

From: AMOD

Sent: Friday, 8 September 2017 11:42 AM

To: nicole.denelzen@amri.org.au; mbutler@professionalsaustralia.org.au; luis.izzo@ablawyers.com.au; Kieran.Jack@afei.org.au; Stephen.Smith@aigroup.com.au; info@apesma.com.au; Estha van der Linden; chrisk@business-sa.com; Karen Van Gorp; lgale@nteu.org.au

Cc: AMOD

Subject: AM2014/281 Professional Employees Award 2010 [SEC=UNCLASSIFIED]

To interested parties,

Re: [AM2014/281 Professional Employees Award 2010](#)

Following several conferences and extensive written submissions and correspondence, Commissioner Cirkovic issued a [Report](#) to the Full Bench about the matters that have been resolved and what remains outstanding.

We are writing to you to seek clarification about two issues discussed in relation to the [exposure draft](#). Please consider the following points and provide any response to amod@fwc.gov.au by **4.00 pm on Wednesday 20 September 2017** so that it can be brought to the attention of the Full Bench.

Item 22 – Ordinary hours of work

The parties agreed to a 12-month cycle for averaging hours of work but have not agreed to any overtime or TOIL provisions that would apply where the average is exceeded.

Interested parties are invited to consider clause 21 and clause 23 of the *Commercial Sales Award 2010* [[MA000083](#)] as a model that may be appropriate for replication in the Professional Employees Award. We acknowledge that this may become a substantive matter for this award, but this is an opportunity for interested parties to turn their mind to the issue and consider what their position might be and whether a consent position may be achieved.

Items 29 and 30 – Annual leave

The Commission asked parties to comment on how clause 17.2(a) of the exposure draft operates, given that annual leave accrues progressively rather than on a given date. It remains unclear whether the parties have reached an agreed position about the year prior to accrual versus the year prior to taking leave.

Parties are invited to provide further views on whether annual leave loading is calculated based on the year preceding when the annual leave is taken rather than the year preceding when it is accrued.

Regards,

AMOD

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