



# **AFPA AFP CA IMPLEMENTATION UPDATE 8**

**17<sup>th</sup> Aug 2007 – Dispute over alleged overpayments**

## **UPDATE ON ALLEGED OVERPAYMENT DISPUTE**

**This Bulletin is an update in relation to CA Implementation Bulletin 7 sent out on 14<sup>th</sup> August 2007.**

**The AFP is alleging that overpayment has occurred in relation to a number of AFP employees assigned to 'Longer-term assignment of duties' at remuneration Band levels above their substantive remuneration Band.**

**The AFP claims that this overpayment has occurred from the date of lodgement of the Collective Agreement 2007-2011 on 5 April 2007 and the AFP is initiating recovery action.**

**The AFPA advised the AFP on behalf of our members:**

- 1. That there is a dispute between the parties in which we wish resolved through the Dispute Avoidance & Settlement Procedure; and***
- 2. that until the Dispute Avoidance & Settlement Procedure is completed that there be a stay on recovery of any alleged overpayment by AFP employees.***

**Yesterday afternoon the AFPA met with the A/MPS and A/Coordinator Employee Relations in relation to this significant dispute.**

**At this stage the dispute largely relates to AFP employees who are on 'Longer-term assignment of duties' to roles in PRS; L&D; and IDG. The AFPA is currently representing approximately 20 members but the number is increasing daily as members become aware of this dispute.**

**The meeting was very disappointing in relation to trying to resolve the dispute. After extensive discussion with the AFPA presenting counter arguments A/MPS stated: *"I am 100% correct and I am not changing my position"*.**

**Although A/MPS was aware of the scheduled meeting yesterday, prior to the meeting she directed that all payments of Higher Duties cease in relation to those employees that she claims have been overpaid.**

**The AFPA has expressed its concerns that such action by the A/MPS is not appropriate whilst the AFPA is claiming that there is no alleged overpayment to those employees and that the 'Longer-term assignment of duties' is not inconsistent with the Higher Duties Allowance provisions within the 2007 Collective Agreement.**

**The approach by the AFP to remove Higher Duties from their own employees, without consultation with them or the AFPA, when there is a dispute lodged by the AFPA on behalf of those members, is clearly a less than satisfactory outcome for the first formal dispute under the 2007 Collective Agreement.**

**The outcome of yesterday's meeting is as follows:**

- 1. The dispute has escalated and the parties have agreed that in accordance with the 2007 Collective Agreement Dispute Avoidance & Settlement Procedure this matter will move to Step 3;**
- 2. As the next step in the process, the A/MPS and the AFPA will provide written submissions to the National Manager Human Resources for his consideration;**
- 3. The AFP has agreed to the AFPA's request not to recover overpayments at this stage whilst the AFP seeks legal advice on such action;**
- 4. Although Higher Duties payments have ceased as of yesterday's date, if the final dispute is resolved in favour of the AFPA, those members effected will be placed back on Higher Duties for the duration of the 'Longer-term assignment of duties' agreement and will be back paid for the period that the Higher Duties was removed;**
- 5. If the final dispute is resolved in favour of the AFP then those members affected will be given the opportunity to return to their previous role, as if the 'Longer-term assignment of duties' period had normally expired.**

If the AFP has initiated recovery action against you and you have not advised the AFPA please immediately contact us on [afpa.industrial@afpa.org.au](mailto:afpa.industrial@afpa.org.au) so we can assist you.