

ADDITIONAL ITEM

12 December 2012

Director's Report

To the Ordinary Council Meeting

2.2 Mayoral Minute - United Services Union Request to Confirm Provisions of Employment Protection in Relation to Central Coast Water Corporation Transfer

TRIM REFERENCE: F2012/01246 - D03212045

AUTHOR: Doug Eaton; Councillor

BACKGROUND

The United Services Union has requested assurance from Council that all employment protections that were endorsed by Gosford and Wyong Councils, the PCG and both General Managers remain in place. (Attachment 1)

The USU states that the protections as previously agreed by both Councils are:

- a) *"No forced redundancies for council employees affected and or related to the implementation of Central Coast Water Corporation until 30 June 2020.*
- b) *No employee will be financially worse off through permanent worksite /depot /administration building changes.*
- c) *Any major restructure would be through extensive consultation and participation with the unions and major stakeholders.*
- d) *The operating model maintains ownership of the assets with the Central Coast Community"*

The resolution of Wyong Shire Council in relation to the employment protections was as follows. Item Numbers 4 (ii),(v),(vi),(vii):

Extraordinary Meeting of Council 31 May 2012

3.1 Implementation of the Central Coast Water Corporation

- 1 *That Council receive and note the PwC CBA report.*
- 2 *That Council adopt Option N - Integrated CCWC (Long term lease) + Joint Services Business as the operating model for the implementation of the Corporation.*
- 3 *That Council adopt the following:*
 - (a) *An Implementation Plan be developed in consultation with the Corporation for Option N and presented to the Councils at a meeting of the CCROC in 28 June 2012.*
 - (b) *That the Asset Management and Regulatory Services functions and associated staff from each Council transfer to the Corporation from 1 July 2014.*
 - (c) *The General Managers be delegated the power to transfer functions, people and assets to the Corporation as required to test and trial management systems and processes prior to 1 July 2014 and up to 30 June 2017.*

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- (d) *That all remaining water and sewer staff be transferred to the Corporation as soon as practically possible, but no later than 1 July 2017.*
 - (e) *That a Joint Services Business(JSB), providing support services to the Councils and Corporation, be established and functional by 1 July 2017.*
 - (f) *That both Councils continue to work together to provide support services to the Corporation until the JSB is established.*
- 4 *The Council note that the preferred operating model ensures:*
- (i) *Job security for staff.*
 - (ii) *Maintains ownership of the assets with the Central Coast Community.*
 - (iii) *Provides a net benefit to the three entities (WSC, GCC & CCWC).*
 - (iv) *Delivers a coordinated regional approach for the Central Coast Community for the essential services of water and wastewater.*
 - (v) *Consideration of the CCWC and JSB project will be on the basis of a guarantee of job security for permanent award staff for three years after the transfer of any staff to the JSB, CCWC or those who remain at either Council. (From date of individual transfer). That this request be made of the CCWC/JSB.*
 - (vi) *Any major restructure would be through extensive consultation and participation with the unions and major stakeholders.*
 - (vii) *No employee would be financially worse off through permanent worksite/Depot/administration building changes.*
5. *A review of the operating model, which is the Integrated CCWC (Long Term Lease) + JSB, be undertaken in 2017 prior to the next IPART determination.*
6. *That the two Councils, being shareholders of the Central Coast Water Corporation, endorse the nomination of;*
- A *Mr Michael Whittaker the General Manager of Wyong Shire Council, for an extension to 30 September 2014 as Director of the Central Coast Water Corporation, subject to him remaining General Manager Wyong Shire Council.*
 - B *Mr Stephen Glen, Acting General Manager, and following his or her appointment, the General Manager of Gosford City Council to 30 September 2014 as Director of the Central Coast Water Corporation.*
 - C *That Wyong Shire Council delegates the decision of the Gosford City Council Delegate to the CCWC to be a decision of Gosford City Council.*
- 7 *That Council endorse the submission of the PwC CBA report to the Minister of Water in accordance with the requirements of the Memorandum of Understanding (MoU).*

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A table comparing the two provides further clarity:

Council Resolution 31 May 2012	USU letter
4(ii) <i>Maintains ownership of the assets with the Central Coast Community.</i>	d) <i>The operating model maintains ownership of the assets with the Central Coast Community.</i>
4(v) <i>Consideration of the CCWC and JSB project will be on the basis of a guarantee of job security for permanent award staff for three years after the transfer of any staff to the JSB, CCWC or those who remain at either Council. (From date of individual transfer). That this request be made of the CCWC/JSB.</i>	a) <i>No forced redundancies for council employees affected and or related to the implementation of Central Coast Water Corporation until 30 June 2020.</i>
(vi) <i>Any major restructure would be through extensive consultation and participation with the unions and major stakeholders.</i>	c) <i>Any major restructure would be through extensive consultation and participation with the unions and major stakeholders.</i>
(vii) <i>No employee would be financially worse off through permanent worksite/Depot/administration building changes.</i>	b) <i>No employee will be financially worse off through permanent worksite /depot /administration building changes.</i>

It is recommended that the Council reconfirm with the USU that its resolution of 31 May 2012 remains valid.

Other Items

The USU has further requested confirmation on the following two items:

Item 1

"1) *Please confirm that the council's resolution of 28th June 2012, 2.1.3 (Wyong) / Gen.3.3 (Gosford) is still progressing:*

"3 *That Council direct the General Manager to enter into a Memorandum of Understanding with Gosford City Council and the Unions for the Interim Strategic Alliance Framework herein called the 'Central Coast Corporation Alliance'.*

WSC Response

Council is committed to progressing with the resolution however notes that it is only one party in the Alliance and would need the co-operation of the other parties to proceed.

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Item 2

“The Union also now seeks further clarification that any delay in the implementation to the phases of the Central Coast Water Corporation will extend the period of the “no redundancy” provision. That is, the full effect of 7 years protections will be applicable to all Council employees and may extend beyond 30 June 2020 if any delayed phased transfer of staff is to occur.”

WSC Response

The USU is seeking an assurance from Council that if the implementation phases that are currently set down to end by 2017, are delayed then the staff protections previously agreed to by Council should be extended by the amount of the delay.

It is recommended that Council support an increase in the end date (30 June 2020) if there is a delayed transfer date for the last staff member (eg instead of 1/7/17 as the date that the last staff member goes over, it becomes 1/7/18 then the new end date for the job security becomes 30/6/21, instead of 30/6/20).

The wording of Council’s original resolution (31 May 2012) in respect of staff protections accommodates this and therefore does not need to be changed.

I formally move:

- 1 That Council advise the United Services Union that its resolutions of May 31 2012 and June 28 2012 have not been altered or rescinded and will continue to be implemented.***
- 2 That Council advise the United Services Union that it should note that Wyong Shire Council is only one party in the implementation of the Central Coast Water Corporation and the extent to which it is able to implement its 28 June 2012 resolutions (which it is committed to doing) is significantly influenced by the extent to which the resolutions of the Extraordinary Meetings of Gosford City Council held on 31 May 2012 and 28 June 2012 are implemented by that Council.***
- 3 That Council confirm that its resolution of 31 May 2012 (Item 3.1 4(v)) would accommodate staff employment protections beyond 1/7/2020 should the implementation phases be delayed.***
- 4 That Council endorse the wording in the attached response to the United Services Union (attachment 2).***

**0.0 Mayoral Minute - United Services Union Request to Confirm Provisions of
Employment Protection in Relation to Central Coast Water Corporation Transfer
(contd)**

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | Ask confirm Employment Protections remain - Ask extend no redundancy
Incoming Correspondence United Services Union | D03210703 |
| 2 | Letter_to_USU_response to letter of 5Dec2012 | D03213067 |

06-12-12:04:00PM;

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1 / 2



New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union

Our Ref: 061212.CCWC.RP.jd

6 December 2012

Mr Stephen Glen
Acting General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Fax No: 4323 2477

Fax No: 4351 2098

cc:

Mayor Cllr Lawrie McKinna
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Mayor Cllr Doug Eaton
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Fax No: 4323 6268

Fax No: 4351 1507

Dear Sir/s

RE: EMPLOYMENT PROTECTIONS

The United Services Union (USU) writes on behalf of all Wyong Shire Council and Gosford City Council USU members.

During the CCROC meeting 29th November 2012, it is the USU's understanding that the following motion was not supported "That the CCROC endorse the decisions of the Program Control Group as being compliant with the Councils' resolutions and heads of power delegated to the General Managers."

The Union seeks clarification that all Employment Protections that were endorsed by both Councils, the PCG and both General Managers remain in place. To clarify this the employment protections, as previously agreed by both Councils are:

- a) No forced redundancies for council employees affected and or related to the implementation of Central Coast Water Corporation until 30th June 2020.
- b) No employee will be financially worse off through permanent worksite/depot/administration building changes.
- c) Any major restructure would be through extensive consultation and participation with the unions and major stakeholders.
- d) The operating model maintains ownership of the assets with the Central Coast Community.

Other issues:

- 1) Please confirm that the council's resolution of 28th June 2012, 2.1.3 (Wyong) / Gen.3 3 (Gosford) is still progressing.

Registered Office: Level 7, 321 Pitt St Sydney 2000 • Phone: (02) 9265 8211

Facsimile: (02) 9261 2265 • Email: united@usu.org.au • Website: www.usu.org.au • ABN: 95 571 805 442

Regional Offices Newcastle, Wollongong. Satellite Offices Armidale, Bathurst, Canberra, Dubbo, Grafton, Hay, Port Macquarie, Wagga Wagga

"Gosford City Council, Wyong Shire Council and the Unions enter into a Memorandum of Understanding for the Interim Strategic Alliance Framework herein called the "Central Coast Corporation Alliance"

- 2) The Union also now seeks further clarification that any delay in the implementation to the phases of the Central Coast Water Corporation will extend the period of the "no redundancy" provision. That is, the full effect of seven (7) years protections will be applicable to all council employees and may extend beyond 30th June 2020 if any delayed phased transfer of staff is to occur.

The Union advises that all other staff matters covered by the Central Coast Water Corporation Act remain in force and that IRC Matter No. 890 of 2012 is continuing with the next scheduled conference set down for 28th February 2013.

We seek your response and confirmation of the above items by 17th December 2012.

Yours faithfully



Graeme Kelly
General Secretary

per: RP

My Ref: F2012/01246
Your Ref: 061212.CCWC.RP.jd

13 December 2012

Mr Graeme Kelly
General Secretary
New South Wales Local Government, Clerical,
Administrative, Energy, Airlines & Utilities Union
Level 7, 321 Pitt Street
SYDNEY NSW 2000

Dear Mr Kelly

EMPLOYMENT PROTECTIONS – CENTRAL COAST WATER CORPORATION AND JOINT SERVICES BUSIENSS

I refer to your letter dated 5 December 2012. Please find attached a Mayoral Minute to Council at its meeting on 12 December 2012. Council resolved as follows;

- 1 That Council advise the United Services Union that its resolutions of May 31 2012 and June 28 2012 have not been altered or rescinded and will continue to be implemented.**
- 2 That Council advise the United Services Union that it should note that Wyong Shire Council is only one party in the implementation of the Central Coast Water Corporation and the extent to which it is able to implement its 28 June 2012 resolutions (which it is committed to doing) is significantly influenced by the extent to which the resolutions of the Extraordinary Meetings of Gosford City Council held on 31 May 2012 and 28 June 2012 are implemented by that Council.**
- 3 That Council confirm that its resolution of 31 May 2012 (Item 3.1 4(v)) would accommodate staff employment protections beyond 1/7/2020 should the implementation phases be delayed.**
- 4 That Council endorse the wording in the attached response to the United Services Union (attachment 2).**

Please contact me on 4350 5200 if you have any questions.

Yours sincerely
Michael Whittaker
GENERAL MANAGER