

NEW ZEALAND COUNTY COUNCILS, CATCHMENT, DRAINAGE, AND RIVER
BOARDS' OFFICERS—AWARD

[Filed in the Office of the Clerk of Awards, Wellington]

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the undermentioned unions (hereinafter called “the employers”):

New Zealand County Councils Industrial Union of Employers, P.O. Box 1786, Wellington;
New Zealand Catchment Boards Industrial Union of Employers, 8 The Terrace, Wellington;

and the:

Auckland Provincial District Local Authorities' Officers Industrial Union of Workers, 81 Wakefield Street, Auckland;

Wellington, Marlborough, Westland, Nelson and Taranaki Local Bodies' Officers Industrial Union of Workers, Semple House, 84A Oriental Parade, Wellington;

Canterbury Clerks, Cashiers, and Office Employees Industrial Union of Workers, 196 Cashel Street, Christchurch;

Otago Clerical Workers Industrial Union of Workers, Capitol Building, 67 Princes Street Dunedin;

Invercargill Clerks and Office Assistants Industrial Union of Workers, Majestic Chambers, Dee Street, Invercargill;

(hereinafter called “the union”).

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 30th day of September 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 30th day of June 1961.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to officers and clerical workers employed by county councils, river boards, catchment boards, and drainage boards. Such officers shall not include:

- (a) Chief or sole executive officer (including one supervising officer where no engineer is employed).
- (b) Officers in receipt of a salary of more than £1,090 per annum in the case of males and £725 per annum in the case of females; exclusive of overtime.
- (c) Health inspectors, noxious weed inspectors, rangers, or dog-tax collectors.
- (d) Officers covered by other awards and industrial agreements.

Definitions

2. (a) "Officer" shall include all persons not already covered by any other award or industrial agreement, but shall not include officers mentioned in subclauses (a), (b), (c), and (d) of clause 1 hereof.

(b) "Casual officer": Any person employed for less than two weeks continuously shall be termed a casual officer.

(c) "Substantially" means engaged at a particular job for more than 50 per cent of the time during any pay period.

Hours of Work

3. (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: Provided that field officers under this award employed by catchment boards shall be exempt from the daily clock hours.

(b) Where prior to the date of this award any local authority party to this award has been customarily observing shorter daily or weekly hours than those hereinbefore specified, the local authority shall continue to observe such shorter hours.

(c) Officers engaged at the times of yearly balance, annual estimates, rate penalty period, issue of rate demands, and reminders may be employed for a period not exceeding eighty hours per fortnight, Monday to Friday inclusive, without payment of overtime.

Emergency Work

4. (a) Emergency work shall mean work necessitated by wind, rain, fire, snow, storms, floods, tides, and earthquakes, and requiring immediate attention to keep open essential services and shall include opening lake outlets.

(b) In the case of such emergency work, and notwithstanding anything contained elsewhere in this award, the following provisions shall apply only for the period of immediate emergency:

- (i) Except on the holidays named in subclause (b) of clause 12 up to eight hours may be worked on any one day without payment of overtime, and time and a half rates shall be paid beyond eight hours worked on such days.
- (ii) On the holidays provided in subclause (b) of clause 12 ordinary time in addition to the holiday payment provided for in subclause (b) of clause 12 shall be paid for the first eight hours and double time beyond the first eight hours.

(c) In the event of any difference of opinion arising as to what constitutes emergency work under this clause, the work shall proceed and a disputes committee as comprised in clause 15 shall be immediately set up to deal with the matter.

Overtime

5. (a) Time worked outside or in excess of the hours specified in subclause (a) of clause 3 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. A minimum of three hours at overtime rates shall be paid for each call-back on any non-working day. Each day shall stand by itself.

(b) No overtime for which overtime rates are payable shall be worked by any officer without prior approval of the head of the department.

(c) Any officer called upon to work later than 6 p.m. on any day of the week shall be paid 5s. meal-money if that officer cannot reasonably journey to and from his home for a meal.

(d) An officer shall not be required to work for more than five hours continuously without a reasonable interval for a meal.

(e) Any worker required to commence work after the cessation of public wheeled traffic or before the ordinary time of starting such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting such traffic shall be conveyed to or from his home at the expense of the employer or shall be paid for time reasonably occupied in travelling at ordinary rates of pay. For the purpose of this award "public wheeled traffic" shall mean trams, buses, trains, or ferries ordinarily used by such workers travelling to or from their work.

Rates and Conditions of Pay

6. (a) All male officers shall be paid in accordance with the following scale:

	Per Annum £
First year	315
Second year	360
Third year	415
Fourth year	480
Fifth year	560
Sixth year	625
Seventh year	665
Eighth year	700
Ninth year	745
Tenth year	805
Eleventh year	850
Twelfth year	880
Thirteenth year	910
Fourteenth year	940

Males with School Certificate commence at third year of scale.

Males with University Entrance commence at fourth year of scale.

(b) All female officers shall be paid in accordance with the following scale:

	Per Annum £
First year	310
Second year	340
Third year	380
Fourth year	455
Fifth year	500
Sixth year	530
Seventh year	580
Eighth year	625
Ninth year	675

Females with School Certificate or Junior Government Shorthand Typing Examination commence at third year of scale.

Females with University Entrance or Senior Government Shorthand Typing Examination commence at fourth year of scale.

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

(d) The employer may engage an officer at any stated rate of salary in the scale, being not less than the amount to which the officer is entitled under the award; provided that such commencing rate shall be increased by the increments for subsequent service as set out therein.

(e) *Special Grade*—(i) After 12 years of service in the case of male officers and eight years in the case of female officers, an officer may be promoted to a special grade if, in the opinion of the employer, some advancement beyond the specified steps of the general scale is justified on the basis of merit, proficiency, service, or responsibility. On appointment to the special grade the officer's existing salary shall be increased by not less than £25 per annum. Each year the employer shall review the salaries of any such officers in the special grade and any increase in remuneration shall have effect from the 1st day of April in that year.

(ii) Officers who, on the coming into force of this award are already in a special grade as provided in this subclause, shall have their existing salaries increased by an amount being not less than the additional rate (if any) granted by virtue of this

award to officers on the fourteenth year scale rate: Provided that where any officer so graded has had an increase granted as from the 1st day of April, the amount so granted may be offset against any increase payable under this subclause.

(f) An officer who substantially acts as cashier shall be paid 11s. 6d. per week extra as a cash risk allowance.

A meter reader who collects cash shall be paid 5s. 9d. per week extra as a cash risk allowance.

(g) A female employed on ledger-posting machines or book-keeping machines or analysis machines (other than adding machines) shall be paid 9s. per week in addition to the rate which she is receiving under subclause (b) of this clause.

(h) No deduction, other than superannuation and other such contribution as may be agreed upon between the employer and the officer, shall be made from the wages of any officer except for time lost by the officer through default or sickness beyond the provisions of clause 13.

(i) No officer covered by this award now in receipt of a higher salary shall have his or her salary reduced by virtue of the coming into force of this award.

(j) Except by mutual agreement, salaries including overtime shall be paid at not longer than fortnightly intervals and during working hours.

(k) Every temporary or casual officer shall be paid 20 per cent *pro rata* above the weekly rate.

Bonuses and Qualifications

7. Where an officer employed by any local authority party to this award obtains a full pass (subject to the sectional examinations) in one of the examinations listed below, he shall, on completion of the salary year in which he obtains the pass and each year thereafter, have added to his appropriate scale rate an allowance as denoted below: Provided that an officer holding more than one qualification shall be paid for that carrying the higher allowance.

The allowance shall apply or continue only while the officer concerned is engaged on duties to which the qualification is appropriate:

- (i) B.Com. (Three subjects, £11 10s. allowance.)
- B.E. (Three subjects, £11 10s. allowance.)
- A.M.I.C.E. (Section A, £11 10s. allowance.)
- A.M.I.E.E. (Section A, £11 10s. allowance.)
- New Zealand Engineers Registration Board Examination (Civil Engineers Section). (Section A, £11 10s. allowance.)
- New Zealand Engineers Registration Board Examination (Electrical Section). (Section A, £11 10s. allowance.)
- Registered Surveyor. (Three subjects, £11 10s. allowance.)

The total of all allowances payable for any of the above examinations shall not exceed £34 10s.

- (ii) New Zealand Institute of Local Body Administrative Officers.
- Chartered Institute of Secretaries.
- Accountancy Professional.

An allowance of £11 10s. on passing three sections with a maximum of £34 10s. on completion.

						£	s.	d.
(iii)	New Zealand Institute of Secretaries	..	..	..	..	23	0	0
	A.C.I.S.	..	..	..	..	31	12	6
	A.M.R.S.H.	..	..	..	..	23	0	0
	M.R.S.H.	..	..	..	..	23	0	0
	N.Z. Certificate of Engineering	..	..	..	..	23	0	0
(iv)	Highways overseer and foreman's certificate	..	..	..	..	17	5	0

Conditions of Employment

8. (a) All other things being equal, it is desirable that in making appointments to staff positions preference shall be given to officers already on the staff.

(b) Applicants before joining the staff shall pass a medical examination by a selected doctor, if required to do so.

(c) In offices in which three or more females are employed reasonable accommodation shall be provided for their exclusive use. Where satisfactory arrangements do not already exist, there shall also be provided, if practicable, a room with suitable couch accommodation to be used in cases of temporary indisposition, but where it is impracticable to set a room apart for that purpose it will be sufficient for a couch or couches to be provided in a portion of the cloak room screened off for privacy.

(d) Adequate lighting, heating, and ventilation shall be provided in all offices.

Rest Period

9. An interval not exceeding 10 minutes shall be allowed to the staff each morning and afternoon.

Uniforms

10. Every employee who is required by the employer to wear a uniform when on duty shall be provided with same at the expense of the employer.

Employees required to work outside in all weathers shall be supplied with suitable waterproof clothing or where an allowance is made existing conditions shall continue.

Officers Performing Higher-grade Duties

11. (a) Any officer who is instructed to perform the duties of a higher-grade officer under this award shall, if he occupies the higher position for more than four weeks continuously, be paid from the date upon which he commenced the higher-grade duty, and while engaged in performing such higher-grade duties at a rate not less than the minimum salary paid for the higher position. This clause shall not apply to an officer relieving another officer on paid sick-leave.

(b) No officer in the employment of any of the local authorities party to this award, who at the date of this award has been carrying out any of the duties within the scope of this award, and who is in receipt of a higher lawful rate of remuneration than that provided by this award at the time of its coming into force shall have his or her rate of remuneration reduced, nor shall any worker suffer any reduction of status due to the operation of this award.

Holidays

12. (a) Holidays shall be allowed in accordance with the provisions of the Annual Holidays Act 1944, but in the case of officers with 10 years' continuous service part of which may have been served with any other local authority in New Zealand or, at the discretion of the county council or board party to this award, similar local body experience in New Zealand, three weeks' holiday shall be allowed.

(b) The undermentioned shall be paid holidays and shall not be considered as part of the annual holidays: New Year's Day and the following day, Anniversary Day or a day in lieu thereof, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(c) In addition to any payment to which a worker is entitled under subclause (b) of this clause, time worked on any of the above-named holidays or on Sundays shall be paid for at twice the ordinary rate.

(d) When any holiday in subclause (b) of this clause, other than Anzac Day, falls on a Saturday or Sunday, the following Monday or Tuesday shall be observed.

Sick-leave

13. (a) Subject to the following provisions each employee shall be entitled to 10 working days' sick-leave on full pay for each completed year of service with the parties to this award:

- (i) A medical certificate signed by an approved medical officer shall, if required, be produced where sick-leave is taken.
 - (ii) The employer shall have the right to deduct the number of days of sick-leave already taken by the officer from the total number the officer is entitled to by calculation in order to determine the number of days due to him in the event of his falling sick.
 - (iii) In any case either party may refer a claim for sick-leave to a disputes committee.
- (b) The employer may grant leave of absence on full pay where, in its opinion, an employee is incapacitated by injury arising out of and in the course of his or her employment. Such leave shall be in addition to the sick-leave mentioned in subclause (a) of this clause.

Expenses

14. (a) All authorised out-of-pocket expenses incurred by any officer in the execution of his duties shall be paid by the employer.

(b) Officers who provide their own cars approved by and at the request of the employer, for carrying out their official duties, shall be paid an allowance in accordance with the Public Service scale: Provided that no officer now in receipt of a higher allowance shall have his or her allowance reduced by virtue of the coming into force of this award.

(c) Officers shall be paid an allowance of 3s. for each week during which they are required to use their own bicycle in the performance of their duties.

Matters Not Provided For

15. 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, or any of them, as to any matter whatsoever arising out of or connected therewith and not dealt with in this award, every such dispute or difference shall be referred to a committee to be comprised of two persons representing the employing local authorities party to this award and two persons representing the officers of such local authorities, together with (if required by either party) 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 union concerned of such dispute. Either side shall have the right to 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 the decision has been made known to the parties desirous of appealing.

Termination of Employment

16. Except in the case of casuals, in the absence of special written agreement between the officer and the local authority one month's notice of resignation or dismissal shall be given by the officer or the local authority, except in the case of misconduct where an officer shall be subject to instant dismissal; but this shall not be deemed to restrict or in any way impair the statutory powers as to appointment or dismissal of officers vested in local authorities.

Effective Operation of Award

17. (a) The secretary or other authorised officer of the union of workers shall, with the consent of the employer (such consent not to be unreasonably withheld), be entitled to enter at all reasonable times the office or works and there interview any workers, but not so as to impede the work.

(b) In every establishment the employer shall at all times keep a time and wages book showing in the case of each employee:

- (i) The name of the officer, together with his age if under 21 years;
- (ii) The kind of work on which he is usually employed;
- (iii) The hours worked on each day;
- (iv) The wages paid on each pay-day and the date thereof; and
- (v) Such other particulars as are prescribed by regulations.

(c) Employers bound by this award shall, upon request by the union, supply a list of their officers 18 years of age and over or who are in receipt of adult salary, covered by this award, and the date of commencement of new employees: Provided, however, that this request shall not be made more often than once every three months.

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

Workers to be Members of Union

18. (a) Subject to the provisions of sections 174 (5) and 175 of the Industrial Conciliation and Arbitration Act 1954, it shall not be lawful for any employer bound by this award to employ or to 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 an industrial union of workers bound by this award.

(b) For the purposes 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.

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to do by his employer or any officer or representative of the union, commits a breach of this award, and shall be liable accordingly.

(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.)

Under-rate Workers

19. (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 such 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 again fixed in 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) Notwithstanding the foregoing, it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d) It shall be the duty of the union to give notice to the Inspector of Awards of every agreement made with a worker pursuant hereto.

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

Application of Award

20. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every industrial union, industrial association, or local authority who, not being an original party hereto, is, when this award comes into force or at any time whilst this award is in force, connected with or engaged in the industry to which this award applies within the industrial districts to which this award relates.

Scope of Award

21. This award shall operate throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.

Term of Award

22. 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 April 1961, 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 30th day of September 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 30th day of June 1961.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

In an oral decision delivered on 24 May 1961 the Court held, *inter alia*, that the settlement arrived at in this dispute, for which the New Zealand County Councils Industrial Union of Employers is the original applicant, could not be accepted as a settlement arrived at by the parties in accordance with section 130 of the Industrial Conciliation and Arbitration Act 1954, as one of the parties, namely, the Wellington, Marlborough, Westland, Nelson and Taranaki Local Bodies' Officers Industrial Union of Workers had disassociated itself from the alleged settlement because it had not at any time agreed to the terms thereof.

Since then, however, the said union of workers has advised the Court that it now concurs in the settlement and has no objection to its terms being incorporated in an award.

The Court has accordingly decided to make the award.

A. TYNDALL, Judge.