

PERSONNEL

RANK STRUCTURE

Policy

1 Introduction

Fire and Rescue NSW is made up of several functional groups which are classified under two principal categories:

- Operational Personnel, and
- Administration, Technical and Trades Staff

2 Rank

The primary organisational structure within the operational personnel is that of rank. The holding of rank creates the lawful authority given to a firefighter to command others who hold a lower rank.

3 Fire and Rescue NSW ranks

[Clause 7\(1\)](#) of the *Fire Brigades Regulation 2008* allows the Commissioner to establish such ranks of firefighters as the Commissioner considers appropriate. The rank structure of Fire and Rescue NSW is:

Rank	Abbreviation
Permanent Firefighters	
Commissioner	Com
Deputy Commissioner	DCom
Assistant Commissioner	ACom
Chief Superintendent	CSupt
Superintendent	Supt
Inspector	Insp
Station Officer	SO
Leading Firefighter	LF
Senior Firefighter	SF
Qualified Firefighter	QF
Firefighter Level 2	FL2
Firefighter Level 1	FL1
Recruit	RecF
Retained Firefighters	
Captain	Capt
Deputy Captain	DCapt
Retained Firefighter	RetF

Note: a temporary rank of Firefighter Level 3 is in place until the March 2006 amendment to Clause 13 of the *Crown Employees (NSW Fire Brigades Firefighting Staff) Award 2005* is fully implemented.

4 Officer ranks

[Clause 7\(2\)](#) of the *Fire Brigades Regulation 2008* allows the Commissioner to establish officer ranks:

Fire and Rescue NSW officer ranks are:

Permanent Firefighters

Commissioner
Deputy Commissioner
Assistant Commissioner
Chief Superintendent
Superintendent
Inspector
Station Officer

Retained Firefighters

Captain
Deputy Captain

5 Officer in charge

For the purposes of determining who is the officer in charge at a place where a fire brigade is present, [Section 3\(1\)](#) of the *Fire Brigades Act 1989*, provides that the *officer in charge, in relation to a place at which a fire brigade is present, means the Commissioner or, if the Commissioner is absent:*

- a. *the person for the time being in charge of any members of a permanent fire brigade present at that place; or*
- b. *if no members of a permanent fire brigade are present, the person for the time being in charge of any members of a volunteer fire brigade present at that place.*

Note: See also the policy on [Command structure at incidents](#) on page 60, which clarifies the duties and authorities conferred by the *Fire Brigades Act 1989* for command and control at incidents and the legal powers of officers in charge to delegate their authority.

6 Operational support

Operational support positions do not affect the Fire and Rescue NSW rank and command structure.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3293

File Reference: CHO/08540

In Orders 2007/4, with amendments

Honorary Captains and Deputy Captains

1. Where a Brigade has only one appliance and has a change of staffing to include a Station Officer working the standard roster, the firefighters then occupying the positions of Captain and Deputy Captain may retain the titles of Honorary Captain and Honorary Deputy Captain, respectively.
2. It should be noted that the positions are honorary and do not carry authority, ie the duties are those of a retained firefighter. Although the monthly retainer will continue to be paid at the Captain or Deputy Captain rate, payment for attendance at incidents, drills and other authorised duties will be at the rate payable to a retained firefighter, from time to time.
3. The uniform insignia of Captain or Deputy Captain shall be worn on the dress uniform only.
4. The title within the Brigade will cease to exist when the person holding honorary rank leaves the service.

Contact Officer: Director Metropolitan Operations

File Reference: CHO/02469

In Orders 2002/16

See also [Captains and Deputy Captains in fire stations where the standard roster operates and the station has two or more appliances](#) on page 262

ORGANISATION STRUCTURE

Information about the organisation structure is available on the [Intranet](#).

ESTABLISHMENT

Procedures for the creation and evaluation of an Operational Support position

In accordance with legislative authority and in view of the terms of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008* (the Award) the Commissioner approves the creation of Operational Support positions and the appointment of staff to them.

This procedure also applies where it is sought to have an existing operational position evaluated as a Operational Support position or where it is sought to re-evaluate an existing Operational Support position.

The administrative procedures necessary to create and fill such positions are detailed below.

Procedure

1. The relevant Executive Leadership Team member is responsible for ensuring that a submission is prepared that clearly identifies the need for a Operational Support position to be created and include in that submission, as a minimum:
 - a. the reasons why such a position is required
 - b. the anticipated level of the position, consequent cost and how the position will be funded
 - c. a draft position description
 - d. an organisation chart that clearly shows the position in an accurate context, and
 - e. details of anyone who is currently performing the duties of the proposed position.

2. The relevant Executive Leadership Team member is to then forward the submission to the Director Finance/Director Human Resources for their concurrence.
3. Should concurrence be given then the submission will be forwarded through the Assistant Director Operational Personnel to the Human Resource Manager Alexandria to arrange an evaluation by a panel consisting of two Departmental and two FBEU representatives. Other arrangements may be made if the Department and FBEU agree.
4. Prior to any submission being drafted the Convenor will discuss the outcome of the evaluation with the relevant Executive Leadership Team member.
5. The results of the evaluation should be clearly set down in a submission that includes the following:
 - a. the membership of the evaluation panel;
 - b. the specific allocated factors of the evaluation including the overall outcome;
 - c. reference to the recommendations made in the submission referred to in (1) above; and
 - d. any other issue of relevance such as that referred to in (4) above.
6.
 - a. The submission should then be forwarded through the Assistant Director Operational Personnel to the Commissioner for approval of the position and any appointment to that position. The date of approval will be regarded as the date that the position is created and the date of appointment shall be no earlier than that date. Where there is no permanent incumbent then merit selection will apply in accordance with the Award.
 - b. Persons who undertook Operational Support type functions and were not attached to a fire station (including a communications centre) prior to the implementation of Operational Support on 24 February 2000, are not subject to the provisions of 6(a).
7. Any approval of recommendations will then be returned to the Assistant Director Operational Personnel to arrange the necessary administrative action such as publishing any appointment in In Orders or making any amendments to the human resource system including payroll adjustments.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/07233

In Orders 2003/14, with amendments

Variations to staffing of retained brigades

1 Policy

The retained firefighter establishment is designed to effectively meet the community's fire protection needs and to enable retained brigades to provide a reliable response to incidents in their fire districts.

The establishment may be varied only in exceptional circumstances. Only the Commissioner, the Deputy Commissioner, the Director Metropolitan Operations and the Director Regional Operations can approve variations to the authorised establishment number.

A retained firefighter establishment list, showing the maximum number of retained firefighters approved for each Brigade, is maintained by the Director Human Resources and is available on the [Intranet](#).

2 Application

This policy applies to all personnel involved in the appointment of retained firefighters.

3 Background

[Section 69](#) of the *Fire Brigades Act 1989* states:

The Commissioner may appoint such persons as may be necessary to provide the members of fire brigades for the purposes of the Act.

It is important to manage closely the establishment numbers of retained brigades because of the financial impact of increased numbers on both Fire and Rescue NSW and local Councils. For this reason, the authority to:

- vary the retained firefighter establishment in a brigade; and
- appoint supernumeraries to supplement the approved establishment

has been delegated to the Deputy Commissioner, the Director Metropolitan Operations and the Director Regional Operations under delegation 4.17 of the [Delegations manual](#).

4 Definitions

Establishment refers to the number of *positions* that is authorised by Fire and Rescue NSW, based on the need to provide and maintain an effective response to fires and emergencies. The establishment is used as the basis for funding each retained brigade.

Actual staffing number refers to the number of retained firefighters employed in a brigade at any time.

A *supernumerary* is an *employee* who is employed over and above the number of positions authorised.

Any authorised *position* is part of the *establishment*. Any employee who is held in excess of that establishment is *supernumerary*. *Supernumerary* refers to an *employee*, not to a *position*.

5 Establishment standards

Establishment standards for retained brigades are based on the number of firefighters required to crew the appliances allocated to the brigade plus allowance for factors such as leave, availability of staff and relieving components.

For the primary appliance at the station the standard is:

- the minimum crew required for the appliance, plus
- an availability component of another minimum crew, plus
- a relieving component of 50% of the above.

For each additional appliance allocated to the brigade the standard is:

- the minimum crew required for the appliance, plus
- a relieving component of 50% of the minimum crew.

There is no additional availability component for additional appliances, as the availability component for the primary appliance is sufficient to cover the additional appliances.

The positions of Captain and Deputy Captain are included in these crew numbers.

Table 1: Examples of standard establishments for primary appliances

Appliance	Minimum crew	Availability component	Relieving component	Standard establishment
Pump	4	4	4	12
Water tanker	2	2	2	6
Composite	4	4	4	12

Table 2: Examples of standard establishments for additional appliances

Appliance	Minimum Crew	Relieving component	Standard establishment
Second pump	4	2	6
Water tanker	2	1	3
Composite	2	1	3
Hazmat and rescue support vehicles	2	1	3

Applying these calculations results in the following typical examples of standard establishments:

Table 3: Examples of standard establishments

Appliances allocated	Standard establishment
Pump and water tanker	15 = (12 + 3)
Pump and rescue support vehicle	15 = (12 + 3)
Pump and composite	15 = (12 + 3)
Two pumps and a hazmat support vehicle	21 = (12 + 6 + 3)

6 Mixed crew stations

Where retained firefighters are used to cover times when permanent firefighters are not on duty, the retained establishment is calculated as for a fully retained station, as they will be required to crew all the appliances at the station during those times.

For example, where permanent firefighters crew a pump during the day, and retained firefighters crew it at night, the retained establishment is 12. If the retained firefighters were also used to crew a water tanker at any time, the retained establishment would be 15.

If retained firefighters are not required to crew all the appliances available when the permanent firefighters are not on duty, the retained establishment is limited to only those appliances they are required to crew.

When retained firefighters are used to crew appliances additional to appliances crewed by permanent firefighters, the retained establishment is based on the crews required only for those appliances, with one appliance crewed by retained firefighters designated as their primary appliance and the others treated as additional appliances.

For example, where permanent firefighters crew a pump on the 10/14 roster, and retained firefighters crew a water tanker, the standard retained establishment is 6.

Approved numbers are maintained in the Establishment List permanently displayed on the [Intranet](#). The establishment of any brigade is shown in the Establishment column. The Director Metropolitan Operations and the Director Regional Operations are required to advise the Executive Leadership Team each month of any adjustments.

7 Variations to establishment

Only the Commissioner, the Deputy Commissioner, the Director Metropolitan Operations and the Director Regional Operations may approve variations to the establishment (ie, the number of positions authorised).

A submission to any of these officers recommending an increase or decrease in establishment must show justification for the variation of staffing resources in the brigade and must show evidence of Council support for the variation. Proposed increases which have special implications or significant funding issues must be referred to the Commissioner.

All variations to authorised establishment numbers, either increase or decrease, must be reported in writing by the Directors to the Director Human Resources to enable the [Retained Firefighter Authorised Establishment List on the Intranet](#) and in the Human Resources Information System to be varied accordingly. The Director Human Resources will report variations to the Executive Leadership Team for its confirmation.

8 Approval to appoint supernumeraries above establishment

Only the Commissioner, the Deputy Commissioner, the Director Metropolitan Operations and the Director Regional Operations may approve the employment of supernumerary retained firefighters above establishment.

A supernumerary appointment may be approved where an increase in the actual number of staff is required to address an emergency situation or a temporary shortfall in resources, or to accommodate the transfer of a retained firefighter. The number of supernumeraries must not exceed two per brigade, except in exceptional circumstances which must be detailed in a report. Where supernumeraries have been approved the staffing situation is to be reviewed every 6 months.

A retained firefighter appointed to meet a temporary increase may be retained on strength as a supernumerary (ie above the number of establishment positions) until a vacancy arises, at which time the supernumerary is automatically appointed to the establishment position.

Where a retained firefighter wishes to transfer to another brigade and there is no vacancy in the brigade to which the person wishes to transfer, the terms and conditions of the transfer procedure for [Retained Firefighter transfers](#) on page 291 apply. In these circumstances, the brigade may be permitted to operate with a maximum of two supernumeraries until establishment positions fall vacant, at which time the

approval for supernumeraries is withdrawn. Approval to appoint one or two supernumeraries is not to be taken as an approval to increase the establishment.

Contact Officers: Director Metropolitan Operations or Director Regional Operations

File Reference: CHO/00986

In Orders 2000/16, with amendments

Captains and Deputy Captains in fire stations where the standard roster operates and the station has two or more appliances

This instruction does not affect the policy on [*Honorary Captains and Deputy Captains*](#) on page 257.

Fire and Rescue NSW has investigated the need for and approved the appointment of a Captain and a Deputy Captain at mixed crew fire stations where the standard roster operates and the station has two or more appliances.

At fire stations that meet the criteria for appointment of a Captain and a Deputy Captain, the Zone Commander is responsible for ensuring the positions are established. Position descriptions are available from the Human Resources Manager.

Contact Officer: Director Metropolitan Operations, (02) 9265 2701

File Reference: CHO/00572

In Orders 2004/24, with amendments

STAFFING

Trial of new attendance requirements for Retained Firefighters

The Retained Service Delivery Working Group (Retained Working Group), a joint working party comprising representatives from Fire and Rescue NSW and the FBEU, has been examining aspects of the *Crown Employees (NSW Fire Brigades Retained Firefighting Staff) Award 2008*.

The Retained Working Group has reviewed Clause 28, *Attendance requirements at incidents and drills*, of the Award. Specifically, the Retained Working Group has investigated reforms to sub-clauses 28.1.1.1 and 28.1.1.2 of the Award and determined that there should no longer be differentiation between day and shift workers.

Accordingly, it has been agreed between Fire and Rescue NSW and the FBEU that from 1 July 2010 until 17 June 2011 a trial will take place with regard to new attendance requirements for Retained Firefighters.

The trial will encompass the following:

- **Attendance at incidents:** All Retained Employees are required to attend a minimum of 32% of all calls received by the employee's brigade in any six month period.
- **Attendance at drills:** All Retained Employees are required to attend a minimum of 75% of regular drills conducted at their brigade in any six month period. (This requirement has not changed).

The BART Electronic Database has been upgraded to automatically provide individual Retained Firefighters, Station Commanders and Zone Management with attendance percentages for incidents and drills.

Retained Firefighters who are currently subject to attendance monitoring will continue in the process with the new attendance percentage requirements to apply from 1 July 2010.

Documentation including pro-forma letters for monitoring and remedial programs pursuant to sub-clause 28.3 of the Award is available from Zone Offices.

Contact Officer: Director Regional Operations, (02) 9265 2702

File Reference: NFB/03506

In Orders 2010/14, with amendments

Retained firefighter response coverage and crewing levels

This instruction results from a decision of a Full Bench of the Industrial Relations Commission.

1 Background

It is important for Fire and Rescue NSW to ensure arrival of the first appliance at an emergency scene as soon as possible. Some fire districts with more than one fire station may have increased response coverage. This can be valuable in providing a surge capacity during major incidents and on days of Extreme fire danger. However, supplementing crewing through overtime and other means at all times at a small number of identified retained fire stations listed in Section 4 below, and on Bravo pumpers, is considered unnecessary in terms of day-to-day response coverage and risk management.

2 Staffing policy

It is the duty of the Station Commander of a brigade to ensure that sufficient retained staff will be available at all times to ensure that a safe and effective minimum crew of four firefighters will respond to calls.

Where it is known that four retained firefighters from the station are available to answer a call then the pumper may respond upon achieving a minimum crew of two. However, stations responding in this way must not engage in offensive firefighting operations at a structure fire or hazmat incident, or commit personnel in SCBA, before at least four firefighters have arrived on scene.

3 Stations always requiring crew supplementation

Retained brigades that are not listed in Section 4 must maintain a safe and effective minimum crew of four firefighters for the station pumper at all times. Ancillary appliances such as water tankers (other than rescue or hazmat tankers, which must have a minimum crew of two available at all times) and additional pumpers at the station may be staffed if sufficient firefighters are available. However it is not necessary to staff such retained ancillary appliances at all times, subject to a risk assessment being undertaken.

Where insufficient staff are available, the following actions will be taken provided that the use of firefighters from other stations does not compromise safe and effective minimum staffing at those other stations:

- a. The officer in charge will immediately advise the ComCen, Duty Commander and Zone Commander, so that alternative response arrangements can be made while steps (b) to (g) below are taken to restore safe and effective minimum crewing levels at the station.
- b. The officer in charge will notify all retained firefighters attached to the station to advise of the staffing deficiency in an attempt to manage the situation locally.
- c. In the event that sufficient retained staff cannot be raised through step (b), the Duty Commander or Zone Commander will identify whether surplus retained firefighters from an adjoining station, or retained firefighters from other Brigades working in the station area, are able and willing to respond with that station.

- d. In the event that sufficient retained staff cannot be raised through step (c), the Duty Commander or Zone Commander will direct any surplus on-duty permanent staff at nearby stations to work at the station on out-duty or stand by.
- e. In the event that sufficient permanent staff cannot be raised through step (d), the Duty Commander or Zone Commander will identify the potential to move-up a retained Bravo appliance and crew from another fire station.
- f. In the event that a risk assessment precludes the use of a move-up through step (e), the Duty Commander or Zone Commander will arrange for the recall of off-duty permanent staff attached to base stations within 60 kilometres of the station in question.
- g. In the event that sufficient permanent staff cannot be raised through step (f), the Duty Commander or Zone Commander will arrange for surplus retained firefighters from another station or stations to stand-by at that station.

Retained firefighters who agree to respond with another brigade at step (c) will not be disadvantaged for doing so. In the event that a firefighter's own brigade attends more calls than the alternative brigade, then the firefighter will be recognised (both in terms of pay and attendances) as having responded with their own brigade.

4 Stations not requiring crew supplementation (subject to risk assessment)

Retained brigades in the identified locations where unavailability will not affect response times in the fire district (refer to list) will not automatically require crew supplementation except when a Total Fire Ban has been declared, there is a major incident in progress at which their station may be required, or other operational reasons determined by the Area Commander.

Should retained firefighter availability drop below four at stations listed in the schedule below, the ComCen is to be notified and, while appliances will be taken off-line temporarily until full crewing from within the station complement is again available, pagers will continue to be activated. Retained firefighters who respond to the station in response to a call when insufficient crew is available must not take the appliance, but may attend the incident to assist other attending brigades in their private vehicles.

Statewide

All Bravo pumpers

Sydney

48 Mortdale
79 Ingleburn
66 Rhodes
72 Merrylands
83 Riverstone

Newcastle/Central Coast

231 Boolaroo
252 Carrington
357 Lambton
376 Merewether
404 New Lambton
484 Wallsend
460 The Entrance

Illawarra

210 Balgownie
258 Coledale
269 Corrimal
461 Thirroul

Lower Hunter

202 Abermain *
220 Bellbird
344 Kearsley
349 Kurri Kurri *
382 Morpeth
455 Telarah
497 Weston *

Note: A safe and effective minimum crew of four firefighters must be maintained at no less than one of the three stations marked with an asterix (*) at all times.

Other areas

361 Leura
514 Tweed River
284 Delroy
206 Albury North
209 Albury Civic
480 Wagga Wagga
239 Broken Hill South
508 West Tamworth
105 Kelso
307 South Grafton
364 Lithgow West

Note: Adjoining fire stations, or a Bravo pumper and fire station in the same fire district, must not be taken off line at the same time.

Contact Officer: Director Metropolitan Operations, (02) 9265 2701

File Reference: CHO/09370 and NFB/03050

In Orders 2008/22, with amendments

Staffing of water tankers

1 Background

Water tankers are positioned at strategic locations throughout NSW as secondary response appliances, primarily to assist pumpers to deal with bush and grass fires. Water tankers complement urban pumpers with capabilities including additional water-carrying capacity, off-road capability, and specialised bushfire fighting equipment.

This instruction results from a decision of a Full Bench of the Industrial Relations Commission.

2 Staffing policy

The minimum authorised crewing level for water tankers, including rescue and hazmat tankers, is two firefighters.

Water tankers permanently attached to fire stations are ordinarily crewed by retained firefighters. During major bushfires or Total Fire Bans, reserve fleet tankers may be staffed by permanent firefighters.

When sufficient crewing is available, water tankers can also be used to respond in support of (but not in lieu of) pumpers to incidents other than bush or grass fires.

3 Minimum crewing for water tankers

A safe and effective minimum crew of two must be maintained at all times for designated rescue and hazmat tankers.

The Zone Commander must also ensure that minimum water tanker crewing is maintained whenever:

- a. a Total Fire Ban is declared for the area in which the tanker is located,
- b. a major bushfire is burning within or adjoining the station area,
- c. in areas where there are no back up stations, the station's pumper and crew are deployed at a protracted (two hours or more) or distant incident, or
- d. required by the Area Commander on the basis of a local risk assessment.

4 Filling retained firefighter shortages for water tanker staffing

In any situation where insufficient staff are available to crew a water tanker and a crew is required as indicated in 3 (a) to (d) above, the following process must be followed:

- a. The Station Commander must immediately notify the ComCen, Duty Commander and Zone Commander, so that alternative response arrangements can be made while steps (b) to (f) below are taken.
- b. The Station Commander must try to achieve a minimum crew by notifying all retained firefighters attached to the station of the need to crew the tanker.
- c. If sufficient retained staff cannot be raised through step (b), the Duty Commander or Zone Commander will identify whether there are surplus retained firefighters from an adjoining brigade, or retained firefighters from other brigades working in the station area who are suitably qualified, able and willing to respond with that brigade.

- d. If sufficient retained staff cannot be raised through step (c), the Duty Commander or Zone Commander will direct any surplus and suitably qualified on-duty permanent staff at nearby stations to work at the station on out-duty or stand by.
- e. If sufficient permanent staff cannot be raised through step (d), the Duty Commander or Zone Commander will arrange for the recall of suitably qualified off-duty permanent staff attached to base stations within 60 kilometres of the station in question.
- f. If sufficient permanent staff cannot be raised through step (e), the Duty Commander or Zone Commander will arrange for surplus and suitably qualified retained firefighters from another brigade or brigades to stand-by at that station.

Retained firefighters who agree to respond with another brigade at step (c) will not be disadvantaged for doing so. If the firefighter's own brigade attends more calls than the other brigade, the firefighter will be deemed in terms of both pay and attendances to have responded with their own brigade.

When retained firefighter shortages do lead to the use of other retained firefighters on stand-by, or permanent firefighters on recall, then safe and effective minimum water tanker staffing will usually need only be maintained during daylight hours, and such firefighters will generally not be deployed until 1200 hours or later depending on local conditions.

Immediately sufficient retained staff become available, staff engaged as detailed in steps (e) and (f) above are to be dismissed, and any out-duty personnel returned to their base station.

Contact Officer: Director Metropolitan Operations, (02) 9265 2701

File Reference: CHO/09370 and NFB/03049

In Orders 2008/20

RECRUITMENT

Retained firefighters

Station Commanders involved in the recruitment of retained firefighters are to use the revised Retained Firefighter Application Form and Medical Form. All other similar application forms are to be disregarded. Application forms and medical forms are available from Zone Commanders.

The attention of Station Commanders involved in the recruitment of retained firefighters is directed to the fact that Fire and Rescue NSW is an equal employment opportunity employer. This means that vacancies for retained firefighters are open to applications from all sectors of the community by way of advertisement. In other words, a person's sex, pregnancy, race, disability, marital status, age, transgender status, sexual preference or responsibilities as a carer shall not affect the handling of an inquiry regarding joining a Volunteer Brigade, or an application to join a Volunteer Brigade.

A person's suitability for employment in a Volunteer Brigade is based on meeting the selection criteria to join the Volunteer Brigades.

The interview of a prospective retained firefighter should be conducted in a manner that satisfies two basic criteria:

1. the purpose of the interview is to determine whether the applicant meets the entry standards established for Volunteer Brigades. All questions asked should relate to the applicant's ability to perform the duties of a retained firefighter;
2. the nature of the questions asked should not provide grounds for an applicant to think that there is the possibility of employment discrimination. Questions on marital status and questions such as 'What does your husband think about you becoming a retained firefighter?' or questions on childcare should not be asked. Interviews should avoid questions that reflect stereotypes about women, Aborigines or people from ethnic backgrounds.

The questions asked of applicants should be job related only.

Station Commanders have a responsibility to familiarise themselves with the EEO Policy (see [page 286](#)) and [EEO and Diversity Management Plan](#) in this regard.

For further information, contact your Human Resources Manager.

In Orders 1991/34, as amended by In Orders 1993/21, with amendments

Residential qualification

The residential qualification for employment as a retained firefighter is a maximum distance of 3 kilometres from the fire station.

In Orders 1981/12, with amendments

Medical examination

Fire and Rescue NSW will reimburse applicants up to \$85 depending on the actual cost of a medical examination which is necessary in accordance with [Clause 10\(2\)](#) of the *Fire Brigades Regulation 2008*. A miscellaneous voucher for the amount as well as evidence of cost is to be submitted with the file on the application for appointment as a Retained Firefighter.

In Orders 1997/20, with amendments

For more information on retained firefighter recruitment, see the [Retained recruitment tool kit](#).

Selection criteria for job vacancies

In accordance with the Department of Premier and Cabinet Circular 2008-02, [Removal of common selection criteria](#), Fire and Rescue NSW will no longer include a requirement that job applicants address Common Selection Criteria in vacancy notices.

The NSW Government is committed to cultural diversity, equal employment opportunity (EEO), ethical practice and occupational health and safety (OHS). Fire and Rescue NSW will continue to promote these principles to prospective job applicants and to staff responsible for recruitment and induction by:

1. Ensuring that all job offer letters contain the sentence: 'In accepting this position you agree to support core NSW public sector values of cultural diversity, equity and ethical practice, and a healthy, safe and fair workplace.' This provides all new employees with a short value statement that underpins their employment.
2. Ensuring that all new employees receive an appropriate induction on the principles of cultural diversity, EEO, ethical practice and OHS, and that all employees receive refresher training particularly in areas that are closely aligned to their responsibilities.

Where knowledge of any of the former Common Selection Criteria is directly relevant to a position, this should now form part of the selection criteria.

Contact Officer: Manager Recruitment, (02) 9265 2940

File Reference: NFB/00062, NFB/00318 and NFB/00254 *In Orders 2008/7, with amendments*

Policy on giving personal references

1 Background

Fire and Rescue NSW employees are often asked to provide personal references for other employees or for people with whom they are associated.

Employers usually ask people to provide the names and contact details of referees in job applications. People may also want a character reference if they are going to court or for other purposes.

An employee may agree to act as someone's referee in accordance with the following policy.

2 Verbal references

You may give someone a verbal reference in your capacity as a representative of Fire and Rescue NSW. In this capacity, the information you provide must always be factual and related to your dealings with the person in the course of your Fire and Rescue NSW duties.

3 Written references

You may not give a written reference as a representative of Fire and Rescue NSW. You may give a written reference as a private individual. In other words, you may not give a written reference on Fire and Rescue NSW letterhead, signed off as an employee of Fire and Rescue NSW.

If you personally wish to do so, you may give someone a written personal reference, in your capacity as a private individual. You must not use Fire and Rescue NSW letterhead for this purpose.

Note: Fire and Rescue NSW does not require written references from job applicants. Applicants are only asked to provide the names and contact details of referees. Reference checks are normally conducted by telephone.

4 Statement of employment

If someone needs a document proving that they are working or have worked for Fire and Rescue NSW, they may obtain a *Statement of employment* from their Human Resources Manager.

Contact Officer: Manager Recruitment, (02) 9265 2940

File Reference: CHO/09373

In Orders 2006/27, with amendments

Skill hire policy

Purpose

The purpose of this policy is to ensure that Fire and Rescue NSW has a consistent and ethical approach to the management of skill hire personnel engaged through an agency and that this approach maximises value for money in the delivery of services.

Policy statement

Fire and Rescue NSW supports the hire of skill hire personnel from agencies as a short term option when the staff resources required do not exist or cannot be released from within Fire and Rescue NSW. Skill hire personnel are to be used for a defined need and for a specified time frame.

Skill hire personnel must be engaged through the [Contingent Workforce State Contract \(c100\)](#). If, however, none of these agencies can supply, for example, the specialist skills required, the Director Human Resources' approval and an exemption through NSW Procurement are required before any skill hire services are purchased outside the scope of c100.

Skill hire engagements are short term and are not to exceed two years (inclusive of all extensions) other than in exceptional circumstances. Any extensions beyond two years must be approved by the Director Human Resources.

Application

This policy applies to all skill hire personnel engaged by Fire and Rescue NSW through an agency.

This policy does not cover:

- engagement of contractors covered by the [Engagement of Contractors Policy](#)
- engagement of consultants covered by the [Engagement of Consultants Policy](#)
- the use of agencies to employ permanent staff
- temporary employees engaged under [Section 27](#) of the *Public Sector Employment and Management Act*.

Definitions/Key Terms

Term	Definition
Skill hire personnel	Temporary personnel employed by or contracted by a skill hire provider and provided to Fire and Rescue NSW under a Skill Hire Agreement. Skill hire personnel are not employed by Fire and Rescue NSW. As such skill hire personnel have no entitlement to Fire and Rescue NSW conditions of employment. Their conditions are bound by their agreement with the skill hire provider.
Agency	A skill hire personnel provider which is a legal entity contracted to Fire and Rescue NSW to provide skill hire personnel eg a labour hire, recruitment, or employment organisation on the c100 contract.
Skill Hire Request for Services Form	The Fire and Rescue NSW document under which Fire and Rescue NSW indicates what it requires an agency to provide in relation to the engagement of skill hire personnel.
Agency Terms and Conditions	Following negotiation and agreement with the Agency this document, usually prepared by the Agency, becomes the contractual arrangement between the Agency and Fire and Rescue NSW for the engagement of skill hire personnel.
Skill Hire Engagement Form	The Fire and Rescue NSW document which outlines the agreement between the skill hire personnel and Fire and Rescue NSW.

Responsibilities

Title	Responsibilities
Director	Approve skill hire engagements in accordance with Fire and Rescue NSW policy.
Director Human Resources	Endorse all non c100 engagements and refer to NSW Procurement for approval.
	Approve all extensions over two years.
Line Manager	Seek advice from Human Resources Manager when considering the engagement of skill hire personnel.
	Work with the Human Resources Manager to ensure that skill hire engagement conforms to policy.
	Ensure that skill hire personnel are properly inducted.
	Ensure that skill hire personnel are managed in accordance with Fire and Rescue NSW policies.
	Ensure that skill hire personnel have the resources necessary to successfully complete the requirements of their engagement.
Human Resources Manager	Assist Directors and their managers with the engagement of skill hire personnel ensuring that all documentation is completed correctly and all actions are in accordance with policy.
	Liaise with agencies on behalf of the Fire and Rescue NSW line manager.
	Maintain the directorate's Skill Hire File.
Skill Hire Personnel	Sign the Skill Hire Engagement Form and comply with all its terms and conditions.
	Participate in the Fire and Rescue NSW Induction process.
	Comply with Fire and Rescue NSW's Code of Conduct , related policies and OHS requirements.
	Submit timesheets as required.
	Undertake the duties for which they are engaged.
Employee Services	Process the Establish/Extend/Terminate Skill Hire Form to initiate access to the network and applications.
	Process the extension and termination of engagement of skill hire personnel.

Identifying the need to engage skill hire personnel

Generally positions should be filled substantively. When, however, a manager needs to:

- replace personnel for short periods, or
- obtain personnel with particular skills that are not available within Fire and Rescue NSW, or
- cover unexpected vacancies, or
- obtain personnel to work on projects, or
- meet the need for extra personnel during busy periods, or
- cover unexpected increases in workloads

it may be appropriate to engage skill hire personnel through an agency. Human Resources Managers can provide advice on the appropriate options for a given set of circumstances.

Managers must prepare a submission outlining the reasons for engaging skill hire personnel and submit it to their Director for approval. Human Resources Managers are to liaise with the agency on behalf of the business to source appropriate personnel.

Maximum duration of temporary personnel engagements

As skill hire engagements are intended to cover short term periods only, the total period of time any one or more skill hire personnel can be engaged undertaking the same position or work (inclusive of extensions), is two years.

Cost of skill hire engagements

Skill hire engagements are costly as they cover the agency's overheads, statutory on costs and profit margins. It is important, therefore, to keep engagements to a minimum and that the Approving Officer is aware of the total cost of the engagement when deciding whether to use skill hire personnel or not.

Selection of skill hire providers

Agencies must be from c100 and must be contracted for the provision of the specific work category. Not all agencies are covered for all work categories. This link provides details of the c100 contract: <http://www.nswbuy.com.au/Recruitment---Services.aspx>. Any sourcing of an Agency outside the c100 panel must be referred to the Director Human Resources.

Fire and Rescue NSW skill hire request for services form

This form provides a clear and detailed description of Fire and Rescue NSW requirements. This includes details of the role and its responsibilities, the specific requirements for qualifications and reference checking. It will also include the terms and conditions of the engagement including hours to be worked per day and per week, whether the skill hire personnel are required to work outside the normal span of hours of permanent staff and rate of payment for such hours and whether the skill hire personnel will be required to travel away from their headquarters and how any travel and accommodation costs will be paid.

Selection process

One of the approved agencies can be contacted and resumés requested from a few of their best candidates. This approach is appropriate for standard assignments. Another approach is to contact more than one agency. This may be necessary for more specialised assignments or if there is a shortage of suitable candidates in the market place.

Selection must reflect:

- **Ethical** practices that demonstrate integrity, impartiality, professional conduct, clear accountabilities, and confidentiality
- **Fair** practices that are free from discrimination, that value and deliver diversity in the workplace, that are transparent and provide a clear audit trail, and
- **Effective** practices that support business needs, provide timely and quality outcomes, and value for money.

The candidate who is judged most likely to be the best performer of the duties should be engaged. The selection is based on an assessment of the relevant abilities, qualifications, experience, standard of work performance and personal qualities of the candidates. While it may not always be appropriate to interview candidates for a vacancy, eg very short term engagements, all selection decisions must be objective and based on the best evidence obtainable.

All selection decisions must be able to withstand scrutiny and be publicly defensible.

The Approving Officer must ensure that the selection decision is made by a manager who is impartial and objective in relation to the selection action. If it is found that a manager has failed to disclose a personal relationship, the matter may be a breach of the Fire and Rescue NSW [Code of Conduct](#).

Terms and conditions of the engagement

Once a suitable candidate has been identified the terms and conditions must be agreed and finalised with the Agency. All agreements must have an end date. This documentation should be provided by the Agency, signed by the Agency and Fire and Rescue NSW and a copy provided to the Human Resources Manager for filing on the directorate's Skill Hire File.

Commencing skill hire personnel

Once a decision has been made to engage skill hire personnel, the [Establish/Extend/Terminate Skill Hire Form](#) must be completed as soon as practicable and forwarded to Employee Services. The personal and employment details of the person selected from the Agency will then be entered into SAP. This enables Employee Services to grant standard network access, to track the length and cost of the engagement, and to meet central agency reporting requirements.

Skill hire personnel must complete the [Skill Hire Engagement Form](#) which outlines their responsibilities and Fire and Rescue NSW's expectations in relation to the engagement prior to commencement with Fire and Rescue NSW.

Induction

Induction of skill hire personnel to their Fire and Rescue NSW workplace is mandatory and must be conducted by the line manager using the [Skill Hire Induction Checklist](#). Where skill hire personnel are engaged for less than a week, the Human Resources Manager can provide advice on what actions from the checklist are mandatory. Should skill hire personnel be engaged for a period of three months or more

they must attend a session of the Fire and Rescue NSW Induction Program which is provided to permanent staff.

Code of conduct and occupational health and safety

The Fire and Rescue NSW [Code of Conduct](#) forms part of the terms and conditions of employment and is signed as part of the [Skill Hire Engagement Form](#). It is the responsibility of all managers to inform skill hire personnel of the Code, its related policies and the relevant Fire and Rescue NSW OHS policies and practices.

Delegations

Skill hire personnel have no delegated authority under the *Public Finance and Audit Act 1983* to commit funds on behalf of Fire and Rescue NSW, approve expenditure, or sign contracts on behalf of Fire and Rescue NSW. They must not be issued with a Fire and Rescue NSW Credit Card.

Skill hire personnel are not permitted to form part of a selection panel.

Skill hire personnel may, however, be engaged in supervisory positions and exercise administrative authority related to their position including allocation of work, granting of leave, and managing staff performance.

Payment

Agencies will provide skill hire personnel with an individual weekly timesheet to be authorised. Fire and Rescue NSW managers must ensure that skill hire personnel are paid the correct rates and that all invoices are paid by the due date. The invoice must be approved for payment according to the relevant delegation, and forwarded to Accounts Payable for payment.

Extensions

If an extension of the original engagement is required, the manager must ensure that funds are available and that approval is obtained from the Approving Officer. The manager must complete the extension section of the [Establish/Extend/Terminate Skill Hire Form](#) and forward it to Employee Services.

Any proposal to extend beyond two years requires the approval of the Director Human Resources.

Cessation of engagement

At the conclusion of an engagement or if for any reason the engagement is terminated before the agreed and approved cessation date, it is the manager's responsibility to complete the termination section of the [Establish Extend/Terminate Skill Hire Form](#) and forward it to Employee Services.

All Fire and Rescue NSW resources and equipment provided to skill hire personnel must be returned prior to departure from Fire and Rescue NSW.

Management of skill hire personnel

The line manager is responsible for the induction and monitoring of skill hire personnel for the period of the engagement. This includes ensuring that appropriate access to Fire and Rescue NSW's information systems is arranged; occupational health and safety requirements are met; work is completed to a satisfactory standard; weekly time sheets are filled in correctly and authorised for payment; invoices are settled; and all associated administrative requirements are met.

It is expected that skill hire personnel will have all of the skills necessary to carry out their duties with Fire and Rescue NSW. Training in Fire and Rescue NSW specific technologies or systems can be provided as necessary.

Where skill hire personnel are required to use Fire and Rescue NSW vehicles a current and valid driver's licence must be sighted.

Skill hire personnel held against salaried staff positions have no entitlement to the Award conditions of employment including allowances covering meals, travel and accommodation. Fire and Rescue NSW must ensure that the payment arrangements are clarified with the Agency at the time of contract negotiation.

Skill hire personnel must obtain approval from their Fire and Rescue NSW manager prior to incurring any travel, meal or accommodation costs.

Documentation

Proper record keeping of all decisions relating to the engagement of skill hire personnel must be observed. This includes completion of the:

- [Skill Hire Request for Services Form](#)
- [Skill Hire Engagement Form](#)
- [Establish/Extend/Terminate Skill Hire Form](#)
- [Skill Hire Induction Checklist](#)
- Agency Terms and Conditions Agreement

Associated documents

[Code of Conduct](#)
[Engagement of Contractors Policy](#)
[Engagement of Consultants Policy](#)
[Merit Selection Guide](#)

Further information

For more information on this policy contact your Human Resources Manager.

Contact Officer: Assistant Director Capability Development, (02) 9265 2871

File Reference: CHO/04602

In Orders 2009/19, with amendments

APPOINTMENTS

Guidelines for the allocation of unfilled Country Station Officer and Inspector positions

1. When a country vacancy occurs and is one which is not subject to a Transfer Register or alternatively cannot be filled through a Transfer Register, such position will be advertised in In Orders and all eligible Station Officers or Inspectors may apply. A selection based on merit will be made by a selection panel in accordance with Fire and Rescue NSW policy. Appointment to the position will be for a minimum of two years (except as otherwise provided for in this policy).
2. Where the position cannot be filled under point 1 because there are no applicants, or because no applicant is successful, the position will be offered to employees who have successfully completed a relevant Promotional Program but, due to the lack of a vacancy, have not been promoted. The employee will be selected on merit.
3. Where the position cannot be filled under point 2 because there are no applicants, or because no applicant is successful, the position will be offered to employees who are currently completing a relevant Promotional Program. The employee will be selected on merit and will be eligible to take up the vacant position on successful completion of the Promotional Program.
4. Where the position cannot be filled under point 3 because there are no applicants, or because no applicant is successful, the position will be offered to employees whose level of achievement in the entry test means they have gained a Promotional Program position, but are yet to commence the program. The employee will be selected on merit, undertake the next available Promotional Program, and take up the vacant position on successful completion of the program.
5. Subject to point 6, where the position cannot be filled under point 4 because there are no applicants, or because no applicant is successful, the position will be offered to employees who undertook the most recent relevant entry test but did not gain a position on the Promotional Program. The position will be offered to such employees by order of merit in the entry test, and so on down that merit list. The first employee who accepts the position will then undertake the next available Promotional Program and, upon successful completion of that program, will be provided with additional training and promoted to the new rank prior to taking up the country position.
6. Where the period between the occurrence of the country vacancy and the completion of the most recent relevant entry test exceeds 12 months, the position will be advertised as one of the positions available for the next entry test and filled in accordance with points 3, 4 and 5 above.
7. Where an employee gains a Promotional Program position under point 5 but does not successfully complete that program, the employee will not be appointed to the position and, in the case of a Leading Firefighter, will revert to their former rank. The employee will still be eligible to apply for the next or any subsequent Promotional Program's entry test.
8. Subject to 9 and 10, once appointed to the country vacancy, a minimum period of service of two years will apply from the time the employee takes up the position.
9. During the first 18 months of service, employees who are appointed in terms of:
 - a. 1 or 2 above cannot apply for a transfer but may apply for any advertised vacancy for which they are eligible.
 - b. 3, 4 and 5 above cannot apply for a transfer, any advertised vacancy or promotion.

When an employee becomes eligible to apply for a transfer (ie after 18 months) and does so, they will, in ordinary circumstances, be transferred within a period of six months from the date of such application or after two years service in the current position, whichever is the later.

10. Any application of this policy is subject to and in no way limits the provision of [clause 27 \(3\)](#) of the *Fire Brigades Regulation 2008*, which states:

A firefighter must serve wherever the firefighter is directed by the Commissioner.

In extreme unforeseen circumstances an employee may apply to the Commissioner for early release from the condition to serve a minimum of two years in the position. The Commissioner will assess such applications on a case by case basis. Where approved, the employee will be required to pay for all transfer and removal costs from the country to the greater Sydney area and, if appointed in accordance with point 5, to revert to their former rank as follows:

- a. in the case of Station Officers who were appointed from Senior Firefighter and promoted to Leading Firefighter in accordance with this policy, to the rank of Senior Firefighter; and
- b. in the case of Inspectors, to the rank of Station Officer.

Contact Officer: Manager Operational Personnel, (02) 9265 2869

File Reference: CHO/00130 and CHO/06906

In Orders 2006/2, with amendments

Service reports

Station Officers seeking transfer to, or who are directed to, serve at country fire stations are appointed for a minimum period of two years.

Continuance of service beyond two years is subject to a satisfactory biennial report by the Zone Commander who will provide information on the service of the Station Officer and their administration and operation of the Brigade which they command.

The first such service report in respect of each officer is to be submitted by the second anniversary of the date of appointment to the country station.

Officers with more than two years' service in the country who wish to relinquish their appointment will be transferred within six months of their submitting written request for a transfer.

Officers in the Newcastle, Wollongong and Broken Hill Fire Districts are excluded from the biennial service report. However, Zone Commanders remain responsible for the general supervision of Station Officers in these areas.

Notwithstanding the conditions of the country service outlined herein, [Clause 27 \(3\)](#) of the *Fire Brigades Regulation 2008* requires that a firefighter must serve wherever the firefighter is directed by the Commissioner.

In Orders 1988/16, with amendments

Procedures for appointments to Regional Communication Centres

The following procedures apply to appointments for Regional Communication Centres:

1. Firefighter or Station Officer vacancies which occur within Regional Communication Centres should be advertised concurrently for Stage 1 to Stage 3 applicants (subclauses 28.6.1.1 through 28.6.1.3 respectively). There should be no need to readvertise between these stages, however should the process progress beyond Stage 3 then subclauses 28.6.1.4 and 28.6.1.5 make it sufficiently clear that a new advertisement will be required for Stage 4 and, if necessary, once again at Stage 5.
2. To avoid doubt, the 'essential criteria' for all firefighter or Station Officer vacancies which occur within Regional Communication Centres should, for the purposes of subclause 28.6, be as follows:
 - Holding the minimum rank of, in the case of operator vacancies, Qualified Firefighter and, in the case of supervisor vacancies, Station Officer;
 - Processing satisfactory oral and written communication skills, including listening, comprehension and the ability to act quickly and decisively to accurately pass on information;
 - Having the ability to work in a team environment with limited supervision;
 - Having the ability to be trained on a computer-aided dispatch system and communication centre technology; and
 - Possessing satisfactory computer and keyboard skills.
3. The selection process should not progress from one Stage to the next unless none of the applicants meet the essential criteria, or there are fewer applicants who meet the essential criteria than there are vacancies. In the case of the latter situation, all of those applicants who do meet the essential criteria should be appointed to a vacancy before the process progresses to the next Stage in order to fill any remaining vacancies.
4. There should be no consideration of any subsequent Stage applications until all of the preceding Stage's applications have been assessed to finalisation.
5. While Stage 1, Stage 4 and Stage 5 applications may be ordered within each Stage on consideration of the standing of those applicants against both the essential and desirable criteria, the ordering of Stage 2 and Stage 3 applicants who meet the essential criteria should be determined solely:
 - a. in the case of Stage 2 applicants, by their position on the relevant Residential Transfer Register; and
 - b. in the case of Stage 3 applicants, by their position on the relevant General Transfer Register.
6. An applicant who the Department assesses as not having met the essential criteria should be notified promptly in writing of same and, upon written request by that unsuccessful applicant within 7 days of such notification, of the details of any specific criteria they were deemed not to have met, and the reasons why. The Department should allow at least 7 days from the time the unsuccessful applicant is so notified before any consideration is given to any subsequent Stage applicants.

7. Future advertisements should make it clear that:
 - a. Stage 1, Stage 2 and Stage 3 applications must all be submitted by the same deadline; and
 - b. While Stage 1, 4 and 5 applications should address both the essential and desirable criteria, Stage 2 and Stage 3 applications need address only the essential criteria.

Contact Officer: Senior Industrial Relations Officer, (02) 9265 2954

File Reference: NFB/00585

Commissioner's Orders 2011/17

Re-appointment to Fire and Rescue NSW

1. Re-appointment will be subject to a six months probationary period with the member being required to perform the full duties of the rank to which he/she is appointed.
2. At the conclusion of the probationary period, the Commissioner may:
 - a. confirm the appointment; or
 - b. extend the probationary period if considered necessary; or
 - c. cancel the appointment.
3. The member will be re-appointed to the rank below that held at the time of resignation, provided that the most senior rank for re-appointees will be Senior Firefighter. Seniority will be determined by the re-appointee being re-appointed to a position immediately following the most junior member in the designated rank.
4. Whilst there is no age limitation imposed on members who wish to re-join Fire and Rescue NSW, it will be necessary for the re-appointee to undergo a medical examination by the Brigades' Medical Officer.
5. The member will be required to undertake a re-introduction course to the Service if the Commissioner considers this necessary.

In Orders 1992/11, with amendments

Selection of Captains, Deputy Captains and Engine Keepers

Selection of Captains, Deputy Captains and Engine Keepers is to be made on the basis of merit. This policy is set out in the *Retained Firefighters Recruitment and Personnel Handbook*. Applicants are required to address specific selection criteria which are contained in the vacancy notice for each position.

Enquiries regarding selection processes can be made to Zone offices.

Contact Officers: Human Resources Managers

File Reference: CHO/02469

In Orders 1998/2, with amendments

Lateral transfers of staff employed under the Public Sector Management Act 1988

In providing a fair and equitable decision when filling vacant positions consideration may be given to the transfer of permanent members of staff. This policy explains the main issues to be considered when a transfer may be appropriate.

Section 26 of the *Public Sector Management Act 1988* (hereafter 'the Act') outlines the way in which merit is applied when filling vacant positions. This principle is of paramount importance when a permanent position needs to be filled. In that regard, the normal process for filling a vacant position on a permanent basis is that it will be advertised to attract suitable applicants to enable a competitive selection to occur. In adhering to this principle, nothing within it will affect the ability of FRNSW to temporarily fill a temporary vacancy by other means (such as calling for expressions of interest).

Transfer procedures

The above does not prohibit the transfer of an officer under section 50 of the Act where it is in the interests of FRNSW to direct their transfer from one permanent position to another. Additionally, such transfers may be initiated at the request of an officer provided the process outlined below is followed.

1 Transfers within a Directorate

A transfer within a Directorate may occur where the relevant Director determines that there is a need to transfer an officer from one position to another within their area of control.

In this instance, a submission that outlines the circumstances should be forwarded under their signature to the Assistant Director Employee Services with a recommendation on the desired action. The Assistant Director Employee Services will consider whether the circumstances and recommendation meet the necessary legislative requirements before making a decision on the matter. Once the decision is made then necessary administrative action will be arranged to effect that decision.

2 Transfers across Directorates

A transfer across Directorates may occur where the relevant Directors determine that there is a need to transfer an officer from one position to another across their areas of control.

In this instance, a submission that outlines the circumstances should be forwarded under the signatures of both relevant Directors to the Assistant Director Employee Services with a recommendation on the desired action. The Assistant Director Employee Services will consider whether the circumstances and recommendation meet the necessary legislative requirements before making a decision on the matter. Once the decision is made then necessary administrative action will be arranged to effect that decision.

3 Initiating a request for transfer

Should an officer desire a transfer from their existing position to another area within, or outside, FRNSW then they should prepare a written submission that details reasons for the request of transfer. An *Application for Employment/Transfer/ Promotion* that clearly states the location/s where the transfer is desired should be appended to the submission together with a resume that outlines skills and experience - this will assist in the identification of suitable positions.

These papers should be forwarded through the immediate supervisor to the relevant Business Manager who will then provide their comments and recommendations for consideration by the relevant Director. From this point the Director will take action in accordance with the procedures above before forwarding any recommendation to the Assistant Director Employee Services.

The above serves as a guide to the practice that should generally be followed for lateral transfers. Due to the need to provide consideration of the variety of issues that may arise, nothing in the above procedure shall limit the operation of section 50 of the Act.

Any enquiries regarding this issue may be directed to your Business Manager or the Assistant Director Employee Services.

Contact Officer: Manager Employee Services, (02) 9265 2954

File Reference: CHO/06118

In Orders 2001/16, with amendments

Retention of selection committee documents

The following instruction is based on the Department of Premier and Cabinet's [*Personnel Handbook*](#). References to sections of the *Personnel Handbook* are given at the end of the relevant paragraph in brackets.

1 Confidentiality

All information relating to applications and selection committee proceedings is strictly confidential.

The only circumstances under which any information about applicants may be divulged is when appellants in an appeal process need to ascertain the reasons for their non-selection and include these on the Notice of Appeal. Information about other candidates or other details are not to be divulged under these circumstances. (2 - 13.15.1)

All documents must be kept in a safe place. Documents to be destroyed must be shredded. Do not send reports or applications through the internal correspondence system. Confidential documents should be delivered by hand or by courier.

2 Creation of files

When a selection committee is convened, a temporary file should be created for the position to hold the selection committee's documentation. The convenor of the selection committee will hold this file until a decision is made. After the decision to appoint has been made the temporary file should be sent to one of the following officers, as appropriate:

- Manager Recruitment, Head Office
- Administration Manager, State Training College
- Human Resources Managers

for safe keeping. The administrative managers listed above are responsible for destroying files after 12 months or after appeals action has finished.

3 Retention of documents

3.1 Successful applicants

The application forms for successful applicants should be retained as follows:

3.1.1 Appointment of in-service applicants

For successful applicants from within Fire and Rescue NSW, the original application should be retained with the personal file. For those successful applicants from other government departments, the original applications should be placed on personal files obtained from the relevant departments and a copy should be retained on the temporary file. (2 - 16.7.1)

3.1.2 Appointment of external applicants

A copy of the successful applicant's application form, or list of successful applicants if more than one was appointed, should be placed on the temporary file. The original form is retained, with the entry on duty advice, on the new officer's personal file. (2 - 16.7.1)

3.2 Unsuccessful applicants

The application forms of unsuccessful applicants are to be retained for 12 months until any appeals action is finalised. They should be stored in a secure area to ensure their confidentiality during this period. (2 - 16.7.1)

The application forms should be placed on the temporary file with the selection committee's report.

Upon request, the original application form may be returned to an unsuccessful applicant from outside the public service. (2 - 16.7.1)

3.3 Selection committee members' notes

Members of the committee should take notes during the interview and/or other forms of assessment to assist in the accurate judgement of each candidate's performance against the selection criteria. These notes should be kept by each member for six months after the selection process in case an unsuccessful candidate appeals the decision and the committee is required to defend its recommendation. (2 - 13.9)

4 Return of documentation

If any applicant has provided the committee with documentary evidence of qualifications or experience, or any other material in applying for the position, these documents should be returned unless the applicant has indicated otherwise. (2-16.7.2)

5 Further information

For further information on the selection committee process, see the [Personnel Handbook](#), Chapter 2, *Recruitment, selection and appointment* or contact your Human Resources Manager or the Recruitment Section on (02) 9265 2899.

Contact Officer: Assistant Director Employee Relations, (02) 9265 2677

File Reference: CHO/03563, CHO/00986, CHO/01151, CHO/00673

In Orders 1999/21, with amendments

Handover of positions

A policy has been developed to provide a mechanism for appropriate and adequate briefing and training when one employee hands over a position to another. The handover may be permanent, following permanent relocation or separation, or it may be temporary, such as when an employee provides relief in a position during another employee's temporary absence.

In the interests of staff development, job satisfaction and organisational efficiency, FRNSW has developed the policy to ensure that the incoming employee has adequate information to perform efficiently in the position.

Because of slightly different requirements depending on whether the handover is for a permanent appointment or for a period of relief, two separate documents were prepared, albeit with a high degree of commonality: [Permanent handover of positions](#) and [Temporary handover of positions](#).

The policy applies to specialist operational positions and administrative and technical support positions. Both policy documents are available on the [Administration Policies page](#) of the intranet.

Contact Officer: Assistant Director Recruitment and Staffing, (02) 9265 2869

File Reference: CHO/05830

In Orders 2000/11, with amendments

EQUAL EMPLOYMENT OPPORTUNITY

Equal employment opportunity and diversity in Fire and Rescue NSW

Our commitment

Fire and Rescue NSW is committed to the principles of Equal Employment Opportunity (EEO) and workplace diversity. We aim to ensure that:

- our workplaces are free from all forms of discrimination,
- our workplace policies and practices are fair and equitable,
- all employees are valued and respected and have opportunities to achieve their full potential,
- employment opportunities are improved for those previously disadvantaged, and
- our workforce reflects the diversity of the community we serve.

Our practices

We aim to achieve fair and equitable practices in all areas of employment including:

- recruitment, selection and promotion practices which are open, competitive and based on merit,
- access for all employees to training and development,
- grievance handling procedures that are accessible and deal with workplace complaints promptly, fairly and confidentially,
- communication processes that give employees access to information and allow their views to be heard,
- management decisions that are fair and responsible,
- recognition and respect for the social and cultural backgrounds of all employees and members of the community, and
- inclusive workplaces free from all forms of discrimination and harassment.

EEO, diversity and you

For Fire and Rescue NSW to effectively implement the principles of EEO and workplace diversity, all employees must actively participate.

As a Fire and Rescue NSW employee, you can contribute on a day to day basis by:

- treating your colleagues and the diverse community you serve fairly and with respect,
- valuing the different contributions people can make to your team,
- making decisions genuinely based on fairness and merit,
- removing unfair and inappropriate barriers to workplace participation,

- meeting organisational needs through the effective implementation of flexible work practices, and
- preventing all forms of discrimination and harassment in the workplace.

More information

Our EEO programs are reflected in the *Equal Employment Opportunity and Diversity Management Plan 2005-2008*, which is available on our [Intranet](#). The EEO and Diversity Committee, which has management, staff and union representatives, oversees the effective implementation of the plan and aims to ensure that the principles of EEO and diversity are incorporated into our day to day business.

If you need more information about EEO, workplace diversity, discrimination or harassment, contact your supervisor, next line manager or human resources manager.

Contact Officer: Assistant Director Capability Development, (02) 9265 2639

File Reference: CHO/06878

In Orders 2002/16, with amendments

Equal Employment Opportunity Policy

Fire and Rescue NSW has a commitment to eliminate discrimination and promote equal employment opportunity.

The NSW [Anti-Discrimination Act 1977](#) rendered discrimination in employment on the grounds of race, sex, marital status, homosexuality, disability, age, transgender status or carer's responsibilities unlawful.

Equal Employment Opportunity is a management policy by which human resources management activities are carried out so as to ensure that for each vacancy, people with equal probability of success have equal probability of being appointed, or promoted to the vacancy. Any characteristic not related to job performance, such as a person's race, sex, marital status, homosexuality, disability or age, must not be allowed to impact on the selection process.

EEO refers to the right of each individual to be considered for a job for which that person is skilled and qualified.

It means that the best person for the job is employed. This increases the efficiency of Fire and Rescue NSW. The principle of recruitment and promotion on merit is fundamental to EEO.

The *Anti-Discrimination Act 1977* requires government agencies to prepare EEO Management Plans with specific goals. The NSW legislation does not require the achievement of quotas. Fire and Rescue NSW's [EEO and Diversity Management Plan](#) includes affirmative action strategies which are positive steps towards eradicating discrimination. Programs are designed to counteract the continuing impact of past discrimination on four target groups: women, Aboriginal people, people with a disability and people of non-English speaking background. The EEO and Diversity Management Plan has employment strategies on recruitment, selection procedures, training and staff development and conditions of service.

It is the Director of Employment Equity's responsibility to oversee the development and implementation of the EEO Management Plan.

Officers, managers and supervisors are responsible for ensuring that all staff under their control are aware of the Equal Employment Opportunity policy. Managers and supervisors are expected to support and facilitate EEO principles and implement the EEO and Diversity Management Plan. Supervisors must be aware of the specific career needs of individual employees when maintaining an efficient and productive work environment.

The contribution and co-operation of every staff member is essential to ensure equality of employment in the workplace.

Equal Employment Opportunity leads to greater job satisfaction and therefore promotes increased efficiency in the organisation.

The meaning of EEO

Equal Employment Opportunity is often confused with anti-discrimination issues. The anti-discrimination acts render it unlawful for any employer to discriminate on the ground of a person's sex, race, marital status, disability, homosexuality, age, transgender status or carer's responsibilities. Penalties will be attached to any violation of the acts.

On the other hand, Equal Employment Opportunity is a policy that all human resources activities are conducted so that all applicants are assessed only on their ability to do the job and are not discriminated against because of irrelevant factors like sex, race, marital status, disability, homosexuality or age. In other words, for each vacancy in the organisation each person has the right to be considered for a job or promotion for which one is skilled and qualified.

EEO is *not* necessarily about treating everyone equally. It is about treating people equally on their merit in recruitment and promotion decisions.

There is considerable evidence that four groups in our community:

- women,
- Aboriginal people,
- people with a disability and
- people of non-English speaking background

have been disadvantaged in employment in the past.

Affirmative action is the means used to take positive steps through legislation, reform and management programs so that demonstrable progress towards EEO can be achieved. It involves developing and implementing EEO programs for the four target groups.

Affirmative action programs are *not* designed to establish preferential treatment for women and minority group members.

The purpose of such programs is to identify and eliminate institutional barriers that women and minority groups encounter in employment. The promotion of EEO programs redresses these disadvantages so that the talents of all employees are fully recognised and used in accordance with the merit principle. This will result in the redistribution of people at all levels, so that the workforce becomes more diverse, reflecting the wider community.

Affirmative action strategies relating to target groups are outlined in our EEO and Diversity Management Plan for uniformed personnel and administrative, technical and trade personnel.

All staff members are encouraged to acquaint themselves with this information.

In Orders 1996/3, with amendments

SECONDARY EMPLOYMENT

Secondary or other employment policy

The Fire & Rescue NSW [Secondary or other employment policy](#) has been published on the [Administration Policies page](#) of the Intranet.

This policy applies to both permanent and retained firefighters and sets a strong foundation of ethical and professional behaviour if engaging in secondary or other employment activities outside FRNSW.

You must familiarise yourself with this policy and ensure that you comply with the conditions of the policy. You must complete the checklist if you are engaged in any form of secondary or other employment.

If you do not understand the policy or require further advice or information you should contact Workplace Standards, on 9265 2826 or email workplacestandards@fire.nsw.gov.au.

Contact Officer: Manager Workplace Standards, (02) 9265 3911

File Reference: FRN12/48

Commissioner's Orders 2012/27

Secondary employment policy - employees under the Public Sector Employment and Management Act

FRNSW has approved a secondary employment policy for all employees employed under the conditions of the *Public Sector Employment and Management Act*. Employees considering a second job are advised to read this policy first. This applies whether the secondary employment is full-time, part-time, temporary or casual.

Employees must carefully consider whether undertaking secondary employment may adversely affect the performance of their FRNSW duties and responsibilities or give rise to a conflict of interest.

The purpose of the policy is to ensure that:

- the integrity of FRNSW is maintained
- employees are available to perform their duties as required
- the health and welfare of employees is maintained
- risk management is applied by FRNSW and its employees to ensure that all employees are capable of providing a safe and effective service to the public and to themselves, and
- employees act in the public interest when they are faced with a conflict of interest or a situation which the general public could perceive to be in conflict with their official duties.

The policy conforms with the provisions of the Personnel Handbook and has been agreed to by the PSA.

The [Secondary employment policy](#) is published on the [Administration Policies page](#) of the Intranet.

Contact Officer: Manager Workplace Standards, (02) 9265 3911

File Reference: CH0/04073

In Orders 2001/4. with amendments

SENIORITY

Firefighters in charge of stations in the absence of Station Officer

In circumstances where a firefighter may be required to take charge of a station in the absence of the Station Officer, the responsibility will fall upon the most senior firefighter then on duty.

In Orders 1982/15

Relinquishment of seniority of retained firefighters

The following policy creates provision to allow any retained firefighter to make application and have his or her position in ranking within a Brigade reduced to the bottom of the seniority list within any Brigade.

1. Any application to revert down the seniority list shall be made in writing by the individual member, with the reasons for request stated.
2. The application will be forwarded through the Zone Commander, while the ultimate authority for any change in listing is the responsibility of the Director Metropolitan Operations or the Director Regional Operations.
3. The Zone Commander will interview the member concerned, the Captain and any other appropriate people to ensure that the member is not under any duress and the reasons given are bona fide and consistent with the application.
4. The Zone Commander will ensure that the reasons are not based on lack of appropriate training or the need for support and that the movement down the seniority list is the appropriate action.
5. Approved reductions in ranking shall only apply for that particular time, with any new appointments to the Brigade occupying the bottom positions. Thereafter, upon a member making his or her way back up to the higher positions, such member may re-apply for movement to the bottom of the listing.
6. A copy of the revised listing for a Brigade shall be placed on the station file and all records and station procedure will be amended accordingly.

In Orders 1994/20, with amendments

For seniority of Retained Firefighters after transferring to another brigade see [Retained Firefighter transfers](#) on page 291.

TRANSFERS

Reports

In all cases of transfer of staff it is the responsibility of Station Commanders receiving a new member on his or her platoon to report details of the movement on the special form provided for the purpose.

Consolidated In Orders, page 215, with amendments

Transfer review guidelines - permanent firefighters

1 Introduction

A permanent firefighter who perceives a transfer decision to be harmful, unfair or unreasonable may submit a transfer review application to the Transfer Review Committee (TRC).

2 Transfer Review Committee

The TRC will consist of the following:

- the Human Resources Manager of the Area Command in which the firefighter concerned currently works
- the Area Commander of an adjoining Area Command, and
- an independent person from outside the Area Command.

3 Review process

The review application must be lodged to the TRC within 48 hours following notification of a transfer. An application for a transfer review should be lodged on a [transfer review form](#) (available on Station Portal).

The TRC is responsible for deciding what action will be taken on the matter and will commence proceedings within three working days of receipt of the complaint. Unless exceptional circumstances exist all proceedings should be completed within 10 working days.

Transfers will not be operative until the review process has been finalised.

The TRC will:

- acknowledge in writing to the firefighter concerned that a complaint has been received
- consider all written evidence presented to the TRC
- investigate the complaint (if necessary the TRC may nominate an independent person to undertake the investigative proceedings)
- document its findings, and
- make a decision.

The TRC is responsible for ensuring the thorough investigation of the matter. In doing so, it may contact people who may have an interest in the review and may seek any information it considers relevant.

The TRC will ensure that:

- all TRC decisions are made in the presence of all TRC members, and
- all information placed before the TRC is kept confidential.

The decision made by the TRC will be final and no further action will be taken by Fire and Rescue NSW.

Contact Officer: Manager Operational Personnel, (02) 9265 2830

File Reference: CHO/01550

In Orders 2006/22, with amendments

Procedure for permanent firefighter secondments

1 Scope and application

This procedure applies to the secondment (temporary transfer) of permanent firefighters and officers to:

- fill temporary vacancies in Operational Support positions
- take up a temporary appointment to a non-established position, eg a project officer, or
- take up a temporary appointment with another organisation or agency.

2 Procedure

2.1 For temporary vacancies in Operational Support positions, managers must check the [Relieving categories for Operational Support positions](#) list in the Human Resources section of the Intranet to see if a replacement is required.

2.2 The manager with the temporary vacancy must contact Operational Personnel to determine staff availability.

Note: This procedure does not override Clause 7, *Higher duties*, of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*.

2.3 Operational Personnel will liaise with the manager of the area in which the person works to arrange and confirm availability.

2.4 Operational Personnel will obtain approval from the person's Area Commander/Assistant Director for their secondment.

2.5 Operational Personnel will arrange and notify the person of their secondment dates and standoffs. This will include the completion date of the secondment.

2.6 The Roster Officer will register the start and finish of the secondment in the Secondment Register.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/07119, CHO/00972 and CHO/00305

In Orders 2006/27

Retained Firefighter transfers

1 Scope and application

This procedure applies to Retained Firefighters wishing to transfer between retained brigades.

2 Authority to approve transfers

The transfer of a retained firefighter:

- within a Zone must be approved by the Zone Commander
- between Zones must be approved by the Area Commander for the Zone receiving the transferee.

Recommendations not to approve a transfer must be referred to the next level in the chain of command for determination.

3 Availability of vacancies

Approval to transfer is subject to the availability of a vacancy or supernumerary position in the brigade.

If there is no vacancy, in accordance with the policy on [Variations to staffing of retained brigades](#) on page 258, a brigade may be permitted to operate with a maximum of two supernumeraries. When a vacancy arises the supernumerary will be automatically appointed to the establishment position.

Appointment of supernumeraries requires the approval of the Director in accordance with [Delegation 4.17](#).

4 How to apply for a transfer

To apply for a transfer, complete the Transfer of Retained Firefighters form, which is available on Station Portal, and submit it to your Station Commander.

Your Station Commander will complete the sections of the form relating to attendance record and service and send the form to your Zone Commander for action.

5 Interview

If the relevant Zone or Area Commander supports your request for transfer, you will be interviewed by the Station Commander (Station Officer and Captain at mixed stations), Duty Commander and/or Zone Commander to confirm that you:

- will reside within an acceptable distance of the fire station, and
- will be available for response as required by the brigade.

6 Seniority

When you transfer to a new brigade, your seniority in your new brigade will be determined as follows:

- if you have more than 15 years service you will be placed immediately below the last firefighter in the brigade to achieve 15 years service
- if you have more than 10 years service you will be placed immediately below the last firefighter in the brigade to achieve 10 years service
- if you have more than 5 years service you will be placed immediately below the last firefighter in the brigade to achieve 5 years service
- if you have less than five years service you will be placed immediately below the junior firefighter of comparative level.

Note: Captains and Deputy Captains must relinquish their rank before they transfer and will be placed in the new brigade in accordance with the above conditions.

7 Uniforms and personal protective equipment

When you transfer between brigades you must take your uniforms and personal protective clothing with you. You will not be issued new uniform or personal protective equipment on appointment to your new brigade.

Contact Officer: Director Metropolitan Operations, (02) 9265 2701

File Reference: NFB/00149

In Orders 2007/5, with amendments

RESIGNATIONS

Abolition of age retirement

Under [Section 49ZV](#) of the *Anti-Discrimination Act 1977*, it is unlawful to force an employee to retire solely on the grounds of the employee's age as there is no longer a compulsory retirement age.

Managers and supervisors have a responsibility to monitor the work performance of all their staff, regardless of age, to ensure that they can perform all of their duties and functions to the required level. Care must be taken that disciplinary/dismissal and medical retirement procedures are the same for all age groups.

Where it is evident that staff cannot perform the duties of their position at a satisfactory level the matter must be referred through the line management structure for appropriate attention and will be dealt with in accordance with the Fire Brigades Regulation and Commissioner's instructions. Actions which follow may include referral to the Brigades' Medical Officer if factors of health and physical fitness are involved.

In Orders 1995/2, with amendments

Honorary list

[Clause 51](#) of the *Fire Brigades Regulation 2008* states that the Commissioner may place on an honorary list the names of former firefighters who have long and meritorious service.

The Commissioner has determined that members of Fire and Rescue NSW who retire for medical reasons, or who resign or retire by election, and have given fifteen years meritorious service, are deemed to be transferred to the Honorary List.

An honorary member may wear a distinguishing badge in the form of chromed lettering with the letters RF for Retired Firefighter. This badge is worn on the epaulette of the dress uniform. Honorary members may wear their uniform at any official Fire and Rescue NSW function. Honorary members are responsible for the care, maintenance and replacement of their own uniform.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/03724

In Orders 1998/19, with amendments

CONSULTANTS AND CONTRACTORS

Fire and Rescue NSW's policies on the use of consultants and contractors include:

- guidelines from the Department of Premier and Cabinet
- clear advice on the steps required, and
- a list of contact officers.

The *Policy for the engagement and use of consultants* is available on the [Intranet](#). It summarises the main considerations to follow when considering a consultant as an option to provide a service.

The *Policy for the engagement of contractors* is available on the [Intranet](#). It summarises the main considerations to follow when considering a contractor as an option to provide a service under a contractual arrangement.

All staff are reminded that, when involved in the engagement and/or use of consultants and/or contractors, they must comply with and strictly adhere to the provisions of these policies and any other applicable policies and procedures.

Contact Officer: Assistant Director Capability Development, (02) 9265 2639

File Reference: CHO/00663 Vol 2

In Orders 2005/20, with amendments

LEAVE

Reporting absence from duty

1 Application

This instruction applies to permanent firefighters and officers.

Retained firefighters are covered by the [Retained firefighters attendance protocol](#). Administrative and technical support staff are covered by [Section 6.2-3](#) of the NSW Government *Personnel handbook*.

2 Notification of absence

If you are going to be late for duty, or if you are unable to report for duty, you must notify your supervisor, or arrange for your supervisor to be notified, as soon as possible of the reason for your absence.

You must notify your supervisor before the start of shift, preferably as soon as you realise you will be unable to report for duty.

If prior notice is not possible, you must notify your supervisor by telephone at the first opportunity on the day of absence.

3 Supervisors' responsibilities

If a member of your staff is absent, and they have not notified you of their absence, try to contact them by telephone to find out why they are absent.

If you cannot contact them, record them as being absent without leave and notify your Duty Commander or Manager. If you have concerns for their welfare, contact your Zone Commander, Human Resources Manager or the Manager Operational Personnel.

When a staff member returns to duty after being absent without leave, contact them personally and check whether there are any underlying problems with which Fire and Rescue NSW could assist, eg through the [Employee Assistance Program](#), Chaplains, etc, noting that you must not request any specific information related to the nature of a firefighter's illness or medical history.

Request a written explanation of their absence and discuss their options in relation to taking leave to cover their absence. If they cannot show reasonable cause for their absence, they must take leave without pay. Also remind them that sick leave or personal/carer's leave must be supported by the required documentation.

Ensure that SAM is adjusted accordingly and your Duty Commander or Manager is notified of the outcome. Forward the documentation through your chain of command to the Manager Operational Personnel.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: NFB/03144

In Orders 2010/15, with amendments

Applications

Permanent firefighters

Firefighters requiring leave are to submit their application 48 hours prior to the day the leave is required, unless otherwise specified in the instructions below. Where leave is required at week-end periods applications for such are to be submitted so as to reach the Duty Commander before 0900 hours on the preceding Friday. This is necessary in order that the leave credit, if any, of the applicant may be determined.

Duty Commanders are to indicate if the staff position within the Region is or is not satisfactory when forwarding the application.

Leave is subject to cancellation by the Duty Commander if the staff position warrants such action.

Printed application form to be used whenever possible. Duty Commanders are to keep a record of all leave applications. Applications for leave without pay must be accompanied by a memorandum stating the reason for the request.

Compassionate leave is granted in terms of the Award.

If the request for leave is of a confidential nature, the officer or firefighter shall inform the Duty Commander. The reasons for such application may be omitted from application.

A Station Commander or Duty Commander may grant leave as authorised by the [Delegations manual](#). In the absence of a Duty Commander the matter should be referred to the Zone or Area Commander.

Consolidated In Orders, page 126, with amendments

Retained firefighters' applications for annual and long service leave

Applications for either annual or long service leave in accordance with the provisions of the Award, are to be submitted in the following manner:

1. All applications are to be submitted in duplicate.
2. The application must be submitted early enough to reach the Zone Office four weeks prior to the proposed commencement date for leave.
3. Failure to observe this practice can result in delay in payment for leave.
4. The application is to be submitted to the Officer-in-Charge who will then take the following action:
 - a. Forward the ORIGINAL copy to your Human Resources Manager
 - b. Forward the duplicate copy to the Zone Commander for approval.

If the leave is *not approved*, the Zone Commander will advise the Human Resources Manager of this fact.

In Orders 1986/13, with amendments

Permanent firefighters taking leave during Christmas and New Year

It is imperative in order to maintain community safety that unnecessary absenteeism is eliminated during the Christmas and New Year period, as difficulty is likely to be experienced in recalling staff. The taking of leave is restricted as follows on Christmas Eve, Christmas Day, Christmas Night, Boxing Day, Boxing Day Night, New Years Eve, New Years Day, New Years Night, Australia Day and Australia Day Night.

1 Consolidated leave

Any Officer or Firefighter applying for consolidated leave over the Christmas/New Year period is subject to the following conditions:

- All personnel applying for consolidated leave for this period must nominate a replacement Officer or Firefighter prepared to work the hours of leave the applicant has applied for, if required.
- Replacement personnel must be of similar rank and have comparable qualifications.
- All applications will have to be submitted in conjunction with a [Replacement Officer/Firefighter Form](#) which is to be completed by the applicant and signed by both parties, ie the applicant and the replacement Officer or Firefighter.
- Applications must be submitted 24 hours in advance to the Superintendent or Inspector for approval.
- A copy of the *Replacement Officer/Firefighter Form* is to be retained by the Superintendent or Inspector for contact purposes should the nominated person be required, or fail to report for duty.

2 Personal/carer's leave

Normal procedures will apply to the granting of this leave, ie, applicants are required to produce a medical certificate or statutory declaration.

3 Sick leave

A medical certificate is required for *all* absences during this period. Section 23.8 of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008* states:

23.8 Employees are entitled to take unsupported sick leave absences, where no medical certificate is required, subject to the following provisions:

23.8.1 Such absences may not exceed 3 separate occasions in any calendar year, where an 'occasion' shall be a shift or part of a shift (or in the case of Executive Officers, 3 separate days in any calendar year); and

23.8.2 Such absences may not be taken on consecutive days; and

23.8.3 Such absences may not be taken on public holidays...

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/00766

In Orders 2001/25, with amendments

For long service leave during peak holiday periods and special events see [page 320](#).

Annual leave

Allocation of Recruit Firefighters' annual leave groups

Duty Commanders are responsible for allocating annual leave groups to Recruit Firefighters.

Recruit Firefighters should be allocated annual leave groups that fall between 40 and 48 weeks from their date of appointment to Fire and Rescue NSW to ensure that they have sufficient leave entitlements by the time the leave is taken.

Note: Recruit Firefighters work 40 hours a week during their training period, so they do not accrue 38 hour leave for their 16 weeks of training.

For more information, please contact the Manager Operational Personnel on (02) 9265 2830.

Contact Officer: Manager Operational Personnel, (02) 9265 2830

File Reference: CHO/06319

In Orders 2004/9, with amendments

Flexible annual leave for Operational Support Levels 1 to 3

1 Introduction

The Commissioner and the Fire Brigade Employees' Union have agreed to trial making flexible annual leave available to employees in Operational Support Level 1, 2 or 3 positions classified as Category B or C (see [Relieving categories for Operational Support positions](#) posted in the Human Resources section of the Intranet).

The aim of the trial is to give these employees more flexible access to their annual leave entitlement to enhance their quality of life and the smooth running of the sections to which they are attached.

2 Eligibility

Any employee in an Operational Support Level 1, 2 or 3 position classified as Category B or C may elect to participate in the trial.

3 Trial period

The trial period will start on 1 January 2007 and continue for 64 calendar weeks. It will be reviewed after 12 months of operation.

4 Conditions

Employees who have elected to participate in the trial can take annual leave at any time of the year, in any amount, subject to the following conditions:

- 4.1 You must take at least two continuous weeks annual leave every 12 months, except by agreement with the Commissioner in special circumstances.
- 4.2 Annual leave will not be granted for any period of less than one hour and for periods of 30 minutes thereafter.
- 4.3 Annual leave can be taken at any time, subject to approval by your manager in accordance the [Delegations manual](#). To submit an application, use the [Application for annual leave Operational Support Levels 1-3](#) form available on Station Portal.
- 4.4 An unsuccessful application for annual leave can be reviewed using the [Resolving Workplace Complaints Policy](#) on page 416.

- 4.5 If you are on full pay, your annual leave will accrue at the rate of 273.78 hours a year. You can accrue up to 410 hours of annual leave.
- 4.6 After taking your wishes into account, the Commissioner may direct you to take annual leave at a time convenient to Fire and Rescue NSW. In this case, the Commissioner must give you one month's notice.

5 Managing flexible annual leave

Managers need to maintain an annual leave roster for Operational Support staff in their area of responsibility. Employees who elect to participate in this trial will no longer be allocated to an annual leave group.

Operational Personnel will send managers a quarterly report on trial participants' annual leave balances.

Managers must report annual leave arrangements to Operational Personnel biannually. The report must include leave taken in the past six months and projected leave for the next six months for all participants under their supervision.

The policy on [*Relief arrangements for Operational Support positions*](#) on page 355 should be considered before approving leave.

Managers must make every practicable effort to approve leave to the extent that the operational requirements of Fire and Rescue NSW permit.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/09318

In Orders 2006/27, with amendments

Attendance management policy for permanent firefighters

It results from a decision of a Full Bench and a subsequent Order of the Industrial Relations Commission.

Policy statement

Managing attendance and reducing absenteeism are important goals for Fire & Rescue NSW (FRNSW): they form part of FRNSW's commitment to the health, safety and well being of firefighters. FRNSW has implemented a comprehensive range of preventative and support initiatives to maximise firefighter attendance.

Sick leave is provided for firefighters who are unable to attend work due to incapacity caused by ordinary illness or off duty injury, or to provide primary care and support (carer's leave) for a person who is incapacitated due to illness or injury.

The granting of sick leave to firefighters is designed for the following purposes:

- foster recuperation;
- assist in rehabilitation;
- facilitate a timely return to work, consistent with medical advice; and,
- protect the health, safety and welfare of all people at work.

Sick leave is to be used in times of genuine illness or off duty injury. It is not an alternative form of leave to be used at the discretion of the individual firefighter. Other leave types, such as consolidated leave, annual leave, long service leave and part change of shift arrangements, are available and can be used in circumstances where the use of sick leave is not appropriate.

Sick leave for firefighters (on average per annum per full time permanent firefighter) was 97 hours in 2006, 102 hours in 2007 and 107 hours in 2008.

The Fire Brigade Employees' Union (FBEU) and FRNSW committed to a reduction in average sick leave levels in 2008 to 87 hours. The joint commitment to that target was repeated in the 2011 Award. In the period 2008 to 2012 however, sick leave results further deteriorated as follows:

2009/10 - 110 hours

2010/11 - 114 hours

2011/12 - 118 hours

Application

This policy applies to permanent firefighters up to and including the rank of Chief Superintendent and references to 'firefighter' shall be taken to include any and all such ranks. This policy does not cover absences related to workers compensation matters.

Maximising attendance

Preventative actions

FRNSW has implemented a comprehensive range of support initiatives to maximise firefighter attendance. These include health (medical) and fitness assessment services, rehabilitation, case management and program implementation, health and lifestyle counselling, critical incident support, peer support, employee assistance programs and the services of the Chaplaincy.

Reporting absences

Reporting sick

A firefighter may be unable to report for duty due to incapacity caused by ordinary illness or off duty injury or because they are required to provide primary care and support for a dependent person (as defined in the Award) who is incapacitated due to illness or injury. In these circumstances the firefighter shall, as soon as possible, inform the supervisor in charge of the work location to which the firefighter is attached, or to which the firefighter is due to report, of such inability to report for duty. Such information must, where possible, be provided prior to the commencement of the firefighter's shift, preferably as soon as the firefighter realises that he/she will be unable to attend for duty.

Medical certificates

A medical certificate issued by a registered medical practitioner is required as supporting documentation when a firefighter is absent on sick leave. The medical certificate shall indicate the nature of the illness or incapacity and the estimated duration of the same.

Firefighters are entitled to unsupported sick leave absences where no medical certificate is required, subject to the following provisions.

- Absences may not exceed three separate occasions in any calendar year.
- Absences must not be taken on consecutive days.
- Absences may not be taken on public holidays.
- Absences may not be taken in relation to any matter that may be covered by workers compensation.

FRNSW and the FBEU have agreed to trial the following arrangement.

The Trial:

- Effective on and from 1 January 2013, firefighters who took less than 87 hours sick leave and less than three unsupported sick leave absences over the 2012 calendar year will be permitted to carry over and accumulate their unused unsupported sick leave absence entitlement to 2013.
- For subsequent years, the unused unsupported sick leave entitlement will carry forward and accumulate, subject to less than 87 hours of sick leave being taken in the previous calendar year. Where sick leave was 87 hours or more in the previous calendar year, no carry over will occur.

The trial may be terminated by either party with four weeks' written notice. The parties agree that termination of the trial on notice will have effect despite the provisions on subclause 23.15 of the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2011*.

- In the event of termination of the trial, the number of accrued unsupported sick leave days in credit, as at the termination date, will remain available to be taken after that termination date but only within that calendar year.
- If still in operation, this trial will be reconsidered in the context of the 2014 Award negotiations.
- Unsupported sick leave days may only accrue to a maximum of 10 days and will be treated the same as sick leave generally in respect of 'reports and triggers'.

Carer's leave documents

Either a medical certificate issued by a registered medical practitioner or a Statutory Declaration (see appendix 1 for a copy of the Statutory Declaration) is required as supporting documentation for all instances of carer's leave of four days or less duration. A medical certificate issued by a registered medical practitioner will be required in all instances of five days or more carer's leave.

A medical certificate supplied in support of carer's leave need not state the nature of the person's illness but must confirm that the illness of that person is such as to require care by another person.

Failure to provide required sick leave and carer's leave documentation

Failure to provide timely notice of absence and the supporting documentation may result in a breach of this policy. Sick leave and carer's leave without the supporting documentation will, in the absence of reasonable explanation, be considered leave without pay.

Managing absences

Resumption of duty following illness or off duty injury

A firefighter is responsible for immediately advising the supervisor of his/her return to work after a period of sick leave and for ensuring the prompt submission of the required medical certificate/statutory declaration.

A firefighter who has been absent from duty due to incapacity caused by ordinary illness or off duty injury for a period of twenty-eight (28) or more calendar days must receive medical clearance by a medical officer nominated by FRNSW before returning to duty. The supervisor at the work location where the firefighter is reporting must ensure that this clearance has been obtained before allowing the firefighter to resume pre-injury/illness duties.

Reports and triggers

To assist Executive Officers in the management of sick leave absences, FRNSW has developed a system to record and analyse sick leave data (SLaNT). Executive Officers have a responsibility to generate reports from SLaNT, monitor absenteeism and take corrective action as outlined in this policy. This screening process will help eliminate those firefighters who are immediately recognisable as utilising sick leave for its intended purpose.

These SLaNT reports will highlight firefighters who, over the preceding 12 months, have recorded:

- 50 hours of sick leave within any 13 week period, or 96 or more hours in total;
- 4 or more separate sick leave occurrences within any 13 week period;
- an apparent pattern of sick leave (eg weekends, same day of week, pre or post annual leave rosters, pre or post public holidays, during school holidays or coinciding with special events); or
- failure to provide the required supporting documentation.

Show cause letter

Firefighters have a responsibility for managing their health and fitness and this is supported by FRNSW health promotion programs. Where a firefighter's sick leave activates one or more of the above triggers and the screening process does not immediately eliminate them from further investigation, the Executive Officer will write to the firefighter in the form of the attached template (see appendix 2) inviting the firefighter to show cause why they should not be subject to further action under this policy.

A firefighter who is invited to show cause must respond in writing to the Executive Officer within 12 calendar days of their receipt of the show cause letter or, if by that time the firefighter is on any form of leave, then by the completion of the next shift actually worked by the firefighter. For example, the deadline for a response to a show cause letter received only 2 days before a period of annual leave will be the end of the first shift worked following that leave period. While a firefighter may choose to not respond, failure to do so without adequate reason will be considered a breach of the policy.

Response to show cause letter

Following consideration of the firefighter's response to the show cause letter, the Executive Officer will write to the firefighter confirming:

- that the firefighter's explanation has been accepted and that there will be no further action taken; or,
- that for the reason or reasons which the Executive Officer will summarise, the firefighter's explanation has not been accepted and that the firefighter is therefore in breach of the policy; and
- if it is the firefighter's second breach of the policy within the preceding 24 months, that the firefighter will be required to attend an attendance management interview.

In all cases where the firefighter's explanation has not been accepted, the firefighter will be invited to sign the Executive Officer's report and may, if he/she disagrees with the report, make a note to that effect on the report before it is placed on the firefighter's file. A firefighter who refuses to sign the report shall have their refusal noted on the report by the senior officer handling the report in accordance with subclause 38.4.4 of the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2011*.

Attendance management interview

When an attendance management interview is required, the following will apply:

- The firefighter will be advised in writing that an attendance management interview is to be conducted with the firefighter and the firefighter's Executive and/or Senior Officer.
- The firefighter may choose to have another person present (eg union delegate or colleague).
- The Executive and/or Senior Officer will outline the reasons for the interview.
- The Executive and/or Senior Officer and the firefighter will discuss the matter to determine whether or not anything may be done to maximise attendance.
- The Executive and/or Senior Officer will advise of the consequences of recurrent unsupported, inappropriate or unsatisfactory use of sick leave.
- The Executive and/or Senior Officer may, considering the circumstances, decide to monitor the firefighter's attendance and take no further action or refer the matter immediately to the Director for further action under this policy's 'failure to comply' provisions.
- The Executive and/or Senior Officer will record the occurrence of the meeting and document identified expectations and any agreed outcomes. The firefighter will be given a copy of the documentation and be invited to sign it and may, if he/she disagrees with anything therein, make a note to that effect on the documentation before it is placed on the firefighter's file. A firefighter who refuses to sign the documentation shall have their refusal noted on the documentation by the senior officer handling the report in accordance with subclause 38.4.4 of the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2011*.

Failure to comply

Failure to comply with this policy may lead the firefighter's Director to sanction:

- the loss or restriction of the firefighter's non medical certificate provisions for up to 24 months, provided that any record of such loss or restriction will be removed from the firefighter's personal record if the firefighter has complied with the policy for at least 2 years since the loss or restriction; and/or,
- deduction of the firefighter's pay as outlined in subclause 23.7.5 of the Award; and/or
- the firefighter not being considered for overtime; and/or,
- change of the firefighter's roster (but not station/work location), in which case the firefighter shall be given 14 days notice to commence a 5 week AMP Roster comprising 10 hour day shifts to be worked as follows:

	1st Week	2nd Week	3rd Week	4th Week	5th Week
Platoon	F S S M T W T	F S S M T W T	F S S M T W T	F S S M T W T	F S S M T W T
Q	D D D D D	D D D D D	D D D D D	D D D D D	D D D D D
Hours	40	40	50	40	40

- The duration of the 5 week roster will be extended by one additional day shift for each day of leave (of any kind) taken whilst on the AMP Roster so that the firefighter will be returned to their previous roster following their performance of the AMP Roster's requisite 21 day shifts.

This policy is intended to monitor absenteeism and take corrective action where a firefighter activates one or more of the identified triggers and is subsequently found to be in breach. It is not intended to deal with serious misconduct (for example, the making of a fraudulent Statutory Declaration), which will instead be dealt with by way of disciplinary action.

Repeated failure to comply with this policy may also lead to disciplinary action.

Performance review

On a six-monthly basis, Executive Officers will report to their Assistant Director/Area Commander on absence management intervention activities. Assistant Directors/Area Commanders will provide reports to their Directors.

Disputes

In the event of a dispute as to the deduction of a firefighter's pay, then provided the Union notifies a dispute within 7 days, the issue will be dealt with by the Industrial Relations Commission and during that process no deduction will occur unless otherwise ordered by the Commission.

Additional resources

Associated documents:

[*Crown Employees \(NSW Fire Brigades Firefighting Staff\) Award 2011*](#)

[*Fire Brigades Regulation 2008 \(or its successors\)*](#)

Fire and Rescue NSW [*Code of Conduct*](#)

Further information

For more information on this policy contact the HR/Payroll Helpdesk on (02) 9265 3900.

Appendix 1 - Statutory declaration**Statutory Declaration**

I, _____

of _____

in the State of New South Wales do hereby solemnly and sincerely declare that due to their illness, I was required to care for _____

(name of person)

who is my _____

(relationship to the employee)

on _____

(date or dates for which such care was required)

I understand that making a false statutory declaration is a criminal offence as detailed below and may lead to disciplinary action against me by my employer or referral to Police.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900.

Subscribed and declared at _____

this _____ day of _____, 20 _____

(signature of deponent)

I _____ certify
(name of witness)

[* delete words that do not apply]

* I saw the face of the deponent OR

* I did not see the face of the deponent because she/he was wearing a face covering and I am satisfied that she/he has a legitimate medical reason for not removing it, AND

* I have known the person for at least 12 months OR

* I confirmed the person's identity with _____
[description of document]

_____ [signature of witness]

_____ [qualification]

The Oaths Amendment Act 1996 provides that if a Statutory Declaration is made to gain material benefit and the offence is dealt with by indictment the penalty is up to 7 years imprisonment. If dealt with summarily then the penalty is up to 2 years imprisonment and/or a fine of 100 penalty units (\$11,000). If the offence is swearing a false declaration that does not involve material benefit, the penalty is up to 12 months imprisonment and/or a fine of 50 penalty units (\$5,500).

Appendix 2 - Show cause letter template

Date:

Dear _____

Re: AMP Show Cause Letter

As you would be aware, firefighter sick leave absences are regularly reviewed in accordance with the Attendance Management Policy (AMP) to ensure that sick leave is being utilised for its intended purpose. I have reviewed your sick leave and found that you have, over the preceding 12 months, recorded (tick all that apply):

- 50 hours of sick within a 13 week period;
- 96 hours or more hours within the preceding 12 months;
- 4 or more separate occurrences within a 13 week period;
- an apparent pattern of sick leave (e.g. weekends, same day of the week, pre or post annual leave rosters, pre or post public holidays, during school holidays or coinciding with special events);
- failure to provide the required supporting documentation.

Necessary further information (e.g. relevant date/s breach(es) occurred):

You are invited to show cause within 12 calendar days of your receipt of this letter why you should not be subject to further action under the policy. If, by that time, you are on some form of leave then you will need to show cause by the completion of the next shift actually worked by you after that date.

You may choose to not respond, however failure to do so without adequate reason will be considered a breach of the policy.

Yours sincerely,

Superintendent [insert name]

[insert zone]

Contact Officer: Industrial Relations Officer, (02) 9265 2683

File Reference: FRN12/1977

Commissioner's Orders 2012/26

Managing sick leave policy - administrative and technical staff

1 Application

This policy applies to employees covered by the [*Crown employees \(Public Service Conditions of Employment\) Award 2009*](#) and the [*Fire Brigade \(Maintenance, Construction and Miscellaneous Staff\) Award*](#).

2 Introduction

The Department of Premier and Cabinet has issued Circular C2009-16, [*Managing sick leave policy*](#), following the changes to sick leave management resulting from the MOUs in settlement of the [*Crown Employees \(Public Sector Salaries - 2008\) Award*](#) and the [*Crown Employees Wages Staff \(Rates of Pay\) Award 2008*](#).

The *Managing sick leave policy* (the Policy) reflects these changes and should be read in conjunction with the [*Crown employees \(Public Service Conditions of Employment\) Award 2009*](#) and the [*Fire Brigade \(Maintenance, Construction and Miscellaneous Staff\) Award*](#).

Accrual and calculations for entitlements can be found in the [*Personnel handbook*](#).

The management of sick leave within Fire and Rescue NSW is consistent with the framework, principles and intent of the Policy. The Policy has been developed to better manage absenteeism and is part of the Government's commitment to achieving and sustaining productive, healthy, efficient and high performing workplaces.

Responsibilities of managers and employees of Fire and Rescue NSW are outlined in the Policy.

Key changes include that:

- **evidence of illness** (ie medical certificate) is to be provided for absences of more than two consecutive days, and
- **absence reviews** will be undertaken where there are five or more days of unsupported sick leave in a 12 month period or where an absence trend is identified.

Analysis and review of sick leave strategies and data is to be undertaken regularly to ensure effective sick leave management.

Sick leave is a condition of employment providing staff with support and assistance during cases of genuine illness and injury.

It is complemented by the provision of appropriately structured assessment and rehabilitation programs, counselling and welfare services. Additional support may also be provided through professional medical diagnosis and treatment, including the Employee Assistance Program.

Effectively managed, sick leave should play an important part in maintaining the health, well being and work performance of staff members.

3 Responsibilities of employees

Employees need to understand that:

- if they are fit they must come to work
- genuine sickness will be dealt with sympathetically and they should be fit before returning to work
- sick leave is a condition of employment that enables an employee to recover from an illness without loss of pay
- sick leave is available for caring purposes for a family member and that the same requirements for the provision of evidence apply as if it were any other type of sick leave
- they need to report the absence appropriately
- providing evidence of illness is required
- sick leave which is not legitimate places additional burdens on other employees
- reasonable precautions should be taken to guard against illness and injury and to ensure a safe workplace
- personal affairs should be attended to during off duty hours, with appropriate approved leave, or where available through the use of flexible working hours arrangements.

3.1 Notification procedures

Payment for sick leave is subject to the employee reporting the absence appropriately.

An employee who is unable to report for duty through illness or injury is required to promptly contact his or her direct supervisor by telephone. Contact should be made as close to the employee's regular starting time as possible and *must* be made not later than 9.30 am. The advice by the employee is to include:

- the nature/cause of the illness or injury and the estimated duration of the absence
- work commitments during absence, with particular reference to urgent matters
- whether in the opinion of the employee the absence is work related.

Direct supervisors are to ensure that managers are advised accordingly so that relief arrangements can be made.

3.2 Absence from duty for more than two consecutive working days

An application for sick leave of more than two consecutive days must be supported by evidence of illness.

3.3 Absence from duty of more than five unsupported days

Employees taking more than five days of unsupported sick leave per annum may be required to provide evidence of illness each time they take sick leave for the balance of a 12 month period.

3.4 Applications for sick leave

Applications for sick leave must be submitted as soon as practicable on an employee's return to work. The application must be submitted by application form or system to be approved and state the nature of the illness or injury. Where required, evidence of illness must be provided.

If an employee is concerned about disclosing the nature of the illness to their manager they may elect to have the application for sick leave dealt with confidentially by an alternate manager or the human resources manager.

3.5 Evidence of illness

Payment for sick leave is subject to the employee, where required, providing evidence of illness which should indicate the *nature of the illness or injury* and the *estimated duration* of the absence.

For absences up to one week evidence of illness may be provided by:

- a medical practitioner, or
- a registered dentist, optometrist, chiropractor, osteopath, physiotherapist, oral and maxillo facial surgeon, or
- at the Commissioner's discretion, another registered health services provider.

Absences that exceed one week must be supported by:

- evidence of illness from a registered medical practitioner, or
- at the Commissioner's discretion, other forms of evidence that satisfy that an employee had a genuine illness.

3.6 Medical appointments

Flexible working arrangements are provided to allow employees greater flexibility in dealing with workloads, work deadlines and the balance between work and family life. Where available, employees should use flexible working hours to attend appointments that fall during work hours. If this is not possible and sick leave is sought, the employee must provide evidence in accordance with this policy.

3.7 Failure to comply with policy

From time to time managers are required to request information or interview employees to establish whether there is non compliance with this policy or an inappropriate use of sick leave. If confirmed, procedures may be put in place and can include formal counselling, a medical assessment, participation in a return to work program where appropriate or as a last resort sanctions to be decided by the Commissioner in accordance with existing Fire and Rescue NSW policies.

4 Responsibilities of managers

4.1 Managing absences

To manage sick leave in an effective and sensitive manner, managers need to:

- understand what procedures need to be followed and apply them fairly and transparently
- understand that the majority of applications for sick leave are for genuine sickness and need to be dealt with sympathetically

- understand that discretion is available to apply flexibility in considering each employee's individual circumstances
- use information management systems to monitor, measure and analyse sick leave data/information
- identify options, strategies and support available to manage absences when they occur
- develop return to work plans where appropriate and conduct effective return to work interviews
- recognise and act on underlying causes that may have contributed to the absence
- understand that flexible working hours arrangements, where available, are provided to allow employees greater flexibility in dealing with workloads, work deadlines and the balance between work and family life.

4.2 Agency's discretion

Discretion is generally available to enable flexibility when considering each employee's individual circumstances. For instance:

- Where an employee has regular treatment or an ongoing illness or condition the manager may opt to waive the requirement to provide evidence for each absence after the initial condition has been substantiated.
- Where an employee in a regional area faces genuine difficulties in accessing a medical practitioner, the manager may opt to accept other evidence such as a statutory declaration where a medical certificate from a registered medical practitioner would normally be required. This may be on an occasion by occasion basis, or as an ongoing arrangement.
- Accepting backdated medical certificates.

4.3 Support for employees

Induction for all employees will outline:

- expectations regarding attendance generally
- the sickness absence procedures that apply to them
- how to report an illness related absence
- what evidence they need to provide
- other related policies (such as Occupational Health and Safety and Employee Assistance), and
- access to flexible work arrangements as applicable.

4.4 Monitoring absences

Managers are responsible for the day to day management of individual employee's absences and the Employee Services area will monitor accruals and entitlements.

To assist managers, Employee Services, through the information management systems, will provide quarterly reporting and, where possible, provide for automated notifications about specific actions that need to be undertaken, for example:

- advise when certificates will be required for future absences
- initiate absence review trigger points
- alert a manager when an employee has patterns of absence when taking sick leave.

Managers have the primary responsibility and accountability for the management of this policy. Managers must take a direct interest in the attendance pattern of staff members as part of the ongoing management of the work performance of staff under their control and the organisation's concern for the health and welfare of its employees. Managers will be responsible for day to day management, with accruals and entitlements monitored by the Human Resources Directorate.

In the interests of effective management and the health and well being of staff, sick leave records regarded as excessive will be subject to review and appropriate corrective action. Often a person's sick leave pattern can indicate that the person is experiencing difficulties in their work and/or personal life.

At *all* stages in the management process, the responsibility for counselling an employee or referral to a counselling service rests with the *manager*. Counselling must always precede application of any sanctions, such as imposition of a compulsory medical certificate requirement, and must include clear recommendations of the next steps to be taken.

4.5 Procedures for dealing with unacceptable absences

Step 1 - Trigger points for absence review include the following:

- frequent unsupported absences - five cumulative days of unsupported sick leave in a 12 month period
- an absence trend - for example, sick leave absences taken just before or just after Mondays and Fridays, public holidays, recreation leave and/or rostered days off or flex leave or following an employee formally indicating departure by redundancy, resignation or retirement
- repeated failure to adequately notify an absence.

The manager should review the overall leave record and the reasons for and patterns of absence.

Where inappropriate use of sick leave is suspected or excessive amounts of sick leave are being taken, the manager should interview the employee to identify if there are any underlying causes for absences.

Attempts should be made to resolve any identified problems and a course of action appropriate to the circumstances determined. This may include:

- making reasonable adjustments to work practices
- reinforcing this policy

- reminding the employee of the required procedures to notify absences
- imposing additional requirements for evidence of illness.

Step 2 - Formal counselling is required when:

- inappropriate use of sick leave is suspected, and/or
- the employee continues to have an unsatisfactory sick leave record, and/or
- failure to adequately notify an absence continues.

The formal counselling session should:

- occur as soon as possible following the absence/failure to notify
- explore any underlying reasons for non-compliance
- discuss possible solutions
- set targets for improving attendance and/or notification of illness
- detail the consequences of a continued unsatisfactory sick leave record or failing to adequately notify an absence
- fully inform the employee of their obligations at the end of the session
- be summarised in writing and a copy provided to the employee within one week of the counselling session.

A support person (such as a union delegate or colleague) can accompany the employee in the counselling session.

A review meeting should be scheduled down the track to determine whether targets have been met.

Step 3 - Sanctions

Where inappropriate use of sick leave is established, and the unsatisfactory sick leave record or failure to adequately notify an absence continues after formal counselling, the Commissioner or their delegate may consider applying sanctions.

The type of sanction is a matter for the Commissioner or their delegate to determine in accordance with an established Fire and Rescue NSW policy and could include deferment of an increment or introduction of standard hours for a specified period.

4.6 Medical assessments

If an employee's absence will continue or is likely to continue for a period in excess of two months a manager should give active consideration to referring them for a medical assessment. This action should be taken before available sick leave is exhausted. A medical assessment may be required to provide:

- an independent second opinion on a period of claimed sick leave or frequent or recurrent sick leave
- advice on the effects of an injury or illness and how best to safely return the employee to work (for example, how to manage the effects, or whether the employee requires restricted or alternative duties while recovering)
- advice on whether there are long term health issues affecting an employee's ability to continue in a particular job.

4.7 Medical appointments and treatments

Where an employee has a medical condition that requires regular treatment and uses sick leave of short duration, all consequential absences can be aggregated for the purpose of debiting against leave credits. Sick leave may be granted to cover attendance at treatments only when the manager is satisfied that:

- an appointment could not be obtained outside hours, or
- flexible arrangements were not available or could not be used to attend appointments during work hours, or
- treatment was urgently needed.

4.8 Managing longer term injury/illness

Managers should make early and regular contact with employees on longer term absences. Flexible strategies to facilitate a smooth transition to work should be explored and may include:

- part time work
- the use of rehabilitation providers and other occupational health services
- return to work programs established in consultation with the employee and a medical practitioner to help them return to normal duties (even if the illness/injury is not work related)
- alternative or modified duties either in an employee's substantive position or another work area
- working from home (for example, facilitating remote access)
- a medical examination to give advice on the effects of the injury or illness and how best to facilitate a return to work
- re-training for new skills/job if the condition is permanent.

4.9 Health risks to employees and the public

Where there are health risks to employees or the public, a direction may be given for an employee to cease duty on special leave pending a medical assessment.

5 Responsibilities of Fire and Rescue NSW

5.1 Commitment and accountability

Fire and Rescue NSW is required by law to provide a safe and healthy working environment and this policy is part of that commitment to employees' health, safety and welfare.

5.2 Confidentiality

Fire and Rescue NSW will ensure that all records concerning an individual employee's sick leave are secure against loss, unauthorised access, modification and/or other misuse.

Fire and Rescue NSW will ensure that:

- positions are identified that have authority to access records
- information management systems are secure and backed up
- records are kept secure
- care be taken when transmitting records
- records are sealed before transportation
- employees understand that breaches of confidentiality may give rise to disciplinary action.

5.3 Attendance management strategies

Fire and Rescue NSW will develop, analyse and maintain sick leave data. In developing strategies to improve attendance, Fire and Rescue NSW will analyse absence levels and identify trends and 'hotspots', and the reasons behind them. This will then enable relevant targeted strategies to be developed.

Examples of targeted strategies could include ensuring fair access to flexible working arrangements, assisting mature workers by developing alternative workplace arrangements and/or developing healthy workforce programs.

Contact Officer: Assistant Director Employee Relations, (02) 9265 2677

File Reference: NFB/05146

In Orders 2009/21, with amendments

Sick leave and personal/carer's leave documentation

1 Application

This policy applies to all permanent and retained firefighters and officers submitting medical certificates for sick leave, or medical certificates/statutory declarations for personal/carer's leave or workers compensation matters.

2 Certificates

A medical certificate issued by a registered medical practitioner is required as supporting documentation when a firefighter is absent on sick leave except in the circumstances outlined in Section 4, *Sick leave without a medical certificate*. The medical certificate must indicate the nature of the illness or incapacity and its estimated duration.

3 Process

To ensure confidentiality, medical certificates and statutory declarations should be submitted, with a [Sick leave facsimile/coversheet](#), directly to the Health and Safety Branch nurses through the secure fax number (02) 9265 2681.

You must fill in all the relevant details on the front of the fax header and sign it.

The Station Commander or supervisor must also fill out their details on the fax header before it is faxed to the Health and Safety Branch.

Firefighters should retain the medical certificate/statutory declaration and fax header for their personal records.

4 Sick leave without a medical certificate

Permanent firefighters and officers may take sick leave without providing a medical certificate in accordance with Clause 23.8 of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*.

These absences are known as unsupported sick leave absences and are subject to the following provisions:

23.8.1 Such absences may not exceed 3 separate occasions in any calendar year, where an 'occasion' shall be a shift or part of a shift (or in the case of Executive Officers, 3 separate days in any calendar year); and

23.8.2 Such absences may not be taken on consecutive days;

23.8.3 Such absences may not be taken on public holidays; and

23.8.4 Such absences may not be taken in relation to any matter that may be covered by workers' compensation.

Unsupported sick leave absences can only be taken for an *ordinary illness* or *off duty injury* because our workers' compensation insurer requires medical certificates for any workers' compensation claim.

As far as is possible, you must tell your Station Commander or supervisor if you are taking an unsupported sick leave absence.

It is recognised that the situation could change depending on the circumstances. For example, you might notify your Station Commander or supervisor that you will be taking an unsupported sick leave absence for one shift, but then have to take two or more consecutive shifts, in which case you will have to provide a medical certificate. Conversely, you might anticipate having to take leave for several shifts, but are only absent for one shift or part of a shift and choose to take it as an unsupported sick leave absence.

If you take an unsupported sick leave absence, you must still complete a [Sick leave facsimile/cover sheet](#), tick the NMC box on the sheet (ie No Medical Certificate) and submit it in accordance with Section 3 above, even though no certificate is being supplied.

Station Commanders must also record the letters NMC in the Remarks column of the Permanent Staff Sick Leave Record in the Station Register.

5 Failure to provide required sick leave documentation

Failure to provide timely notice of absence and the required supporting documentation will result in a breach of this policy and the [Attendance management policy for permanent firefighters](#) on page 300. Sick leave and personal/carer's leave taken without the supporting documentation will be considered leave without pay.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: NFB/03144

In Orders 2010/15

Dental certificates

Permanent and retained firefighters and officers may submit a dental certificate instead of a medical certificate for sick leave taken within 48 hours of the dental treatment.

The certificate must clearly state the date and time before which you should not resume duty.

If you are not fit for duty within 48 hours, you must provide a certificate from a registered medical practitioner to support the additional sick leave.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: NFB/03144

In Orders 2010/15

Off duty injuries

1 Application

This instruction applies to all permanent and retained firefighters and officers.

2 Staff member responsibilities

If you have been on sick leave because of an off duty injury that is not subject to NMC provisions, you must submit a medical certificate that states the nature of the injury.

Submit the medical certificate in accordance with Section 3 of the instruction on [Sick leave and personal/carer's leave documentation](#) on page 316.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: NFB/03144

In Orders 2010/15

Recredit of annual and long service leave when sick

Where a permanent firefighter who is eligible for sick leave produces a satisfactory medical certificate to the effect that he or she has been incapacitated for a period of five days or more while on annual or long service leave, he or she may be recredited with an assessed equivalent period of annual or long service leave, providing as follows:

1. The permanent firefighter is to apply in writing to their Duty or Zone Commander indicating the circumstances on the first day of his or her return to work. Applications must be supported by a medical certificate dated on the first day of the period for which recredit is sought.
2. Recredited leave will be ascertained by referring to the permanent firefighter's work roster position as if he or she had in fact been working in accordance with the normal work roster; recrediting annual/long service leave accordingly and debiting sick leave a similar number of hours.
3. Recredited annual leave must be taken as one period of leave (ie not split) within the next three pay periods of returning to duty.
4. Any applications for recredited annual leave must include the dates on which the leave is to be taken.
5. Leave not taken in accordance with paragraphs 3 or 4 will be taken at a time as may be directed by the Commissioner.
6. Recredited long service leave may be taken at any time, subject to application and approval, having regard to the exigencies of Fire and Rescue NSW.

Contact Officer: Manager Operational Personnel, (02) 9265 2830

File Reference: CHO/07774

In Orders 2004/8, with amendments

Leave for bone marrow donations

The Australian Bone Marrow Donor Registry (ABMDR) is an organisation responsible for recruiting volunteers to donate bone marrow to people suffering from illnesses such as bone and blood cancer.

The ABMDR maintains a register of potential donors and all staff are encouraged to list themselves on this register to assist patients who may otherwise have to undergo, or continue, the painful and arduous treatment of chemotherapy and radiation. Once a person is listed on the register, the ABMDR checks to determine if any patient is a suitable match, based on a similar genetic make-up, as this greatly increases the chance of a successful bone marrow transplant.

A donation requires a minor operation that would result in the donor needing to be absent from work for several days to recover. To assist any employee who, following a suitable match with a patient, is selected from the register to donate, the leave conditions detailed hereunder will apply.

Administrative and Trades Staff, and Firefighters ranked Superintendent and above

There is currently a grant of up to five days special leave at full pay available for donating bone marrow (see Chapter 6 [Section 19.14.7](#) of the *Personnel Handbook*).

Firefighters

A grant of up to 48 hours special leave at full pay is available.

The grant of special leave for bone marrow donors is subject to the employee:

- being listed on the ABMDR register;
- providing prompt notice of any proposed absence following advice from the ABMDR of the date of a proposed donation;
- providing a medical certificate from a registered medical practitioner covering the period of absence.

Any employee who requires further information on bone marrow donations, or who would like to place their name on the register as a potential donor, should contact the NSW Donor Coordinator, ABMDR, on (02) 9229 4464 or see their website www.abmdr.org.au.

Any other related enquiries should be made to the Senior Human Resources Officer on (02) 9265 2871.

In Orders 1995/25, with amendments

Long service leave

Calculation of long service leave

All firefighters (up to and including the rank of Inspector) attached to the Permanent Brigade will accrue long service in accordance with the entitlements listed hereunder with effect from 1 February 1996:

	Previous accrual	Accrual from 1/2/1996
On completion of ten years service	2 months	364 hours
Each completed year after ten years service	½ month	91 hours

Any existing entitlements will be converted from months/days to hours effective from 1 February 1996.

Long service leave quota

From 1 January 2005, a maximum of thirty firefighters, twenty Station Officers and five Inspectors may be absent on long service leave at any one time.

Operational firefighters (except special country roster)

Previously, a firefighter could apply for long service leave for a minimum of sixteen days and in multiples of eight days thereafter, or in multiples of thirty days. However, a firefighter may now apply for long service leave for a minimum of only eight days and in multiples of eight day periods thereafter (long service leave can no longer be taken in multiples of thirty day periods).

The method of applying for long service leave remains unaltered except that when you apply you should apply using the simple conversion where each calendar day equals six hours. For example, if you were to apply for eight days long service leave you would need to seek approval for a total of forty-eight hours (ie 8 x 6 hours = 48 hours). Similarly, should you wish to apply for ten consecutive roster periods (80 days) of long service leave you will need to seek approval for a total of 480 hours (ie 80 x 6 hours = 480 hours).

Occupants of special duties positions (including the special country roster)

Previously, a firefighter who occupied a special duties position could apply for long service leave for a minimum of fourteen days and in multiples of seven days thereafter, or in multiples of thirty days.

However, a firefighter may now apply for long service leave for a minimum of only seven days and in multiples of seven day periods thereafter (long service leave can no longer be taken in multiples of thirty day periods).

Those firefighters within the Structural Fire Safety Unit who work the 'black/red' roster are also entitled to apply for long service leave for a minimum of seven days provided that the leave commences on a Monday - if the leave commences on a day other than a Monday, then the minimum period is fourteen days.

The method of applying for long service leave remains unaltered except that when you apply you should apply in hours using the simple conversion where each calendar day equals six hours. For example, if you were to apply for seven days long service leave, you would need to seek approval for a total of forty-two hours (ie $7 \times 6 = 42$ hours). Similarly, should you wish to apply for ten consecutive weeks (70 days) of long service leave, you will need to seek approval for a total of 420 hours (ie $70 \times 6 \text{ hours} = 420$ hours).

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/00378

*In Orders 1995/25 as amended by
In Orders 2004/22, with amendments*

Peak holiday periods and special events

The procedure for [Long service leave quotas for permanent firefighters during peak holiday periods and special events](#) is published on the [Administration Policies page](#) on the Intranet.

Key points

- This procedure details the management of long service leave applications by permanent firefighters, Station Officers and Inspectors during peak holiday periods and special events.
- Each Zone/Directorate will have a quota for the number of staff per platoon able to access long service leave for each period listed above.
- Applications for long service leave during peak periods will be called for each year and are open for six weeks. Successful applicants will be determined by ballot.

Who needs to read this procedure

This instruction needs to be read by permanent firefighters, Station Officers and Inspectors and anyone supervising permanent firefighters. Business Managers and Area and Zone administrative staff must also read and understand this procedure.

Contact Officer: Assistant Director Recruitment and Staffing, (02) 9265 2869

File Reference: NFB/00686

Commissioner's Orders 2012/27, with amendments

Recognition of retained service

By a 1985 amendment to the *Long Service Leave Act, 1955*, service as a retained firefighter may under certain circumstances be counted towards long service leave entitlements of personnel who have transferred from retained to permanent ranks.

This provision affects those employees who served as Fire and Rescue NSW retained firefighters and resigned to take up immediate service as permanent firefighters with Fire and Rescue NSW.

Employees who resigned from the retained ranks to take up duty as a permanent firefighter are deemed to have had continuous service for long service leave purposes and the total period of service, both as a

retained and a permanent firefighter, is taken into account when determining long service leave entitlements.

The method of calculating extended leave entitlement is as follows:

In order to determine eligibility for long service leave the period between commencement as a retained firefighter and current date of employment is to be used to assess if ten or more years' service has been attained in accordance with the provisions of the *Long Service Leave Act, 1955*.

The amount of paid leave available to an employee who has combined retained and permanent service is determined by converting the retained service to a full time equivalent and adding this to the portion of service as a permanent employee.

Example

For an employee with ten years' service with Fire and Rescue NSW, five as a permanent firefighter and five as a retained firefighter between 1 January 1984 and 1 January 1994, long service entitlement is established by the completion of ten years' service. In order to calculate the leave entitlement, the entitlement for the two periods must be added together.

Periods of service as a retained firefighter are allocated on a pro-rata basis depending on the number of hours worked per week on average in the last 12 months of service as a retained firefighter.

Calculation

1. Accrual for 5 years' part-time service as a retained firefighter:

$$\frac{\text{P/T hours per week} * \times 30 \text{ (days for 5 years' service)}}{38 \text{ (F/T hours equivalent per week)}}$$

* Part time hours per week to be calculated from an analysis of pay details for the period.

In the case of a retained firefighter who had worked an average 19 hours per week over the final 12 months of service as a retained firefighter this calculation would be as follows:

$$\frac{19 \times 30}{38} = 15 \text{ days}$$

2. Accrual for 5 years' service full-time as a permanent firefighter:

Accrual = 30 days for 5 years' service
Total extended leave to credit = (1) + (2)

In the example above the total entitlement is 45 days long service leave at the current rate of pay.

Note: All days referred to in these calculations are calendar days.

Contact Officer: Manager Operational Personnel, (02) 9265 2830

File Reference: CHO/00378

In Orders 2004/20, with amendments

Superability of extended leave at double pay

On 17 December 2004 the Premier's Department issued Circular [2004-45](#), which in part advised of new provisions whereby employees could take extended leave at double pay.

Corresponding provisions were incorporating into various Awards including:

Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008

Crown Employees (NSW Fire Brigades Retained Firefighting Staff) Award 2008

Crown Employees (Public Service Conditions of Employment) Award

That part of the payment which represents the double payment is referred to as the 'additional payment'. Further, the additional payment is described as being a non-superable taxable allowance.

However, the Premier's Department has advised (Circular [2005-33](#)) that it has 'now received detailed legal advice which indicates that the double payment is superable for employees covered by the First State Superannuation Act 1992 only. These employees are members of First State Super or another complying fund of their choice.'

Contact Officer: Industrial Officer, (02) 9265 2958

File Reference: CHO/00378

In Orders 2006/22, with amendments

Consolidated leave

1 Applications for consolidated leave

- 1.1 Except as provided for in 1.2, permanent firefighters must apply for consolidated leave at least 24 hours in advance.
- 1.2 In exceptional circumstances, the Operational Commander may grant leave on short notice if a replacement is available or a recall can be arranged.

2 Overtime

- 2.1 Overtime required to cover consolidated leave should be arranged, wherever possible, '*with prior notice*'. Where this is not possible a 'recall' can be used.
- 2.2 Where an employee who is *on duty*, knows in advance that he/she is to work overtime, or alternatively, is notified while on duty to work overtime, then such overtime is '*with prior notice*' and is not a 'recall'.
- 2.3 When an employee is notified when *off duty* to work overtime, and the employee either has to start work before the normal commencing time or alternatively, has to return to work, it is a 'recall'.
- 2.4 Overtime incurred through the granting of consolidated leave *must not exceed the hours of the leave taken*. That is, for example, when a recall is involved, the number of hours consolidated leave which must be taken must equal the number of hours overtime which has to be paid to the employee providing the relief.

3 Approval of consolidated leave

- 3.1 Station Commanders may approve firefighters taking consolidated leave after:
 - checking that the applicant has sufficient consolidated leave in credit, and
 - notifying the Operational Commander to ensure that a replacement is arranged.
- 3.2 Specialist sections must notify their supervisor in the chain of command.
- 3.3 Consolidated leave for officers must be approved by the officer's supervisor in the chain of command.
- 3.4 If the applicant does not have sufficient consolidated leave in credit, the application will not be approved.
- 3.5 Personnel are reminded that current consolidated leave balances appear on their pay advice slips and [Electronic Self Service](#) (ESS).
- 3.6 Station Commanders must record consolidated leave in the Station Register and file the [leave application forms](#) at the firefighter's base station.

4 Conditions

4.1 With prior notice

4.1.1 Late start. By prior arrangement with an off-going shift member to work overtime, consolidated leave can be taken at the beginning of a shift, for:

- a minimum of 1 hour and a maximum of 2 hours on day shift, or
- a minimum of 1 hour and a maximum of 6 hours on night shift.

4.1.2 Early finish. By pre-arrangement with an on-coming shift member to work overtime, consolidated leave can be taken at the end of a shift for:

- a minimum of 1 hour and a maximum of 2 hours on day shift, or
- a minimum of 1 hour and a maximum of 6 hours on night shift

4.2 Recall

4.2.1 Where it is not possible to arrange 'with prior notice' in terms of 4.1, and therefore a recall must be used, the minimum period of consolidated leave which can be taken is 4 hours, up to and including a whole shift.

4.2.2 Recredits are not allowed after the commencement of approved leave.

4.2.3 Employees may cancel leave if there is sufficient time before the commencement of the shift to cancel overtime.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/00402 and CHO/00417

In Orders 2009/6

Accumulation

Permanent firefighters are permitted to accumulate up to a maximum of 160 hours of consolidated leave.

In Orders 1983/28, with amendments

Parental leave

State awards

For information on parental leave entitlements under State awards, including maternity, paternity and adoption leave, see the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*, Clause 21, the *Crown Employees (NSW Fire Brigades Retained Firefighting Staff) Award 2008*, Clause 14, and [Section 6.10](#) of the *NSW Government Personnel Handbook*.

Commonwealth Paid Parental Leave

The Department of Premier and Cabinet [Circular C2010-30](#) contains information concerning Commonwealth Paid Parental Leave:

- The Commonwealth Paid Parental Scheme will begin on 1 January 2011.
- The scheme will provide pay at the rate of the federal minimum wage for up to 18 weeks.
- Eligible NSW public sector employees can access the scheme in addition to NSW public sector parental leave entitlements.
- Information is currently available on the [Family Assistance Office website](#).

Further details can be found in [Circular C2010-30](#) and the [Commonwealth Paid Parental Leave - A guide for the NSW public sector](#) (including eligibility criteria).

Contact Officer: Senior Industrial Relations Officer, (02) 9265 2954

File Reference: NFB/00062, Part 2

In Orders 2010/24

Personal/carer's leave

1 Application

This policy applies to permanent and retained firefighters and officers applying for personal/carer's leave under Clause 22 of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008* or Clause 15 of the *Crown Employees (NSW Fire Brigades Retained Firefighting Staff) Award 2008*.

2 Purpose of personal/carer's leave

The purpose of personal/carer's leave is to enable a primary carer to provide care and support to a spouse, partner, child or relative who is a member of the same household, as defined by the relevant award, when they are ill.

You cannot use personal/carer's leave for childcare. It is only applicable where you are caring for a family member who is ill and you are the primary carer. For example, if your spouse or partner is away and you have to stay home to take care of your children, if they are not ill you are not entitled to use personal/carer's leave, however you may apply to take other forms of available leave.

3 Notice

If you are going to be late for duty, or if you are unable to report for duty, you must notify your supervisor, or arrange for your supervisor to be notified, as soon as possible of the reason for your absence.

You must provide the name of the person requiring care, their relationship to you, the reasons for taking the leave and the estimated length of absence.

You must notify your supervisor before the start of shift, preferably as soon as you realise you will be unable to report for duty.

If prior notice is not possible, you must notify your supervisor by telephone at the first opportunity on the day of absence.

4 Supporting documentation

You must provide either a medical certificate issued by a registered medical practitioner or a statutory declaration as supporting documentation for every case of personal/carer's leave.

In the statutory declaration, you must clearly identify exactly who was ill and required your care and support. You are not required to state the nature of the family member's illness on either the medical certificate or statutory declaration.

Note: A person who willfully makes a false statement in a statutory declaration is guilty of an offence (see the policy on [Statutory declarations](#) on page 576).

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/02054

In Orders 2010/15

Examination leave

For entitlements for candidates sitting for examinations recognised by Fire and Rescue NSW for appointment or promotion see Clause 19 of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*.

Contact Officer: Senior Industrial Officer, (02) 9265 2954

File Reference: CHO/04181

In Orders 1999/12, with amendments

Attendance at court

1 Policy

In the course of duty with Fire and Rescue NSW, firefighters attend incidents that may result in Coroner's inquiries or in court cases. Officers and firefighters may also be required to attend court to give evidence in relation to building approvals or inspections, or other matters in which Fire and Rescue NSW is involved. Administrative and support staff are also occasionally required to appear in court cases as part of their Fire and Rescue NSW duties.

In these circumstances, attending court is part of the official duties of the employee.

If you are required as a witness in court proceedings which do not arise as a result of your Fire and Rescue NSW duties (eg if you were a witness to an incident while off duty), your attendance at court is not an official duty.

2 Application

This policy sets out guidelines for employees who are:

- required as witnesses at court in their official capacity;
- asked to attend court in an official capacity as an observer, not as a witness; and
- required to attend court in a non-official capacity.

3 Subpoenas

3.1 Coroner's Court

Employees who are requested to attend the Coroner's Court do not require a subpoena.

3.2 Other courts

Employees who receive requests to attend any other type of court in connection with their official duties are to request the issue of a subpoena.

3.3 Service of subpoenas

Police officers, solicitors and court officers may serve a subpoena requiring the personal attendance of an employee upon that employee personally, or on the Commissioner at Head Office.

Subpoenas requiring the production of Fire and Rescue NSW documents only are not served on individual employees but must be sent to the Commissioner at Head Office.

The address for the service of subpoenas on the Commissioner is:

The Proper Officer
Fire and Rescue NSW
Level 10
227 Elizabeth Street
SYDNEY NSW 2000

The Records Manager/Archivist will coordinate the collection of documents for the court (for more information see [page 591](#)).

3.4 Check the subpoena

When you receive a subpoena, read it carefully to determine whether it calls for:

- personal attendance to give evidence; or
- production of records or documents, in which case refer it to the Records Manager/Archivist.

A subpoena will list the trial commencement date as the day to attend court. However, this is not always the day on which you will be required to give evidence. Before attending court, you should check with the police officer, solicitor or court officer handling the case, to check:

- the exact date on which you are required to attend; and
- any doubts or inquiries you have about the subpoena.

3.5 Failure to obey a subpoena

If you fail to obey a subpoena, you may be found in contempt of court and be subject to a penalty.

4 Attendance at court on Fire and Rescue NSW business other than as a witness

There are occasions when the outcome of a court case is relevant to Fire and Rescue NSW. In these situations, Duty Commanders, Zone Commanders, Branch Managers and above may send their staff to the court as observers without a subpoena.

5 Advice on going to court

For advice and assistance on preparing for court, you can contact the Senior Legal Officer on (02) 9265 2950, or the Fire Investigation and Research Unit on (02) 9742 7395.

6 Dress

Firefighters must wear dress uniform for attendances at court arising from official Fire and Rescue NSW duties. Administrative and support staff should wear business dress.

Firefighters are not required to wear dress uniform when attending court in a private capacity as this is not an official duty.

7 Entitlements

Firefighters who:

- are required to attend court as the result of duties performed by an employee in the employee's position with Fire and Rescue NSW, including attendance at an incident;
- are required to attend court as a witness for the Crown but not as a result of the duties performed by the employee in the employee's position with Fire and Rescue NSW;
- are required to attend court in a private capacity (ie not subpoenaed by the Crown)

are entitled to the provisions of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*, Clause 25, or the *Crown Employees (NSW Fire Brigades Retained Firefighting Staff) Award 2008*, Clause 18. Particular attention is drawn to the award provision that any monies received, other than reimbursement of expenses actually and necessarily incurred, shall be paid to the Department. A claim on the Department cannot be made for expenses already paid by the court.

Administrative and support staff who appear as witnesses in an official capacity are covered under the provisions of [Clause 6 - 19.5](#) of the *Personnel Handbook* issued by the Department of Premier and Cabinet.

For advice on entitlements contact the Industrial Relations Section on (02) 9265 2954.

8 Claiming entitlements

To claim entitlements for attending court, first attach to the claim both the subpoena, where issued, and the voucher given to you by the court confirming that you attended court. Then send the claim through your supervisor to the appropriate delegated officer. Section 2.2 of the [Delegations Manual](#) covers the reimbursement of expenses for firefighters resulting from attendance at court. Schedule 1 covers general financial delegations for all employees. Section 8 of the [Delegations manual](#) covers leave approvals for all employees.

After authorising financial claims by permanent firefighters and administrative and support staff, the delegated officer sends them to the Employee Services Branch in Head Office for processing and payment. After authorising financial claims by retained firefighters, the delegated officer sends them to the Administrative Services Coordinator for processing and payment.

Contact Officer: Assistant Director Employee Relations, (02) 9265 2677

File Reference: CHO/00865

In Orders 1999/22, with amendments

Jury duty

1 Can Fire and Rescue NSW employees be called for jury duty?

Under the [Jury Act 1977](#), all Fire and Rescue NSW employees can be called for jury duty.

This instruction explains the exemptions available and the entitlements for staff who serve on juries.

2 Background

In 1997, amendments to the *Jury Act 1977* changed the provisions relating to people in emergency services. Previously, permanent firefighters were listed in Schedule 2 of the Act as being ineligible to serve on juries. The amendment changed the Act to give the following definition of people who have a right to claim exemption from jury duty:

Schedule 3

- 7 *A person employed or engaged (except on a casual or voluntary basis) in the provision of fire, ambulance, rescue or other emergency services, whether or not in the public sector.*

Clause 2.5.2 of the briefing notes to the *Jury Amendment (Qualifications) Regulation 1996* states: *it is considered that these persons should be classified as persons who can claim an exemption from jury service rather than being ineligible to serve as a juror.* Instead of making firefighters ineligible, the change is designed to permit all persons who are employed in work directly related to the provision of emergency services to claim an exemption from jury duty as of right.

3 Claiming an exemption from being placed on the jury roll

Every year, the Sheriff's Office creates a jury roll by randomly selecting names of people registered to vote in each court district. If you are selected, the Sheriff's Office will send you a *Notice of inclusion on the jury roll*. This means that during the next year you can be called to sit on a jury at a court in your area.

If you wish to claim an exemption from being on the jury roll under Schedule 3 Clause 7 of the *Jury Act 1977*:

- mark the appropriate circle under Schedule 3 on page 2 of the *Notice of inclusion on the jury roll*,
- give details of your employment with Fire and Rescue NSW,
- sign and date on page 1 of the notice, and
- return the notice to the Sheriff's Office.

Permanent and retained firefighters who claim an exemption under Schedule 3 will be granted an exemption as of right. Experience has shown that administrative and technical support staff are unlikely to be granted an exemption under this Schedule unless exceptional circumstances exist which require their attendance at work for the provision of emergency services.

You should also check the other categories of exemptions on page 2 of the notice and see if any of them apply to you.

The Sheriff's Office will tell you whether or not they have granted you an exemption.

4 Asking for an exemption from jury duty

If you have not got an exemption from being included on the jury roll, you can be called up at any time during the year to do jury duty.

If you want to be excused from jury duty at this stage, you must complete an *Application to be excused from jury duty* and send this to the Sheriff's Office before the date of the jury duty. The application must set out all the reasons why you want to be excused. You cannot claim an exemption as of right under Schedule 3 at this stage, but you can still use work-related reasons to support your claim.

If the Sheriff's Office does not accept your application for exemption, you must attend court on the day set. You may then ask permission to be excused by the Judge or Coroner.

5 Notifying your supervisor

If you have been called for jury duty you must tell your supervisor as soon as possible. If you are selected for a jury and the trial takes more than one day, contact your supervisor to let them know how long it is likely to take.

Supervisors and managers need to be aware of the possibility of the employee being absent from duty for a lengthy period if selected to serve on a jury, and should plan to minimise the impact of such an absence on service delivery.

6 Entitlements for staff attending jury duty

6.1 Permanent firefighters

Permanent firefighters who attend jury duty will be granted special leave on full pay provided that:

- the jury duty is at a time when you would otherwise be on duty
- you have a certificate of attendance from the Sheriff or Registrar of the court giving the date of attendance and certifying that you were not paid any jury fees other than out-of-pocket expenses.

If you have accepted jury fees, you can choose to take either annual leave on full pay or leave without pay.

If special leave for jury duty is granted for part of a day shift, you may choose to:

- return to work and complete the rest of the day shift, or
- apply for annual or consolidated leave for the balance of the shift.

If you are rostered for night shift after attending jury duty, you must have at least eight hours off duty between the finish of jury duty and starting work. An application for special leave is required for any hours of the night shift not worked.

If you attend jury duty while on annual leave or another form of authorised leave, you can apply for special leave and a recredit of the annual leave or other authorised leave.

6.2 Retained firefighters

A retained firefighter who attends jury duty may apply for special leave without loss of retainer for the duration of the jury duty if attending court affects your availability to turn out. This leave is available whether or not you accept jury fees.

A retained firefighter who is on special leave for jury duty must not attend drills or emergency incidents.

6.3 Administrative and technical support staff

In accordance with Chapter 6, [Section 19.4](#) of the *Personnel Handbook*, administrative and technical support staff who attend jury duty will be granted special leave on full pay provided that:

- the jury duty is at a time when you would otherwise be on duty
- you have a certificate of attendance from the Sheriff or Registrar of the court giving the date of attendance and certifying that you were not paid any jury fees other than out-of-pocket expenses

If you have accepted jury fees, you can choose to take either recreation leave, flex leave, extended leave or leave without pay.

7 Advice and assistance

For advice and assistance on jury duty and filling out forms, contact the Sheriff's Office in your area or contact their head office at:

Office of the NSW Sheriff
Level 2, Downing Centre
143-147 Liverpool Street
SYDNEY NSW 2000
PO Box A4
SOUTH SYDNEY NSW 1232
Phone: (02) 9287 7888
Jury Services Branch: (02) 9209 8222
Fax: (02) 9287 7260
http://www.lawlink.nsw.gov.au/lawlink/local_courts/ll_localcourts.nsf/pages/SHO_jury_home

For assistance with leave entitlements contact your Human Resources Manager or the Assistant Director Employee Relations at Head Office.

Contact Officer: Manager Information Coordination, (02) 9265 2971

File Reference: CHO/02961

In Orders 1999/26, with amendments

Observing religious duties and days of religious significance

The NSW Government encourages public sector agencies to grant leave to employees of any religious faith or cultural or ethnic background who seek leave for the purpose of observing essential religious duties or cultural obligations.

A list of days of religious significance is available on the [Community Relations Commission's website](#) or by contacting the Senior Human Resources Officer, on (02) 9265 2646.

Fire and Rescue NSW supports this policy by encouraging supervisors and managers to grant leave to employees to attend. Supervisors are to grant leave, as outlined below, if the employee gives adequate notice and it is operationally convenient to do so.

1 Permanent firefighters

Permanent firefighters can access consolidated leave to attend.

2 Retained Firefighters

Retained firefighters may seek the approval of their Station Commander to be absent from duty on specific dates and times to attend.

In accordance with Clause 28.2 of the *Crown Employees (NSW Fire Brigades Retained Firefighting Staff) Award 2008*, such authorised absences will be excluded when determining a firefighter's level of attendance.

3 Administrative and technical support staff

Administrative and technical support staff can be granted recreation or extended leave to credit, flex leave or leave without pay (see section [6-13](#) of the *Personnel Handbook*).

Contact Officer: Senior Human Resources Officer, (02) 9265 2646

File Reference: CHO/04436

In Orders 2000/5, with amendments

Leave to attend Zone and State Championships

Brigades participating in either Zone or State Championships must ensure that adequate personnel are available to provide community fire protection in the absence of the team.

Leave applications submitted in association with such Championship absences are to include comment by the Station Commander concerned that adequate staff will be available for community fire protection in the absence of the Brigade's championship team. Staff members available are to be quoted.

The Zone Commander is to oversight compliance with this instruction and any departures from it are to be reported promptly to the Director Metropolitan Operations or the Director Regional Operations.

In Orders 1982/40, with amendments

Special leave for NSWFB Band members

Given the semi-official nature of the NSWFB Band, the Commissioner has determined that Fire and Rescue NSW employees who are also members of the NSWFB Band are eligible, at the supervisor's discretion, to be granted up to 10 days special leave per annum to play in the band at official engagements.

This special concession is granted in recognition of the considerable contribution made by the NSWFB Band in fostering public relations, enhancing the positive image of Fire and Rescue NSW and promoting fire safety messages.

Employees will be required to provide written evidence of the official function to their supervisor in support of their request for special leave.

Contact Officer: Senior Industrial Officer, (02) 9265 2954

File Reference: CHO/00161 Vol 2

In Orders 2001/26, with amendments

Military leave for permanent firefighters

1 Scope and application

- 1.1 This instruction applies to permanent firefighters who are members of the Australian Defence Force Reserves, ie are employed on a part time basis by the Navy, Army or Air Force.

2 Notification requirements

- 2.1 If you are a member of the Defence Force Reserves, you should notify Fire and Rescue NSW of your status:

- when joining Fire and Rescue NSW, or
- when you enlist in the Australian Defence Force Reserves

whichever event is later.

- 2.2 To ensure that you can be contacted in an emergency, and to assist with the administration of your military leave entitlements, you should provide the Manager Operational Personnel with the following information:

- Defence PM Keys number
- full name
- military unit name
- Defence Service (Navy, Army, Air Force), and
- enlistment date.

3 Leave entitlement

- 3.1 Permanent firefighters who are members of the Defence Force Reserves are entitled to military leave on full pay for compulsory annual training, schools, classes, courses of instruction, or compulsory parades on the following basis:

Service	Leave entitlement per financial year
Navy	184 hours
Army	184 hours
Air Force	206 hours

- 3.2 If a public holiday falls within a period of military leave, you will be allowed an additional 8 hours military leave provided the public holiday coincides with a rostered working shift.
- 3.3 Fire and Rescue NSW may also grant special leave of up to one shift (or one day in the case of day workers) to attend medical examinations and tests required for acceptance as a Reservist.
- 3.4 If you require any further military leave, you may choose to take it from your consolidated, annual or long service leave balance or as leave without pay.

4 Fire and Rescue NSW operational requirements

- 4.1 If operational requirements dictate that it would not be in the public interest for Fire and Rescue NSW to grant you military leave at a particular time, leave will be made available for you to attend an equivalent training opportunity at another time.

5 How to apply for leave

- 5.1 Military leave should be applied for at least 24 hours before commencement of the leave and earlier if possible so that relieving arrangements can be made.
- 5.2 To apply for leave:
- Check your entitlements under section 3.
 - Ensure you have sufficient military leave available.
 - Complete the Military leave application form available on Station Portal.
 - Attach a signed letter of request/authorisation provided by an authorised officer of your military unit that states your:
 - name
 - PM Keys number
 - military unit name
 - intended general activity and intended general location (if unclassified), and
 - the dates required.
 - Have your application endorsed by your Station Commander/supervisor.
 - Submit your application to your Duty Commander/manager for approval.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: NFB/00335 and CHO/02804 *In Orders 2008/12, with amendments*

Councillor's leave

Officers and firefighters who are elected to Local Government as Councillors may be granted leave for attendance at meetings, conferences and other activities associated with their duties as a Councillor in accordance with the following entitlement for Councillor's leave:

1. 19 hours paid leave in the first 12 months of service as a Councillor or in any period of 12 months; or
2. 38 hours in any period of two years as a Councillor; or
3. 7.6 hours for each completed year of service as a Councillor less the total of Councillor's leave taken during service;

whichever is greater.

If any further absence from duty is required, the officer or firefighter may use existing provisions available for leave without pay, consolidated leave and 'part-time change of shift' subject to departmental convenience.

All of the above may be granted by Zone Commanders and other Officers under Section 8.10 of the [Delegations manual](#), provided that the grant of such leave does not significantly interfere with the primary duties of the officer or firefighter. In *exceptional* circumstances only, additional paid Councillor's leave may be granted at the discretion of the Commissioner.

Any enquiries regarding this matter should be directed to the Senior Human Resources Officer on (02) 9265 2871.

In Orders 1996/20, with amendments

Leave without pay

Accrual of leave

Firefighters have an entitlement to avail themselves of long service leave at half pay at their own election. They also have an entitlement to apply for leave without pay. These entitlements are outside the provisions of the Award and have been flowed on to firefighters by way of administrative action. Essentially the provisions and entitlements emanate from the provisions prescribed by the former *Public Service Acts* 1902 and 1979, currently the *Public Sector Employment and Management Act* and *Public Sector Employment and Management Regulation*.

Effect of leave without pay on accrual of other forms of leave and service for progression purposes

Leave without pay shall be recognised as service for the accrual of other forms of leave and for service purposes only as specified in the following table.

Purpose for which leave without pay is granted	Entitlements accrued
Military service	Annual leave
Major interruptions to public transport	Long service leave
Workers compensation	Service for progression purposes
Authorised absences which when aggregated do not exceed five days in a period of twelve months	Annual leave Service for progression purposes
Sick leave without pay	Sick leave accrual Annual leave Long service leave (for officers with at least 10 years service where sick leave without pay does not exceed 6 months)
To accept positions with the United Nations or other major international organisations Any period of leave without pay prior to 13 December 1963 Single periods of leave without pay not exceeding 6 months after 13 December 1963 for employees with at least 10 years service	Long service leave only
Representing Australia or New South Wales as an amateur in a major sport Study leave	Service for progression purposes only
Study leave with financial assistance	Increments Long service leave
Leave without pay in one sick leave year when aggregated is less than a completed month	Sick leave accrual

Note: Leave without pay *outside* the periods and/or reasons for the taking of leave without pay does *not* count for any accrual purpose.

It should be noted that leave without pay does not break the continuity of service. Leave without pay for purposes other than those specified in the table shall *not* count as service for any purpose.

Long service leave taken at half pay

Long service leave taken on full pay counts as service for all purposes. Long service leave taken at half pay counts as service for all purposes with the exception of the accrual of annual leave which accrues at half the rate.

In Orders 1994/4, with amendments

Union leave

An employee of Fire and Rescue NSW shall be granted leave of absence without pay during any period that the employee occupies a full time office of the Union and upon vacating a full time office shall resume duty with Fire and Rescue NSW at the rank held at the date of commencement of leave of absence.

The period of any leave of absence shall be included for the purposes of calculating an employee's seniority in the employee's rank, immediately prior to the commencement of leave of absence.

During any period of leave of absence Fire and Rescue NSW shall pay all superannuation contributions and the Union shall reimburse Fire and Rescue NSW in respect of all such payments.

Upon commencement of leave of absence Fire and Rescue NSW shall pay to the employee all annual leave then accrued to the employee and during the said period of leave of absence, the Union will be responsible for the payment of annual leave.

During the period of absence, long service leave will continue to accrue as though there was no break in continuity of employment with Fire and Rescue NSW, and on return to Fire and Rescue NSW service, retirement or death of the employee, the Union will pay to Fire and Rescue NSW all long service leave accrued during the period with the Union, and Fire and Rescue NSW will be responsible for payment to the employee of all long service leave.

Sick leave due to an employee by Fire and Rescue NSW shall not accrue or be paid during any period of leave of absence the employee shall be credited with the sick leave period accumulated by the employee immediately prior to the commencement of the said leave of absence.

An employee who proceeds on leave of absence pursuant to the terms of this agreement shall sign an acknowledgment form.

In Orders 1987/13, with amendments

Leave record information

Permanent firefighter's leave information on pay advice slips

All pay advice slips issued to permanent firefighters contain details of their annual leave, 38 hour week leave, long service leave and consolidated leave balances, sick leave taken and annual leave group.

Annual leave

Under the Award, annual leave entitlement is 190 hours per annum. As the current leave cycle does not exhaust all entitlements available, 7 hours 15 minutes is transferred to consolidated leave per calendar year. The fortnightly accrual is therefore, 7.03 hours.

Thirty eight hour week leave

38 hour week leave accrues at 2 hours per week whilst a firefighter is not on annual leave.

During the sixty-four week annual leave roster cycle, a firefighter works a total of 56 weeks and takes 8 weeks of annual leave. The total accrual of 38-hour week leave during the annual leave cycle (64 weeks) is 112 hours. The average fortnightly accrual for the 38 hour week leave is 3.5 hours.

Annual leave cycle

The annual leave cycle is completed in 64 weeks, and usually takes the pattern of 32 weeks of work, 4 weeks of annual leave, a further 24 weeks of work, followed by another 4 weeks annual leave to complete the cycle. Under normal circumstances all annual and 38 hour week leave accrued during the cycle is taken.

Leave details displayed on pay slip

Firefighters who take annual leave should observe their pay advice slips for confirmation of leave being taken.

Mutual exchange of annual leave

Duty Commanders have the authority to approve temporary exchanges of annual leave and regional staff enter the exchanges.

When a firefighter's permanent annual leave allocation is due, the computer automatically deducts leave for that group each fortnight. Firefighters should therefore ensure that applications for temporary exchanges are completed and forwarded in sufficient time (ie at least one month) to allow for payroll processing.

Firefighters should note that their leave may go into debit if there is insufficient leave accrued when taking a temporary leave group in advance of their normal leave group or if annual leave is taken before sufficient leave has been accrued. It should also be noted that leave accruals may be affected by periods of leave without pay and long service leave on half pay.

Annual leave groups

This information is intended to advise members of their annual leave group. This along with the additional provision of details of temporary changes, should ensure that there is no confusion when members are due to proceed on annual leave.

eg Lv. Group C3 Temp. Group C1

Members who undergo annual leave group changes will need to observe their pay advice slip for confirmation of the change being implemented.

Consolidated Leave

For information purposes, members' outstanding consolidated leave balance has been added to the pay advice slip, in decimal hours and *not in hours and minutes*.

eg, twenty hours and forty-five minutes will be shown as: Cons. Lv. 20.75 hrs

Due to the fact that the Personnel Section do not adjust members' leave credit until the leave return forms are forwarded to Head Office, with time sheets, members will have to allow for any leave taken in the previous three weeks, to determine their actual leave balance.

It is not acceptable for members to contact the Personnel Section, to enquire about leave records. Should a member wish to have any leave balance matters investigated, a written request should be submitted containing all relevant details supported by documentary evidence, where available, in support of the claim.

Leave enquiries

Employee Services staff perform regular audits on all leave taken. However, should a member wish to have any leave matter investigated, a written request must be submitted to the Employee Services section containing all relevant details supported by documentary evidence, where available, in support of the claim.

Contact Officer: Leave Officer, Employee Services, Head Office, (02) 9265 2876, (02) 9265 2877, or (02) 9265 2970

File Reference: CHO/01834 In Orders 1990/9 and 1999/14, with amendments

Leave record cards

Station records of accrued leave balances are not to be regarded as official. The only official record is that maintained by the Personnel Section.

Leave record cards held at stations are to assist senior officers determine merits of a leave application, particularly at times when it is not possible to gain access to the official record.

Adjustments are to be made by the Station Commander for all credits and debits of leave.

A leave record card is to be attached to the personal record card of each firefighter and officer and passed on from station to station when the member is transferred.

Consolidated In Orders, page 125(i), with amendments

FLEXIBLE WORK PRACTICES

Flexible working hours agreement

The [*Flexible working hours agreement*](#) only applies to staff employed under the *Public Sector Employment and Management Act 2002* (excluding tradespersons and labour hire workers).

A copy of the *Flexible working hours agreement*, as agreed to by the PSA, can be found on the [administrative policies and procedures page](#) on the Intranet.

Contact Officer: Industrial Officer, (02) 9265 2853

File Reference: CHO/07676

In Orders 2004/15, with amendments

Working from home policy and procedures

These working from home arrangements only apply to administrative and clerical staff.

1 Introduction

Working from home is one of the options available under the FRNSW flexible working arrangements. Flexible working practices encourage employees to balance their work, self development, family and community responsibilities more effectively. The aim is to achieve the best possible match between the interests of individual employees and those of the organisation.

Working from home arrangements enable employees to undertake suitable work duties from home one to two days per week. Such arrangements are only appropriate when the manager and the employee are in agreement that work can be completed efficiently in this manner and where there are no adverse effects on the provision of customer service.

Where such an arrangement is approved, an individual working from home agreement is developed to ensure that the individual and manager are clear on the structure, conditions and monitoring of the arrangement. The terms and conditions of employment that apply to the employee's place of work also apply at the home-based work site.

It must be noted that working from home is not a solution for the care of dependants.

2 Application process

An employee who wishes to work from home should meet with their manager to discuss their request in the first instance. A written proposal to the manager is then required which should cover the following points as a minimum:

- the reason for the application
- the period, days and hours they intend to work from home
- the days and hours they intend to work from the FRNSW office
- details on the work to be performed at home
- the advantages that may result from working from home
- a sketch of the floor plan of the home that clearly shows the area that is to be utilised as a work area/office

- a list of work equipment available at home, and
- a list of the work equipment required.

Where an employee with an injury, illness or disability wishes to work from home, the Health and Safety Branch will assist with the assessment of their application.

Where an injured employee is on a rehabilitation program, suitable restricted duties may include duties working from home. In these cases the application process will involve:

- the development of a Return to Work (RTW) plan negotiated between the rehabilitation case manager, the supervisor, the injured employee and the treating doctor
- submission of the signed RTW plan to the Manager Employee Services for approval, and
- an occupational health and safety inspection of the home site arranged by the rehabilitation case manager.

3 Points for managers to consider

Managers need to consider the following points when assessing an employee's application:

- whether the duties are suitable for work at home including the type of work and the amount of work that can be performed
- whether there is necessary work that can be done without direct supervision
- whether the employee has the skills to complete the work efficiently and effectively without direct supervision
- the maximum period for which work from home can be undertaken
- how the employee's performance will be monitored and reviewed
- the likely impact on other employees in the work area
- quality customer service and the need to maintain services, eg. diverting telephones to the home
- the possible benefits such as productivity gains that may result from the arrangement
- the cost of equipment and modifications necessary for the employee to safely undertake work at home
- that the employee is familiar with safe working procedures and has the information and training necessary to do the work safely at home
- the equitable provision of career development opportunities, such as special projects and training
- establishment of communication processes to ensure that the employee is consulted about changes and aware of developments during the time when they are not at the workplace

- opportunity to participate in activities such as employee meetings and other employee networking activities, and
- equity and access of all employees to home-based work.

4 Approval process

After considering the above points, the manager should write their recommendation to the Manager Employee Services as to whether the application should be approved or declined.

If the application is supported by the Manager Employee Services, an occupational health and safety (OHS) inspection of the employee's home site must be completed prior to final approval. This inspection will be arranged by the Manager OHS. Where it is not practical for FRNSW OHS personnel to perform the inspection, a referral will be made to an external OHS consultant. The consultant's fees will be charged to the employee's cost centre.

The schedule in the FRNSW [Working from home agreement](#) will then be completed by the Workforce Policy and Planning Officer. The document outlines all the terms and conditions of the agreement and is signed by the employee, employee's manager and other relevant parties.

Contact Officer: Industrial Relations Officer, (02) 9265 2853

File Reference: CHO/01494

In Orders 2004/14, with amendments

MATERNITY MANAGEMENT PROTOCOL

Notification of pregnancy

When a firefighter is confirmed pregnant, she is to notify her Director. As soon as possible she will be withdrawn from firefighting duties.

Clothing

1. The standard issue uniform is to be worn by members until the pregnancy becomes apparent prior to the birth and from the 10th week, if practicable, following the birth.
2. Permanent members will be provided with a Fire and Rescue NSW maternity uniform for use when appropriate.
3. Retained firefighters will be provided with a navy blue dust coat with appropriate insignia, supplied by Fire and Rescue NSW, to be worn over private clothing for the period during which attendance at the station is authorised.

Resumption of firefighting duties

A member on maternity leave who gives birth to a living child shall not resume firefighting duties until thirteen weeks have elapsed after the birth of the child unless a special request for early return is made by the member, supported by a medical certificate from a qualified medical practitioner, subsequently endorsed by the Brigades' Medical Officer.

Duties other than firefighting may be undertaken after six weeks following the birth of the child, if endorsed by the Brigades' Medical Officer.

Special conditions - permanent firefighters

1. Upon withdrawal from firefighting duties alternate work of a suitable nature is to be provided.
2. Allocation of duties will be the prerogative of the Director following consultation with the firefighter.

Special conditions - retained firefighters

1. A member shall not place herself at risk by reason of her response to an alarm or by any subsequent action associated with attendance at the station (including attendance for drills and schools) for the duration of the pregnancy and for 13 weeks immediately following the birth.
2. It is expected that a pregnant firefighter *will* attend regular drills and schools up to and including the 26th week of pregnancy and *may* attend drills and schools up to the birth unless prevented by illness or for reasons of practicability associated with the pregnancy, subject to (5) below.
3. A member shall not attend the station for the 6 week period immediately following the birth.
4. A member *may* attend regular drills and schools between the 7th and 9th week immediately following the birth, but is expected to attend drills and schools during the period 10th to 13th weeks inclusive unless unable to do so for medical reasons.
5. Attendance of members during pre and post natal periods at drills and schools, in giving effect to provisions (2) and (4) above, shall be restricted to non-exerting participation.

6. A member is permitted to attend the station on being alerted by the sounding of an alarm during the period up to and including the 26th week of pregnancy and during the period 10th to 13th weeks inclusive following the birth, subject to (9) below.
7. A member shall not respond to incident calls for the period from the 27th week of pregnancy to the birth and for the period of 9 weeks immediately following the birth.
8. Response to incident calls during the period described in (6) above shall be restricted to attendance at the station only and to non-physical participation, eg watchroom duty, minor maintenance duties.
9. Irrespective of any circumstance which may prevail at any time, a member who has responded shall strictly adhere to the limitations of activity described in (8) above.

In Orders 1990/15, with amendments

HOUSING

Employee Housing Manual

In accordance with the New South Wales Government's *Employee Housing Policy*, outlined in Premier's Memorandum [No 94-10](#), Fire and Rescue NSW has established an [Employee Housing Manual](#) to inform permanent firefighters and administrative and support staff of the Government's policy and Fire and Rescue NSW award provisions in relation to employee housing.

In accordance with Government policy, the Commissioner may approve the provision of employee housing:

- when such assistance is essential to the continuation of priority government services and the employee cannot obtain private accommodation which is of a reasonable standard, in a reasonable location and at a reasonable rent; or
- when the special duties to be performed require the employee to live on site or close to the work site.

The Commissioner must charge full market rent for employee housing unless special circumstances exist that justify reduced rentals, or less than market rates are specified in an existing award or agreement.

Contact Officer: Property Officer, (02) 9742 7378

File Reference: CHO/04581

In Orders 2000/22, with amendments

ROSTERS

Part Time roster

Fire and Rescue NSW and the FBEU have agreed to trial a Part Time Roster for permanent firefighters in the gSa who have bona fide carers' responsibilities. These firefighters will operate as Relieving Firefighters in line with Clause 12 of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*.

The Part Time Roster will work on a two week basis (two separate platoons, K and L) whereby participants with carers' responsibilities will work as follows:

K Platoon

Week 1	Saturday	0800 -1800 hrs
	Sunday	0800 -1800 hrs
Week 2	Friday	1800 - 0800 hrs
	Saturday	1800 - 0800 hrs

L Platoon

Week 1	Friday	1800 - 0800 hrs
	Saturday	1800 - 0800 hrs
Week 2	Saturday	0800 -1800 hrs
	Sunday	0800 -1800 hrs

There will be eight positions initially offered on a trial basis to those participants eligible for consideration as a person with carers' responsibilities, as defined in Clause 22.1.3 of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*. In the event that there are more than eight bona fide applicants, then the participants will be selected by ballot.

Leave for participants will be accrued on a pro rata basis. Any participant working this Part Time roster may elect to return to their previous full time roster during this trial, so long as they provide 28 days notice.

This Part Time roster will commence in January 2007. Expressions of Interest, by way of memorandum, with supporting documentation, should be forwarded to Manager Operational Personnel, Fire and Rescue NSW, PO Box A249, Sydney South NSW 1232.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/08596

In Orders 2006/27, with amendments

Job share arrangements for permanent firefighters

Fire and Rescue NSW and the FBEU have agreed to trial job share arrangements for permanent firefighters stationed in the GSA.

The conditions for participants are as follows:

- Applicant and alternate must have bona fide carers' responsibilities.
- Both applicant and alternate must be of the same rank, ie both firefighters or both Station Officers.

- It is the responsibility of the applicant to seek the alternate firefighter.
- The job share must be attached to and in accordance with a roster specified in the Award.
- The job share roster must follow a repeating pattern.
- It is preferable that the job share arrangement has parity, ie 50/50 split, however other applications can be assessed.
- The job share arrangements must make up a full time roster, but not exceed a full time roster.
- Leave and accruals will be on a pro-rata basis.
- Applicant and alternate will both be placed on the same Annual Leave group.
- Either party can exit the agreement and return to full time work and, where possible, to their original location, provided they give one month's notice.
- The remaining party will be granted an additional six weeks, after the one month notice, to find a replacement.
- Subsequent to that period, the remaining party will have the option to revert to the part time roster or a full roster or may apply for a further extension if extenuating circumstances exist.

There will be eight positions initially offered on a trial basis to those participants eligible for consideration as a person with carers' responsibilities, as defined in Clause 22.1.3 of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*. The filling of the eight positions (that is, four job share partners) will be by order of application date.

These job share arrangements will commence on and from 30 July 2010.

Forward Expressions of Interest, by way of memorandum, with supporting documentation, to Manager Operational Personnel, Fire and Rescue NSW, PO Box A249, Sydney South NSW 1232.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: NFB/06367

In Orders 2010/14, with amendments

Change of shift procedure

The coordination of all spare relief personnel falls within the responsibility of the Response Coordinator, Sydney Communication Centre who will be directly responsible to the Assistant Director Operational Personnel in this regard.

The Response Coordinator will be responsible to oversight the movement of spare relief staff across Zones in the Greater Sydney, Newcastle and Wollongong areas.

When determining the movement of personnel, Duty Commanders and the Response Coordinator are to employ the most practical and cost efficient method of replacements. The Assistant Director Operational Personnel is available at the change of shift to assist in making decisions regarding the movement of personnel if required.

All Duty Commanders are to notify the Response Coordinator, Sydney Communication Centre as soon as practicable regarding the following:

- the disposition of all relieving officers in their Region;
- the availability of spare relieving firefighters in their Region;
- all overtime incurred within their Regions with the exception of overtime incurred as a result of any late fire calls.

To ensure the most effective utilisation of personnel, the following procedures will apply in the event of staff shortages occurring.

Duty Commanders

1. All known short term absences will be communicated to the Response Coordinator.
2. At the change of shift, the recall Duty Commanders are to contact the Response Coordinator who will direct them to report for duty as required.
3. The Response Coordinator will be responsible for maintaining and monitoring a recall system for Duty Commanders on a platoon basis.
4. The recall roster will include all Inspectors in the Greater Sydney Area working the standard roster viz:

Duty Commanders
Fire Investigation and Research Unit Officers
Response Coordinators

5. To allow an even distribution of overtime for Inspectors the Response Coordinator will record all overtime worked by Inspectors including overtime worked in specialist areas but *not* short time overtime such as late fires etc.
6. Should a spare Inspector be available, Response Coordinator will liaise with the Assistant Director Operational Personnel for the allocation of duties.
7. Duty Commanders in Newcastle and Wollongong are to maintain a recall roster in those areas.

If for any reason Inspectors are unavailable for recall and the Roster cannot be maintained, the Response Coordinator is to be advised.

The Response Coordinator will make alternate arrangements to have Inspectors from the Greater Sydney Area available for recall in those areas.

Station Commanders

1 Short term vacancies with prior notice

- a. All known short term shortages of Station Officers will be communicated to the Duty Commander as soon as practicable.
- b. If a spare Relieving Station Officer is available within a region, the Duty Commander will direct that Officer to fill the vacancy prior to commencement of the shift.
- c. If no spare Relieving Station Officer is available within a Region, the Duty Commander is to liaise with the Response Coordinator with regard to the availability of spare Station

Officers. If a spare Station Officer is available, the Response Coordinator will direct that Officer to fill the vacancy prior to the commencement of the shift.

- d. If no spare Officers are available, the Duty Commander is to fill the vacancy by acting up a Leading Firefighter in accordance with the agreement on acting up procedures.
- e. If no Leading Firefighter is available to act up to the position of Station Commander, the vacancy is to be filled with a Station Officer from the recall roster.

2 Short term vacancies without prior notice

- a. When a shortage of Station Officers occurs without prior notice, the Duty Commander is to direct a spare Station Officer (if available) from within the Area to fill the vacancy.
- b. If no spare Station Officer is available from within an Area, the Duty Commander is to liaise with the Response Coordinator as to the availability of spare Station Officers. Should a spare Station Officer be available, the Response Coordinator will direct that Officer to fill the vacancy.
- c. If there are no spare officers available, the Duty Commander is to fill the vacancy by acting up a Leading Firefighter in accordance with the Agreement on acting up procedures.
- d. If there are no Leading Firefighters available to act up to Station Commander, the vacancy is to be filled by a Station Officer from the recall roster.

Firefighters

- 1. Where a firefighter shortage exists for any reason and all Relieving Firefighters have been utilised within an Area, the Duty Commander is to liaise with the Response Coordinator with regard to the availability of spare *Relieving* Firefighters from adjoining Areas.
- 2. If a spare Relieving Firefighter is available, the Response Coordinator will direct the Relieving Firefighter to fill the vacancy.
- 3. If there are no spare Relieving Firefighters available, the Duty Commander is to fill the vacancy by out-duty in accordance with the Agreement on out-duties.
- 4. If no out-duties can be worked, the Duty Commander is to fill the vacancy with a firefighter from the recall roster.

In Orders 1994/11, with amendments

During operations at incidents

Incident Controllers are instructed that when still operating at fires and approaching the time for change of shift information is to be transmitted to the Communication Centre as to whether a relief crew will be required.

This information should be given where practicable at least 20 minutes before the change over time is due.

Where it is the opinion of the Incident Controller that the time required in excess of the ceasing hour to complete operations and return to the station would be less than that required to effect a change over, then such detail is to be notified by way of a message as previously indicated.

Where a number of stations are operating at the one location, and relief is required for only part of the attendance, then such is to be indicated to the Communication Centre in the manner required.

Consolidated In Orders, page 38, with amendments

Relief from duty following excess duty hours

Where a member of the permanent staff attached to the standard roster ceases duty after 10.30 am following a night shift and after 12.30 am following a day shift a period of eight hours should elapse between the time the employee is dismissed from duty and when the next duty period commences.

There will be no deduction from ordinary pay in giving effect to this minimum break of eight hours between shifts.

The concession will in no way affect the right of the Commissioner in the case of an emergency to direct officers and firefighters to work in accordance with provisions of the Awards.

Station Commanders will be responsible for determining the extent of concessional leave in respect to staff under their jurisdiction. An appropriate occurrence book entry relative to leave granted is to be made by the Station Commander who will also notify the Duty Commander of his decision. A notation is also to be made on the time sheet.

See also the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*, Clause 9.9.

In Orders 1981/22, with amendments

Arrangements for full or part change of shift

The [Arrangements for full or part change of shift](#) procedure is available on the [Administration Policies page](#) of the Intranet.

The full procedure sets out the conditions under which a permanent firefighter can arrange for another permanent firefighter to work for all or part of their rostered shift. The key points of the procedure are:

- The former restriction on the number of full or part changes of shift has been removed.
- Replacements must have similar qualifications required to meet the needs of the position being filled on the particular shift, eg rescue, hazmat, pumper or aerial operator qualifications.
- Duty Commanders can refuse applications for part or full change of shift if the replacement firefighter does not have the required qualifications.
- A full or part change of shift cannot be performed whilst on leave.
- No firefighter is permitted to work in excess of 16 hours straight, except in the case of a call to an incident or other emergency circumstances.
- Firefighters must have an 8 hour break between shifts.

Contact Officer: Assistant Director Recruitment and Staffing, (02) 9265 2869

File Reference: FRN12/1288

Commissioner's Orders 2012/25

Operational staffing of aerial appliances

At all times when station staff are available, two qualified operators are to be rostered on all aerial appliances.

However, due to annual leave, sick leave, consolidated leave and other exigencies of the service, operational staffing levels may not be possible to maintain.

Therefore, the following *minimum* operational staffing levels of all aerial appliances are detailed below:

Hydraulic platforms and aerial ladder platforms

Two qualified operators to be rostered on the appliance.

Turntable ladder appliances

One qualified operator and one trainee offsider to be rostered on the appliance.

Exception: Magirus DLK 23/12 Low Profile Ladder to have two qualified operators rostered on the appliance.

Aerial pumpers

One qualified operator and one trainee offsider to be rostered on the appliance.

Transport

Where aerial appliances are required to be transported only from place to place by operational staff, one qualified operator is required to perform this duty.

Station staffing at aerial appliance stations

Hydraulic platform/aerial ladders platform stations

City of Sydney Station	- 6 Qualified Operators
Others	- 4 Qualified Operators

All other aerial stations (including aerial pumpers)

- 4 Qualified Operators, or
- 3 Qualified Operators and 1 Trainee

In Orders 1994/1, with amendments

Driver/operators not included in platoon allocations

Driver/operators of aerial appliances being allocated to other special duties which preclude them from driving and operating such aerial appliances at fires and drills on a regular basis, such driver/operators are not to be classified as being included in the platoon allocation of driver/operator.

In Orders 1981/5, with amendments

Sleeping on 'N' duty

Specific Conditions

1. At the discretion of the Commissioner all permanent officers and firefighters may recline and sleep between 2200 hours and 0600 hours unless on rostered watchroom 'N' duty, subject to the conditions in following items 2, 3 and 4.
2. Firefighters rostered for the N2 (2300 - 0300 hours) and N3 (0300 - 0800 hours) watchroom duties at stations with permanent staffing in the watchroom at terminal stations, are permitted to recline and sleep from 2200 hours until commencement of their rostered duty period.
3. At those stations where there are no automatic fire alarms, ie non-terminal stations, the firefighter rostered for watchroom duty is permitted to recline and sleep in the watchroom in accordance with the provisions of item 1 of these instructions.
4. Firefighters rostered on watchroom duty at No 8, 13, 21, 24, 27 and 50 Stations will be considered to be at lock up stations and will also be permitted to recline in accordance with item 1 of these instructions.

Bedding

1. All members are responsible for providing their own blankets, pillows, etc. as well as for the cleanliness of these items.
2. Where provided, folding beds are to be placed in such position as directed by the Station Commander to ensure the safe and unobstructed movement of staff.
3. All fixed beds are to be covered with a bedspread outside reclining hours and be maintained in a clean condition.

General Conditions

1. Sleeping must be regarded as a concession which may be revoked by the Commissioner at any time. Should there be abuse, conditions will revert to those under the Award.
2. All or any of the above conditions may be withdrawn at any time without any reason being stated by the Department.
3. Firefighters are permitted to recline and sleep only when there is no work or duty to be performed, as determined by the Station Commander.
4. Firefighting tunics, boots and other accoutrements are to be placed in such a position as to minimise any delay in the Brigade's response to fire or emergency.
5. The crew of the Flying Squad attached to City of Sydney Station is excluded from these concessions.

In Orders 1995/19, with amendments

Watchroom duties

Responsibilities of watchroom personnel

General

During the day shift (D) and at all other times other than as specified above in respect of reclining, the rostered duty firefighter will be required to assist in general station duties, participate in drill and study classes and otherwise have free movement in the station, at all times subject to:

1. An overriding obligation to monitor fire calls from any source and to attend promptly to general telephone business, to public inquiries and general watchroom duties including occurrence book entries, as well as to receive Senior Officers at the station.
2. The officer or firefighter-in-charge of the station being responsible for ensuring that the firefighter rostered on watchroom duty performs these duties and responsibilities promptly and in accordance with efficient business practice.
3. The rostered duty firefighter must remain within sight and sound of the station watchroom, to ensure full compliance with these provisions.
4. Should it be necessary for the firefighter on watchroom duty to leave the watchroom or its vicinity for any reason whatsoever, a relief must be called for and an appropriate entry made in the station occurrence book.

In Orders 1995/17, with amendments

Restricted duty officers and firefighters

The following working arrangements are to be observed with restricted duty officers and firefighters performing watchroom duties:

1. That restricted duty officers and firefighters be engaged in the watchroom on day shifts, being relieved for lunch and tea breaks, etc, by another firefighter.
2. Where practicable during these shifts, when not otherwise engaged on station duties, another firefighter be detailed to assist, that experience may be gained in the watchroom, but to turnout upon receipt of a call of fire.
3. On the night shift, the officer or firefighter on restricted duties perform one dawn watch and other firefighters be detailed to do watchroom duty for the remaining watches. In the event of receipt of a call of fire while the active member is on watch, the one on restricted duties should take over the watchroom, thus releasing the other member to turn out.
4. While being assisted (or relieved) as indicated in (2) the restricted duty firefighter may be required to perform other station duties which are within his or her physical capacity.

In Orders 1966/3, with amendments

Turn out duties

In an endeavour to have Brigades 'turn out' to calls of fire with the utmost speed, Station Commanders are to allocate, at the beginning of each shift, duties to be performed by the crew before it leaves the station in response to an alarm of fire.

Consolidated In Orders, page 95, with amendments

Duty roster

Station Commanders are instructed that the duty roster displayed in the watchroom for the guidance of staff, is to refer to *all* duties allocated in the station.

Consolidated In Orders, page 59

RELIEVING

Guidelines for prioritising the allocation of relieving staff

1 Introduction

Operational firefighting vacancies may be filled in a number of ways, including the use of relievers, out duties and the recall of permanent firefighters on overtime.

The reason for working overtime is recorded on a firefighter's timesheet. This information is used to develop Fire and Rescue NSW's workforce planning profile and overtime drivers.

To facilitate the accurate recording of reasons for overtime, this guideline provides a uniform approach to the allocation of spare permanent firefighters to fill operational vacancies.

Note: This guideline in no way restricts Duty Commanders' discretion to use their resources in the most cost effective manner.

2 Priority for allocation of spare operational staff

Spare operational staff (ie relievers and out duties) are to be used to fill vacancies in a uniform manner, as follows (brackets indicate the OT reason code):

- 2.1 In the first instance, spare operational staff should be used to cover approved scheduled leave, such as Annual Leave (AL), Long Service Leave (LS), Training (TI and TE) and Special Leave (SP).
- 2.2 Spare operational staff should then be used to cover unscheduled leave such as Sick Leave (SLM, SLMN), Personal Carer's Leave (SLPC), Sick Leave - Workers Compensation (SLW), Compassionate Leave (CMP) and Special Situation (SS).
- 2.3 Remaining spare operational staff should be used to cover vacancies caused by any other reason, such as Consolidated Leave (CL), Person Short (PS), Late Fire Call (LF), Secondment (SEC), Retained Shortages (RES) and other reasons (OTH).

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: NFB/00086

In Orders 2007/5, with amendments

Relieving outside a Fire District

1 Scope and application

Unless there are exceptional circumstances, these guidelines apply to the application of Clause 12.4 of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008* to relieving Station Officers and firefighters in Metropolitan Zones.

These guidelines have been developed to assist Duty Commanders to utilise the provisions of the Award on a practical basis.

Clause 12.4 provides:

12.4 Subject to the exceptions in 12.4.1, employees cannot be directed to perform relief duty outside the Fire District to which they are attached.

12.4.1 Exceptions

12.4.1.1 Inspectors;

12.4.1.2 Relieving Employees (pursuant to 12.1.1);

12.4.1.3 Employees (pursuant to 12.1.2) who are placed upon a transfer register pursuant to clause 28, Transfers Outside of the GSA, and are claiming residential priority may be directed to relieve in an area to which that transfer register applies.

These guidelines do not apply to:

- Inspectors, covered under sub clause 12.4.1.1
- regional relief duties, covered under sub clause 12.4.1.2, or
- out duties, covered under sub clause 12.4.1.3.

2 Electing to relieve outside a Fire District

Nothing in these guidelines stops a person from electing to perform relief duties outside the Fire District to which they are attached.

3 Relieving duties within the greater Sydney area

Relieving Employees assigned to the greater Sydney area (gSa) can be detailed to perform relief duties at any location within the gSa.

4 Relieving between gSa and other Metropolitan Zones

Fire and Rescue NSW and the FBEU have agreed on reciprocal relieving arrangements between gSa Zones and other Metropolitan Zones outside of the gSa as shown in Table 1.

Table 1: Reciprocal relieving arrangements between gSa and other Metropolitan Zones

Zone	MN1	MN2	MN3	MW3	MS1
MN1	All stations	All stations	All stations		
MN2	All stations	All stations	All stations		
MN3	All stations	All stations	All stations		
ME1		COS, 3, 4, 10, 11, 13, 18			All stations
ME2	All stations	All stations	75		
ME3		5, 9, 14, 15, 16, 17, 19, 22, 28, 52, 62, 64		All stations	All stations
MW1	43, 63, 71, 94, 97	30,43, 55, 63, 71, 72, 94, 97		All stations	
MW2	23, 27, 42, 57, 59, 65, 67	23, 27, 42, 57, 59, 65, 67		All stations	41, 49, 55, 73, 101
MS2		26, 35, 39			All stations
MS3				All stations	All stations

5 Communication Centres

Relieving Employees assigned to Communication Centres should preferably relieve at an adjacent Communication Centre.

6 Leap frogging

There is no restriction on the number of personnel movements which can be initiated in order to fill a vacancy. This practice is known as 'leap-frogging' and can involve the use of both Relieving Employee movements and out duties.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: NFB/00488

In Orders 2009/4, with amendments

Relief arrangements for Operational Support positions

All Operational Support positions have been allocated a priority category for being filled when the position is temporarily vacant.

Operational Support positions are those that fall under Clause 14, *Operational support positions*, of the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*.

The categories for filling temporary vacancies are:

Category	Explanation
A	Temporary vacancies are filled at all times. They are replaced from within the section in the first instance, or otherwise as considered appropriate by the manager.
B	Temporary vacancies are filled if the vacancy is for more than one week, but not for periods of less than a week except at the Director's discretion.
C	Temporary vacancies are not usually filled. This is subject to review if the position remains vacant for more than four weeks, or earlier at the Director's discretion.

The list of [Relieving categories for Operational Support positions](#) is posted in the Human Resources section of the Intranet.

Contact Officer: Assistant Director Operational Personnel, (02) 9265 2869

File Reference: CHO/07002

In Orders 2006/27

Relieving matrices

Relieving matrices are published on the [Intranet](#). While every attempt has been made to ensure that all errors/anomalies have been removed, in the event that further errors become apparent, the following procedures will apply:

1. The firefighter/officer who discovers an apparent error is to contact the Industrial Relations Officer on ext 2903 ((02) 9265 2903) and forward written advice of what he/she believes should be the correct return distance, detailing the route taken. The Departmental address for such written advice is Industrial Relations Officer, 11th Floor, Head Office, 227 Elizabeth Street, Sydney. If possible the same information should also be provided to the Fire Brigade Employees' Union, phone (02) 9218 3444.
2. Fire and Rescue NSW in conjunction with the Union will check the claimed discrepancy.
3. If the distance in the relevant matrix is found to be incorrect, then a new agreed distance will be determined. If Fire and Rescue NSW and the Union remain of the view that the distance stated in the matrix is correct, then the firefighter/officer making the query will be contacted and so advised.
4. Any corrected distance and its effective date will be published in the next available In Order.

In cases where the corrected distance is *more* than that shown in the matrix, it will take effect from the beginning of the pay period in which the discrepancy was first notified by the firefighter/officer, provided that such effective date is not earlier than the 29 March 1996.

Retrospective adjustments will only be paid on application and such applications are to be made on a Miscellaneous Voucher.

In cases where the revised distance is *less* than that contained in the matrix, the new distance will operate prospectively from the beginning of the first pay period to commence on or after the date that the new distance is published in the In Order.

If you have any inquiries regarding this advice please contact Industrial Relations on (02) 9265 2903.

In Orders 1996/9, with amendments

HIGHER DUTIES

Higher duties allowance policy for staff employed under the Public Sector Employment and Management Act 2002

1 Introduction

The overall intent of this policy is to ensure that a high standard of service delivery is provided at all times and for higher duty opportunities to be determined in a fair and equitable manner.

This policy does not apply to employees who act in Chief Executive Service and Senior Executive Service positions. Information on higher duties for employees who act in such positions can be found in the SES Guidelines issued by the Department of Premier and Cabinet.

2 Eligibility for selection to a higher graded position

Full time, part time and departmental temporary staff are all eligible to act in a higher graded position.

Depending on the circumstances, the dominant criteria for selecting employees for a higher duties allowance opportunity should be based upon the benefit to employees of a learning opportunity, or the performance advantage likely from selecting the most suitable employee available on the basis of their knowledge, skills, experience and expertise. If the position is critical to service delivery, the most experienced and efficient staff member may need to perform the duties.

3 Role of managers

The most important consideration for managers is that the most efficient service will be provided. Managers need to consider the impact on the workload of other staff if a decision is made to provide relief. Therefore, managers must decide if an efficient service can be delivered temporarily without the need to fill a vacancy or a suitable officer is to be sought to provide relief.

Managers must discuss the duties of the position, the percentage of the duties of the position to be performed and the maximum percentage of the allowance payable, subject to successful completion of the work, with eligible staff prior to the commencement of higher duties. Managers are responsible for recommending what proportion of the allowance will be paid once the relief period has been completed. There is no automatic entitlement to be paid 100% of the allowance. Managers should provide constructive feedback during and upon completion of the relief period. Managers who decline to offer a higher duties opportunity to a staff member should advise the staff member of the reasons for non selection, and provide feedback.

Managers are to ensure that officers do not carry the full burden of the responsibilities and duties of their substantive position whilst relieving on higher duties. If an officer is receiving higher duties at the rate of 100%, managers are to ensure that the officer does not perform the duties of his/her substantive position as well.

4 EEO implications and implications for target groups

Managers should encourage and actively seek participation from all EEO groups when determining the most eligible person to relieve in a higher graded position when it is for staff development purposes. It is anticipated that the participation rate of EEO groups will be similar to the overall participation rate in the workplace.

5 Positions requiring relief for less than three months

Depending on the position, the manager must determine whether pressing circumstances require that the most efficient or experienced staff member provides relief in the position, or whether it is to be used for staff development purposes.

When a position is suitable to be filled as a staff development opportunity, managers should ensure that interested and eligible staff members have equal chances to act in higher graded positions as they arise.

Where more than one applicant for any position meets the criteria as set out in this policy to act in a higher graded position, consideration may be given to the applicant who has had fewer previous higher duties opportunities and/or acted or demonstrated a willingness to act in positions of the same salary as his/her substantive position (ie participated in job rotation).

If a higher duties opportunity extends to at least a few weeks, managers may consider sharing the opportunity equally between eligible officers.

It may also be possible for two staff members to act in the higher graded position at the same time by sharing the duties of the position. They would each be paid a proportion of the higher duties allowance.

6 Positions requiring relief for more than three months

On occasions, opportunities exist for positions to be filled for periods in excess of three months, for example when the incumbents are on maternity leave, on secondment or acting in temporary vacancies. Delegated managers may approve payment of a higher duties allowance in respect of periods of relief of more than three months (see the [Delegations manual](#)).

Supervisors would normally be expected to fill long term vacancies through temporary appointment (selection by merit). However, there is scope for the position to be shared equally by various staff members as a developmental opportunity.

6.1 Selection by merit

Generally positions which are to be vacant for more than three months are to be filled by merit as a secondment opportunity through an expression of interest within FRNSW. Temporary vacancies can also be advertised on Jobs NSW and the press if it appears unlikely that the skills will be found within FRNSW. The Commissioner has the discretion to approve or refuse an officer permission to act in a higher graded position regardless of whether selection of the officer was made by way of merit or not.

Selection for temporary vacancies that appear as an expression of interest on Jobs NSW and/or the press do not require an independent on the selection panel. However, there should be a representative from the particular area (usually the supervisor/manager) and a representative from another area within FRNSW.

7 Administrative issues

7.1 Payment of allowance

Managers are responsible for determining the percentage of the duties performed by a staff member relieving in a higher graded position as well as recommending the proportion of the allowance to be paid.

An officer acting in a higher graded position is not automatically entitled to be paid 100% of the allowance.

To receive the higher duties allowance, the period of relief must be for a minimum of five complete and consecutive working days. Delegated managers may approve payment of a higher duties allowance in respect of periods of relief of less than five ordinary working days (see the [Delegations Manual](#)). Flex leave taken, subject to departmental convenience, after receiving the higher duties allowance for a minimum of five complete and consecutive working days, will be paid at the higher duties allowance rate. Flex time accumulated during the period of higher duties, but taken when the officer returns to his/her substantive position, will be paid at the substantive rate of pay.

Employees providing part time relief are eligible for payment of a higher duties allowance if the part time equivalent of five complete working days is undertaken in the higher graded position.

Payment of the allowance for five days over a broken period may be approved at the discretion of the delegated manager where there may be extenuating circumstances. An example would be where a staff member is required to act in a position where the incumbent is absent for four days because of illness, returns to work for one day, and then is absent again for several days.

7.2 Overtime

A staff member is eligible for the allowance when working overtime if the duties performed in the period of overtime are those of a higher graded position. The overtime claim form should be marked accordingly to enable the appropriate payment subject to clauses 92 and 99 of the *Crown Employees (Public Service Conditions of Employment) Award 2002*.

7.3 Acting for more than one year

A staff member who has acted continuously for one year or more in the same higher graded position is eligible for payment of the higher duties allowance for any paid leave that is taken during the further period of higher duties.

Payment of accrued recreation and extended leave shall also be paid at the higher rate when payment is made upon retirement or resignation, providing the allowance was paid at the full rate.

Staff members can also progress by way of allowance to the next incremental step, provided that 100% of the allowance has been paid continuously for a period of 12 months. If the allowance has been discontinued during a period of leave, the increment should be delayed by a period of time corresponding to the period or periods of leave taken.

7.4 Broken periods of relief for incremental purposes

When an employee's relieving in the higher graded position(s) has been over broken time periods then the separate relief periods are to be aggregated and taken into account for the purpose of incremental progression. Relief periods are not included in the aggregation unless the employee was paid 100% of the allowance. Aggregation does not apply over any break exceeding six months and any period of leave during which the allowance was not paid.

7.5 Submitting claims

Claims for payment of a higher duties allowance should be submitted to the appropriate manager. Claims may be submitted at the end of each month or flex period or sooner if appropriate.

8 Delegations

Refer the [Delegations Manual](#).

9 Grievances

Employees dissatisfied with action taken by managers in relation to higher duties allocation are encouraged to discuss the matter with their manager. Employees may also lodge a grievance through the FRNSW grievance process.

10 Enquiries

Any enquiries should be directed to your manager and/or Human Resources.

This policy has been derived from the following sources: Section 24 of the *Public Sector Employment and Management Act 2002*, Clauses 34 and 35 of the *Public Sector Employment and Management (General) Regulation 1996* and section 7-10 *Higher Duties Allowance* of the *Personnel Handbook*.

Contact Officer: Industrial Relations Officer, (02) 9265 2853

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