



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2019–20
(C2020/1)

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

Educational services

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON
MR FERGUSON
PROFESSOR WOODEN
MS LABINE-ROMAIN

MELBOURNE, XX JUNE 2020

Annual Wage Review 2019–20.

A. Further to the decision issued by the majority of the Expert Panel in the Annual Wage Review 2019–20 on 19 June 2020 [[2020] FWCFB 3500], the above award is varied as follows:

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

For example:	<p>Brad works 38 hours per week and is classified at Level 3.1. The annual rate of pay for a full-time employee working 52.18 weeks of the school year is \$45,819.</p> <p>Brad is required to take leave without pay during non-term weeks.</p> <p>As there are 39.4 term weeks in the school year, Brad is required to work 39.4 term weeks.</p> <p>The formula in clause 12.2(b) is:</p> $A = C \times \frac{(\text{working weeks} + 4 \text{ weeks annual leave})}{52.18}$ <p>Calculating the adjusted annual salary:</p> <p>Step 1: $(\text{working weeks} + 4 \text{ weeks annual leave}) = 39.4 + 4 = 43.4$</p>
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Step 2: $43.4/52.18 = 0.8317$
 Step 3: $\$45,819 \times 0.8317 = \$38,108$
 Adjusted annual salary = **\\$38,108.**

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

For example: Janet is a part-time employee classified at Level 3.1. Her hourly rate of pay is **\\$23.11.**

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

Janet will:

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

Calculating the ordinary time pay including the broken shift penalty:

Add the broken shift penalty (**15%**) to the hourly rate of pay. Multiply the result by the number of ordinary hours worked = $(\$23.11 + (23.11 \times 15/100)) \times 6 = (\$26.58) \times 6 = \$159.48.$

Janet is paid a total of **\\$159.48** for Thursday.

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

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

Employee classification level	Annual salary¹ (full-time employee)	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$	\$
Level 1			
1.1	40,460	775.40	20.41
1.2	42,010	805.10	21.19
1.3	43,549	834.60	21.96
Level 2			
2.1	43,889	841.10	22.13
2.2	45,256	867.30	22.82
Level 3			
3.1	45,819	878.10	23.11

Employee classification level	Annual salary¹ (full-time employee)	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$	\$
3.2	46,644	893.90	23.52
Level 4			
4.1	48,366	926.90	24.39
4.2	50,792	973.40	25.62
Level 5			
5.1	52,441	1005.00	26.45
5.2	54,951	1053.10	27.71
Level 6			
6.1	56,923	1090.90	28.71
6.2	60,800	1165.20	30.66
Level 7			
7.1	62,579	1199.30	31.56
7.2	64,588	1237.80	32.57
7.3	66,582	1276.00	33.58
Level 8			
	72,515	1389.70	36.57

4. By deleting the year "2019" in clause 17.7(b) and inserting "2020".
5. By deleting the amounts "\$743.01" and "\$3.10" appearing in clause 19.2(a)(i) and inserting "\$756.01" and "\$3.15" respectively.
6. By deleting the amount "\$49.53" appearing in clause 19.2(b)(i) and inserting "\$50.40".
7. By deleting the table appearing in clause B.1.1 and inserting the following:

	Ordinary hours	Saturday¹	Saturday²	Sunday¹	Sunday²	Public holiday
	% of minimum hourly rate					
	100%	125%	150%	175%	200%	250%
	\$	\$	\$	\$	\$	\$
Level 1						
1.1	20.41	25.51	30.62	35.72	40.82	51.03
1.2	21.19	26.49	31.79	37.08	42.38	52.98
1.3	21.96	27.45	32.94	38.43	43.92	54.90

	Ordinary hours	Saturday¹	Saturday²	Sunday¹	Sunday²	Public holiday
	% of minimum hourly rate					
	100%	125%	150%	175%	200%	250%
	\$	\$	\$	\$	\$	\$
Level 2						
2.1	22.13	27.66	33.20	38.73	44.26	55.33
2.2	22.82	28.53	34.23	39.94	45.64	57.05
Level 3						
3.1	23.11	28.89	34.67	40.44	46.22	57.78
3.2	23.52	29.40	35.28	41.16	47.04	58.80
Level 4						
4.1	24.39	30.49	36.59	42.68	48.78	60.98
4.2	25.62	32.03	38.43	44.84	51.24	64.05
Level 5						
5.1	26.45	33.06	39.68	46.29	52.90	66.13
5.2	27.71	34.64	41.57	48.49	55.42	69.28
Level 6						
6.1	28.71	35.89	43.07	50.24	57.42	71.78
6.2	30.66	38.33	45.99	53.66	61.32	76.65
Level 7						
7.1	31.56	39.45	47.34	55.23	63.12	78.90
7.2	32.57	40.71	48.86	57.00	65.14	81.43
7.3	33.58	41.98	50.37	58.77	67.16	83.95
Level 8						
	36.57	45.71	54.86	64.00	73.14	91.43

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

	Afternoon & night	Afternoon & night plus broken shift	Broken shift	Permanent night	Permanent night plus broken shift
		% of minimum hourly rate			
	115%	130%	115%	130%	145%
	\$	\$	\$	\$	\$
Level 1					
1.1	23.47	26.53	23.47	26.53	29.59
1.2	24.37	27.55	24.37	27.55	30.73
1.3	25.25	28.55	25.25	28.55	31.84
Level 2					
2.1	25.45	28.77	25.45	28.77	32.09
2.2	26.24	29.67	26.24	29.67	33.09
Level 3					
3.1	26.58	30.04	26.58	30.04	33.51
3.2	27.05	30.58	27.05	30.58	34.10
Level 4					
4.1	28.05	31.71	28.05	31.71	35.37
4.2	29.46	33.31	29.46	33.31	37.15
Level 5					
5.1	30.42	34.39	30.42	34.39	38.35
5.2	31.87	36.02	31.87	36.02	40.18
Level 6					
6.1	33.02	37.32	33.02	37.32	41.63
6.2	35.26	39.86	35.26	39.86	44.46
Level 7					
7.1	36.29	41.03	36.29	41.03	45.76
7.2	37.46	42.34	37.46	42.34	47.23
7.3	38.62	43.65	38.62	43.65	48.69
Level 8	42.06	47.54	42.06	47.54	53.03

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

	Monday to Friday		Saturday— employees other than Nursing services employees		Sunday— employees other than Nursing services employees	Saturday & Sunday— Nursing services employees ¹	Public holiday
	First 3 hours	After 3 hours	First 3 hours	After 3 hours			
	% of minimum hourly rate						
	150%	200%	150%	200%	200%	150%	250%
	\$	\$	\$	\$	\$	\$	\$
Level 1							
1.1	30.62	40.82	30.62	40.82	40.82	—	51.03
1.2	31.79	42.38	31.79	42.38	42.38	—	52.98
1.3	32.94	43.92	32.94	43.92	43.92	—	54.90
Level 2							
2.1	33.20	44.26	33.20	44.26	44.26	—	55.33
2.2	34.23	45.64	34.23	45.64	45.64	—	57.05
Level 3							
3.1	34.67	46.22	34.67	46.22	46.22	—	57.78
3.2	35.28	47.04	35.28	47.04	47.04	—	58.80
Level 4							
4.1	36.59	48.78	36.59	48.78	48.78	—	60.98
4.2	38.43	51.24	38.43	51.24	51.24	—	64.05
Level 5							
5.1	39.68	52.90	39.68	52.90	52.90	—	66.13
5.2	41.57	55.42	41.57	55.42	55.42	—	69.28
Level 6							
6.1	43.07	57.42	43.07	57.42	57.42	43.07	71.78
6.2	45.99	61.32	45.99	61.32	61.32	45.99	76.65
Level 7							
7.1	47.34	63.12	47.34	63.12	63.12	47.34	78.90
7.2	48.86	65.14	48.86	65.14	65.14	48.86	81.43
7.3	50.37	67.16	50.37	67.16	67.16	50.37	83.95

	Monday to Friday		Saturday— employees other than Nursing services employees		Sunday— employees other than Nursing services employees	Saturday & Sunday— Nursing services employees¹	Public holiday
	First 3 hours	After 3 hours	First 3 hours	After 3 hours			
	% of minimum hourly rate						
	150%	200%	150%	200%	200%	150%	250%
	\$	\$	\$	\$	\$	\$	\$
Level 8	54.86	73.14	54.86	73.14	73.14	54.86	91.43

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

	Ordinary hours	Saturday¹	Saturday²	Sunday¹	Sunday²	Public holiday
	% of minimum hourly rate					
	125%	150%	175%	200%	225%	275%
	\$	\$	\$	\$	\$	\$
Level 1						
1.1	25.51	30.62	35.72	40.82	45.92	56.13
1.2	26.49	31.79	37.08	42.38	47.68	58.27
1.3	27.45	32.94	38.43	43.92	49.41	60.39
Level 2						
2.1	27.66	33.20	38.73	44.26	49.79	60.86
2.2	28.53	34.23	39.94	45.64	51.35	62.76
Level 3						
3.1	28.89	34.67	40.44	46.22	52.00	63.55
3.2	29.40	35.28	41.16	47.04	52.92	64.68
Level 4						
4.1	30.49	36.59	42.68	48.78	54.88	67.07
4.2	32.03	38.43	44.84	51.24	57.65	70.46
Level 5						
5.1	33.06	39.68	46.29	52.90	59.51	72.74
5.2	34.64	41.57	48.49	55.42	62.35	76.20

	Ordinary hours	Saturday¹	Saturday²	Sunday¹	Sunday²	Public holiday
	% of minimum hourly rate					
	125%	150%	175%	200%	225%	275%
	\$	\$	\$	\$	\$	\$
Level 6						
6.1	35.89	43.07	50.24	57.42	64.60	78.95
6.2	38.33	45.99	53.66	61.32	68.99	84.32
Level 7						
7.1	39.45	47.34	55.23	63.12	71.01	86.79
7.2	40.71	48.86	57.00	65.14	73.28	89.57
7.3	41.98	50.37	58.77	67.16	75.56	92.35
Level 8	45.71	54.86	64.00	73.14	82.28	100.57

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

	Afternoon & night	Permanent night
	% of minimum hourly rate	
	140%	155%
	\$	\$
Level 1		
1.1	28.57	31.64
1.2	29.67	32.84
1.3	30.74	34.04
Level 2		
2.1	30.98	34.30
2.2	31.95	35.37
Level 3		
3.1	32.35	35.82
3.2	32.93	36.46
Level 4		
4.1	34.15	37.80
4.2	35.87	39.71

	Afternoon & night	Permanent night
	% of minimum hourly rate	
	140%	155%
	\$	\$
Level 5		
5.1	37.03	41.00
5.2	38.79	42.95
Level 6		
6.1	40.19	44.50
6.2	42.92	47.52
Level 7		
7.1	44.18	48.92
7.2	45.60	50.48
7.3	47.01	52.05
Level 8	51.20	56.68

12. By deleting the amount “\$45,031” appearing in clause C.1.1 and inserting “\$45,819”.
13. By deleting the table appearing in clause C.1.1 and inserting the following:

Allowance	Clause	% of standard rate	\$	Payable
First aid allowance— Annual; or	19.2(a)(i)	1.65	756.01	per annum
First aid allowance— Daily	19.2(a)(i)	1/240th of annual allowance	3.15	per day
Sleepover allowance	19.2(b)(i)	0.11	50.40	per sleepover

B. This determination comes into operation on 1 July 2020. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 1 July 2020.

PRESIDENT