

Schedule 2—Schedule of terms and conditions for non-SES Employees

PART A—General

1. SCOPE

- 1.1. This Schedule of Terms and Conditions for Non-SES Employees (Schedule) covers non-SES employees employed within the Parliamentary Budget Office (PBO).

2. PERIOD OF OPERATION

- 2.1 This Schedule commences in respect of an employee:
- a if the employee is an existing PBO employee, from the commencement of the next pay period following the date of acceptance, or
 - b if the employee is a new PBO employee, from the date the employee commences employment in the PBO.
- 2.2 This Schedule replaces any predecessor schedule (however described), including the schedule that applied to the employee immediately before the commencement of this Schedule.
- 2.3 This Schedule continues in force with respect to a non-SES employee until:
- a an enterprise agreement that covers the employee commences operation
 - b it is replaced by a common law agreement between the PBO and the employee
 - c it is replaced by a determination made under section 24(1) of the *Parliamentary Service Act 1999* that applies to the employee.

3. INTERACTION WITH OTHER INSTRUMENTS

- 3.1. The *Parliamentary Departments Staff Enterprise Award 2016* applies to the employee's employment with the PBO.
- 3.2. An employee's remuneration compensates the employee for all work performed, including but not limited to, any overtime, loadings, penalty rates, allowances and any other entitlement which may be due to the employee under the *Parliamentary Departments Staff Enterprise Award 2016* (or any successor instrument). Any entitlement under the *Parliamentary Departments Staff Enterprise Award 2016* will be calculated by reference to the applicable rate of pay in the *Parliamentary Departments Staff Enterprise Award 2016*.

4. EFFECT OF POLICIES

- 4.1. Various PBO policies and guidelines may be relevant to the administration of the terms and conditions in this Schedule.
- 4.2. Unless otherwise stated, a policy or guideline will apply in the form it is in at the time of any relevant action or decision. A policy or guideline may be varied by the Parliamentary Budget Officer from time to time.
- 4.3. Policies and guidelines are not incorporated into, and do not form part of, this Schedule. This Schedule overrides any policy or guideline to the extent of any inconsistency.

5. DELEGATION

- 5.1. The Parliamentary Budget Officer may delegate any or all of his or her powers and functions under this Schedule, and may do so subject to conditions.

6. DISPUTE RESOLUTION

- 6.1. If a dispute relates to:

- a a matter arising under the Schedule, or
- b the National Employment Standards,

this clause 6 sets out procedures to settle the dispute.

- 6.2. An employee who is a party to the dispute may appoint a representative for the purposes of the procedures in this clause 6.

- 6.3. In the first instance, the parties to the dispute must try to resolve the dispute at the workplace level, by discussions between the employee or employees and relevant supervisor(s) and/or manager(s).

- 6.4. If discussions at the workplace level do not resolve the dispute, a party to the dispute may refer the matter to the Fair Work Commission (FWC), or any successor agency.

- 6.5. The FWC may deal with the dispute in two stages:

- a the FWC will first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation, and
- b if the FWC is unable to resolve the dispute at the first stage, the FWC may then:
 - i arbitrate the dispute, and
 - ii make a determination that is binding on the parties.

Note: If the FWC arbitrates the dispute, it may also use the powers that are available to it under the *Fair Work Act 2009*. A decision that the FWC makes when arbitrating a dispute is a decision for the purpose of Division 3 of Part 5.1 of the *Fair Work Act 2009*. Therefore, an appeal may be made against the decision.

- 6.6. While the parties are trying to resolve the dispute using the procedures in this clause 6:

- a an employee must continue to perform his or her work as he or she would normally, unless he or she has a reasonable concern about an imminent risk to his or her health or safety, and
- b an employee must comply with a direction given by the Parliamentary Budget Officer to perform other available work at the same workplace, or at another workplace, unless:
 - i the work is not safe
 - ii applicable work health and safety legislation would not permit the work to be performed
 - iii the work is not appropriate for the employee to perform, or
 - iv there are other reasonable grounds for the employee to refuse to comply with the direction.

- 6.7. Subject to any appeal, the parties to the dispute agree to be bound by a decision (including any determination) made by the FWC in accordance with this clause 6.

7. CONSULTATION

Consultation on major changes

- 7.1. This clause 7 applies where a decision is made to introduce major changes in a work area that are likely to have significant effects on employees.
- 7.2. Where a definite decision is made to introduce major changes in program, organisation, structure or technology that are likely to have significant effects on employees, the Parliamentary Budget Officer must notify the employees who are likely to be affected by the proposed changes and their appointed representatives (if any).
- 7.3. Significant effects include:
 - a termination of employment
 - b major changes in the composition, operation or size of the PBO's workforce or in the skills required
 - c the elimination or diminution of job opportunities, promotion opportunities or job tenure
 - d significant alteration in hours of work
 - e the need to retrain employees
 - f the need to relocate employees to another workplace, and
 - g the major restructuring of jobs.

Parliamentary Budget Officer to discuss major changes

- 7.4. The Parliamentary Budget Officer must discuss with the employees affected and their appointed representatives (if any) the introduction of the changes referred to in subclause 7.2, the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees, and must give prompt consideration to matters raised by the employees and/or their appointed representatives in relation to the changes.
- 7.5. The discussions must commence as early as practicable after a definite decision has been made to make the changes referred to in subclause 7.2.
- 7.6. For the purposes of such discussion, the employees concerned and their appointed representatives (if any) are to be provided in writing all relevant information about the changes, including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees. The Parliamentary Budget Officer is not required to disclose confidential or commercially sensitive information to the employees or their appointed representatives.

PART B—Remuneration

8. SALARY RANGES AND INCREASES

- 8.1. Attachment 1 (Salary Ranges) to this Schedule sets out the minimum and maximum salary levels for each classification level.
- 8.2. The Parliamentary Budget Officer may, from time to time, increase the minimum and maximum salary levels set out in Attachment 1 (Salary Ranges).
- 8.3. Where:
- a the minimum and maximum salary levels for the employee’s classification are adjusted under subclause 8.2, and
 - b the employee’s performance at their classification level for the preceding performance cycle has been assessed as at least “Effective” in accordance with clause 21 and the relevant PBO policy,
- the employee’s salary will be increased proportionately to reflect the percentage increase to the minimum salary level for the employee’s classification level.

9. SALARY SETTING

- 9.1. Where an employee:
- a commences employment within the PBO
 - b is promoted within the PBO, or
 - c transfers to the PBO from another Parliamentary Department or an APS agency,
- the employee’s salary will be set at the minimum salary level for the employee’s classification, unless the Parliamentary Budget Officer determines a higher salary, having regard to the employee’s experience, qualifications and skills, and specific market factors.
- 9.2. Where the Parliamentary Budget Officer determines that an employee’s salary has been incorrectly set under subclause 9.1, the Parliamentary Budget Officer may determine the correct salary.
- 9.3. Where an employee transfers to the PBO from another Parliamentary Department or Commonwealth agency and the employee’s salary is higher than the highest salary level for the employee’s classification under this Schedule, the Parliamentary Budget Officer may decide to maintain the employee’s existing salary, until it is absorbed into the salary range for that classification under this Schedule.
- 9.4. Where an employee moves to a lower classification, either temporarily or permanently, the Parliamentary Budget Officer will determine the employee’s salary taking into account the employee’s skills, experience and qualifications, and the reason(s) for the reduction in classification.

10. SUPPORTED SALARY

- 10.1. The supported salary rates specified in the table at subclause 10.3 below, will apply to an employee who:
 - a has a disability, and meets the impairment criteria test
 - b has an impaired ability to perform the range of duties for a classification because of the impact of the employee’s disability, as assessed by an accredited assessor, and
 - c is eligible for consideration under the supported wage system in accordance with the guidelines and assessment processes put in place by the relevant Commonwealth agency that administers the supported wage system.
- 10.2. This clause 10 does not apply to a current employee who has a workers’ compensation or rehabilitation claim against the Commonwealth.
- 10.3. The salary payable under this clause 10 will not be less than the minimum amount determined by the FWC.

| Assessed capacity | Percentage of wage payable |
|-------------------|----------------------------|
| 10% | 10% |
| 20% | 20% |
| 30% | 30% |
| 40% | 40% |
| 50% | 50% |
| 60% | 60% |
| 70% | 70% |
| 80% | 80% |
| 90% | 90% |

11. PAYMENT OF SALARY

- 11.1. An employee’s salary will be paid fortnightly by electronic funds transfer directly into a financial institution account nominated by the employee, and acceptable to the PBO.
- 11.2. The employee's fortnightly salary will be calculated by applying the following formula:

$$\frac{\text{Annual salary} \times 12}{313}$$

12. SUPERANNUATION

- 12.1. The PBO will make compulsory employer contributions as required by the applicable legislation and fund requirements.
- 12.2. The default superannuation scheme for new employees will be the Public Sector Superannuation accumulation plan (PSSap). However, the PBO recognises choice of superannuation fund.

- 12.3. Employer contributions to the PSSap will be 15.4% of the employee's fortnightly contribution salary. Employer contributions for employees in other accumulation schemes will be at the same rate as for employees in PSSap. This subclause 12.3 does not apply where a superannuation fund cannot accept employer superannuation contributions.
- 12.4. Employer superannuation contributions will not be paid on behalf of employees during periods of unpaid leave that do not count as service, unless otherwise prescribed by legislation.
- 12.5. The Parliamentary Budget Officer may choose to limit superannuation choice to complying superannuation funds that allow employee and employer contributions to be paid through fortnightly electronic funds transfer.

13. SALARY PACKAGING

- 13.1. Employees may elect to sacrifice salary for other benefits ('salary packaging') in accordance with the relevant PBO policy.
- 13.2. All costs, including any fringe benefits tax and administrative costs, incurred as a result of the salary packaging arrangement will be met by the employee.
- 13.3. Where an employee takes up the option of salary packaging, the employee's salary for purposes of superannuation, severance and termination payments will be determined as if the salary packaging arrangement had not been in place.

14. TAXES

- 14.1. The PBO may deduct or withhold from the employee's salary, an amount equal to any fringe benefits tax or other tax payable, or required to be withheld, by the PBO (other than payroll tax) on any component of the employee's remuneration.

15. PERFORMANCE-BASED SALARY ADVANCEMENT

- 15.1. Performance-based salary advancement will be applied from 1 July in each year.
- 15.2. An employee is eligible to receive performance-based salary advancement in accordance with this clause 15 if:
 - a the employee has performed duties at or above their classification level for an aggregate period of at least 3 months during the preceding performance cycle (this includes any acting periods, if the employee was promoted during the performance cycle)
 - b the employee has completed all mandatory training courses (e-learning and face-to-face training) during the performance cycle
 - c for managers, appraisals are completed and documented for all employees they manage, eligible under the relevant PBO policy, and
 - d the employee's performance at their classification level has been assessed as 'effective' in accordance with clause 21 and the relevant PBO policy.
- 15.3. An eligible employee will receive performance-based salary advancement at the employee's classification level in accordance with the relevant PBO policy.

- 15.4. An employee who is acting on higher duties for a continuous period of 3 months or more at the time of the end of the performance cycle will be assessed at both their substantive and higher level in accordance with the relevant PBO policy.
- 15.5. Unless otherwise determined by the Parliamentary Budget Officer, any performance-based salary advancement under this clause will not result in an employee's salary exceeding the maximum salary for the employee's classification level. Approval of the Parliamentary Budget Officer is required for an employee's salary to be advanced above the maximum salary for the employee's classification to a level within the zone of discretion.

16. TEMPORARY PERFORMANCE ALLOWANCE

- 16.1. Where an employee is required to temporarily undertake duties at a higher classification level for a continuous period of four weeks or longer, the employee will be paid a temporary performance allowance equal to the difference between the employee's ongoing salary and the minimum salary rate for the higher classification.
- 16.2. An employee will continue to receive a temporary performance allowance on public holidays and during periods of paid leave not exceeding five working days, if the employee would have continued to perform the temporary higher duties had they been at work.
- 16.3. The temporary performance allowance will be paid subject to relevant PBO policy.

17. TEMPORARY HIGHER DUTIES AT SES LEVEL

- 17.1. Where an employee undertakes temporary duties at the SES level, the terms and conditions of his or her employment, including salary, will be determined by the Parliamentary Budget Officer

PART C—Other terms and conditions of employment

18. DUTIES

18.1. Employees will perform, with due care and diligence, the duties assigned to them from time to time by the Parliamentary Budget Officer.

19. OBLIGATIONS

19.1. Employees will:

- a observe, and encourage others to observe, the Parliamentary Service Values and the Parliamentary Service Code of Conduct set out in the *Parliamentary Service Act 1999* and PBO procedures and policies as varied from time to time
- b support the PBO's organisational objectives
- c not disclose sensitive material or information to unauthorised persons, and
- d be aware of, and implement, PBO policies, guidelines and procedures.

20. WORKING HOURS

20.1. Working hours

The standard hours for a full-time employee will be 38 hours per week. Employees will be expected to work reasonable additional hours as necessary.

20.2. Bandwidth of hours

Employees will perform their standard hours of duty during the bandwidth of 7.00am to 7.00pm, Monday to Friday, and will be available for duty at other times (including outside the bandwidth) as reasonably necessary to achieve agreed outcomes or as required by workload.

20.3. Flex time arrangements for Parliamentary Service Level (PSL) employees

- a An employee at the PSL 6 classification or below may accrue flex time where there is suitable work available to be performed outside of the employee's standard hours, as agreed with the employee's immediate manager. An employee may be directed not to accrue flex time where there is no suitable work available.
- b An employee will not accrue flex time in respect of hours of work for which the employee has been paid overtime.
- c An employee's supervisor will grant flex leave where operational requirements allow and in accordance with the needs and preferences of the employee, subject to an employee receiving prior approval.
- d There will be a settlement period of four weeks. A full-time employee may carry over:
 - i a maximum of 38 hours flex credit per settlement period, and
 - ii a maximum of 10 hours flex debit per settlement period.
- e Employees and their direct supervisors have a joint responsibility to take positive steps to reduce excessive flex credits and flex debits.
- f Where an employee has a flex debit in excess of 10 hours at the end of a settlement period, the Parliamentary Budget Officer may reduce any debit over 10 hours by applying miscellaneous leave without pay (not to count as service) to the flex debit.

- g Access to the flex time arrangements may be withdrawn in circumstances where a supervisor reasonably considers that:
 - i an employee's attendance is unsatisfactory, or
 - ii an employee is misusing the arrangements.
- h Where access to flex time arrangements is withdrawn, the employee will revert to standard hours, which will be determined by the manager, after giving reasonable notice to the employee, within the bandwidth of hours.
- i Access to flex time arrangements may be restored once the manager is satisfied that the employee's attendance is satisfactory.

20.4. Overtime arrangements for PSL employees

- a An employee at the PSL 6 classification or below may be requested or directed to work a period of overtime to meet the PBO's operational requirements. In requesting or directing an employee to work overtime, the PBO will take into account the personal circumstances of the employee. An employee may refuse overtime for caring or personal reasons.
- b An employee at the PSL 6 classification level or below will be paid overtime where the employee is requested or directed to work outside of the bandwidth and the employee works those hours.
- c Overtime rates are:
 - i Monday to Saturday: time and one half
 - ii Sunday: double time
 - iii Public holidays: double time and one half.
- d Employees may opt to accrue flex time in lieu of overtime payments. The flex time to be accrued will be calculated by multiplying the number of hours' overtime worked by the relevant factor specified in subclause 20.4(c).
- e An employee who works overtime between two periods of ordinary duty will have a minimum break of at least ten hours before returning to duty. Where the employee is directed to return to duty without having a ten hour break, the employee will be paid at double time rates until such time as the employee has had a ten hour break.

20.5. Flexible work arrangements for Parliamentary Executive Level (PEL) employees

- a PEL employees recognise that their pattern of work will be dictated by workloads and client needs and agree to be available at all such times as are reasonably necessary for the performance of their duties and the efficient and effective operation of the PBO.
- b The level of remuneration provided to PEL employees reflects an expectation that the employees will be required to work reasonable additional hours as required, and compensates the employees for all hours worked.
- c Where a PEL employee's supervisor considers that the employee has worked significant additional hours, the supervisor may grant the employee access to time off in lieu (TOIL). Access to TOIL will be in accordance with the relevant PBO policy, and subject to operational requirements, including the needs and preferences of the affected employee and other employees.

20.6. Other mechanisms to support flexible work arrangements

- a Employees may, with the agreement of (and subject to any terms imposed by) the Parliamentary Budget Officer or delegate, access regular part-time work or home-based work on either a regular or temporary basis. If an employee works part-time, remuneration, leave accruals and other benefits will be calculated on a pro-rata basis.
- b If an employee has 12 months' continuous service, and is a parent of, or has responsibility for the care of, a child under school age, or a child under 18 years who has a disability, the employee may request flexible working arrangements, including part-time hours, in accordance with section 65 of the *Fair Work Act 2009*.
- c A request under paragraph (b) must be made in writing, and must detail the changes sought and the reasons for the change. A request made under paragraph (b) must only be refused on reasonable business grounds. The Parliamentary Budget Officer will make a decision in respect of a request under paragraph (b) within 21 days of the request being made. The decision will be in writing.

21. PERFORMANCE

Performance cycle

- 21.1. The performance cycle for all employees will run from 1 July each year to 30 June in the following year.
- 21.2. Individual planning discussions between employees and their direct managers, including documentation of any specific agreed outputs, should be undertaken in accordance with the relevant PBO policy.
- 21.3. An employee's performance will be regularly reviewed. Following the end of each performance cycle, the employee and their supervisor will discuss the employee's performance and the supervisor will rate the employee's overall performance in accordance with the relevant PBO policy.
- 21.4. Performance-based salary advancement will apply in accordance with clause 15 of this Schedule.

Underperformance

- 21.5. Where the Parliamentary Budget Officer notifies an employee that he or she is not meeting the performance expectations, the employee will be required to participate in a performance management process. A performance management process may be initiated at any time. Underperformance will be managed in accordance with the relevant PBO policy.

22. LEAVE

22.1. Annual leave

- a Full-time employees will accrue four weeks' annual leave per year in accordance with applicable legislation and PBO policy. Annual leave will accrue progressively and will be credited fortnightly.
- b An employee will take annual leave at a time or times mutually convenient to the PBO and the employee.
- c Employees are encouraged to use their full annual leave accrual each year.
- d If, during a period of annual leave, an employee would be entitled to take paid personal/carer's leave under subclause 22.2 for a period of one day or longer, the employee may apply to take paid personal/carer's leave for that period and have his or her annual leave re-credited, subject to providing satisfactory evidence.

22.2. Annual leave at half pay

- a Access to annual leave at half pay will be in accordance with the relevant PBO policy. Employees with a balance of less than 45 days, may request to take up to 15 days annual leave at half pay each calendar year in accordance with the relevant PBO policy. To avoid doubt, a part-time arrangement does not extend the period of annual leave that can be taken at half pay.
- b In most circumstances, annual leave taken at half-pay will still incur other costs at full pay rates (e.g. superannuation) and should be considered on a case-by-case basis. If a public holiday falls within a period of annual leave taken at half pay, the public holiday will be paid at full pay.

22.3. Personal/carer's leave

- a Ongoing employees will accrue and be credited with 15 days' paid personal/carer's leave upon engagement and from the first anniversary of the employee's engagement, the employee will accrue further paid personal/carer's leave progressively at the rate of 15 days per annum. Paid personal/carer's leave will be credited fortnightly.
- b An ongoing employee who joins the PBO and elects to have prior service recognised for personal leave purposes under subclause 22.13 will not be credited with additional personal/carer's leave upon engagement under subclause 22.2(a).
- c Non-ongoing employees engaged for a specified term or for the duration of a specified task less than 12 months will accrue paid personal/carer's leave progressively at the rate of 15 days per annum. Paid personal/carer's leave will be credited fortnightly.
- d Non-ongoing employees engaged for a specified term or for the duration of a specified task greater than twelve months will accrue and be credited with 15 days paid personal/carer's leave upon engagement and accrue further leave progressively in accordance with subclause 22.2(a).
- e Accrued but untaken personal/carer's leave is not payable when an employee's employment ends.
- f Employees are entitled to unpaid carer's leave in accordance with the *Fair Work Act 2009*.

22.4. Long service leave

- a Employees are entitled to long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.
- b The minimum period of long service leave that will be granted is seven calendar days at full pay.
- c Long service leave is not to be broken by other forms of leave unless required by legislation.

22.5. Purchased leave

- a Subject to approval by the Parliamentary Budget Officer and in accordance with the relevant PBO policy, employees may elect to purchase additional leave at any time and the election will remain in force for one year, except in exceptional circumstances.
- b The maximum amount of purchased leave which can be purchased in any year is four weeks. The minimum amount of purchased leave which may be taken is one week.
- c Once an election has been made, an employee's salary payments will be averaged over an agreed period (a maximum of 12 months) to ensure a standard payment is received each fortnight.

- d The purchase of additional leave will not affect other forms of leave entitlement or an employee's continuity of service.

22.6. Maternity leave

- a Pregnant employees are eligible for 52 weeks' unpaid maternity leave in accordance with the *Maternity Leave (Commonwealth Employees) Act 1973*.
- b Employees may be eligible for up to 12 weeks' paid maternity leave in accordance with the *Maternity Leave (Commonwealth Employees) Act 1973*. An employee eligible to receive paid maternity leave may elect to have the payment for that leave spread over a maximum period of 24 weeks at a rate of half normal salary. When payment is spread over a longer period, a maximum of 12 weeks will count as service.
- c Where an employee is eligible for paid maternity leave under the *Maternity Leave (Commonwealth Employees) Act 1973*, the employee will be granted a further two weeks' paid maternity leave. The employee may take all or part of the period of paid maternity leave at half pay.

22.7. Adoption/fostering leave

- a If an employee has 12 months' continuous service with the Commonwealth and will be the primary caregiver to an adopted child or a fostered child under a long-term fostering arrangement, the employee will be granted 14 weeks' paid adoption/foster leave on production of documentary evidence of the placement of the child. The employee may take all or part of the period of paid adoption/foster leave at half pay.
- b To be eligible for adoption/foster leave, the adopted/fostered child must not be a child or stepchild of the employee or the employee's partner unless that child had not been in the custody and care of the employee or the employee's partner for a significant period.

22.8. Supporting partner leave

- a If an employee has 12 months' continuous service with the Commonwealth and the employee's domestic partner or spouse gives birth to, adopts a child, or assumes responsibility for a foster child under a long-term fostering arrangement, the employee will be granted four weeks' paid supporting partner leave. The employee may take all or part of the period of paid supporting partner leave at half pay.
- b Paid supporting partner's leave must be taken within the six-month period following the birth, adoption or fostering of the child.

22.9. Parental leave

- a Employees may take unpaid parental leave in accordance with the *Fair Work Act 2009*.
- b Nothing in this Schedule affects an employee's entitlement to paid or unpaid leave (however described) under Commonwealth legislation, including the *Fair Work Act 2009* or the *Paid Parental Leave Act 2010*.

22.10. Return to work following parental leave

- a On ending parental or maternity leave, an employee is entitled to return to:
 - i the employee's pre-parental/maternity leave duties, or
 - ii if those duties no longer exist – an available position for which the employee is qualified and suited at the same classification and pay as applied pre-parental/maternity leave. Where this is not practical, other duties will be sought, with the redeployment, reduction and redundancy provisions applying to any placement.
- b For the purposes of this subclause 22.9, duties mean those performed:

- i if the employee was moved to safe duties because of the pregnancy – immediately before the move, or
- ii if the employee began working part-time because of the pregnancy – immediately before the part-time employment began, or
- iii otherwise – immediately before the employee commenced maternity or parental leave.

22.11. Defence Reserve Leave

- a An employee will be granted leave to enable the employee to fulfil Australian Defence Force (ADF) Reserve or Continuous Full Time Service (CFTS) obligations.
Note: The entitlement to leave for Reserve Service is prescribed under the *Defence Reserve Service (Protection) Act 2001*.
- b An employee is entitled to Defence Reserve leave with pay, for up to four weeks during each financial year for the purpose of fulfilling service in the ADF Reserve. These purposes include training and operational duty as required.
- c During the employee's first year of ADF Reserve service, a further two weeks' paid leave may be granted to facilitate participation in additional ADF Reserve training, including induction requirements.
- d With the exception of the additional two weeks in the first year of service, leave can be accumulated and taken over a period of two years, to enable the employee to undertake training as a member of the ADF Reserves.
- e Employees are not required to pay their tax free ADF Reserve salary to the PBO in any circumstances.
- f Defence Reserve leave counts as service for all purposes, except for unpaid leave to undertake CFTS. Unpaid leave for the purpose of CFTS counts for all purposes except annual leave.
- g Apart from the entitlement to paid leave provided for in subclauses b and c above, Defence Reserve leave will be without pay.
- h Eligible employees may also apply for annual leave, long service leave, leave without pay, leave with top-up pay or they may use flex time or make up time for the purpose of fulfilling ADF Reserve, or CFTS obligations.
- i Employees are to notify supervisors at the earliest opportunity once the dates for ADF Reserve or CFTS activities are known and/or changed.

22.12. Family and domestic violence leave

- a Under the *Fair Work Act 2009* and in accordance with the relevant PBO policies, employees are entitled to take five (5) days of unpaid family and domestic violence leave per year if the employee is experiencing family and domestic violence and the employee needs to do something to deal with the impact of that violence during working hours.
- b The PBO may require the employee to provide documentary evidence in support of this leave. Such evidence, and the taking of this form of leave, will be treated as sensitively and confidentially as possible.

22.13. Other leave

- a The Parliamentary Budget Officer may, at the Parliamentary Budget Officer's discretion, grant an employee paid or unpaid miscellaneous leave in accordance with PBO policy.
- b Employees may be eligible for other paid or unpaid leave (such as compassionate leave, jury leave or community service leave) in accordance with applicable legislation and PBO policy.

22.14. Recall to duty

Where an employee who is absent on approved leave is recalled to duty, the Parliamentary Budget Officer will authorise reimbursement to the employee of reasonable travel, accommodation and incidental expenses not otherwise recoverable under any insurance or from any other source.

22.15. Portability of leave

Where an employee joins the PBO from an employer staffed under the *Public Service Act 1999* or the *Parliamentary Service Act 1999*, another Commonwealth agency or the ACT Government Service, the employee's unused accrued annual leave and personal/carer's leave (however described) will be recognised, provided there is no break in continuity of service.

22.16. Public holidays

- a Employees will be entitled to absent themselves from work on the following public holidays:
 - i New Year's Day (1 January)
 - ii Australia Day (26 January)
 - iii Good Friday
 - iv Easter Monday
 - v Anzac Day (25 April)
 - vi Queen's Birthday holiday (on the day on which it is observed in a State or Territory or a region of a State or Territory)
 - vii Christmas Day (25 December)
 - viii Boxing Day (26 December)
 - ix any other day, or part-day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part-day, or a kind of day or part-day, that is excluded by the *Fair Work Regulations 2009* from counting as a public holiday.
- b If under a state or territory law, a day or part day is substituted for one of the public holidays listed above, then the substituted day or part day is the public holiday.
- c The Parliamentary Budget Officer and an employee may agree on the substitution of a day or part day that would otherwise be a public holiday, having regard to operational requirements.
- d An employee, who is absent on a day or part-day that is a public holiday in the place where the employee is based for work purposes, is entitled to be paid for the part or full-day absence as if that day or part-day was not a public holiday, except where that person would not normally have worked on that day.
- e Where a public holiday falls during a period when an employee is absent on leave (other than paid annual or paid personal/carer's leave) there is no entitlement to receive payment as a public holiday. Payment for that day would be in accordance with the entitlement for that form of leave (for example, if an employee is on long service leave on half pay, payment is on half pay).

22.17. Christmas closedown

- a Subject to clause 22.15(b), employees will be entitled to absent themselves from work (without loss of pay) on the ordinary working days between Christmas Day and New Year's Day.

- b The Parliamentary Budget Officer may direct an employee to attend for work on a working day between Christmas Day and New Year's Day and will permit the employee to absent themselves from work (without loss of pay) on another day.

22.18. Unauthorised Absences

Where an employee is absent from work without authorisation, the absence will not count as service for any purpose, and will not attract payment of salary.

22.19. Service

Unless otherwise provided in this Schedule, PBO policy or guidelines, or legislation:

- a periods of paid leave count as service for all purposes
- b periods of leave at half pay count as service for all purposes, and
- c periods of unpaid leave in excess of 30 days in any 12-month period do not count as service for any purpose.

23. TRAVEL

23.1. Employees are required to undertake all official travel in accordance with PBO instructions, policies and guidelines, as they apply from time to time.

23.2. The PBO's policy and guidelines set out the general conditions relating to official travel.

24. OTHER PAYMENTS

24.1. General

The Parliamentary Budget Officer may, from time to time, approve other payments to an employee for a purpose that the Parliamentary Budget Officer considers to be necessary to the operational requirements of the PBO.

24.2. Loss of or damage to personal items

The Parliamentary Budget Officer may approve reimbursement to an employee of a reasonable amount to repair or replace clothing and/or personal effects where loss or damage occurs in the course of the employee's duties.

24.3. Relocation assistance

The Parliamentary Budget Officer may approve reimbursement of reasonable relocation costs to an employee who relocates from one locality to another as a result of:

- a engagement by the PBO
- b promotion to a higher classification level, or
- c reassignment of duties or engagement determined by the Parliamentary Budget Officer to be in the interests of the PBO (including redeployment of an excess employee).

The PBO's policy and guidelines set out the general conditions relating to relocation assistance.

25. INTRODUCTION OF PAID PARKING

If a system of paid parking is introduced in the vicinity of Parliament House such that the provision to an employee of free parking is a fringe benefit for the purposes of *Fringe Benefits Tax Assessment Act 1986*, the PBO will pay any fringe benefits tax that arises as a result of the provision of that parking to the employee.

PART D—Separation

26. TERMINATION OF EMPLOYMENT

- 26.1. The Parliamentary Budget Officer may terminate an employee's employment in accordance with the *Parliamentary Service Act 1999*.
- 26.2. The Parliamentary Budget Officer will provide notice of termination of employment, or payment in lieu of notice, equal to the minimum notice periods specified in the *Fair Work Act 2009*.
- 26.3. Nothing in this Schedule prevents the Parliamentary Budget Officer from terminating an employee's employment without notice or payment in lieu of notice for serious misconduct in accordance with the *Fair Work Act 2009*, subject to the PBO procedures for determining whether an employee has breached the Parliamentary Service Code of Conduct.
- 26.4. The sole rights and remedies in respect of termination of employment are those outlined:
- a under the *Fair Work Act 2009* (as amended or replaced from time to time)
 - b under other Commonwealth laws (including the Constitution), and
 - c at common law.

27. RESIGNATION

- 27.1. An employee may resign or retire from employment by giving four weeks' notice in writing to the Parliamentary Budget Officer. The Parliamentary Budget Officer may determine that a shorter period of notice is to apply in exceptional circumstances.

28. RETENTION, REDEPLOYMENT AND REDUNDANCY**28.1. Excess employees—coverage**

The following redeployment, reduction and retrenchment provisions will apply to ongoing employees who are not on probation.

28.2. Consultation

- a Where the Parliamentary Budget Officer considers there is likely to be a need to identify employees as excess, the Parliamentary Budget Officer will, as soon as practicable, advise affected employees in writing of:
 - i actions that might be taken to reduce the likelihood of the employees becoming excess
 - ii redeployment opportunities for the employees within the PBO or another Parliamentary Department
 - iii the possibility of retrenchment with the payment of a redundancy benefit.
- b The Parliamentary Budget Officer will consult with the affected employees and their appointed representatives (if any) in respect of the matters set out in subclause 28.2 for a period of four weeks or such shorter period agreed in writing with an employee.

Note: Where 15 or more employees are likely to become excess, the Parliamentary Budget Officer is required to comply with the relevant provisions of Division 2 of Part 3–6 of the *Fair Work Act 2009* (requirement to notify Centrelink and relevant employee associations).

28.3. Consideration by excess employees

- a Where the Parliamentary Budget Officer decides an employee is excess to the PBO's requirements, the Parliamentary Budget Officer will:
 - i advise the employee in writing of the decision and may invite the employee to elect for voluntary retrenchment with the payment of a redundancy benefit
 - ii ensure the employee is provided, as soon as is practicable, with information on the entitlements they would be eligible to receive if they accept voluntary retrenchment, including superannuation options and taxation treatment of entitlements, and
 - iii reimburse the employee up to \$400 for expenses incurred in seeking financial advice.
- b Where the Parliamentary Budget Officer invites an excess employee to elect for voluntary retrenchment with a redundancy benefit, the employee will have up to four weeks in which to notify the Parliamentary Budget Officer of his or her decision (consideration period). Where the employee elects for voluntary retrenchment, the Parliamentary Budget Officer may decide to retrench the employee but will not give notice of termination before the end of the consideration period without the agreement of the employee.
- c The consideration period can be reduced by agreement between the employee and the Parliamentary Budget Officer. Where the period is reduced the employee will, on termination, be paid the unexpired period of the consideration period in addition to any other payments (including payment in lieu of notice of termination of employment).
- d Only one invitation to elect for retrenchment with the payment of a redundancy benefit will be made to an excess employee.

28.4. Redundancy benefit

- a An employee who elects for voluntary retrenchment with a redundancy benefit and whose employment is terminated by the Parliamentary Budget Officer under section 29 of the *Parliamentary Service Act 1999* on the grounds that the employee is excess to the requirements of the PBO, is entitled to payment of a redundancy benefit of an amount equal to two weeks' salary for each completed year of continuous service, plus a pro-rata payment for completed months of service since the last completed year of service, subject to any minimum amount the employee is entitled to under the National Employment Standards (NES).
- b The minimum sum payable will be four weeks' salary and the maximum will be 48 weeks' salary.
- c The redundancy benefit will be calculated on a pro-rata basis for any period where an employee has worked part-time hours during his or her period of service and the employee has less than 24 years full-time service, subject to any minimum amount the employee is entitled to under the NES.
- d Any redundancy benefit payable under this subclause 28.4 includes, and is not in addition to, any redundancy pay entitlement under the NES.

28.5. Notice of termination

- a Where the employment of an excess employee is to be terminated under section 29 of the *Parliamentary Service Act 1999* on grounds that the employee is excess to the requirements of the PBO, the Parliamentary Budget Officer will give written notice of termination of four weeks (or five weeks for an employee over 45 with at least five years of continuous service).

- b Where an employee's employment is terminated at the beginning of, or within, the notice period, the employee will receive payment in lieu of notice for the unexpired portion of the notice period.

28.6. Involuntary retrenchment

- a In accordance with section 29 of the *Parliamentary Service Act 1999*, the Parliamentary Budget Officer may involuntarily terminate the employment of an excess employee.
- b Where an excess employee's employment is involuntarily terminated, the employee will be:
 - i given notice of termination of employment in accordance with subclause 28.5 (or payment in lieu of all or part of the notice period), and
 - ii paid redundancy pay in accordance with the NES.
- c An excess employee's employment will not be involuntarily terminated if the employee has not been invited to elect for voluntary retrenchment with the payment of a redundancy benefit or has elected for voluntary retrenchment but the Parliamentary Budget Officer has refused to approve it.

28.7. Definitions

a **Excess employee**

An employee is an excess employee if:

- i the employee is included in a class of employees employed in the PBO, which class comprises a greater number of employees than is necessary for the efficient and economical working of the PBO
- ii the services of the employee cannot be effectively used because of technological or other changes in the work methods of the PBO or changes in the nature, extent or organisation of the functions of the PBO, or
- iii the duties usually performed by the employee are to be performed at a different locality, the employee is not willing to perform duties at the locality and the Parliamentary Budget Officer has determined that the provisions of this clause apply to that employee.

b **Service for redundancy pay purposes**

The following types of service are counted in the calculation of service for the purposes of a redundancy benefit:

- i service in the PBO or another Parliamentary Department
- ii service in an APS agency
- iii Government service as defined in section 10 of the *Long Service Leave (Commonwealth Employees) Act 1976*
- iv service with the Commonwealth, which is recognised for long service leave purposes, other than service with a Joint Commonwealth-State body or body corporate in which the Commonwealth does not have a controlling interest
- v service with the Australian Defence Forces.

For earlier periods of service to count there must be no breaks between the periods of service, except where the break in service is less than four weeks and occurs where an offer of employment with the new employer was made and accepted by the employee before ceasing employment with the preceding employer.

Any period of service which ceased by way of:

- i any of the grounds for termination specified in section 29 of the *Parliamentary Service Act 1999*
- ii on a ground equivalent to any of these grounds
- iii through voluntary retirement at or above the minimum retiring age applicable to the employee
- iv with the payment of a redundancy benefit or similar payment or an employer-financed retirement benefit,

will not count as service for redundancy pay purposes.

Absences from work that do not count as service for long service leave purposes will not count as service for redundancy pay purposes.

c Rate of payment for redundancy benefit

For the purposes of calculating any payment for a redundancy benefit, salary will include:

- i the employee's salary at the employee's substantive classification level,
- ii where the employee has been performing duties at a higher classification level for a continuous period of at least 12 months immediately preceding the date on which the employee is given notice of termination of employment, temporary performance allowance, and
- iii other allowances in the nature of salary which are paid during periods of annual leave and on a regular basis, excluding allowances which are a reimbursement for expenses incurred, or a payment for disabilities associated with the performance of duty.

ATTACHMENT 1—Salary ranges

| | 01.12.2021 | 01.12.2022 |
|----------------------|-----------------------|-----------------------|
| PSL4.1 | 72,405 | 73,854 |
| PSL4.2 | 73,914 | 75,393 |
| PSL4.3 | 75,423 | 76,932 |
| PSL4.4 | 76,931 | 78,470 |
| PSL4.5 | 78,440 | 80,009 |
| PSL5.1 | 80,853 | 82,471 |
| PSL5.2 | 82,422 | 84,071 |
| PSL5.3 | 83,991 | 85,671 |
| PSL5.4 | 85,559 | 87,271 |
| <i>PSL5.5</i> | <i>88,697</i> | <i>90,471</i> |
| PSL6.1 | 92,920 | 94,779 |
| PSL6.2 | 94,831 | 96,728 |
| PSL6.3 | 96,741 | 98,676 |
| <i>PSL6.4</i> | <i>100,562</i> | <i>102,574</i> |
| <i>PSL6.5</i> | <i>104,383</i> | <i>106,471</i> |
| PEL1.1 | 117,055 | 119,397 |
| PEL1.2 | 119,396 | 121,785 |
| PEL1.3 | 121,784 | 124,221 |
| PEL1.4 | 124,220 | 126,705 |
| <i>PEL1.5</i> | <i>129,687</i> | <i>132,282</i> |
| <i>PEL1.6</i> | <i>135,155</i> | <i>137,859</i> |
| PEL2.1 | 138,775 | 141,551 |
| PEL2.2 | 141,551 | 144,382 |
| PEL2.3 | 144,382 | 147,270 |
| PEL2.4 | 147,269 | 150,215 |
| <i>PEL2.5</i> | <i>153,286</i> | <i>156,352</i> |
| <i>PEL2.6</i> | <i>159,303</i> | <i>162,490</i> |
| <i>PEL2.7</i> | <i>165,320</i> | <i>168,627</i> |

Note: Figures in italics and shaded pink fall within the zone of discretion.