

1963/102

**THE HOSPITAL EMPLOYMENT (DIETITIANS) REGULATIONS
1963**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 19th day of June 1963

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Hospitals Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Hospital Employment (Dietitians) Regulations 1963, and shall be read together with and deemed part of the Hospital Employment Regulations 1963* (hereinafter referred to as the principal regulations).

(2) For the purposes of regulation 4 of the principal regulations, these regulations shall be deemed to form a Part of the principal regulations.

Commencement

2. (1) The scales of salaries and wages specified in the Schedule to regulation 4 of these regulations shall be deemed to have come into force on the dates respectively shown in the columns of that Schedule headed "Yearly Rate of Salary on and from 1 April 1960", "Yearly Rate of Salary on and from 1 April 1961", and "Yearly Rate of Salary on and from 1 October 1961".

(2) Except as aforesaid, these regulations shall be deemed to have come into force on the 1st day of April 1960.

Interpretation

3. In these regulations, unless the context otherwise requires,—

"Dietitian" has the same meaning as in the Dietitians Act 1950:

"Dietitian in charge" means the principal or only dietitian employed in an institution:

"First assistant dietitian" means the dietitian who assists the dietitian in charge in the administration of the dietary department of an institution, and in the absence of the dietitian in charge discharges her duties:

“Grade dietitian” means a dietitian in charge, a first assistant dietitian, a second assistant dietitian, or the principal dietitian in a nurses’ home:

“Grading Committee” means the Dietitians’ Salaries Grading Committee constituted under regulation 6 of these regulations:

“Second assistant dietitian” means a dietitian who assists the dietitian in charge by being responsible under her for the administration of a section of the dietary department of an institution and whose designation as a second assistant dietitian is approved by the Director-General:

“Staff dietitian” means a dietitian who is not a grade dietitian:

“Student” means a person undergoing the course of training prescribed by regulations under the Dietitians Act 1950.

Scales of Salaries and Wages

4. The scales of salaries and wages applicable to dietitians and students shall be those set out in the Schedule appended to this regulation, namely:

SCHEDULE: SCALES OF SALARIES AND WAGES OF DIETITIANS AND STUDENTS

| Position | Yearly Rate of Salary on and from 1 April 1960 | | | Yearly Rate of Salary on and from 1 April 1961 | | | Yearly Rate of Salary on and from 1 October 1961 | | |
|---|---|--------------|-----------------|---|--------------|-----------------|---|--------------|-----------------|
| | Minimum £ | Maximum £ | Increments £ | Minimum £ | Maximum £ | Increments £ | Minimum £ | Maximum £ | Increments £ |
| 1. Grade Dietitian— | | | | | | | | | |
| A yearly rate of salary according to the scale of salary determined in each case by the Grading Committee, with the approval of the Minister that scale being one of the three following: | | | | | | | | | |
| (i) | 1,095 | 1,320 | 70, 55, 50, 50 | 1,095 | 1,355 | 70, 55, 65, 70 | 1,125 | 1,385 | 70, 55, 65, 70 |
| (ii) | 900 | 1,030 | 40, 45, 45 | | | | 930 | 1,060 | 40, 45, 45 |
| (iii) | 805 | 900 | 45, 50 | | | | 835 | 930 | 45, 50 |
| 2. Staff Dietitian | 745 | 805 | 60 | | | | 775 | 835 | 60 |
| 3. Student Dietitian— | | | | | | | | | |
| (a) With degree or diploma in Home Science | 650 | .. | .. | | | | 675 | .. | .. |
| (b) In any other case | 600 | .. | . | | | | 620 | .. | .. |

5. Notwithstanding anything to the contrary in regulation 4 hereof, the Grading Committee may, with the approval of the Minister, determine in the case of a grade dietitian who in the opinion of the Grading Committee is a person of exceptional qualifications and training or of exceptional experience a yearly rate of salary exceeding the maximum specified in regulation 4 hereof of £1,320 on and from 1 April 1960, £1,355 on and from 1 April 1961, and £1,385 on and from 1 October 1961, but in no case exceeding £1,370 on and from 1 April 1960, £1,420 on and from 1 April 1961, and £1,450 on and from 1 October 1961.

Dietitians' Salaries Grading Committee

6. (1) In addition to any advisory committee appointed under the Hospital Board Employees (Conditions of Employment) Regulations 1959,* the Minister may establish a Dietitians' Salaries Grading Committee, whose function it shall be to advise the Minister as to determinations with respect to salaries and other matters which it is expressly provided by these regulations shall be so determined.

(2) The Grading Committee shall consist of—

(a) The Director of the Division of Hospitals appointed under the Health Act 1956, who shall be chairman of the Committee:

(b) One person, being an officer of the Department of Health, to be appointed by the Minister:

(c) Two persons, being members of Hospital Boards, to be appointed by the Minister:

(d) Two other persons, not being dietitians employed by Hospital Boards, to be appointed by the Minister after consultation with the executive committee of the New Zealand Dietetic Association (Incorporated).

(3) The appointed members of the Grading Committee shall hold office at the pleasure of the Minister.

(4) Meetings of the Grading Committee shall be held at such times and places as the Chairman from time to time appoints.

(5) At every meeting of the Grading Committee the Chairman, if present, shall preside. If the Chairman is absent from any meeting, the officer of the Department of Health authorised to attend the meeting in his stead pursuant to subclause (6) of this regulation shall act as his deputy, and shall have and may exercise the powers and duties of the Chairman for the purpose of the meeting.

(6) In the absence from any meeting of the Grading Committee of the Chairman, the Director-General of Health may appoint an officer of the Department of Health to attend the meeting in his stead. Where the person so appointed is not a member of the Grading Committee by virtue of his appointment in accordance with subclause (2) of this regulation, he shall while attending any meeting of the Committee pursuant to this subclause be deemed for all purposes to be a member of the Committee. The fact that any person so attends shall be sufficient evidence of his authority so to do.

(7) No business shall be transacted at any meeting unless the Chairman or his deputy and at least three other members are present during the whole time the business is transacted.

(8) Except with respect to a determination made under regulation 8 of these regulations, every determination shall be the subject of a prior application by the Director-General or the Board concerned.

(9) Every question before the Grading Committee shall be decided by the votes of the majority of the members present. The Chairman of the meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(10) At the request of any member who objects to any decision of the Grading Committee, the Chairman shall cause the objection to be recorded with the decision.

(11) It shall be the duty of the Chairman to notify the Minister of all determinations made by the Grading Committee and of every objection recorded on behalf of any member or members.

(12) Every determination of the Grading Committee under these regulations shall be subject to the approval of the Minister.

(13) Subject to the provisions of these regulations, the Grading Committee may regulate its own procedure as it thinks fit.

Determinations of Grading Committee

7. (1) The Grading Committee, in making determinations as to the salary and other emoluments of a grade dietitian, shall have regard to the nature and relative importance of the duties and responsibilities of the position, to the hours of duty (except in the case of a dietitian in charge receiving additional annual leave under subclause (4) of regulation 14 hereof), and to the qualifications, experience, status, and ability of the grade dietitian, and any such determination shall be effective only so long as the duties and responsibilities of the position and the hours of duty remain substantially the same and the grade dietitian in respect of whom the determination was made continues to hold the position.

(2) The Grading Committee may, in any case where it considers that special circumstances exist, fix a commencing salary for a grade dietitian at any rate above the minimum rate of the scale of salary applicable to her position, and it may, in addition to or instead of fixing such a rate, fix a maximum salary at any rate below the maximum rate of the scale of salary applicable to the position.

(3) In making a determination for the purpose of these regulations, the Grading Committee shall specify the date from which the determination is to take effect. The first determination affecting a grade dietitian employed by a Board on or after the 1st day of April 1960 may be made retrospective to a date not earlier than the said 1st day of April 1960, but, subject to this provision, no determination shall take effect earlier than one year before the date on which the determination is made.

Reconsideration of Determinations

8. (1) Where a grade dietitian is dissatisfied with any determination made in respect of her grading by the Grading Committee and approved by the Minister in accordance with the provisions of these regulations, she may, within such time as is specified by the Director-General or within such extended time as the Director-General may in special circumstances allow, apply to the Committee through her employing Board to have the determination reconsidered by the Committee.

(2) The Grading Committee shall accordingly reconsider the determination, and shall make a new determination either confirming or amending the original determination. If the new determination amends the original determination and is approved by the Minister, it shall be deemed to be in substitution for the original determination and, unless the Committee otherwise determines, to take effect on and from the date on which the original determination became operative.

(3) For the purposes of that reconsideration the grade dietitian may appear and present her case or submit a written statement, and a member or officer of the employing Board may appear and make representations on behalf of the Board or the Board may submit a written statement.

(4) The Minister's decision on any determination made by the Grading Committee as a result of its reconsideration in accordance with this regulation shall be final.

Deduction for Board and Lodging

9. (1) In respect of any period during which a Board provides a dietitian or a student with board and lodging, it shall make a deduction from the salary of the employee concerned at an annual rate of £156.

(2) Free meals shall be provided while on duty to a dietitian or a student living out.

Uniforms

10. (1) A uniform dress, including a cape or cardigan, shall be supplied for the use of every dietitian or student, but shall remain the property of the Board.

(2) Two pairs of duty shoes and six pairs of duty stockings yearly shall be supplied free of charge to every dietitian or student.

(3) All uniform dresses, but not other clothing, shall be laundered free of charge.

(4) Where a Board is unable to supply duty shoes or duty stockings it may, in lieu thereof, grant a reasonable allowance towards the cost incurred by the dietitian or student in providing those shoes or stockings.

Hours of Work

11. (1) The hours of work shall be between the hours of 7 a.m. and 7 p.m., and shall be not more than eight on any one day, inclusive of 10 minutes for morning tea and 10 minutes for afternoon tea.

(2) A break of one hour for a meal between the hours of 12 noon and 2 p.m. shall be allowed on each day, but any such break shall not count as hours of work for the purposes of these regulations.

(3) Every dietitian or student shall have at least one and a half days off duty each week.

(4) Time occupied by a student in attendance at classes of instruction for the purposes of her training shall be deemed to be hours of work for the purposes of this regulation.

(5) The normal weekly hours of work shall be 40.

(6) Notwithstanding the foregoing provisions of this regulation, a Board may in case of emergency require a dietitian or student to work at times and for periods other than those hereinbefore prescribed.

Overtime for Staff Dietitians and Students

12. If and so long as the aggregate hours of work of staff dietitians or students employed by the Board usually exceed 40 each week, the Board may, pursuant to a resolution in that behalf, pay overtime allowances in respect of the excess hours:

Provided that no such resolution shall be operative for more than 12 months at a time.

13. (1) The rate of overtime allowance per annum shall not exceed an amount equal to 10 per cent of the basic annual salary of the staff dietitian or student concerned where the excess hours are four or more, $7\frac{1}{2}$ per cent of that salary where the excess hours are under four but not under two and a half, and 5 per cent of that salary where the excess hours are under two and a half.

(2) For the purposes of this regulation, basic annual salary means the annual salary payable for the time being before any deduction for board and lodging is made under regulation 9 hereof.

(3) Where an overtime allowance is payable to a staff dietitian or a student, it shall continue during any period of annual leave, but not during any other period of leave.

Annual Leave

14. (1) Dietitians and students shall be granted 28 days' leave of absence on full pay for recreational purposes in respect of each year of employment.

(2) The number of days stated in subclause (1) of this regulation is to be reckoned in consecutive days (including Saturdays and Sundays).

(3) A Board may permit annual leave to be taken in one or more periods, but at least two weeks of that leave shall be taken consecutively.

(4) Where a grade dietitian is regularly required to work more than 40 hours a week or where special circumstances exist, a Board may, with the approval of the Director-General, grant annual leave, not exceeding seven days, additional to that to which she is entitled under subclause (1) of this regulation.

(5) When the employment of a dietitian or a student ceases, she shall be paid salary instead of being granted leave in respect of any annual leave or portion of annual leave accrued due to her.

Sick Leave

15. (1) Where a dietitian or a student is granted leave of absence on account of sickness or injury not arising out of and in the course of her employment (hereinafter referred to as sick leave), she shall be entitled to full pay according to the scale prescribed in the Schedule set out in subclause (7) of this regulation.

(2) The length of service for the purposes of the Schedule means the aggregate period of service, whether continuous or intermittent, in the employ of a Board, a separate institution, or the Crown, or of two or more of such employers.

(3) The total period of sick leave with full pay set out in the Schedule may consist of one or more periods. Sick leave with full pay for each period allowed is to be reckoned in consecutive days (including Saturdays and Sundays).

(4) The total period of sick leave with full pay to which a dietitian or a student is entitled as set out in the Schedule shall be computed in respect of her whole length of service.

(5) In addition to sick leave with full pay as provided for in the foregoing provisions of this regulation, a dietitian or a student may, at the discretion of a Board, be granted sick leave with full pay for not more than eight days in any year where on account of minor illness it is deemed inadvisable for her, in her own interest or those of the institution, to be on duty.

(6) Where in the opinion of a Board a dietitian or a student in its employ is incapacitated by sickness or injury arising out of and in the course of her employment, it shall be permissible for the Board to continue to pay her full salary during incapacity:

Provided that the prior written approval of the Director-General shall be obtained for any such payment beyond a period of three months:

Provided further that the period in respect of which salary is paid in accordance with the provisions of this subclause shall not be regarded as sick leave with pay for the purposes of the foregoing provisions of this regulation.

(7) The Schedule referred to in subclause (1) of this regulation is as follows:

SCHEDULE

| Length of Service | Total Period of Sick Leave With Full Pay During Whole Length of Service |
|--|--|
| Up to three months' service | 7 days. |
| Over three months' and up to six months' service | 14 days, inclusive of days previously allowed. |
| Over six months' and up to nine months' service | 31 days, inclusive of days previously allowed. |
| Over nine months' and up to five years' service | 46 days, inclusive of days previously allowed. |
| Over five years' and up to ten years' service .. | 92 days, inclusive of days previously allowed. |
| Over ten years' and up to twenty years' service | 183 days, inclusive of days previously allowed. |
| Over twenty years' and up to thirty years' service | 275 days, inclusive of days previously allowed. |
| Over thirty years' service | 365 days, inclusive of days previously allowed. |

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the scales of salaries and allowances and other conditions of employment for dietitians and students employed by Hospital Boards. They form part of the Hospital Employment Regulations 1963, which prescribe other matters relating generally to the salaries, allowances, and conditions of employment of certain classes of Hospital Board employees.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 June 1963.

These regulations are administered in the Department of Health.