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## Frequently Asked Questions (FAQ) Sheet – Allocated Days Off (ADOs)

### ***Q. What are the current Award provisions regarding the accumulation of allocated days off duty (ADOs)?***

#### Public Health System Nurses' & Midwives (State) Award

Under the terms of the 2008 Memorandum of Understanding (MOU) negotiated with the New South Wales Nurses Association (NSWNA) it was agreed that the ADO provisions in the Award would change so that nurses and midwives may accumulate a maximum of 3 ADOs (please refer IB2008\_036 MOU Between the NSW Department of Health and the NSW Nurses Association 1 July 2008 – 30 June 2010). The Award incorporating the agreed changes was made effective from 1 July 2008.

The new Nurses Award incorporated under the terms of the 2011 MOU between the NSWNA and the Department (now Ministry) of Health carries the ADO provisions from the 2008 agreement.

The maximum ADO accumulation provisions mean that an employee who has already accumulated 3 ADOs must take the next ADO accruing to them when it falls due in accordance with the roster, and additional day/s worked must be paid at overtime (OT) rates.

#### HSU Awards

Under the terms of the 2008 MOU negotiated with the Health Services Union (HSU) it was agreed that the ADO provisions in the various HSU Awards would change so that employees may accumulate a maximum of 3 ADOs (please refer IB2008\_066 MOU Between the NSW Department of Health, HSU & ASMOF - 1 July 2008 – 30 June 2011). The HSU Awards incorporating the agreed changes were made effective from 12 November 2008, although the Department of Health (now Ministry of Health - MOH) confirmed that the 2 year transition period under the terms of the MOU ended on 1 July 2010 (please refer to IB2010\_062 'Additional Days Off (ADOs) Accumulated Prior to MOU of 1/7/2008 Between DoH, HSU & ASMOF').

The new HSU Award ADO accumulation provisions can be found as follows:

- Health Employees Conditions of Employment (State) Award – subclause 3 (ix)
- Public Hospital (Professional & Associated Staff) Conditions of Employment (State) Award - subclause 2 (vii)
- Public Hospital Career Medical Officers (State) Award – subclause 7 (i)
- Public Hospital Medical Officers Award – subclause 6 (i)
- Hospital Scientists (State) Award – subclause 4 (vii)

#### IB2008\_066 MOU Between NSW Dept of Health, HSU and ASMOF – 1 July 2008 – 30 June 2011

When the new ADO provisions became effective, where an employee had an accumulation of more than 3 ADOs, Health Services (now Local Health Districts) were to work in consultation with the employee over a 2 year transition period to ensure that the balance of accumulated ADOs was reduced to a maximum of 3 ADOs by 1 July 2010.

The Award ADO accumulation provisions are found in subclause 4 (vii).

As per IB2010\_062 in relation to ADOs accumulated prior to the 1 July 2008 operative date of the MOUs between the Ministry of Health, the Health Services Union and the Australian Salaried Medical Officers Federation, a transition period applied whereby employees may access existing accumulations greater than three days over the first two years of the MOU, with an obligation on management to enable this to occur. A minimum of 50% of such accumulations were to be expunged in the first year with the remainder to be expunged in the second year.

## IB2010\_062 – Additional Days Off (ADOs) Accumulated Prior to MOU of 1/7/2008 Between MOH, HSU & ASMOF

In relation to ADOs accumulated prior to July 2008 operative date of the MOU between the MOH and the New South Wales Nurses' Association, a transition period applied where employees had a current accumulation of more than three but less than seven ADOs, Local Health Districts (formerly Area Health Services) were to work in consultation with the employee to reduce the balance to no more than three accumulated ADOs by 1 July 2009. In some exceptional circumstances where employees may have accumulated more than seven ADOs, Local Health Districts were to work in consultation with the employee to reduce that balance to no more than three accumulated ADOs by 1 July 2010.

There have been some difficulties in clearing these accumulations within the specified timeframe, and following representations, the Ministry agreed to a one-off extension to the two year clearing period. This amendment gave public health organisations the opportunity to clear the ADOs accumulated prior to the MOUs by 30 June 2011.

Service areas where the usual practice has been for employees to accumulate ADOs rather than take them on a regular basis need to change this practice immediately and ensure that the ADOs are included in rosters for relevant staff. Managers must ensure that all ADOs accrued prior to July 2008 are rostered and expunged as soon as practicable. The cost of paying out any ADOs not cleared by 30 June 2011 must be met from existing health service budgets.

### Public Health Service Employees Skilled Trades (State) Award

Negotiations with the skilled trades unions for a MOU with similar wage outcomes and offsets such as the maximum ADO provisions agreed to by the HSU and NSWNA in 2008 were unsuccessful with mass meetings of skilled trades members rejecting the terms of the proposed MOU and instead accepting a new Skilled Trades Award that provided only for the minimum 2.5% Treasury funded increases and no offsets.

Accordingly there have been no changes in the pre-existing ADO provisions of the Skilled Trades Award that provide for 1 ADO in each 4 weekly cycle (i.e 13 ADOs per annum). The ADO provisions in the Skilled Trades Award are found in subclause 4 (ii). Clause 17 provides that full time skilled trades employees may accumulate up to 5 ADOs, subject to the mutual agreement of the employee and local management.

### **Q. Where can I locate further information in relation to ADOs?**

NSW Ministry of Health Intranet Award/Determination page – <http://www.health.nsw.gov.au/jobs/conditions/index.asp>

IB2008\_066 – MOU Between NSW Department of Health, HSU & ASMOF – 1 July 2008 – 30 June 2011:  
[http://www.health.nsw.gov.au/policies/ib/2008/pdf/IB2008\\_066.pdf](http://www.health.nsw.gov.au/policies/ib/2008/pdf/IB2008_066.pdf)

IB2010\_062 - Additional Days Off (ADOs) Accumulated prior to MOU of 1/07/2008 Between MOH, HSU& ASMOF:  
[http://www.health.nsw.gov.au/policies/ib/2010/pdf/IB2010\\_062.pdf](http://www.health.nsw.gov.au/policies/ib/2010/pdf/IB2010_062.pdf)

IB2011\_009 – MOU Between the NSW Department of Health and NSW Nurses Association 1 July 2010 – 30 June 2013: [http://www.health.nsw.gov.au/policies/ib/2011/pdf/IB2011\\_009.pdf](http://www.health.nsw.gov.au/policies/ib/2011/pdf/IB2011_009.pdf)