

Policy, Advisory, Knowledge and Specialist Workers Collective Agreement (PAKS CA)

Coverage Guidance

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Purpose

The purpose of this document is to provide a guide to the coverage of the new PSA Health NZ | Te Whatu Ora Policy, Advisory, Knowledge and Specialist Collective Agreement.

If users of this guide have questions about coverage that are not answered in this guide, please send queries to: PAKS.CA@TAS.HEALTH.NZ

Background

This agreement is the first national Collective Agreement for policy, advisory, knowledge and specialist workers in Health NZ | Te Whatu Ora.

It brings into one Collective Agreement, employees transferred from the Ministry of Health and the Health Promotion Agency under the Pae Ora Act 2022, and other employees who do the same or similar work across Health NZ. This includes employees in Districts and former Shared Service Agencies currently on Individual Employment Agreements.

The term of the PAKS CA is from 21 December 2023 – 17 February 2025. The effective date for pay increases is 1 July 2023. All other changes to terms and conditions are effective from 21 December 2023.

Coverage Clause

The coverage clause (2.2) from the PAKS CA is below.

2.2 Coverage

2.2.1 *This Collective Agreement covers all permanent and fixed term employees of Te Whatu Ora in National Office, Districts, and former Shared Service Agencies, who are members of the PSA, including first line management.*

- *The following are excluded from coverage of this collective agreement:*
- *The Chief Executive*
- *Executive and Senior Leadership Teams*
- *Directors (including Regional Directors)*
- *Group Directors of Operations*
- *Roles that manage other managers*
- *Chief Advisor or equivalent, Principal Technical Specialists and Principal Analysts*
- *Members of the P&C and Finance Directorates who interpret/implement/cost employment terms and conditions.*
- *Executive Assistants*
- *Casual employees*
- *Clinical roles*

- *Employees who are within coverage of the PSA/Te Whatu Ora National Health Administration Workers Collective Agreement or any other current PSA/Te Whatu Ora Collective Agreement*

2.2.2 *Coverage includes roles established up to ex-MOH CA grade 19. Existing employees with roles established above ex-MOH grade 19 will not be within coverage of this CA unless they are covered by clause 2.2.3 (Grandparented Coverage Provisions). New employees with roles established above ex-MOH CA grade 19 will not be within coverage of this CA.*

2.2.3 Grand parented Coverage Provisions

PSA members at the date of ratification who were within coverage of the coverage clause for the ex-MOH CA (February 2020 to February 2023) or ex-HPA (June 2022 to October 2023) but excluded due to the pay rate for their roles being above ex-MOH CA grade 19 will have their coverage grand parented from the date of ratification.

*This means that the exclusion in relation to pay bands above ex-MOH CA grade 19 **does not** apply to these PSA members and they will continue to be covered by the PAKS CA.*

The relevant pay-related provisions are set out in Appendix 1 Grand parented Provisions of the PAKS CA for those with grand parented coverage.

2.2.4 Librarians

The Librarians and Interpreters Pay Equity Settlement Agreement provided pay scales for librarians covered by this CA. These pay scales (part of the Pay Equity Settlement Agreement) are not graded. The exclusion of pay bands above ex-MOH grade 19 does not apply to the librarian pay scales.

Coverage Commentary

Roles Included and Excluded

The PAKS Collective Agreement covers all permanent and fixed term employees of Health NZ | Te Whatu Ora, in National Office, Districts and former Shared Service Agencies (who were transferred under Pae Ora legislation) who are members of the PSA, including first line management.

All roles within coverage of PAKS CA need to meet ALL the coverage criteria set out in the [coverage clause 2.2](#).

To help understand the type of roles that could be covered by the PAKS CA, there is a list of indicative job families below;

- IT (Data and Digital)
- Finance and Audit
- Policy, Programmes and Projects
- Business Analysis and Support
- Information, Analytics and Research
- Communications
- Procurement/Supply Chain
- Members of the P&C and Finance Directorates who do not interpret/implement/cost employment terms and conditions.

- Librarians
- First line Managers

First Line Managers

The intention is to cover First Line Managers who directly manage a team and do not have other managers reporting to them. Management roles excluded are as per the coverage clause and listed below:

- *The Chief Executive*
- *Executive and Senior Leadership Teams*
- *Directors (including Regional Directors)*
- *Group Directors of Operations*
- *Roles that manage other managers*

Members of the P&C and Finance Directorates who interpret/implement/cost employment terms and conditions.

The intention is that those members of the P & C and Finance Directorates who interpret/implement/cost employment terms and conditions are excluded from PAKS CA coverage.

Roles Excluded

To help understanding of what this exclusion means the following examples of roles excluded from coverage are provided below:

Roles that involve providing professional advice in relation to:

- employee entitlements through interpreting the terms and conditions of the applicable employment agreement (e.g. an HR Advisor advising an employee on their Annual Leave Provisions); or
- bargaining strategies (e.g. a Principal Industrial Relations Specialist developing the approach to negotiation of a Collective Agreement); or
- the cost of a proposed change to terms and conditions of employment in relation to bargaining (e.g. a Principal Data Analyst providing the costing of a proposed settlement of a Collective Agreement); or
- implementation of clauses in a Collective Agreement (e.g. a local HR Business Partner advising managers on the changes to terms and conditions for their staff due to the settlement of a Collective Agreement.)

Roles Not Excluded

For avoidance of doubt, this exclusion does not apply to those who report on or process business-as-usual pay-related communication on terms and conditions.

Examples of roles that should NOT be excluded:

- Finance roles which provide financial advice that is not advising on employment terms and conditions or who process accounts according to standard operating procedures.
- Recruitment support roles that involve the process of recruitment only e.g. management of information and completion of forms.
- HR support roles that gather and provide information.
- Payroll roles which provide technical advice on payroll systems and/or implement changes in terms and conditions in a technical system capacity only.

Some of the roles that are not excluded may be covered by the National Administration Collective Agreement. To further assist, a list of roles that are already covered by that Collective Agreement can be found [here](#).

Queries on Coverage of P&C and Finance

For those responsible for assigning coverage, if coverage cannot be determined based on this exclusion, then please contact the National PAKS Implementation team at PAKS.CA@TAS.HEALTH.NZ.

Salary Cut Off

Additional criteria for coverage as per clause 2.2.2:

Coverage includes roles established up to ex-MOH CA grade 19. Existing employees with roles established above ex-MOH grade 19 will not be within coverage of this CA unless they are covered by clause 2.2.3 (Grandparented Coverage Provisions). New employees with roles established above ex-MOH CA grade 19 will not be within coverage of this CA.

To clarify, even if a role meets all coverage criteria, if the salary is above the salary cut off it is excluded from PAKS CA coverage, noting the below exceptions.

An agreement was reached on how to apply this provision (2.2.2) to different salary systems in Districts and Shared Service Agencies. The decision was to agree on a salary cut-off as follows:

PAKS CA Coverage Salary Cut-off 23/24

General Bands	Salary Cap (Min MOH grade 20)
1-Jul-23	142,067
1-Jul-24	146,329
Policy Analyst Bands	Salary Cap (Min MOH grade 20)
1-Jul-23	152,210
1-Jul-24	156,776
IT Bands	Salary Cap (Min MOH grade 20)
1-Jul-23	170,347
1-Jul-24	175,457

The exceptions to this salary cut-off are:

- those with grand parented coverage provisions (see [here](#))
- Librarians (see [here](#))
- Employees who were PSA members on 11th March 2024 (please see below)

Employees who were PSA members on 11th March 2024

The PSA has raised the issue that PSA members who voted on 11 March in the ratification for the PAKS CA were voting in accordance with the advice, which had been agreed between the parties at that time, that the salary cut-off was set at the maximum salaries for the respective grade 19 salary ranges.

To be put into effect, this will require the PSA to provide a list of impacted members.

The following salary cut-off will apply to these impacted members:

PAKS CA Coverage Salary Cut-off 23/24 for PSA Members on 11th March 2024.

General Bands	Salary Cap (Max MOH grade 19)
1-Jul-23	163,400
1-Jul-24	168,302
Policy Analyst Bands	Salary Cap (Max MOH grade 19)
1-Jul-23	175,677
1-Jul-24	180,947
IT Bands	Salary Cap (Max MOH grade 19)
1-Jul-23	193,902
1-Jul-24	199,719

Salary Range/Progression

Where a role has a salary range that starts within the salary cut-offs of the PAKS CA, whether the role is within coverage from a salary perspective, will be determined by the starting salary being offered.

If a role starts in coverage of PAKS CA the role holder would not “fall out” of coverage through salary progression e.g., if the employee stays in the same role they continue within coverage even if the salary progresses beyond the salary cut-off. (5 April 2024).

Coverage by PSA/Health New Zealand | Te Whatu Ora National Health Administration Workers Collective Agreements

Employees with roles within coverage of the PSA/Te Whatu Ora National Health Administration Workers Collective Agreement (NAHWCA) or any other current PSA/Te Whatu Ora Collective Agreement will be excluded from PAKS CA coverage.

Sometimes the coverage of roles between the NAWCA and PAKS CA may get confused. This is a sample list of roles that are already mapped and within coverage of the National Administration Health Workers Collective Agreement.

- Payroll Data Entry Clerk
- Payroll Clerk
- Payroll Officer
- Payroll Co-Ordinator
- Payroll Administrator
- Senior Payroll Administrator
- Payroll Specialist & Administration
- Incubator Cadet - Payroll Administrator
- SMO/RMO Payroll Officer
- Recruitment Administrator/Coordinator
- Medical Recruitment Administrator
- Patient Transport Administrator
- HRIS Administrator
- HR Administrator / Coordinator

Queries on Coverage of Other Collectives

If you have any queries in relation to coverage under National Administration CA please contact national.admin@tas.health.nz

Grand parented Coverage Provisions (Clause 2.2.3)

The exclusion in relation to salary above the established salary cut-off does not apply to PSA members with Grand Parented Coverage as per clause 2.2.3.

- *PSA members at the date of ratification (11 March 2024) who were within coverage of the coverage clause for the ex-MOH CA (February 2020 to February 2023)*
- *PSA members at the date of ratification (11 March 2024) who were within coverage of the coverage clause for the ex-HPA CA (June 2022 to October 2023)*

These members will be covered by the PAKS CA if their role meets the other coverage criteria.

Librarians (Clause 2.2.4)

The Librarians and Interpreters Pay Equity Settlement Agreement provided pay scales for librarians covered by this CA. These pay scales (part of the Librarians and Interpreters Pay Equity Settlement Agreement) are not graded.

The exclusion of pay bands above the established salary caps does not apply to the librarian pay scales as per clause 2.2.4.

Data and Digital Coverage Note

Please note that Data and Digital employees are included under coverage only for the term of this PAKS CA. The parties have agreed to establish a separate Data & Digital CA during the term of

the PAKS CA (21 December 2023 – 17 February 2025). There will be a transition process for Data & Digital employees moving onto a new collective agreement when it is agreed.

Example Questions On Coverage

I'm on an IEA, will I now be on PAKS CA?

If your role is within coverage and you join or are a member of the PSA then you will be bound by the PAKS CA.

If you are not a member of the PSA and do not join the PSA, you will remain on your current employment agreement. No Derived IEA will be offered for this term of the collective agreement.

I'm a member of the PSA, will I now be on PAKS CA?

Yes, if your role is within coverage you will be bound by the PAKS CA.

I'm a Project Manager with direct reports, am I in coverage?

Yes if you meet coverage criteria i.e. if your direct reports are not Managers and your salary does not exceed the established salary caps.

I'm a Service Manager with managers who report to me, am I in coverage?

No, only 1st line managers can be within coverage, if they meet all other coverage criteria.

I'm a Sole Charge Librarian and my salary is above the salary cut-off, am I in coverage?

Yes, the salary cut off does not apply to Librarian roles.

I'm a Principal Advisor and my salary is below the salary cut-off, am I in coverage?

Yes, your role is within coverage.

I'm a Principal Advisor and my salary is above the salary cut-off, am I in coverage?

You are excluded from PAKS CA coverage on the basis of your salary, unless you are subject to the grand parented coverage clause (clause 2.2.3 of the agreement [here](#)).

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I'm a Principal Analyst and my salary is below the salary cut-off, am I in coverage?

You are excluded from PAKS CA coverage on the basis of your role being an excluded role (clause 2.2.1 of the agreement [here](#)).

I have been mapped to a National Administration Role Profile, can I be covered by PAKS CA?

No, being mapped to a National Administration Role Profile means you are within coverage of the current PSA / Health NZ National Administration Health Workers CA and are therefore excluded from coverage.

Refer S 57 Employment Relations Act which states that an employee is bound by only 1 collective agreement in respect of same work.

There is a transition process for ex-MOH moving to the PSA / Health NZ National Administration Health Workers CA as outlined in Terms of Settlement clause 1.4 (please see [here](#)).

I'm a Manager who has Team Leaders reporting to me, I am below the salary cut-offs, am I covered?

No, you are excluded on the basis that you are not a first line manager. You have managers reporting to you.

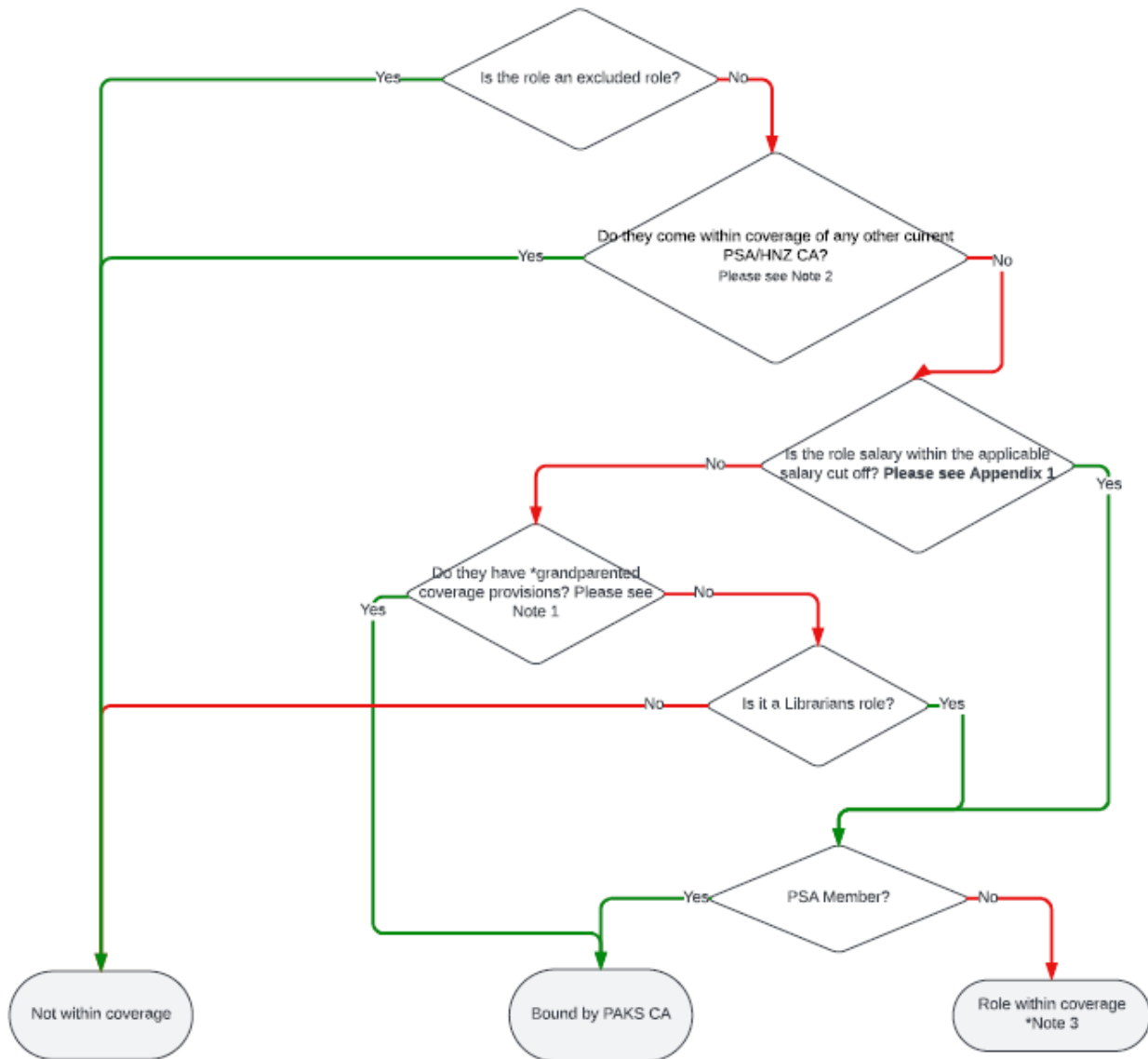
Can I change which Collective Agreement I am covered by?

You cannot change coverage if you remain in the same role. If you change roles and your new role comes under coverage of any other CA then you will not be under coverage of PAKS.

I am an existing employee currently on an IEA and my role is within coverage, will I be offered PAKS CA?

Existing employees on IEAs with roles within coverage will only be offered the PAKS CA if they are a member of the PSA.

PAKS CA Coverage Check



Note 1: PSA members at the date of ratification who were within coverage of the coverage clause for the ex-MOH CA (February 2020 to February 2023)
 *PSA members at the date of ratification who were within coverage of the coverage clause for the ex-HPA CA (June 2022 to October 2023)

Note 2: There is a transition process in PAKS ToS (1.4.3) for employees who are moving from PAKS CA to National Admin CA.

Note 3: **New employees:** will retain their T&Cs on an individual basis post first 30 day period unless they join the PSA.
Existing employees: will retain their current employment agreements unless they join the PSA.

Appendix 1 - Salary Cut Off Tables

PAKS CA Coverage Salary Cut-off 23/24

General Bands	Salary Cap (Min MOH grade 20)
1-Jul-23	142,067
1-Jul-24	146,329
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1-Jul-23	152,210
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1-Jul-23	193,902
1-Jul-24	199,719

Appendix 2 - Glossary

Grandparented

13 Grandparented Provisions

There are a range of grandparented provisions from previous applicable Collective Agreements that remain in place. These provisions are outlined below, and details are provided in Appendix 1.

13.1 Grandparented provisions

13.1.1 Definition

Grand-parented provisions are entitlements that remain in place for employees that were covered by the applicable collective agreement at the time the provisions were grand-parented. Grandparented provisions do not apply to new employees from the date of grandparenting of the provision. There are two types of grandparenting recognised in this Collective Agreement as set out in clauses 13.1.2 and 13.1.3 below.

13.1.2 Historical Grandparented Provisions

Employees who were covered by a previous collective agreement, where provisions were grandparented, may still be covered by such historic grandparented provisions. These provisions are set out in Appendix 1 and remain grandparented to those employees who are entitled to them as per the terms of these previous agreements.

13.1.3 Provisions Grandparented at the time of the PAKS Collective Agreement

The Terms of Settlement reached for this Collective Agreement include grandparenting of a range of provisions from the ex-MOH CA February 2020 to February 2023 and the ex-HPA CA June 2022 to October 2023. These provisions will not apply to new employees appointed from the date of ratification.

Refer to Appendix 1 Grandparented Provisions for the detail.

Appendix 3 –Terms of Settlement PAKS CA: Clause 1.4 National Health Administration Workers CA

1.4 National Health Administration Workers CA

1.4.1 As set out in S.57 (ER Act) an “employee can be bound by only 1 Collective Agreement covering the same work done by the employee”. To be consistent with the legislation, the coverage of the PAKS CA excludes those employees that are within coverage of the National Health Administration Workers CA.

1.4.2 **Establishing coverage:** The process of establishing whether an employee’s role is within coverage of the National Health Administration CA is through the process of mapping to establish if the role is able to be mapped to a Health Administration National Role Profile.

If it is established that an employee’s role is covered by the National Health Administration Workers CA, the role will come under coverage of that CA.

If it is not established that the roles come under coverage of that CA, the roles will come under coverage of the PAKS CA.⁵

1.4.3 **Transition process:** The parties have agreed that the process for transitioning employees to the National Health Administration Workers CA is as follows:

- Mapping to establish whether the employee’s role is able to be mapped to a Health Administration National Role Profile.
- Offer the benefit of the Administration and Clerical Pay Equity Settlement Agreement.
- Record grandparented provisions for those covered by the ex-MoH CA for inclusion in the National Health Administration Workers CA in the Grandparented Provisions Appendix 5 of that CA,
- Transition to the same pay band and pay step in the National Health Administration Workers Collective Agreement as per the pay band and pay step in the Administration & Clerical Pay Equity Settlement.