

**WELLINGTON CITY COUNCIL MUNICIPAL OFFICERS—AGREEMENT UNDER
THE LABOUR DISPUTES INVESTIGATION ACT 1913**

This agreement made the 15th day of December 1960 between the Corporation of the Mayor Councillors and Citizens of the city of Wellington (hereinafter referred to as "the corporation" or, where more appropriate "the council") of the one part and the Wellington Municipal Officers Association Incorporated (hereinafter referred to as "the association") of the other part, witnesseth and it is hereby agreed by and between the parties as follows; that is to say:

(a) That the provisions contained in the Schedule hereto shall form part of this agreement, and

(b) That the parties hereto shall respectively do, observe and perform every matter and thing by this agreement required to be done observed and performed respectively and shall not do anything in contravention of any of the provisions of this agreement but shall in all respects abide by and perform the same.

SCHEDULE

DEFINITION OF OFFICER

1. Every person in receipt of an annual salary from the corporation whose name appears on the official list of such persons prepared annually shall for the purposes of this agreement be an officer.

MEMBERS WHO ARE BOUND

2. This agreement shall bind all members of the association excepting officers who are bound by an industrial award or industrial agreement governing the class of work which they carry out for the corporation.

HOURS OF WORK

3. (a) The hours of work shall be fixed by the corporation but shall not exceed 40 hours in any one week without overtime: Provided that the hours of work of a rostered officer in the electricity department may be altered or increased from time to time but not so as to exceed 120 hours in any period of three consecutive weeks or 160 hours in any period of four consecutive weeks.

(b) Nothing in this clause shall be deemed to render the corporation liable to make overtime payments in any case where under this agreement an officer is not entitled to payment for overtime or where an officer has reached the limit of overtime payments prescribed in clause 7, or, where applicable, the limit prescribed in clauses 8 and 11 hereof.

(c) Subject to the condition that the council shall have the right to require officers to work a 40 hour week the normal hours of work for any worker shall not be increased above those which applied at the coming into force of this agreement.

RATES OF SALARY

4.(a) The rates of salaries and conditions set forth in the officers' classification effective as at 16 November 1960 shall apply to the principal agreement.

(b) Whereas the rates of remuneration in the said officers' classification incorporate the increase prescribed by the general order of the Court of Arbitration dated 18 September 1959 the corporation in making any determination as to the action to be taken with respect to any future general order of the said Court during the currency of the principal agreement shall be guided by the action of the Government with respect to the salary rates of its employees as the result of such

general order: Provided always that nothing in this subclause shall be construed as a waiver by the corporation or the association of any right or power which may be conferred on either party to apply to the said Court for any relief from or modification of any such future general order.

(c) No reduction shall be made in the salary of any officer except for dereliction of duty or unsatisfactory conduct.

(d) All salaries shall be reviewed by the council as soon as practicable in each financial year and increases (if any) shall be made effective as from the 1st day of April of that year or from such other date as may be determined by the council. Officers shall be notified of any altered salaries and designations as soon as practicable after such review.

(e) In the case of promotion from a lower to a higher graded position the salary of the officer may be increased by one or more stages to that of the previous holder or to the maximum salary fixed for the position where the previous holder was in receipt of a salary higher than such maximum.

(f) Where an officer is instructed to act in the position of another officer, being a position remunerated at a salary within the scales prescribed in the scheme of classification and being one which is classified in a grade the minimum salary of which is higher than the maximum salary of the grade in which the officer so acting is classified, such officer if he performs and discharges the whole of the duties and responsibilities of the position to the complete satisfaction of the head of the department concerned for a continuous period in excess of one month, shall (save as hereinafter provided) be notified in writing by the head of the department that he shall be entitled to be paid an allowance from the date upon which he first acted in that position at a rate which represents the difference between the salary of such acting officer and the minimum salary of the grade of the position in which he so acts: Provided that in any case where the salary of the officer acting in a higher position as aforesaid is less than the salary of the officer in whose position he is required to act but greater than the minimum salary for the position as specified in the scheme of classification, such acting officer shall be paid an allowance at a rate which represents the difference between his classified salary and the rate for the next higher classified salary step: Provided also that where a salary is specified as being personal to the occupant of any position or where the position requiring to be filled does not have a specifically authorised grading the question of whether any allowance shall be paid and the rate of allowance shall be determined by the council.

(g) Officers who are dissatisfied with their salaries may appeal to the staff committee of the council in the manner prescribed by regulation B. 9 of the Staff Regulations (as revised in August 1950) or any amendment thereof or by any regulation made in substitution therefor. At any hearing of the appeal the appellant may appear either personally or by an advocate who is an officer to whom this agreement applies.

(h) The salaries shown in the scheme of classification for officers who are control operators, relieving control operators, and assistant operators employed in the electricity department of the corporation shall include all payments due by reason of sections 19 (4), 28 and 29 of the Factories Act 1946.

OVERTIME

5. For the purposes of calculating overtime the "hourly rate" of ordinary pay shall be the annual salary divided by 2,080.

6. Subject to the provisions of clauses 3 and 7 and, where applicable, clauses 8 and 11 hereof overtime shall be paid for in accordance with the following provisions:

Group 1

(Remuneration of officers of the electricity department (while subject to L.D.I. Act agreement) rostered for duty on holidays, Saturdays and Sundays whose occupation is governed by the Factories Act (including control operators, relieving control operators and assistant operators). The following conditions shall apply to such officers where such conditions differ from the general staff Regulations)

(1) *Holidays*—When men work on roster, or are rostered-off on the days on which any of the following holidays are observed they shall receive on another day equal time off in lieu thereof or shall receive additional pay at ordinary rates at the discretion of the council, viz New Year's Day, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day, Anniversary Day or any other day granted in lieu thereof, and any other day or days usually observed or granted by the council.

(2) *Overtime*—For time worked in excess of the normal rostered hours payment shall be as follows, that is to say:

- (a) If the day is a Sunday or a day on which any of the following holidays is observed, viz New Year's Day, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day, Anniversary Day or any day granted in lieu thereof: At the rate of double time.
- (b) For other overtime in excess of the normal rostered hours: At the rate of time and a half.
- (c) In the case (if any) where the payment of overtime to an officer in Group 1 depends upon his working 40 rostered hours or any extended number of hours then for the purpose of computing such 40 hours or extended number of hours, such officer shall be credited with the number of normal rostered hours worked by him on any of the days specified in paragraph (a) of this subclause (2) which fall within the period of computation.

Group 2

(Remuneration of officers in whose annual salaries an allowance is made for the fact that they frequently work on Saturdays, Sundays or holidays and whose names appear on a list approved by the staff committee from time to time. The following conditions shall apply to such officers where such conditions differ from the general staff Regulations)

(1) *Holidays*—Where officers in Group 2 work on roster or are rostered-off on any of the days on which any of the following holidays are observed they shall receive on another day equal time off in lieu thereof, or shall receive additional pay at ordinary rates at the discretion of the Council viz New Year's Day, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day, and Anniversary Day or any day granted in lieu thereof, and any other day or days usually observed or granted by the council.

(2) *Overtime*—For time worked in excess of the normal rostered or directed hours payment shall be as follows: that is to say:

- (a) If the day is a Sunday or a day on which any of the following holidays is observed, viz New Year's Day, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day, or Anniversary Day or any day granted in lieu thereof: At the rate of time and a half.
- (b) For time worked on a rostered day off: At the rate of time and a half.
- (c) For other overtime in excess of the normal rostered or directed hours: At the ordinary hourly rate.

- (d) In the case (if any) where the payment of overtime to an officer in Group 2 depends upon his working a prescribed number of hours per week then, for the purpose of computing such prescribed number of hours, such officer shall be credited with the number of normal rostered or prescribed hours worked by him on any of the days specified in paragraph (a) of this subclause (2) which fall within the particular week.

Group 3

(Officers not covered in Groups 1 and 2 above referred to)

Overtime shall be paid after eight hours per day or 40 hours per week as follows:

- (a) For ordinary week days, overtime shall be calculated at time and a half on the hourly rate with a maximum of 17s. 3d. per hour.
- (b) All time worked on Sundays and holidays shall be deemed to be overtime and shall be subject to the provisions of this paragraph (b) viz:
- (i) Time worked on Sundays and Statutory holidays shall be paid for at the rate of double time on the hourly rate with a maximum of 17s. 3d. per hour.
- (ii) Where an officer is required to work on any of the holidays described in clause 11 (a) hereof as "any other day or days usually observed or granted by the council" he shall be granted time off in lieu at a later date at the convenience of the head of his department or granted additional pay at ordinary rate at the discretion of the council: Provided that time worked in excess of eight hours on any such day shall be paid for at the rate of time and a half on the hourly rate with a maximum of 17s. 3d. per hour without prejudice to his right to a day off in lieu or payment therefor as provided for in the foregoing part of this subparagraph (ii).
- (c) Overtime paid in any financial year shall, in the case of officers on salaries up to £1,270 inclusive, not exceed the amount by which the officer's salary is less than £1,370. In the case of officers on salaries from £1,271 to £1,399, the amount of overtime paid in any financial year shall not exceed the amount by which the officer's salary is less than £1,400. No overtime shall be paid in cases where the annual salary exceeds £1,400.
- (d) Where an officer in Group 3 works on any Sunday or on any of the holidays specified in subclause (a) of clause 11 hereof (such Sunday or holiday being part of his normal rostered or directed week's work) then, for the purpose of computing his 40 hours for the week in which the Sunday or the holiday occurs, such officer shall be credited with the number of his normal daily hours for that day.
- (e) The foregoing rates payable to Group 3 officers shall be subject to review by the council either of its own motion or on the application of the association.

LIMIT OF OVERTIME PAYMENTS

7. The amount of overtime earned by any officer shall not exceed either 17s. 3d. per hour or for the period of any financial year, in the case of officers on salaries up to £1,270, the amount by which his salary earnings for the year at classified salary rates is less than £1,370 and, in the case of officers on salaries from £1,271 to £1,399, the amount by which his salary earnings for the year at classified salary rates is less than £1,400. No overtime shall be paid in cases where the annual salary exceeds £1,400. The foregoing rates may be subject to review as expressly hereinbefore provided.

CALL OUT FOR EMERGENCY WORK

8. Notwithstanding the provisions of clause 7 it shall be competent for the head of the department concerned to recommend for consideration of the council the payment of overtime at double rate, with a maximum of 17s. 3d. per hour, for any call out work of which previous notice has not been given. The total amount of overtime so recommended shall not exceed £40 in any financial year and the combined total of all salary and overtime payments as specified in clause 7 shall not exceed £1,440. Where the call out occurs on any Sunday or on any of the statutory holidays specified in sub-clause (a) of clause 11, a minimum payment of two hours shall be made.

Actual and reasonable expenses in travelling to and from the job shall be paid to the officer called out for emergency work as specified herein.

SIXTH SHIFT

9. Library officers who are required to work on a Saturday as a sixth shift shall be paid half rate extra for the hours so worked provided that their total hours of duty for the week, Monday to Saturday inclusive, are not less than thirtyseven and a half.

OVERTIME COMPUTATION

10. (a) Subject to the provisions of clause 6 hereof, time worked and paid for at overtime rates shall not be counted in computing the span of 40 hours for the week upon which payment of weekly overtime depends or, as the case may be, the span of 120 hours or 160 hours applicable to officers referred to in clause 3 (a) hereof.

(b) In the computation of weekly hours of work for weekly overtime purposes (or for any extended period permissible under this agreement) an officer who is granted any of the holidays specified by clause 11 (a) hereof on a day which forms part of his normal work in any week (or extended period as aforesaid) or who is at any time off duty on approved leave of absence shall be credited with the number of hours which he would normally have worked on such day or during such period of leave.

HOLIDAYS

11. (a) The following days shall be observed as holidays and shall not count as part of the annual holiday leave viz New Year's Day, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Christmas Day, Boxing Day, Anniversary Day or any day granted in lieu thereof, and any other day or days usually observed or granted by the council.

(b) Where an officer who is not entitled to overtime, or an officer who is entitled to overtime but has reached the limit specified in clause 7 hereof, is required to work on any of the days specified in subclause (a) of this clause or on any Sunday other than call out for emergency work for which he may receive recompense under clause 8, such officer shall be granted time off in lieu at a future date at the convenience of the head of the department concerned or shall be granted additional pay at ordinary rate at the discretion of the council: Provided that the value of any time off in lieu of payment shall not exceed £100 in any financial year in the case of officers on salaries up to £1,420 and shall not exceed £50 in any financial year in the case of officers on salaries from £1,421 to £1,570: Provided also that the combined total of salary and overtime payments as specified in clause 7 plus the value of any time off in lieu of payment does not exceed in any financial year the sum of £1,600.

(c) Where one of the holidays specified in subclause (a) of this clause falls on the "rostered day off" of an officer whose working week is covered by a roster such officer shall be granted a day off in lieu at the convenience of the head of the department concerned or payment for that day at ordinary rate at the discretion of the council.

MEAL ALLOWANCE

12. Where an officer by reason of being required to work overtime is unable reasonably to get home for a meal he shall be paid a meal allowance at a rate to be agreed upon from time to time by the parties hereto.

ANNUAL HOLIDAYS

13. Each officer who has had 12 months' continuous service with the corporation shall be entitled to an annual holiday of two calendar weeks and after 10 years' service shall be entitled to three calendar weeks annual holiday: Provided that heads of specified sub-departments and officers whose annual salary is greater than the limit of salary and overtime specified in clause 7 hereof, viz, £1,400, shall be entitled to an annual holiday of three calendar weeks.

GENERAL CONDITIONS

14. The Wellington City Council Staff Regulations and all other conditions not specifically provided for herein shall apply as they exist at the coming into force of this agreement save as otherwise provided herein or as they may be varied by mutual agreement in writing between the corporation and the association.

SETTLEMENT OF DISPUTES

15. (a) In the event of a disagreement other than a salary appeal arising upon any matter, whether referred to in this agreement or not affecting the employment of members of the association covered by this agreement the matter in dispute shall be referred for settlement to a committee consisting of three representatives of the association and three representatives of the corporation.

(b) The decision of this committee shall be final and binding on the parties hereto.

TERM OF AGREEMENT

This agreement shall come into force on the 15th day of December 1960 except that insofar as it relates to payment for overtime it shall be deemed to have come into force on the 1st day of October 1960. It shall supersede previous agreements and shall continue in force until the 14th day of December 1962 unless previously superseded by another agreement.

In witness whereof this agreement has been executed by the parties hereto this 15th day of December 1960.

The common seal of the Mayor Councillors and Citizens of the city of Wellington was hereto affixed at the offices of and pursuant to a resolution of the Wellington City Council in the presence of:

[L.S.]

M. S. DUCKWORTH, Town Clerk.

The common seal of the Wellington Municipal Officers' Association (Incorporated) was hereto affixed at the direction of the executive committee and attested by:

[L.S.]

F. J. BOOTH.

H. J. PRICE.

(NOTE—This agreement made under the Labour Disputes Investigation Act 1913, was filed with the Clerk of Awards at Wellington, pursuant to section 8 (1) of the said Act, on the 20th day of December 1960.)