

ACTPS EA Bargaining One-off Cost of Living payment -Eligibility Requirements



Overview

As part of the pay offer for the 2022/2023 bargaining round, an additional component of a \$1,250 one-off Cost of Living Supplement (CoL) payment will be offered to eligible employees upon commencement of an approved enterprise agreement. This eligibility document does not apply to employees covered by the proposed Health Professional, Medical Practitioners or Nursing and Midwifery Enterprise Agreements. Separate eligibility documents will be provided for these agreements upon commencement of the Access period. Employees covered by the Infrastructure Services Enterprise Agreement Variation are not eligible for a cost of living payment as this was processed in July 2023 when the Infrastructure Services Enterprise Agreement commenced.

One-off CoL payment

The ACT Government recognises there are immediate cost-of-living pressures on workers and has offered a one-off \$1,250 CoL payment upon EA commencement to eligible employees. The CoL payment will be taxable and paid shortly after the commencement/effective date of the relevant agreement, in the one pay period as a lump sum. The CoL payment is not included as part of the annual salary increase.

The CoL payment is subject to the summary of conditions outlined as follows:

- The CoL payment only applies to current employees covered by the enterprise agreement who are employed on the effective/commencement date of the new agreement. This includes those employees who are on leave (i.e. full pay, half pay, double pay, or a period of leave without pay) on the effective date.
- The CoL payment is paid to part time and casual employees based on eligibility as outlined below.
- Casual employees must have worked within 3 months of the effective date of the enterprise agreement to be eligible for the CoL payment with further eligibility outlined below.

Please note that this means that not all casual staff who have an open/active employment record on the effective date of the agreement will receive the CoL payment. Please see further details below regarding the eligibility criteria for specific employee types.

Eligibility

Full-time employees

Full time employees will be eligible for the \$1,250 CoL payment if they are a permanent or temporary employee covered by the enterprise agreement, employed on the date of effect of the relevant enterprise agreement.

Part-time employees

Part-time employees will be eligible for the CoL payment based on the below determination:

- a) A part-time employee working 0.5 Full Time Equivalent (FTE) or above (50% of their positions nominal fulltime hours or above) on the date of effect of the enterprise agreement will receive the full \$1250 CoL payment.
- b) A part-time employee working below 0.5 FTE (less than 50% of their positions nominal hours) on the date of effect of the relevant enterprise agreement will have their CoL payment paid at a pro rata amount based on their hours on the effective date.

Casual employees

Eligibility of Casual employees to qualify for the CoL payment, will be determined as below.

Casual employees:

- a) must have worked in the 3 months immediately prior to the date of effect of the relevant enterprise agreement; and
- b) have an active casual employment record i.e. the employee has not been ceased in the Human Resources Information Management System*.

Please note: Casual employees are not required to have undertaken a casual shift or have worked on the actual date of effect of the enterprise agreement to be eligible for the CoL payment.

For casual employees, the CoL payment will be based upon the average weekly hours worked by that casual employee in the 26* pay periods preceding the date of effect of the enterprise agreement (capped at \$1,250).

A casual employee working an average of 0.5 FTE (a minimum of 50% or above of their positions nominal fulltime hours) will receive the full \$1,250 CoL payment.

A casual employee working an average of below 0.5 FTE (less than 50% of their positions nominal hours) will have their CoL payment paid at a pro rata amount based on their average hours.

For casual teachers employed under the ACTPS Education Teaching Staff Enterprise Agreement or ACTPS CIT Teaching Staff Enterprise Agreement and school assistants employed under the ACTPS Administrative and Related Classifications Enterprise Agreement, the hours worked within 26* pay periods will be averaged over 20* pay periods instead of 26* pay periods, as these employees are not eligible to work during school holiday periods.

If the casual employee has been employed on a casual basis for a period less than 12 months prior to the date of effect their CoL payment will be calculated based on their average hours of work over the period of their employment (capped at \$1250).

Note: If the casual employee performs more than one casual role or a casual role and a part-time role, the pro rata amount of the \$1250 CoL payment will be based on their full-time equivalent status for each role (subject to the same averaging rules above) with the total payment capped at \$1,250.

*Cultural Facilities Corporation (CFC) and Office of the Legislative Assembly (OLA) utilise a different payroll system to the rest of the ACTPS and although they will follow the principles noted in this paper, their processes might vary slightly in line with the limitations of their payroll system.

Ineligible employees

Employees will not be eligible for the CoL payment where:

- a) an employee's employment ends before the date of effect of the enterprise agreement.
- b) the employee is employed on the date after the date of effect of the enterprise agreement.

Note: Where employees were employed at the time of the ballot, but ceased before the effective date, they are not eligible to receive the CoL payment. Where an employee's employment ends on or after the date of effect of the enterprise agreement, and they were employed on the date of effect of the enterprise agreement, they are eligible to receive the CoL payment.

Transfers across ACTPS Enterprise Agreements

Where an employee holds a substantive role or is on a temporary transfer to a position covered by the relevant approved enterprise agreement on the date of effect of the enterprise agreement, they will be eligible for the CoL payment based on their full-time equivalent status.

Where the employee has continuous employment and moves between agreements and subsequently becomes eligible for one or more CoL payments as a result, each employee may only receive a payment capped up to \$1,250.

Leave

Where an employee is on any form of leave on the date of effect of the enterprise agreement, they will receive the CoL payment based on their employment status (part-time or full-time) on the date of effect of the enterprise agreement.

Impact of employee's start date

The CoL payment is only paid to employees who are covered by the applicable enterprise agreement and who are employed on the date of effect of the enterprise agreement.

Payment upon effective date of the relevant Enterprise Agreement

The CoL payment will be paid as soon as possible following the effective date of the relevant enterprise agreement, to employees who have met the eligibility criteria. The effective date is 7 days following Fair Work Commission approval of the relevant enterprise agreement.

As bargaining negotiations may vary for each agreement, the agreements may be approved and come into effect at different times. This may mean that the CoL payment will be paid to eligible employees at different times. Relevant Directorate Human Resources areas will advise employees of payment timing once known.

Frequently asked questions

Q: Is the CoL payment of \$1,250 pre or post tax?

A: \$1,250 is the pre-tax or gross amount.

Q: Will employer superannuation contributions apply to the CoL payment?

A: Yes, employee superannuation contributions will be paid on the CoL payment in accordance with the superannuation fund rules.

Q: If I have 2 AGSs and work part time/full time in one and as a casual in the other on the effective date will I automatically receive 2 CoL payments based on both employments?

A: No. A calculation of the FTE hours from both AGSs will be assessed and calculated on a pro-rata amount where relevant to determine the CoL payments. The total of all CoL payments is then capped at a maximum of \$1,250 per employee.

Q: If I commence employment after the effective date but before the CoL payments have been paid for employees under the relevant enterprise agreement, will I receive the CoL payment?

A: No, you must be employed on the effective date to receive the payment.

Q: If I vote on the relevant enterprise agreement but cease employment before the effective date of the enterprise agreement, will I get the CoL payment?

A: No, you must be employed on the effective date to receive the payment.

Q: If I put my notice of resignation in before the effective date but my termination date is after the effective date of the relevant enterprise agreement, will I receive the CoL payment?

A: Yes, even though a formal resignation has been submitted, you are still employed on the date of effect of the agreement so are eligible for the payment.

Q: I am currently completing a Graduated Return to Work (GRTW) program and am working reduced hours. Will my CoL payment be based on my reduced hours?

A: No, the payment will be based on your nominal hours of employment. If you were working full time hours before commencing the GRTW and your position hours have remained as full time while on the GRTW, you will be paid the FTE amount of the CoL payment. If you were formally part time before commencing a GRTW, the CoL payment will be subject to the pro rata rules as set out above.

Q: I have an active workers compensation claim and might be Post 45 weeks on my claim by the time the enterprise agreement comes in to effect. Will the CoL payment be reduced because of being in receipt of workers compensation or being Post 45 weeks on my claim?

A: Being in receipt of compensation payments, whether pre or post 45 weeks, will have no impact on the CoL payment calculation. The CoL payment is based on your nominal position hours and is not counted as earnings to reduce compensation top up.