

TIMARU CITY COUNCIL CLERICAL WORKERS—AWARD

In the Court of Arbitration of New Zealand, Canterbury Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Canterbury Clerks Cashiers and Office Employees Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned council (hereinafter called “the employers”):

The Timaru City Council, Timaru.

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 June 1964 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 1st day of November 1962.

[L.S.]

K. G. ARCHER, Judge.

SCHEDULE

Application of Award

1. This award shall apply to all clerical workers employed by the Timaru City Council, who shall be workers engaged wholly or substantially in writing, typing, shorthand-writing, collecting, or any other form of clerical work, and shall include cashiers, telephonists, purchasing officers, meter readers, paymasters, and machine-operators.

Definitions

2. (a) “The council” or “the employer” means the Timaru City Council.
- (b) “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 37½ per week, and, except as hereinafter provided, seven and a half hours shall be worked on each of five days of the week, Mondays to Fridays, both days inclusive, and between the hours of 8 a.m. and 5.30 p.m.

(b) At the annual or half-yearly balance-time, or at the time of preparation of rate demands or the issue of motor drivers' licences, or the last period of payment of rates without penalty, the foregoing provisions relating to hours of work may be suspended by the council in the case of all or any of its workers, and overtime shall be payable only if more than 80 hours are worked in the two weeks following the commencement of such period.

(c) The council shall have the right to call upon its staff whenever necessary to cope with rush periods, such as preparation of rate demands, period prior to payment of rates before penalty is imposed, or the half-annual or annual balance sheets, or the issue of motor drivers' licences, to work up to 40 hours per week without payment of overtime.

(d) Intervals not exceeding 10 minutes each shall be allowed for morning and afternoon tea.

Wage Rates and Conditions of Pay

4. (a) The minimum rates of wages shall be as follows:

General Scale:

				Per Annum
Males:				£
First year	..	..	..	385
Second year	..	..	..	440
Third year	..	..	..	505
Fourth year	..	..	..	570
Fifth year	..	..	..	635
Sixth year	..	..	..	690
Seventh year	..	..	..	745
Eighth year	..	..	..	795
Ninth year	..	..	..	855
Tenth year	..	..	..	900

A male employee with School Certificate shall be advanced one year above the scale rate appropriate to his length of service, and a male employee with University Entrance Examination shall be advanced by two years.

The minimum salaries per annum for classified positions shall be:

Grade I:

Officers may be promoted to Grade I if, in the opinion of the council, some advancement beyond the specific steps of the general scale is justified by the responsibilities undertaken.

Salaries within the grade shall be:

1st year £940 2nd year £980

Grade II (1st year £1,040; 2nd year £1,060; 3rd year £1,090).

Classifications:

Records Clerk, Town Clerk's Office.

Senior Clerk, Works Yard.

Licence Clerk, Treasury Department.

Cost Clerk, City Engineer's Department.

Grade III (1st year £1,135; 2nd year £1,160; 3rd year £1,180).

Classifications:

Rates Clerk, Treasury Department.

Internal Audit Assistant.

Grade IV (1st year £1,230; 2nd year £1,245; 3rd year £1,265).

Classification:

Senior Clerk, Treasury Department.

Senior Clerk, City Engineer's Department.

(b) The minimum rates of wages for female workers shall be:

General Scale:

				Per Annum £
Females:				
First year	..	..	..	385
Second year	..	..	..	440
Third year	..	..	..	505
Fourth year	..	..	..	570
Fifth year	..	..	..	600
Sixth year	..	..	..	625
Seventh year	..	..	..	655
Eighth year	..	..	..	700
Ninth year	..	..	..	750

A female employee with School Certificate or Junior Government Shorthand-typing Examination shall be advanced one year above the scale rate appropriate to her length of service, and a female employee with University Entrance or Senior Government Shorthand-typing Examination shall be advanced two years.

The minimum salaries per annum for classified positions shall be:

Grade II (1st year £805; 2nd year £820; 3rd year £840).

Classifications:

Rates Clerk, City Treasurer's Department.
Shorthand Typists, Special Appointments.

Grade III (1st year £850; 2nd year £880; 3rd year £910).

Classifications:

Senior Typist, Town Clerk's Department.
Cashier, Treasury Department.
Supervisor, Machine Operators.

(c) An employee who substantially acts as a cashier shall be paid 10s. 3d. per week as a cashier's risk allowance in addition to the rate to which such employee is entitled under subclause (a) or (b) of this clause.

(d) A female employee not holding a graded position and substantially engaged on the following machines shall be paid not less than 12s. 9d. per week in addition to the rates specified in subclause (b) of this clause:

- (i) Accounting and bookkeeping machines, posting and analysis machines, if fitted with vertical and cross adding registers.
- (ii) Calculating-machines used for calculation work other than adding and subtracting.
- (iii) Invoicing-machine fitted with adding registers and where any part of the keyboard is electrically operated and controlled or fitted with vertical and cross adding registers.

(e) "Length of service" shall mean the total period of actual employment at clerical work as nearly as can be ascertained. Any period of employment other than clerical work and any period of unemployment shall be excluded from the computation.

Length of service so computed shall be reckoned as having been continuous from the date of commencing employment.

(f) Any employee 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 on paid sick leave or on annual leave.

(g) Male meter readers, if over 21 years of age, shall commence at the eighth year of the male general scale. Head meter reader shall be paid an additional sum of £40 per annum.

Bonus for Qualifications

5. (a) An employee who obtains a full pass in one of the examinations listed below shall, on completion of the salary year in which he or she obtains the pass and each year thereafter, have added to his or her appropriate scale rate an allowance of £35 10s.

(b) An employee who, at the date of this award, has already obtained a full pass in one of the examinations listed below, shall become entitled to the benefit of this clause as from the date upon which the award is made.

(c) An employee holding more than one qualification shall be paid for that carrying the higher allowance.

(d) The allowance provided under this clause shall apply or continue only while the officer concerned is engaged on duties to which the qualification is appropriate.

(e) Examinations:

B.Com.

Chartered Institute of Secretaries.

New Zealand Institute of Local Body Administrative Officers.

Accountancy Professional.

New Zealand Institute of Secretaries.

Institute of Secretaries.

Institute of Cost and Work Accountants.

Payment of Wages

6. (a) Salaries, including overtime, shall be paid at not longer than fortnightly intervals and during working hours.

(b) The employer may make a rateable deduction from the wages of any worker for time lost through sickness, accident, default, or voluntary absence with the consent of the employer, but this shall not be taken to nullify the existing custom of the council regarding sick leave unless the circumstances of any particular case justify some departure from this custom.

Overtime

7. (a) When overtime is required to be worked at the request of the chief executive officer reasonable notice shall be given to the worker, and wherever possible the period of notice of overtime shall not be less than five hours.

(b) All time worked in excess or outside of the hours specified in clause 3 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

(c) Time worked on Sundays or afternoon on Saturdays shall be paid for at double time rates.

Holidays

8. (a) The following shall be paid holidays and shall not be considered as part of the annual leave: 1 January, 2 January, Good Friday, Easter Monday and the day following, Anzac Day, the birthday of the reigning Sovereign, Dominion Day, Labour Day, Christmas Day, Boxing Day, and any other day granted by the council.

(b) Should any of the holidays, except Anzac Day, set out in subclause (a) of this clause fall on a Saturday or Sunday, such holiday shall be observed on the next following working day or days.

(c) Workers who are employed on any of the days set out in subclause (a) of this clause shall be paid at the rate of double time in addition to the weekly wages: Provided that in lieu of such payment the employer may, where mutually agreed on, with the consent of the union, grant one day off for each such day worked, such day to be taken at a time mutually arranged or added to the annual holiday.

(d) Annual holidays shall be allowed in accordance with the Annual Holidays Act 1944 and its amendments: Provided, however, that an officer who has had 10 years' service with the council or whose service with the council together with similar service with another local authority or Government Department amounts to 10 years shall be granted three weeks' annual leave.

(e) Except as otherwise agreed, at least one month's notice of commencement of annual leave shall be given by the local authority to the worker, and workers shall be paid for the annual holiday on or before its commencement.

(f) Annual leave shall be taken at a time to be mutually agreed upon.

Meal Allowance

9. Any worker called upon to work later than 6 p.m. on any day of the week or required to continue working after 1 p.m. on Saturday or Sunday shall be paid 5s. meal allowance if the worker cannot reasonably journey to and from his home for a meal in the time allowed.

Casual Workers

10. (a) A worker engaged for less than two weeks in any one engagement shall be termed a casual, and such worker shall be paid *pro rata* for time worked at a rate of 20 per cent more than the appropriate rate set out in clause 4. The *pro rata* rate payable shall be calculated on an hourly basis, computed from the number of hours fixed in clause 3 as the maximum weekly number of hours which may be worked by clerical workers in the council's employ.

Workers who enter into contracts of service to work regularly on a part-time basis shall be deemed to be casual workers unless they work in excess of 30 hours per week, when they shall be deemed to be full-time workers; except that if the council offers full-time employment but the employee for personal reasons does not accept such full time, then such employee shall not be considered a casual employee but shall be paid *pro rata* to the time worked the wage rate in clause 4.

(b) If the bandmaster for the time being of the Timaru Municipal Band should be employed by the council in employment covered by this award then he shall not be deemed to be a casual worker.

Sick Leave

11. (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.

(i) A medical certificate signed by an approved medical officer shall, if required, be produced where sick leave is taken.

(ii) The council 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 council 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.

Travelling Allowance and Expenses

12. (a) Out-of-pocket expenses reasonably incurred by any worker in the execution of his duties shall be paid by the council. All claims for such expenses shall be rendered and settled not less often than monthly, and such claim shall give particulars of travelling done and expenses incurred in the discharge of the worker's duties. The council may in connection with any particular claim require that such claim shall be supported by statutory declaration. Where a worker is required to use his bicycle in the course of his employment he shall be paid an allowance of not less than 5s. per week.

(b) Officers who provide their own motor cars or motor cycles, approved by and at the request of the council for carrying out their official duties, shall be paid a sum as may be mutually agreed upon between the council and the officer concerned.

Exemptions

13. (a) Nothing in this award shall apply to any workers in receipt of more than £1,265 per annum in the case of males and £910 in the case of females, excluding overtime payments and bonuses.

(b) Clerks engaged for elections or polls are exempt from the provisions of this award.

No Reduction in Wages

14. No worker coming within the scope of this award shall have his wages or salary reduced by reason of the operation of this award.

Terms of Employment

15. Except in the case of casual workers, in the absence of a special written agreement between the employee and the council, one month's notice of resignation or dismissal shall be given by the employee or the council; but this shall not prevent the council from summarily dismissing any worker for wilful misconduct or other just cause.

Right of Entry

16. (a) The secretary or other authorised representative of the union shall, with the consent of the employer (such consent not to be unreasonably withheld), be entitled to enter the office or works at all reasonable times to interview any worker, but not so as to interfere unreasonably with the employer's business.

(b) The council shall upon written request by the union, supply a list of employees covered by this award.

Conditions as to Offices

17. (a) Reasonable cloakroom accommodation shall be provided for the exclusive use of female employees. There shall also be provided where practicable a room with suitable couch accommodation to be used in case 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 cloakroom screened off for privacy.

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

Matters Not Provided For and Appeals

18. The essence of this award being that the work of the employer shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is 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 composed of two representatives of each side, 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. Either side shall have the right to appeal to the Court 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 appealing. All disputes shall be considered by the committee within one month of the date of notification by the union to the committee.

References

19. (a) Each worker on leaving or being discharged from his or her employment shall, on request, be furnished within 24 hours thereafter with a statement in writing signed by the town clerk or executive officer controlling the particular department setting out the position held and length of service.

(b) Original references shall be the property of the worker or applicant, and shall, on request, be returned within 48 hours after engagement or rejection of application.

Unqualified Preference

20. (a) Any adult person engaged or employed in any position or employment subject to this award by any employer bound by this award shall, if he is not already a member of a union of workers bound by this award, become a member of such union within 14 days after his engagement, or after this clause comes into force, as the case may require.

(b) Subject to subclause (a) hereof, every adult person so engaged or employed shall remain a member of a union of workers bound by this award so long as he continues in any position or employment subject to this award.

(c) Every worker obliged under subclause (a) hereof to become a member of a union who fails to become a member, as required by that subclause, after being requested to do so by an officer or authorised representative of the union, and every worker who fails to remain a member of a union in accordance with subclause (b) hereof commits a breach of this award.

(d) Every employer bound by this award commits a breach of this award if he continues to employ any worker to whom subclauses (a) and (b) apply, after having been notified by any officer or authorised representative of the union that the worker has been requested to become a member of the union and has failed to do so, or that the worker having become a member of the union has failed to remain a member.

(e) For the purposes of this clause "adult person" means a person of the age of 18 years or upwards, or a person who for the time being is in receipt of not less than the minimum rate of wages prescribed for adult workers by this award.

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

Under-rate Workers

21. (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.

Scope of Award

22. This award shall apply to the Timaru City Council.

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 July 1962, 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 June 1964.

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 1st day of November 1962.

[L.S.]

K. G. ARCHER, Judge.

MEMORANDUM

The award, which incorporates the terms of settlement arrived at by the parties, includes a clause designed to operate as an unqualified preference provision within the meaning of section 174 of the Industrial Conciliation and Arbitration Act 1954 (as amended by the Industrial Conciliation and Arbitration Amendment Act 1961). Section 174B directs that the Court in making any award shall insert therein an unqualified preference provision only if it is satisfied under the first alternative that such a provision has been agreed upon by all the assessors in the course of an inquiry into an industrial dispute by a Council of Conciliation. For the purposes of section 174B the Court is satisfied to accept the complete settlement arrived at by the parties and executed by or on behalf of all the assessors as proof that the unqualified preference provision has been agreed to by all the assessors, and clause 20 has therefore been incorporated in the award in the form in which it was agreed upon in the Council of Conciliation.

The rates of remuneration prescribed by this award are *not* to be increased by the application of the provisions of the Court's general order of 4 July 1962.

K. G. ARCHER, Judge.