

Revised draft determinations

DRAFT DETERMINATION

Fair Work Act 2009

Part 2-3, Div 4 – 4 yearly reviews of modern awards

Children’s Services Award 2010

(MA0000120)

REVIEW OF MODERN AWARDS

(AM2018/18)

ROSS, PRESIDENT SYDNEY, XX YYY 2019

Review of modern awards to be conducted.

[1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Children’s Services Award 2010* be varied as follows.

[2] At clause 3.1 insert the following definition:

‘Christmas vacation means a period of not more than 4 weeks in the months of December and January during which the workplace is closed and no work is available.’

[3] At clause 3.1 insert the following definition:

‘Educational leader means a person appointed to lead the development and implementation of educational programs in the service.’

[4] At clause 3.1 insert the following definition:

‘Responsible person means the person designated as such for the purposes of section 162 of the Education and Care Services National Law and includes a person in day-to-day charge of a centre and a nominated supervisor.’

[5] Vary clause 15.2 (c) as follows:

'Where an employee is required to wear protective clothing or equipment such as hats, sun protection (including sunscreen lotions), goggles, aprons or gloves, the employer will either supply such clothing or equipment or reimburse the employee for the cost of their purchase'

[6] Introduce a Note in clause 15.2 as follows:

'Note: The existence of on-site laundry facilities that could be used by employees to launder uniform items does not make this allowance not payable.'

[7] Insert a new clause 15.7 as follows:

15.7 Educational leader allowance

An employee appointed as educational leader will be paid a weekly allowance, according to the size of the centre, as follows:

<i>Centres with:</i>	<i>% of standard rate</i>	<i>Amount per week</i>
<i>No more than 39 places</i>	<i>7.5</i>	<i>62.81</i>
<i>40-59 places</i>	<i>10</i>	<i>83.74</i>
<i>60 and above places</i>	<i>12.5</i>	<i>104.68</i>

[8] Insert a new clause 15.8 as follows:

15.8 Responsible person allowance

An employee designated as Responsible Person for the purposes of section 162 of the National Law will be paid an hourly allowance, according to the size of the centre, as follows:

<i>Centres with:</i>	<i>% of (hourly) standard rate</i>	<i>Amount per hour</i>
<i>No more than 39 places</i>	<i>15</i>	<i>3.31</i>
<i>40-59 places</i>	<i>20</i>	<i>4.41</i>
<i>60 and above places</i>	<i>25</i>	<i>5.51</i>

[9] Insert new clause 15.9 as follows:

15.9 Training expenses

Where an employee is directed to participate in training, any expenses associated with training incurred by the employee (including course fees) shall be reimbursed by the employer to the employee. The time spent in training will count as time worked.

[10] Renumber clause 15.8 as clause 15.10.

[11] Delete clause 18.1 (e).

[12] Vary clause 21.5 (a) as follows:

(a) Non-contact time will be provided for the purpose of planning, preparing, evaluating and programming activities. During non-contact time, an employee will not be required to supervise children or perform other duties directed by the employer.

(i) An employee responsible for the preparation, implementation and/or evaluation of a developmental program for an individual child or group of children will be entitled to a minimum of ~~two~~ four hours non-contact time per week.

[13] Insert a new clause 21.5(a)(ii) as follows:

(ii) The educational leader will be entitled to additional non-contact time per week, according to the size of the centre, as follows:

<i>Centres with:</i>	<i>Additional non-contact time</i>
<i>No more than 39 places</i>	<i>2 hours</i>
<i>40-59 places</i>	<i>3 hours</i>
<i>60 and above places</i>	<i>4 hours</i>

[14] Vary clause 24.4(b) as follows:

24.4(b)

(b) During the Christmas vacation only, an employee may be directed to take annual leave. Where an employee has insufficient accrued leave to maintain their ordinary rate of pay during the vacation period, an employee will be paid the ordinary rate of pay during such a period.

[15] Delete clause 24.4(c).

The determination shall operate on and from XX YYY 2019.

PRESIDENT