8.9	Voluntary Redundancy	6
8.10	Consultation and staff engagement.....	6
8.11	Union rights and responsibility in the workplace.....	7
8.12	Contract staff.....	7
8.13	New employees.....	7
8.14	Temporary/maximum term and casual employees.....	7
8.15	Chief executive officers	7
8.16	Adjusted local governments	8
8.17	Miscellaneous.....	8
Attachment 1	Local governments affected by reform	9
Attachment 2	Definitions.....	10
Attachment 3	Voluntary Redundancy entitlements	12



Local Government Workforce Transition Code of Practice 2007

1. Title

Local Government Workforce Transition Code of Practice - 2007.

1.1. The Local Government Workforce Transition Code of Practice (“the Code”), is part of the overall Local Government Reform Staff Support Package.

1.2. The Code recognises that, for each local government;

- the local government is the employer of local government employees, as prescribed in the *Local Government Act 1993*, and
- the Chief Executive Officer (CEO) is responsible for appointing employees, managing and resourcing the corporate structure designed for the conduct of the local government affairs with roles and responsibilities as prescribed in the *Local Government Act 1993*.

1.3. The Code is directed at ensuring the proper transition of local government workforces from merging or adjusted local governments to new or adjusted local governments resulting from local government reform.

2. Commencement and expiry

2.1. The Code:

- was made on 28 August 2007;
- commences on 29 August 2007;
- expires on 16 March 2011.

3. Objectives of the Code

3.1. The Code has the following objectives:

- to establish terms and conditions that are consistent with the principles outlined below and that will apply during the transition from existing local governments to new and adjusted local governments; and
- to prescribe the minimum enforceable employment standards and practices to apply during the interim and transitional phases of the local government reform.

3.2. The purpose of the Code is to establish:

- a supportive and consistent framework for local government employees to make the transition from a merging or adjusted local government to a new or adjusted local government;
- a set of principles and practices which all local governments will adhere to in the treatment of their employees during the transition;
- appropriate and fair treatment of employees during the transition;
- a consistent set of parameters to be used by local government employees and local governments alike to assist in making the transition as seamless and as effortless as possible;
- an avenue for employee disputes arising from the reforms, to be resolved quickly, efficiently and sensitively; and
- a basis for “modelling” best practice change management practices.

4. Relationship to existing industrial instruments and arrangements

4.1. The Code shall be read and interpreted wholly in conjunction with applicable industrial instruments and arrangements. Where any inconsistency exists between the Code, and applicable industrial instruments, the Code prevails over the industrial instruments, except where the application of the industrial instruments provides a more favourable outcome to an employee.

5. Application

5.1. The Code applies to all Queensland local governments impacted by boundary reform, as the employers of local government employees in Queensland.

5.2. The Code covers employees of merging local governments as well as employees of new or adjusted local governments. To be clear, the Code applies to the new and adjusted local governments listed in Attachment 1.

Local Government Workforce Transition Code of Practice 2007

- 5.3. The Code will apply to employees including CEOs of affected joint local governments.
- 5.4. The Code applies to all permanent and long term temporary/maximum term employees and long term casual employees of affected local governments (see definitions in Attachment 2).
- 5.5. Except for section 8.15 of the Code, nothing in the Code applies to local government CEOs as employees.
- 5.6. The Code is given effect by way of Section 159ZI (when the Workforce Transition Code of Practice takes effect) of the *Local Government Act 1993*.
- 5.7. The Code has effect from the date the notice required by section 159ZI provides.
- 5.8. The Code is intended to cover the period of transition, which comprises both interim and transition periods as defined below.
- 5.8.1. Interim period - the period from 10 August 2007 (the Date of Assent of the *Local Government Reform Implementation Act 2007*) and the effective date of this Code until 16 March 2008.
- 5.8.2. Transition period - a three (3) year period from 16 March 2008 to 16 March 2011.
- 5.9. For adjusted local governments (as listed in Attachment 1), the Code only applies to employees who are affected either directly or indirectly by the adjustment.
- 5.10. The Code does not apply to any employment matters outside transition from and to new local government arrangements and, as such, does not apply to day-to-day employment matters that form part of the normal employment relationship.

6. Dispute settlement

- 6.1. The objective of this dispute handling process is to promote the resolution of disputes or matters that may give rise to an industrial dispute, by measures based on consultation, co-operation and discussion; to reduce the level of industrial confrontation and to avoid interruption to the performance of work and local government services.

- 6.2. Any local government employee, or their relevant union, who feels aggrieved as a result of a decision which they regard as being inconsistent with this Code can at any time raise the matter directly with the CEO who is ultimately responsible for the Code's implementation during transition.

- 6.3. The following are excluded from this process:

- a grievance or dispute about any new local government boundaries;
- a grievance or dispute about the establishment of new local governments or any statutory instruments which relate to new local governments;
- a grievance or dispute about appointments of employees to positions within the interim structure; or
- a grievance or dispute about offers of voluntary redundancy packages.

- 6.4. The dispute resolution procedure is as follows:

Stage One

The employee(s) and/or union workplace representative will contact the relevant manager and attempt to settle the issue at that level.

Stage Two

If the issue is not settled at stage one, the employee(s) and or the union workplace representative and, if requested by the employee(s), the relevant union official will meet with the manager and the chief executive officer or delegate.

Stage Three

Where the matter is not resolved at the local level the employee and/or the union workplace representative can take unresolved grievance or dispute pertaining to the matter to the Queensland Industrial Relations Commission for conciliation and/or arbitration to resolve the grievance or dispute.

- 6.5. At each stage of this procedure a record should be made of the time and date of discussions and relevant outcomes. Such record should be signed off as accurate by the employee(s), union and management.

7. Staff support transition principles

7.1. The Code is based on essential principles defined in the Section 159ZH(3) of the *Local Government Act 1993* as:

- service delivery levels should be maintained or enhanced; and
- as far as possible, work locations should not be changed.

7.2. The following supporting principles underpin the Code of Practice:

- maximise employment security for local government staff;
- maximise the retention of local government staff;
- minimise the impact on local government staff;
- maximise staff involvement in the changes;
- contracts of employment will be honoured;
- maximise support to staff throughout the transition process;
- treat staff fairly and with respect;
- merit and equity in all appointments;
- prompt and sensitive dispute resolution;
- no overall loss of employment across the local government sector;
- no overall reduction in working conditions;
- no overall disadvantage to workers;
- no forced relocations for 12 months;
- applies in conjunction with existing industrial agreements; and
- Unions' right of access to workplaces.

8. Prescribed employment practices for transition

The following employment practices will give effect to the above principles.

8.1. Job security

8.1.1. A new or adjusted local government must not, as a consequence of reform, retrench an employee (excluding a CEO) before 16 March 2011. Dismissals are not covered by this provision.

8.1.2. For each local government, existing jobs, terms and conditions and existing entitlements will transfer to new or adjusted local governments on changeover day. These arrangements will remain in place until new industrial agreements are established and when new organisational structures and positions are finalised by the newly elected councils.

8.1.3. Continuity of employment is not broken by reason of such transmission and the period of employment for employees will be counted as service for all purposes with the new or adjusted local government.

8.2. Industrial environment

8.2.1. Existing industrial instruments and arrangements will transfer to the new or adjusted local government.

8.2.2. The Code may in some instances supplement existing industrial instruments and arrangements for transition related activities only, and as such should be read in conjunction with existing industrial instruments and arrangements subject to section 4 of this Code.

8.2.3. During the interim and transition periods, industrial instruments can be extended administratively, or by agreement, or until a new agreement is made.

8.2.4. New industrial agreements will be established with the new or adjusted local governments within twelve (12) months of changeover day. Where this does not occur, parties can refer the matter to the Queensland Industrial Relations Commission for arbitration.

8.2.5. New industrial agreements for local governments will be established in the state industrial relations system.

8.2.6. For the purposes of these new state industrial agreements the "no disadvantage" test must be based on the terms and conditions of the existing industrial agreements and awards. The "no disadvantage" test must be applied so as to ensure that new industrial agreements must not, on an overall basis, disadvantage workers in relation to the existing conditions that they work under.

Local Government Workforce Transition Code of Practice 2007

8.3. Transmission of employees and conditions of employment (on changeover day)

- 8.3.1. All affected employees will automatically transmit to new or adjusted local governments on changeover day. This means that the employment of all local government employees by a predecessor local government will cease on changeover day and commence with a new or adjusted local government under the same terms and conditions as existed prior to changeover day. There is deemed to be no break in employment during this changeover.
- 8.3.2. All affected employees will transmit to the employ of new or adjusted local governments on terms and conditions determined by their existing industrial instruments with the benefit of all existing employee entitlements. This includes, but is not limited to, long service leave, annual leave, sick leave accrued in respect of their employment with the former local government and service to local government in Queensland, as if the previous service had been with the new or adjusted local government.
- 8.3.3. Where a motor vehicle or other entitlement is part of an employee's salary package, or an employee has private use of a local government supplied motor vehicle, but due to reform the benefit has been removed, then the negotiated value of the motor vehicle, will form part of the employees gross salary, or a negotiated lump sum payment may be agreed between the employee and their union and the new or adjusted local government.
- 8.3.4. All rights held by employees and applicable processes under the *Workers Compensation and Rehabilitation Act 2003* continue under a new and adjusted local government.
- 8.3.5. Employees who transmit to a new or adjusted local government will not be required to serve a probationary period or qualifying period of employment. The exception to this is where the employee is already serving a probationary period. This period must be completed in accordance with normal requirements.

- 8.3.6. The new or adjusted local governments will adopt a new organisational structure within twelve (12) months from changeover day.

8.4. Appointments to the interim structure

- 8.4.1. Existing local governments will continue to operate under their corporate structures until changeover day.
- 8.4.2. Appointments to positions within the interim structure will be in accordance with existing industrial agreements and arrangements.

8.5. The new corporate structure

This section outlines how appointments to the new corporate structure occur once a new or adjusted local government publishes its new corporate structure.

8.5.1. (a) Direct translation:

- 8.5.1.1. Appointments in the first instance to the permanent positions will be by either direct translation or by redeployment.
- 8.5.1.2. For redeployment see section 8.6

8.5.2. (b) Selection to vacant positions within the new corporate structure:

- 8.5.2.1. There is to be no "spilling" of positions organisation wide. That is, local governments cannot simultaneously vacate all positions organisation-wide and call for employees to re-apply for positions.
- 8.5.2.2. Selection to be made on criteria of "best fit".
- 8.5.2.3. Appointment to remaining vacant positions in the new structure will be by closed merit.
- 8.5.2.4. Where positions within a new or merged local government are vacant and a competitive selection process is necessary, positions are to be filled by the following priority sequences.
- i Any displaced or redeployed permanent employees at the same level will be considered first and a "closed merit" selection process will be undertaken from these employees for filling of any vacancies.

ii Applications can then be called for any vacancy from within the local government and a “closed merit” selection undertaken.

iii Recruitment outside “closed merit” will only occur when it has been determined that a suitable candidate does not exist within the new or adjusted local governments.

iv Selection must continue to be made in accordance with requirements of equal employment opportunity and anti-discrimination.

8.5.2.5. New positions must continue to be classified in accordance with classification structures established within existing awards.

8.6. Redeployment

8.6.1. As a result of the reform changes, transmitted employees can at any time be redeployed to another suitable position, at the same level or one classification higher, with similar terms and conditions and location within the new organisational structure.

8.6.2. Redeployed employees must participate actively in the deployment process by making themselves available to be considered for vacancies, accepting reasonable deployment and re-training opportunities and being proactive in searching and applying for jobs.

8.6.3. The new or adjusted local government must ensure that appropriate and reasonable training and assistance is provided to transmitted employees redeploying to new positions so as to support the transition to the new job and maximise job effectiveness and job satisfaction.

8.6.4. Where a transmitted employee of a predecessor local government is deployed to a position in the new or adjusted local government which is one classification lower than their current classification, this must occur by agreement. Income maintenance shall occur for that employee for a period of twelve (12) months from the date of the appointment.

8.6.5. After twelve (12) months, the redeployed employee will revert to the highest paypoint of the new classification level of the redeployed position. This period can be extended by the CEO.

8.6.6. During the twelve (12) month income maintenance period, the redeployed employee will be considered for appointment to any position that arises with a salary/wage level equivalent to that of their former salary/wage level. If the employee is deemed to be suitable by the local government for the position, the redeployed employee may be appointed to the position.

8.6.7. Where an employee accepts redeployment to a lower level position, and at the end of three (3) months working in the new job, is dissatisfied with the redeployed position, the redeployed employee can make a request to the CEO to be reconsidered for employment options such as redeployment to another suitable alternative position, re-training or re-skilling. If after all these options have been exhausted, the employee can then be considered for a Voluntary Redundancy, in accordance with section 8.9 of this Code. It should be noted, that poor performance is not an excuse for Voluntary Redundancy under this Code and should be managed in accordance with local government policies related to poor performance.

8.7. Transfers

8.7.1. Transfers can only occur where a person can reasonably travel to and from home on a daily basis to the new work location and this does not cause undue hardship to the employee.

8.7.2. Transfer and travelling expenses will be paid to the transferred employee in accordance with existing industrial instruments or with the safety net provisions outlined in definitions in Attachment 2, whichever is the greater. This does not apply where an employee is on contract or where a motor vehicle is provided to the employee.

8.7.3. Where an employee’s work headquarters changes as a result of the reforms, and that employee is required to travel an excessive distance as a result of that change, the employee shall be entitled to a travel allowance which is defined in Attachment 2 and which is payable until a new industrial instrument is agreed to for the new or adjusted local government.

Local Government Workforce Transition Code of Practice 2007

- 8.7.4. Where someone is not able to genuinely transfer, Voluntary Redundancy is a last resort option following exhaustion of other redeployment options such as deployment to another position, re-training, re-skilling etc.
- 8.7.5. Employees will not be financially disadvantaged when participating in any re-training, re-skilling or other transitional strategies.
- 8.7.6. The new or adjusted local government should, so far as possible, maintain work locations as they existed prior to the new or adjusted local government being formed. If a local government is intending to change work locations, they should consult with employees and their unions prior to making any final decision regarding permanent changes to work locations. This consultation should be based on a business case justifying the changes.

8.8. Relocations

- 8.8.1. There will be no forced relocations for twelve (12) months after the changeover day.
- 8.8.2. Relocation expenses are to be paid by the local government, where as a result of the reform there is an obligation to change the work location of the employee and the CEO determines that it would be impractical for the employee to continue to reside at the former location and unreasonable to require a person to do so.
- 8.8.3. Relocation expenses will be paid to the employee in accordance with existing industrial instruments until new arrangements are agreed to or with the safety net provisions outlined in definitions in Attachment 2.
- 8.8.4. Where someone is not able to relocate, Voluntary Redundancy is a last resort option following exhaustion of other redeployment options such as deployment to another position, re-training, re-skilling etc.

8.9. Voluntary Redundancy

- 8.9.1. The range of employment options should be fully explored for employees who are deemed to be surplus, following the reform. These options can include redeployment or appointment to another position.

- 8.9.2. The offering of Voluntary Redundancy packages to surplus staff should be a last resort option after all other possible alternatives have been explored and exhausted.
- 8.9.3. The offering of Voluntary Redundancy is subject to Australian Taxation Office policy and approval.
- 8.9.4. Employees are responsible for obtaining personal financial advice before accepting the offer of a Voluntary Redundancy.
- 8.9.5. Voluntary Redundancy packages will be, in accordance with Voluntary Redundancy provisions as outlined in existing industrial instruments or contract provisions. Where no provisions exist or where they are inferior overall, the provisions outlined in Attachment 3 apply as “safety net” arrangements.

8.10. Consultation and staff engagement

- 8.10.1. Formal employee consultative processes will be established by each Local Transition Committee (see definition in Attachment 2) during the interim period.
- 8.10.2. Each Local Transition Committee will establish a local government employment subcommittee which will be responsible for providing advice to the Local Transition Committee on transition employment related matters. The employment subcommittee will comprise of representatives of the local government management team and unions representing employees. The terms of reference for the employment subcommittee in addition to an optional staff reference group are included the Local Transition Committee Guidelines.
- 8.10.3. The employment subcommittee will continue after changeover day as the local government’s industrial relations forum, where its prime focus will be the negotiations for a new industrial agreement.
- 8.10.4. The CEO is responsible for the establishment and functioning of these staff consultative forums.
- 8.10.5. The CEO must ensure that employees on extended leave such as long service leave and parental leave are informed of progress of the reforms.

8.11. Union rights and responsibility in the workplace

- 8.11.1. It is acknowledged that unions perform an important role in representing employees and in assisting councils with the reform process.
- 8.11.2. Accordingly, an officer of a union with coverage in Queensland local government shall have access to the workplace to provide information and advice to their respective employee constituencies (subject to their coverage) regarding the local government reform process.
- 8.11.3. This right of access is subject to the officer notifying a responsible manager or other person in charge of their presence and producing the officer's authorisation if required.
- 8.11.4. Entry shall not be unreasonably withheld, but access and the activities undertaken thereafter shall not interrupt the normal continuity of work or local governments' business operations.
- 8.11.5. Local government union delegates, where they are required to be on reform committees, such as the Local Transition Committee or the employment subcommittee, are entitled to attend union training on full pay in order to improve their effectiveness as delegates.

8.12. Contract staff

- 8.12.1. Should the term of an employment contract for an ongoing role expire during the period of the Code's application, the contract shall be re-negotiated and renewed or extended provided that the employee's performance continues to be satisfactory.
- 8.12.2. The only exception to the above, is where a short term project contract has been made and the term of the project or short term assignment concludes.
- 8.12.3. Contracted employees shall have all contracts honoured by the new or adjusted local government as if they were employed by their former local government.

8.13. New employees

- 8.13.1. New permanent employees employed after the commencement of this Code will be covered by the provisions contained within the Code.
- 8.13.2. Terms and conditions of employment for new employees will be set in accordance with the terms and conditions of the local government that they would have been appointed to if the reforms had not occurred. These arrangements will continue until new industrial agreements are established for the new or adjusted local government.

8.14. Temporary/maximum term and casual employees

- 8.14.1. Temporary/maximum term employees shall have all contracts honoured by the new or adjusted local government as if they were employed by their existing local government.
- 8.14.2. Continued employment of temporary/maximum term and casual employees, other than long term temporary/maximum term and casuals shall be at the discretion of the CEO contingent upon, and having regard to, operational needs and the circumstances of the engagement of the employee.

8.15. Chief Executive Officers

- 8.15.1. This section applies to CEOs of local governments.
- 8.15.2. The following specific principles apply to CEOs of affected local governments.
 - 8.15.2.1. Maximise the retention of CEOs within local government wherever possible.
 - 8.15.2.2. Maximise opportunities for redeployment wherever possible.
 - 8.15.2.3. CEOs are not protected by the job security provisions of this code, they are strongly encouraged, wherever possible, to remain with the new or adjusted local government.
 - 8.15.2.4. CEOs will not be forced to accept any positions within the new corporate structure.

Local Government Workforce Transition Code of Practice 2007

8.15.2.5. Redeployment to a temporary or permanent position will be by mutual agreement.

8.15.2.6. Employment contracts will be honoured.

8.15.2.7. CEOs will be able to terminate their employment immediately prior to the cessation of the existing councils.

8.15.2.8. For CEOs termination is in accordance with contract provisions for termination/redundancy. In the absence of applicable contract provisions, or where they are inferior, the “safety net” provisions as outlined in definitions in Attachment 2 apply.

8.15.2.9. Where a CEO of a predecessor local government is terminated by a new or adjusted local government and the CEO was recruited by the predecessor local government from a centre outside of the location of the predecessor local government, then the employee (CEO) should be paid reasonable relocation expenses to a centre of their choice within Queensland in addition to any prescribed redundancy entitlements.

8.15.2.10. In addition, CEOs will have access to career support services such as outplacement or career counselling.

8.15.3. Where circumstances require, local governments may negotiate arrangements for CEOs which are consistent with this Code of Practice.

8.16. Adjusted local governments

8.16.1. For employees that are transmitted from one local government to another as a result of a change to the external boundaries of the affected local governments the following conditions must apply:

8.16.1.1. Directly affected employees will be directly transmitted to the adjusted local government.

8.16.1.2. Where there is discretion as to which employees will transfer to the adjusted local government, in the first instance transfers will be enacted on a voluntary basis via the calling of expressions of interest.

8.16.1.3. If positions cannot be filled on a voluntary basis then the CEO of the local government from which employees are transferring from, should nominate employees for redeployment into positions based on a consideration of an employee’s circumstances. The aim of this process is to make decisions that cause the least hardship to each employee.

8.16.1.4. Where an employee is transferred to the adjusted local government there are two (2) options relating to establishing terms and conditions. An employee may choose to:

- Maintain their existing terms and conditions for the period of income maintenance as provided for by the Code.
- Elect to adopt the terms and conditions as outlined in the industrial instrument or agreement of the adjusted local government.

8.16.1.5. Where an employee is deployed, the provisions of redeployment as outlined in section 8.6 in this Code apply.

8.16.1.6. The CEO of the adjusted local government from which staff are to be transferred shall in the first instance develop a business plan which produces the least impact on staff. This shall involve a plan that attempts to utilise strategies such as redeployment, vacancy management, natural attrition and voluntary expressions of interest for transfer as a way of managing change. CEOs shall only go to a forced transfer process if a realistic structure can not be developed. Unions shall be consulted through this process.

8.17. Miscellaneous

8.17.1. For the recovery of any unpaid amounts owing to employees an application may be made to the Queensland Industrial Relations Commission for an order for payment of an amount payable under a provision of this Code that is unpaid. The application must be dealt with in the same way as if it were an application made under s278 of the *Industrial Relations Act 1999*.

Attachment 1

The Code applies to Local Governments affected by reform either in new or adjusted local governments.

**Part 1:
New local governments as defined in
Schedule 1A of the *Local Government Reform
Implementation Act 2007*.**

Barcaldine Regional Council
Blackall Tambo Regional Council
Bundaberg Regional Council
Cairns Regional Council
Cassowary Coast Regional Council
Central Highlands Regional Council
Charters Towers Regional Council
Dalby Regional Council
Fraser Coast Regional Council
Gladstone Regional Council
Goondiwindi Regional Council
Gympie Regional Council
Isaac Regional Council
Lockyer Valley Regional Council
Longreach Regional Council
Mackay Regional Council
Moreton Bay Regional Council
North Burnett Regional Council
Northern Peninsula Area Regional Council
Rockhampton Regional Council
Roma Regional Council
Scenic Rim Regional Council
Somerset Regional Council
South Burnett Regional Council
Southern Downs Regional Council
Sunshine Coast Regional Council
Tablelands Regional Council
Toowoomba Regional Council
Torres Strait Island Regional Council
Townsville City Council
Whitsunday Regional Council

To be clear, the Code of Practice covers any employees transferring from merging or abolished local governments such as those employees transferring from the previous local governments of Laidley and Gatton to the new local government of Lockyer Valley or the employees of Tiaro transferring to either Fraser Coast or Gympie.

**Part 2:
Adjusted Local Governments as defined in the
abovementioned Schedule to the Act.**

Banana Shire Council*
Gold Coast City Council *
Ipswich City Council *
Logan City Council *

To be clear, only directly or indirectly impacted employees from the previous local government transferring to the newly adjusted local governments are covered by the application of the Code of Practice.

That is, only those marked “*” are covered by the Code of Practice. For example, any employees from the former Taroom Shire transferring to the newly merged Banana Shire; or any employees of the Gold Coast Council transferring to the newly merged Logan Council.

Attachment 2 – Definitions

(unless the context dictates to the contrary, the following definitions will apply.)

Local Government Reform

Describes the decisions taken by the Queensland Parliament from the findings of the Local Government Reform Commission which shall recommend the name, class, boundary and electoral arrangements for each new local government for Queensland.

A reform matter also includes anything included in a reform implementation regulation.

New local government

A new local government created by the amalgamation of merging local governments at the conclusion of the 2008 quadrennial local government elections.

Adjusted local government

A local government whose area is adjusted by either inclusion or exclusion of a transferring area from it.

Merging local government

An existing local government whose local government area is a merging local government area which is all or part abolished to become part of a new local government.

Existing local government

A local government that exists prior to the enactment of the Act.

Predecessor local government

An existing local government that is the predecessor of a new local government.

Continuing local government

An existing local government that is continuing.

Changeover day

The declaration of the polls at the conclusion of 2008 quadrennial election.

Employee

An employee who immediately before the declaration of the local government polls in 2008 is engaged on a permanent full-time or permanent part-time basis or is an employee engaged on an ongoing temporary/maximum term and long term casual basis and has continuous service in Queensland local government for twelve (12) months or more.

The Act (at section 159ZE (1)) defines those employees covered as not including a person, who in the context of local government employment is a casual or temporary/maximum term employee, other than long term casual or temporary/maximum term employee of local government.

Long term casual or temporary/maximum term employee

An employee engaged as a temporary/maximum term or casual employee of local government who has been employed by the local government (or its predecessor) on a regular and systematic basis for several periods of employment for at least one year immediately before the issue arises as to whether the employee is a long term casual or temporary employee. That is, they have worked for the same council and undertaken the same role and function for a period of twelve (12) months or more.

Temporary employee

A temporary employee is an employee, other than an employee engaged for a specific project, whose employment is subject to a contract specifying a period of time in which the employee is employed by the predecessor local government.

Transmitted employee

An employee who is transmitted (automatically transferred) to a new or adjusted local government from a predecessor local government. This transmission occurs on changeover day. This changeover occurs without the need for any selection activity to occur.

Transmission

All employment of employees by a predecessor local government will cease at changeover time and those employees will commence employment at a new or adjusted local government under the same terms and conditions forthwith upon the cessation of the employment with the predecessor local government. There is deemed to be no break in employment during this changeover.

Direct translation

Where the number of existing positions from predecessor local governments is the same or less in the new organisational structure, employees from the same occupation group will be directly translated into positions at the same level or one level higher, in the new organisational structure without any selection process.

Industrial instrument and arrangement

A contract of employment or letter of appointment, established employment practice, and if otherwise not stipulated, shall mean an award or workplace agreement (including a Preserved State Agreement – PSA, a pre-reform certified agreement or a Notional Agreement Preserving State Awards - NAPSA).

Closed merit

Merit (defined as the best person for the job) is assessed from an applicant pool made up of employees from the local government only.

Best fit

Where the requirements of the new position has been varied but the majority of the position remains the same, providing that the employee has the skills and ability then the employee is appointed to the new position. This appointment can occur even if the position is regarded one level higher.

Redeployment

Where an employee is deemed to be surplus to organisational requirements, the employee may be appointed to another position in the new structure.

Transfer

Where an employee is required by the new or adjusted local government to transfer from one work location to another work location as a consequence of the local government reform process.

Travel allowance payable

Is an allowance to compensate the employee for additional distance travelled to and from home from the current workplace or depot and the new workplace or depot. This travel allowance applies to circumstances where the employee's workplace or depot has moved more than five (5) kilometres from where it existed with the predecessor local government. Payment will be made to the employee, in these circumstances, for any additional time taken to travel a distance greater than five (5) kilometres from their workplace or depot of the predecessor local government to the

workplace or depot of the successor local government. Such payment will be paid at the employee's ordinary time earnings, when travelling in their own private vehicle. The employee will also be paid a rate per kilometre (in accordance with the rates set by the ATO and amended from time-to-time) for the distance of any additional kilometres travelled from their workplace or depot with the predecessor local government to the workplace or depot of the successor local government. This travel allowance does not apply where a motor vehicle is supplied.

Relocation

Where an employee is required, as a result of the reforms to establish a new place of residence, in order to continue to undertake the relevant duties and responsibilities.

Reasonable

Having regard to the skills, experience, qualification, past work practices and work environment and shall apply to travel arrangements which shall not adversely disadvantage an employee, whether financially or by its impact on an employee's family responsibilities or personal circumstances.

Voluntary Redundancy

Occurs following a decision by the employer that the job an employee was doing is redundant (no longer required). This decision leads to the employee voluntarily accepting the offer to be terminated or dismissed.

Service

Continuous employment in Queensland local government.

Week's pay

For the purpose of redundancy, mean an employee's ordinary time rate of pay, which shall not, unless otherwise provided for as part of an employee's industrial agreement, instrument or arrangement, include overtime, penalty rates, disability allowances, shift allowances, allowances for travel or other ancillary payments or entitlements and does not include payment for the periods of recreation leave, long service leave, the notice period or the incentive payment.

Wage/salary/income

For the purpose of income maintenance relating to redeployment section (8.6), wage or salary will mean the weekly wage/salary of a redeployed employee who was receiving regular and systematic overtime payments and allowances in their former position shall be calculated as the total of their wage/salary payments (including regular overtime and allowances) received in the twelve (12) months prior to the date of the redeployment divided by 52.

Local Transition Committee

A temporary committee, established under the Act, made up of elected representatives and union officials whose role is to guide the transition to new local government authorities. These committees cease to function upon the declaration of the polls following the March 2008 local government elections.

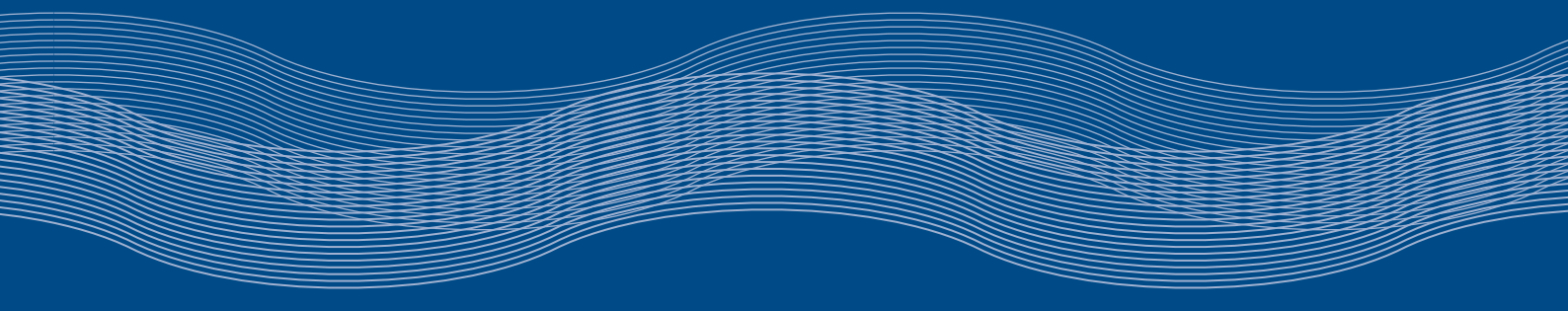
Relocation expenses

As defined in Schedule A, the Minister for State Development, Employment and Industrial Relations Directive No12/06, as amended.

Attachment 3

– Voluntary Redundancy entitlements

1. Voluntary Redundancy packages provided by this Code are compensation for loss of job tenure.
2. The offering of Voluntary Redundancy packages must comply with Australian Taxation Office requirements.
3. A Voluntary Redundancy package shall include the following:
 - Accrued recreation leave;
 - Accrued long service leave for employees who have worked for at least one year, on the basis of award entitlements (for federal award employees this being 1.3 weeks and for state award employees this being .86667) for each year of continuous service and a proportionate amount for an incomplete year of service.
 - A severance benefit of two (2) weeks pay per year of service and a proportionate amount for an incomplete year of recognised service paid at the employee's substantive appointed level. The minimum payment is four (4) weeks pay and the maximum is 52 weeks, provided that no employee shall receive less than the severance benefit under the Termination, Change and Redundancy Statement of Policy issued by Queensland Industrial Relations Commission.
4. Tenured part-time employees whose work is declared surplus to requirements shall be entitled to a severance benefit. The benefit is calculated on two (2) weeks full-time pay per year of service and a proportionate amount for an incomplete year of recognised service (minimum four (4) weeks, maximum 52 weeks). The benefit is calculated on total full-time equivalent years of service.
5. Employees who hold two or more tenured part-time jobs shall be entitled to a severance benefit calculated only on the proportion of full-time equivalent years of service applicable to the part-time job from which they are declared surplus.
6. Incentive payments in addition to severance benefit may be offered once only to encourage employees to exit the employ of the local government on/by a specified date. The payment will be \$6,500 or eight (8) weeks' pay at the employee's substantive level, whichever is the greater.
7. The incentive payment reduces by the equivalent of one (1) week's pay for each week the employee delays leaving the employ of the local government after the specified date.
8. Tenured part-time employees who are offered an incentive payment shall be entitled to a proportion of the incentive payment, which will be adjusted to reflect the proportion of full-time hours worked by the employee. For example, if .5 is the proportion of full-time hours worked by an employee for the position, the incentive payment applicable be \$3,250 or eight (8) weeks salary, calculated at the employees usual part-time rate (ie in this example, .5) whichever is the greater.
9. Incentive payments do not apply to employees who are unsuccessful in seeking deployment or redeployment.
10. The incentive payment includes payment in lieu of notice.
11. In the case of CEOs, the incentive payment may only be offered once to encourage CEOs to exit on or by a specified date. The incentive payment to CEOs is in recognition of the "non voluntary" nature of these terminations. The payment will be ten (10) weeks pay at the substantive level, provided that the Redundancy offer is accepted within fourteen (14) days of the offer being made. The incentive will apply immediately on expiration of the specified termination date.
11. Superannuation benefit is calculated according to the formula prescribed under the conditions of the superannuation scheme of which the employee is a member.



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