

LOWER HUTT CITY COUNCIL CLERICAL AND OTHER EMPLOYEES—AWARD

In the Court of Arbitration of New Zealand, Wellington Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Wellington, Marlborough, Westland, Nelson and Taranaki Local Bodies' Officers Industrial Union of Workers (hereinafter called "the union") and the under-mentioned council (hereinafter called "the employers"):

Lower Hutt City Council, Lower Hutt.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the terms of settlement arrived at in the above-mentioned dispute and forwarded directly to the Court pursuant to the provisions of section 130 of the Industrial Conciliation and Arbitration Act 1954, doth hereby order and award:

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and provisions set out in the Schedule hereto and of this award shall be binding upon the union and upon

every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the Schedule hereto shall constitute a breach of this award, and that a penalty as by law provided shall be payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect as hereinafter provided and shall continue in force until the 28th day of February 1962 and thereafter as provided by section 152 of the Industrial Conciliation and Arbitration Act 1954.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 11th day of May 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Application of Award

1. This award shall apply to all salaried employees of the council except those covered by or subject to any other award or industrial agreement or the under-mentioned officers: Officers in receipt of an annual salary of more than £1,300 exclusive of overtime, together with the following officers—Staff Engineers, Staff Surveyor, Assistant City Valuer, Foreman of Works, Assistant Chief Traffic Officer, Deputy City Librarian, Senior Hall Custodian and Senior Baths Supervisors (Naenae Olympic and Riddiford Pools).

Hours of Work

2. (a) The normal hours of work shall not exceed 40 per week, eight of which shall be worked on each of five days of the week between the hours of 8 a.m. and 5 p.m., Monday to Friday inclusive.

(b) Where prior to the date of this award the council has been customarily observing shorter daily or weekly hours than those hereinbefore specified in respect to any duties or operations, such hours shall continue to be observed as applying to such duties or operation.

(c) The hours of library staff may be arranged to provide that the normal hours may extend beyond 5 p.m. on any day, Monday to Friday inclusive, and between 9 a.m. and 12 noon on Saturdays, providing that 40 hours, or the existing customary hours where less, shall not be exceeded without payment of overtime: Provided, also, that not more than eight hours shall be worked on any day without the payment of overtime. These hours shall also apply to traffic officers, provided, however, that in order to complete the 40 hours for the week, such officers may be employed for 10 hours on the day of the week on which the late shopping night occurs, without being paid overtime as provided in clause 4 hereof.

(d) Where a worker by reason of being required to work overtime is unable reasonably to get home for a meal he shall be paid meal-money at the rate of 5s. per meal.

(e) Where a traffic officer is required to attend Court to give evidence in any matter concerning his duties, and such attendance being at a time of the day when he is rostered "off duty" the time so engaged shall be paid for at overtime rates with a minimum payment of two hours.

(f) Committee clerks who by nature of their duties are required to be in attendance at an hour later than 10 p.m. shall be granted an eight hour break before re-commencing duties.

Remuneration or Wages

3. (a) All salaries shall be reviewed annually by the employer as provided for hereunder, and not later than the end of February in each year. Any increment or promotion made as a result of such review shall take effect as from the 1st day of April in that year.

(b) The following minimum salaries shall be paid:

Grade 1 (a) - General:

Years of Service	1	2	3 ⁽¹⁾	4 ⁽²⁾	5	6	7 ⁽³⁾	8	9	10	11	12	13	14
Males .. £	375	400	440	490	545	600	650	700	745	790	835	870	905	925
Females .. £	360	390	435	480	535	585	625	670	..	..	..	..	..	..

(1) Commencing salary for School Certificate. To apply also to typists holding the Public Service or Chamber of Commerce Junior Shorthand Typists Examination.

(2) Commencing salary for University Entrance or Endorsed School Certificate. To apply also to typists having the Public Service or Chamber of Commerce Senior, Special or Reporters Shorthand Typists Examination.

(3) Minimum for holders of New Zealand Library Association Certificate.

Grade 1 (b):

Years of Service	1	2	3	4	5	6	7	8	9	10	11
Males .. £	790	835	870	905	935	960	985	1,010	1,035	1,060	1,085
Females .. £	685	700	725	750	775	800	..	..	..	..	..

Grade 2:

—	1	2	3	4	5	6
Males £	1,085	1,110	1,135	1,160	..	..
Females £	800	825	850	875	900	925

Grade 3:

—	1	2	3	4	5	6
Males £	1,160	1,185	1,210	1,235	1,260	1,285

Increments within the above Grades 1 (a), 1 (b), 2 and 3:

(a) Increments within Grade 1 (a), Male and Female, and within Grade 1 (b), Males, up to Scale 5 (£935), shall be given on each approved anniversary date of service with the employer.

The employer may engage an officer at any stated scale amount being not less than the amount to which the worker is entitled, provided that such commencing rate shall be increased by the increment for subsequent service as set out herein.

- (b) All other increments within grades; promotions from one grade to another; and the fixation of the maximum salary for any position shall be at the discretion of the employer.

Traffic:

- Traffic Officers – Second Grade – Grade 1 (b) 1–5 (inclusive).
 Traffic Officers – First Grade – Grade 1 (b) 6–8 (inclusive).
 Traffic Officers – Special Grade – Grade 1 (b) 9.

Library:

- Unqualified Staff – Maximum – Grade 1 (b) 4 (Female).
 Holders Diploma New Zealand Library School – Minimum – Grade 1 (b) 5 (Female).
 Holders New Zealand Library Association Certificate as Senior Library Assistants – Maximum – Grade 1 (b) 5 (Female).
 Chief Reference Librarian – Maximum – Grade 1 (b) 8 (Male or Female).
 Holders New Zealand Library Association Certificate and for Reference and Catalogue Assistants – Maximum – Grade 2 (2) (Female).
 Cataloguer and Children's Librarian – Maximum – Grade 2 (5) (Female).

Engineering:

- Engineering Assistants and Draughtsmen – Grade 1 (b) 1–2 (4) with automatic annual increments to 1 (b) 8.

(Engineering Cadets and Draughting Cadets after five years service or after passing an approved examination shall be automatically transferred to this section.)

- Building and Health Inspectors – Grade 1 (b) 3 to 1 (b) 10.

- Graduate Engineers (B.E. or Parts 1 and 11, A.M.I.C.E. or A.M.N.Z.I.E.) – Grade 1 (b) 10 to 2 (4).

Engineering Assistants, Building and Health Inspectors shall be advanced by annual increments of £50 within their respective ranges, and in the case of Engineering Assistants up to the salary bar of £1,010.

- (c) The minimum wage shall be payable to males and females on attaining the age of 21 years.

(d) For the purpose of qualification under the foregoing scales, experience gained in any employment of a character similar to that covered by this award shall be counted as if it were experience in employment covered by this award.

(e) In addition to the appropriate salary payable in accordance with the scale under subclause (b) of this clause there shall be paid to officers acting as cashiers or pay clerks additional allowances as follows:

Chief full-time cashier (main office): 22s. per week.

Assistant and relieving cashier (main office): 7s. 6d. per week.

Pay clerk: 7s. 6d. for each time the officer is responsible for making up the pay.

- (f) Registered engineers shall be classed as staff engineers.

(g) Engineering assistants having three years' service approved by the City Engineer subsequent to passing qualifying examinations as prescribed above and being eligible by length of experience and age to obtain registration, shall be placed on the minimum figure of staff engineers' scale.

(h) Where permanent traffic or library staff (i.e. not to apply to part-time employees) are by roster required to work on evening or on morning shifts, they shall be paid 2s. 6d. per shift for such time worked before 8 a.m. or after 6 p.m.

Overtime

4. (a) All time worked in excess of the hours specified in clause 2 hereof shall be considered as overtime and shall be paid for at the rate of time and a half for the first three hours and thereafter at double time, and all time worked on

statutory holidays and Sundays shall be paid for at double time with a minimum of two hours for work done on Saturdays and Sundays and four hours for work done on statutory holidays. In the computation of overtime each day shall stand by itself.

(b) No overtime for which overtime rates are payable shall be worked by any employee without the approval of the head of the department in which the employee is employed.

(c) All overtime pay to which an employee is entitled shall be due at the end of every week, and shall be paid the following pay day.

Holidays

5. (a) The undermentioned shall be paid holidays and shall not be considered as part of the annual holidays: New Year's Day, Good Friday, Easter Monday, Easter Tuesday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, Boxing Day, Anniversary Day, and two other days to be arranged between the employer and his employees. The employer shall notify the union of the two days agreed upon.

(b) Where any employee is required to be on duty on any holiday or any portion of a holiday above prescribed in subclause (a) of this clause, he shall be paid at the rate of double time.

(c) All employees after 12 months' continuous service shall be entitled annually to two calendar weeks' recreation leave on full pay exclusive of any holidays mentioned in subclause (a) of this clause: Provided, however, that after 10 years' total service whether wholly with the council or partly with the council and partly at other employment of an approved nature (including full time university periods) employees shall be entitled annually to three calendar weeks' recreation leave on full pay exclusive of any holidays mentioned in subclause (a) of this clause.

(d) At least 14 days' notice of the commencement of annual leave shall be given by the council to the employee.

Sick-leave

6. (a) Any employee unable to perform his or her duties on account of sickness or accident shall, on production of a medical certificate from a panel of medical practitioners approved by the council where such absence exceeds three working days continuously, be entitled to sick-leave on full pay at the rate of 10 working days for each completed year of local authority service, and such leave shall be regarded as cumulative over the whole of any employee's service.

(b) The council may, in cases which it is considered special, vary and extend the period of pay during the sick-leave as stated in subclause (a) of this clause, particularly when, in its opinion, the illness results from causes that are due to conditions under which an officer has been working.

(c) For the purpose of this clause "local authority service" shall mean service with the Lower Hutt City Council, except in the case of amalgamation of local authorities or services.

(d) Time off caused by injuries received in course of duty is not to be included in computing sick-leave under this clause.

Uniforms

7. Every employee who is required by the council to wear a uniform when on duty shall be provided with the same at the expense of the employer provided that such uniforms shall remain the property of the employer. Employees required

to work in all weathers shall be supplied with suitable weatherproof clothing. Any female members of the staff who request to be provided with a suitable smock shall be so provided.

Items of uniform shall be replaced by the council as required when past use through fair wear and tear.

Traffic officers shall in addition receive a footwear allowance of £5 per annum.

Rest Period

8. An interval not exceeding 10 minutes shall be allowed each morning and afternoon.

Expenses

9. (a) All authorised out-of-pocket expenses incurred by any employee in the execution of his duties shall be paid by the council.

(b) When an employee is required to be on duty before or after ordinary public means of conveyance, other than specially hired conveyance, are available, he shall be either supplied with transport or his fares paid by the council to enable him to proceed to or from his home.

Employees Performing Higher-grade Duties

10. Any employee who is instructed to perform the duties of a higher-grade employee shall, if he occupies the higher-grade position for more than four weeks continuously, be paid from the date upon which he commenced the higher-grade duty at a rate of not less than the minimum salary paid for the higher position.

Present Remuneration

11. No person in the employment of the council who, at the date of this award, is in receipt of a higher lawful rate of pay or other remuneration, or who has been carrying out any of the duties covered by this award for a period of 12 months or over prior to the date of this award, shall have his or her pay or remuneration reduced or suffer any reduction of status on account of this award.

Payment of Salaries

12. All salaries shall be paid weekly.

Terms of Employment

13. In the absence of special written agreement between the council and the employee, one month's notice of resignation or dismissal shall be given by the employee or the employer, except in cases of dishonesty or other good cause, when an employee shall be subject to instant dismissal.

General Conditions

14. (a) Vacant positions shall be filled, where practicable, by promotion of employees already on the staff and the appointment of juniors and where any position is created or a vacancy occurs in the staff, application to fill same shall first be called from members of the permanent staff of all departments to ascertain whether, in the opinion of the council, there is any person available in the council's service suitable for appointment.

(b) The appointment of employees to the permanent staff of the council shall be after a satisfactory period of six months' probation. Employees, except temporary employees as provided for in subclause (c) of this clause, may become contributors to the superannuation fund from the date of their commencing their duties.

(c) Temporary employees shall not be engaged for periods longer than three months except upon conditions as shall be agreed upon between the council and the union.

Transport and Travelling Expenses

15. (a) Officers who provide their own cars approved by and at the request of the employer for carrying out their official duties shall be paid a reasonable sum for that service.

(b) *Bicycle Allowance*—Officers shall be paid an allowance of 2s. 6d. for each week during which they are required to use their own bicycle in the performance of their duties.

Workers to be Members of Union

16. (a) It shall not be lawful for the council to employ or continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of the requisite union.

(b) For the purpose of subclause (a) of this clause a person of the age of 18 years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of 21 years and upwards, shall be deemed to be an adult

(NOTE—Attention is drawn to section 174 (3) of the Industrial Conciliation and Arbitration Act 1954 which gives to workers the right to join the union.)

Matters Not Provided For

17. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is hereby provided that if any dispute or difference shall arise between the parties bound by this award as to any matter whatsoever arising out of or connected therewith (including any dispute or difference as to the decision of the council respecting the dismissal, disrating, or promotion of any employee) and not dealt with in this award, every such dispute or difference shall be referred to a committee to be composed of two representatives of the union and two representatives of the employer none of whom shall be members of the legal profession, together with an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner for the district: Provided that all disputes shall be considered by the committee within one month of the date of notification to the council or the union of such dispute. Either side shall have the right of appeal to the Court of Arbitration against a decision of any such committee upon giving to the other side written notice of such appeal within 14 days after such decision has been made known to the party desirous of making the appeal.

Under-rate Workers

18. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that purpose; and such inspector or other person in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such inspector or other person shall think fit to consider after hearing such evidence and argument as the union and the worker shall offer.

(b) Such permit shall be for such period, not exceeding six months, as such inspector or other person shall determine, and after the expiration of such period shall continue in force until 14 days' notice shall have been given to such worker

by the secretary of the union requiring him to have his wage fixed again in the manner prescribed by this clause: Provided that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such inspector or other person shall think fit.

(c) It shall be the duty of the council, before employing a worker at such lower wage, to examine the agreement or permit by which such wage is fixed.

Casual Employees

19. Any officer employed for less than one month continuously shall be paid at a rate of 20 per cent greater than that for ordinary employees.

Part-time Employees

20. (a) Rates of remuneration or wages for part-time employees shall, if necessary, be decided by negotiation between the union and the council.

(b) Rates of remuneration or wages applying to part-time employees employed prior to the date of the coming into force of this award shall be adjusted in accordance with any alterations made herein.

Right of Entry upon Premises

21. The secretary or other authorised officer of the union shall be entitled to enter at all reasonable times upon the premises or offices of the council for the purpose of interviewing any employee in connection with the operation of this award, but not so as to interfere unreasonably with the employer's business.

The council shall, upon request by the union, supply a list of their employees: Provided, however, that this request shall not be made more often than once every three months.

Leave to Attend Union Business

22. The employer shall allow an officer or executive member of the union leave of absence on pay to attend union business, providing such leave does not exceed 12 hours in any period of three calendar months.

Term of Award

23. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 1st day of January 1960, and so far as all other provisions of the award are concerned, it shall come into force on the day of the date hereof; and this award shall continue in force until the 28th day of February 1962.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 11th day of May 1960.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award, including the operative date of provisions relating to wages, embodies the terms of settlement arrived at by the assessors in Conciliation Council.

The assessors desire it to be recorded that clause 1 (application of award) shall not be regarded as establishing a precedent for the purposes of this award.

A. TYNDALL, Judge.