

Serial Number 1951/70

**THE HOSPITAL EMPLOYMENT (ENGINEERS)
REGULATIONS 1951**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 29th day of
March, 1951

Present :

THE HON. K. J. HOLYOAKE PRESIDING IN COUNCIL.

PURSUANT to the Hospitals Act, 1926, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Hospital Employment (Engineers) Regulations 1951, and shall be read together with and deemed part of the Hospital Employment Regulations 1948* (hereinafter referred to as the principal regulations).

(2) For the purposes of regulation 5 of the principal regulations, these regulations shall be deemed to form a Part of the principal regulations.

COMMENCEMENT

2. (1) Such of the provisions of these regulations as have the effect of increasing the rates of salaries, wages, and other emoluments and increments payable in respect of the classes of persons whose positions are specified in these regulations shall be deemed to have come into force on the 1st day of April, 1949.

(2) Except as provided in the last preceding subclause, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

INTERPRETATION

3. In these regulations, unless the context otherwise requires,—
- “ Chief engineer ” means the principal or only engineer employed by a Board :
- “ Engineer ” means an employee who is engaged in designing, constructing, or maintaining any engineering work, or in supervising the designing, construction, or maintenance of any engineering work :
- “ Engineering work ” includes boilers, machinery, plant, steam services, hot water and cold water services, and electrical services :

* Statutory Regulations 1948, Serial number 1948/62, page 209.

Amendment No. 5 : Statutory Regulations 1948, Serial number 1948/218, page 915.

Amendment No. 9 : Statutory Regulations 1950, Serial number 1950/57, page 189.

“ Grading committee ” means the Engineers’ Salaries Grading Committee constituted in accordance with regulation 5 of these regulations :

“ Whole time engineer ” means an engineer employed by a Board who devotes the whole of his working time to the duties of his position, save that he shall not be excluded from the definition of a whole time engineer by reason only of the fact that, with the approval of the Board and the concurrence of the Minister, he undertakes other work of a minor nature outside those duties.

SCALES OF SALARIES FOR WHOLE TIME ENGINEERS

4. (1) Subject to the provisions of subclause (3) of this regulation and of regulations 5 and 6 hereof, a whole time engineer shall receive a yearly rate of salary according to the scale of salary from time to time determined in each case by the grading committee, with the approval of the Minister, that scale being one of the four following :—

			Yearly Rate of Salary.		
			Minimum.	Maximum.	Increments.
			£	£	£
(a)	..	..	1,050	1,350	50
(b)	..	..	800	1,000	50
(c)	..	..	700	850	50
(d)	..	..	600	750	25

(2) The yearly rates of salary so determined shall be deemed to include all payments under sections 19 (4), 28, and 29 of the Factories Act, 1946.

(3) The scales of salaries and any other remuneration which were applicable or allowable in respect of the position of any engineer by virtue of the Hospital Employment Regulations 1948, Amendment No. 13*, and which were subsisting and in force immediately before the commencement of these regulations shall, notwithstanding the provisions of regulation 112 of the principal regulations (as set out in regulation 2 of the Hospital Employment Regulations 1948, Amendment No. 13*), remain in force until such time as a determination in respect of the scale of salary for that position is approved by the Minister in accordance with subclause (1) of this regulation and for such further period as may be necessary where the proviso to regulation 9 of the principal regulations is applicable :

Provided that upon that determination being approved the holder of the position shall also be entitled to receive payment of any arrears of remuneration which may be payable by virtue of the determination being retrospective in effect.

ENGINEERS’ SALARIES GRADING COMMITTEE

5. (1) In addition to any advisory committee appointed under the Hospital Board Employees (Conditions of Employment) Regulations 1947,† the Minister may establish an Engineers’ Salaries Grading Committee whose function it shall be, on the application of the

* Statutory Regulations 1950, Serial number 1950/118, page 403.

† Statutory Regulations 1947, Serial number 1947/69, page 252.

Amendment No. 1 : Statutory Regulations 1950, Serial number 1950/83, page 253.

Amendment No. 2 : Statutory Regulations 1950, Serial number 1950/89, page 271.

Director-General or the Board concerned, to advise the Minister in accordance with these regulations with respect to the salary and other emoluments of any whole time engineer to whom these regulations apply.

(2) The grading committee shall consist of—

(a) A Chairman, who shall be appointed by the Minister and who shall be one of the persons specified in paragraph (b) of this subclause :

(b) Two persons employed in the Public Service to be appointed by the Minister :

(c) Two persons being members of Hospital Boards, to be appointed by the Minister :

(d) Two other persons, not being engineers employed by Hospital Boards, to be appointed by the Minister after consultation with the executive committee of the New Zealand Public Hospitals Engineers' Association (Incorporated).

(3) The appointed members of the grading committee shall hold office at the pleasure of the Minister.

(4) Meetings of the grading committee shall be held at such times and places as the Director-General from time to time appoints.

(5) At every meeting of the grading committee the Chairman, if present, shall preside. If the Chairman is absent from any meeting, the officer of the Public Service authorized to attend the meeting in his stead pursuant to the next succeeding subclause shall act as his deputy and shall have and may exercise the powers and duties of the Chairman for the purpose of the meeting.

(6) In the absence from any meeting of the grading committee of the Chairman, the Director-General of Health may appoint a person employed in the Public Service to attend the meeting in his stead. Where the person so appointed is not a member of the grading committee by virtue of his appointment in accordance with subclause (2) of this regulation, he shall while attending any meeting of the grading committee pursuant to this subclause be deemed for all purposes to be a member of the grading committee. The fact that any person so attends shall be sufficient evidence of his authority so to do.

(7) No business shall be transacted at any meeting unless the Chairman or his deputy and at least three other members are present during the whole time the business is transacted.

(8) Every question before the grading committee shall be decided by the votes of the majority of members present. The Chairman of the meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(9) At the request of any member who objects to any decision of the grading committee, the Chairman shall cause the objection to be recorded with the decision.

(10) It shall be the duty of the Chairman to notify the Minister of all determinations made by the grading committee and of every objection recorded on behalf of any member or members.

(11) There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the grading committee who are not persons employed in the Public Service such remuneration by way of fees or allowances and such travelling expenses and allowances as the Minister of Finance from time to time approves.

(12) Every determination of the grading committee under these regulations shall be subject to the approval of the Minister.

(13) Subject to the provisions of these regulations, the grading committee may regulate its own procedure as it thinks fit.

6. (1) The grading committee in making determinations as to the salary and other emoluments of a whole time engineer shall have regard to the nature and relative importance of the duties and responsibilities of the position, to the hours of work, and, subject to the provisions of regulation 8 hereof, to the qualifications, experience, status, and ability of the officer, and any such determination shall be effective only so long as the duties and responsibilities of the position and the hours of work remain substantially the same and the officer in respect of whom the determination was made continues to hold the position.

(2) The grading committee may, in any case where it considers special circumstances exist, fix a commencing salary for a whole time engineer at any rate above the minimum rate of the scale of salary applicable to his position, and it may, in addition to or instead of fixing such a rate, fix a maximum salary at any rate below the maximum rate of the scale of salary applicable to the position.

(3) In making a determination for the purpose of these regulations, the grading committee shall specify the date from which the determination is to take effect. The first determination affecting a whole time engineer employed by a Board on or after the 1st April, 1949, may be made retrospective to a date not earlier than the said 1st April, 1949, but, subject to this provision, no determination shall take effect earlier than one year before the date on which the determination is made.

RECONSIDERATION OF DETERMINATIONS

7. (1) Where a whole time engineer is dissatisfied with any determination made in respect of his grading by the grading committee and approved by the Minister in accordance with the provisions of these regulations, he may, within such time as is specified by the Director-General or within such extended time as the Director-General may in special circumstances allow, apply to the committee through his employing Board to have the determination reconsidered by the committee.

(2) The grading committee shall accordingly reconsider the determination and shall make a new determination either confirming or amending the original determination. If the new determination amends the original determination and is approved by the Minister, it shall be deemed to be in substitution for the original determination and, unless the committee otherwise determines, to take effect on and from the date on which the original determination became operative.

(3) For the purposes of that reconsideration the whole time engineer may appear and present his case or submit a written statement, and a member or officer of the employing Board may appear and make representations on behalf of the Board or the Board may submit a written statement.

(4) The Minister's decision on any determination made by the grading committee as a result of its reconsideration in accordance with this regulation shall be final.

SHIFT ENGINEERS

8. (1) For the purpose of this regulation the term "shift engineer" means a whole time engineer who—

- (a) Has served an apprenticeship of at least five years as a mechanical engineer in a workshop where engines are built or repaired; and
- (b) Is employed on terms providing for the working, at different periods, of day or night shifts as arranged by the Board; and
- (c) During his shift is required to be in charge of machinery.

(2) This regulation shall apply to shift engineers whose yearly rate of salary does not exceed £750.

(3) The weekly hours of work of a shift engineer shall be forty, exclusive of overtime.

(4) Notwithstanding the provisions of regulation 6 hereof, the grading committee may determine upon a uniform rate of salary and other emoluments for two or more shift engineers in the employ of the same Board regardless of differences in their respective qualifications, experience, status, and ability.

(5) Where a shift engineer is required to work in excess of eight hours per shift or in excess of forty hours per week, the excess time shall be deemed to be overtime and shall be subject to payment at one and a half times the hourly rate of pay:

Provided that, where a sixth shift is worked in any week to take the place of a shift engineer away sick and not merely for the convenience of the Board, payment at the hourly rate shall be made.

(6) All shifts worked by a shift engineer on Sundays in excess of twenty-six Sunday shifts for any year shall be subject to payment at double the hourly rate of pay.

(7) For the purposes of this regulation the hourly rate of pay shall be a two thousand and eightieth part of the yearly rate of salary payable for the time being in accordance with the foregoing provisions of these regulations, and, in the final calculation of the rate of payment for overtime, a fraction of less than a halfpenny is to be reckoned at the halfpenny above, and a fraction of more than a halfpenny at the penny above.

PAYMENT BY WHOLE TIME ENGINEER WHERE ACCOMMODATION, ETC., PROVIDED

9. (1) Where a whole time engineer is provided at the cost of the Board with residential accommodation, fuel, lighting, and other domestic requisites and services, or any of them, the value thereof, ascertained as hereinafter provided, shall be paid by him by quarterly or more frequent payments as the Board may require, or shall be deducted from the payment of salary made in respect of the period during which that accommodation, fuel, or lighting, or those requisites or services are enjoyed or received by him.

(2) For the purposes of this regulation the value of a house, fuel, lighting, and other requisites and services shall, unless the grading committee fixes a different value, be computed as follows:—

- (a) The value of an unfurnished house or flat shall be computed at the rate of £110 per annum;

- (b) The value of fuel and lighting shall be computed at the rate of £40 per annum ;
- (c) The value of articles of furniture and other non-consumable articles shall be computed at a rate per annum representing $7\frac{1}{2}$ per cent of their cost to the Board ;
- (d) The value of consumable articles and of services shall be their cost to the Board ; and
- (e) The value of board and lodging shall be computed at the inclusive rate of £110 per annum.

ANNUAL LEAVE AND HOLIDAY LEAVE

10. (1) Leave of absence on full pay for recreational purposes shall be granted to the respective classes of whole time engineers according to the following scale, namely :—

Class of Employee.	Number of Days' Leave in Respect of Each Year of Employment.
1. Chief engineers	28
2. Other whole time engineers	21

(2) The number of days shown in the last preceding subclause is to be reckoned in consecutive days' leave (including Saturdays and Sundays, but excluding the public holidays, or substituted succeeding days, where applicable, prescribed in subclause (5) of this regulation, that may fall during a period of leave).

(3) A Board may permit annual leave to be taken in two periods.

(4) When the employment of a whole time engineer ceases, he shall be paid salary in lieu of leave in respect of any annual leave or portion of annual leave accrued due to him.

(5) In addition to annual leave granted in accordance with this regulation, each whole time engineer shall be allowed leave on full pay on the following public holidays—namely, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Sovereigns' Birthday, Labour Day, and the holiday observed in the locality as Anniversary Day :

Provided that, when any of the above named public holidays (other than Anzac Day) that can fall on a Saturday or a Sunday so falls, the next succeeding day (not being a Sunday) which is not one of the said public holidays or observed as a substituted holiday under this proviso shall be allowed :

Provided further that any whole time engineer may be required to work on any of the above named public holidays or substituted succeeding days, where applicable, if he is allowed an equivalent holiday on a later day convenient to the Board.

SICK LEAVE

11. (1) Where a whole time engineer is granted leave of absence on account of sickness or injury not arising out of and in the course of his employment (hereinafter referred to as sick leave), he shall be entitled to full pay according to the scale set out in the Schedule to this regulation.

(2) The length of service for the purposes of the schedule means the aggregate period of service, whether continuous or intermittent, in the employ of a Board, a separate institution, or the Crown, or of two or more of such employers.

(3) The total period of sick leave with full pay set out in the schedule may consist of one or more periods. Sick leave with full pay for each period allowed is to be reckoned in consecutive days (including Saturdays, Sundays, and the public holidays or substituted succeeding days, where applicable, hereinbefore specified that may fall during a period of sick leave).

(4) The total period of sick leave with full pay to which a whole time engineer is entitled as set out in the schedule shall be computed in respect of his whole length of service.

(5) Where in the opinion of a Board a whole time engineer in its employ is incapacitated by sickness or injury arising out of and in the course of his employment, it shall be permissible for the Board to continue to pay his full salary during incapacity :

Provided that the prior written approval of the Director-General shall be obtained for any such payment beyond a period of three months :

Provided further that the period in respect of which salary is paid in accordance with the provisions of this subclause shall not be regarded as sick leave with pay for the purposes of the foregoing provisions of this regulation.

SCHEDULE

Length of Service.	Total Period of Sick Leave with Full Pay During Whole Length of Service.
Up to three months' service	7 days.
Over three months' and up to six months' service	14 days, inclusive of days previously allowed.
Over six months' and up to nine months' service	31 days, inclusive of days previously allowed.
Over nine months' and up to five years' service	46 days, inclusive of days previously allowed.
Over five years' and up to ten years' service	92 days, inclusive of days previously allowed.
Over ten years' and up to twenty years' service	183 days, inclusive of days previously allowed.
Over twenty years' and up to thirty years' service	275 days, inclusive of days previously allowed.
Over thirty years' service	365 days, inclusive of days previously allowed.

TRANSPORT

12. Where a whole time engineer is required to use his own motor car for the purposes of his work, the Board may pay him a mileage allowance or, in lieu thereof, a commuted allowance, in either case at a rate and subject to conditions approved by the Minister.

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 5th day of April, 1951.

These regulations are administered in the Department of Health.