

SECTION 5: HOURS OF DUTY AND OVERTIME

29. Hours of duty

Standard hours

- 29.1 The standard hours of duty will be 7 hours and 30 minutes per day and 37 hours and 30 minutes per week for full-time employees, or the agreed hours of duty for part-time employees.
- 29.2 For leave recording purposes, the standard hours for full-time employees are 8.30am to 12.30pm and 1.30pm to 5.00pm.

Span of hours

- 29.3 The span of hours during which an employee's standard hours of duty may be worked is 7.30am to 7.30pm Monday to Friday.
- 29.4 An employee may request to work outside the span of hours, e.g. on a Saturday, to cater for particular circumstances. Approval will be subject to operational requirements and the agreement of the section head. Any hours worked on this basis will be recorded and taken as time off in lieu (TOIL) at single time, and will not attract overtime rates (this does not apply to employees at Parliamentary Executive Level 2 - see clause 32 for arrangements applying to those employees).

Working patterns

- 29.5 As a general principle, a section head should ensure that his or her work area is available for client service between 8.30am and 5.00pm.
- 29.6 An employee's working pattern will be determined by the section head, in consultation with the employee, after considering operational requirements, work health and safety matters, the employee's personal needs and the impact on other employees in the work area.
- 29.7 Employees should not be required to work more than five consecutive hours without a meal break of at least 30 minutes.

Unauthorised absence

- 29.8 As a general principle, employees should advise their supervisor of any unplanned absence by 9.30am on the day of absence.
- 29.9 Where an employee is absent from duty without approval, all pay and other benefits provided under this Agreement will cease until he or she resumes duty or is granted leave.

30. Part-time work, job-sharing and home-based work

- 30.1 Employee-initiated part-time work arrangements are subject to the approval of the Clerk. Part-time work arrangements will only be approved for a specified period, up to a maximum of 12 months at a time.
- 30.2 Employees returning from maternity leave, or extended periods of parental or adoption leave, will be entitled to access part-time work on resumption of duty for a period of 12 months. At the end of the 12-month period, clause 30.1 will apply.
- 30.3 Unless a further application is approved, the employee will revert to full-time employment at the end of the approved period of part-time work. Written advice to this effect will be provided to the employee by HRM approximately two months prior to the expiration of a part-time work agreement.
- 30.4 The Clerk may approve a variation to, or early termination of, a part-time work agreement (including a job-sharing arrangement) in consultation with both the employee and the program manager.
- 30.5 Part-time employees may vary their agreed hours of work within the flextime provisions. Changes of a more permanent nature will require a variation to the part-time work agreement.
- 30.6 The Clerk may initiate an offer of part-time employment. However, a full-time employee will not be required to convert to part-time hours without the employee's agreement. An employee who, by agreement, is assigned to a management-initiated part-time position may only convert to full-time employment by being assigned to a full-time position.
- 30.7 The Clerk may approve a job-sharing arrangement between two or more employees who wish to share one full-time job. Employees working under a job-sharing arrangement will be part-time employees, and the conditions in this Agreement for part-time employees will apply.
- 30.8 Part-time employees will accrue annual and personal/carer's leave credits on a pro rata basis.
- 30.9 Salary and other benefits, including leave, for part-time employees will be calculated on a pro rata basis, apart from those allowances that are reimbursed, in which case part-time employees will receive the same amount as full-time employees.
- 30.10 Home-based work may be approved by the Clerk in accordance with relevant departmental guidelines.

31. Flextime

- 31.1 Employees up to and including Parliamentary Executive Level 1 may access flextime in accordance with relevant departmental guidelines. The accrual of flex credits and debits, and access to flex leave, is subject to operational requirements and supervisor approval.

- 31.2 An employee may accrue flex credits where there is suitable work available to be performed outside the employee's standard hours, but within the span of hours of 7.30am to 7.30pm Monday to Friday. An employee will not accrue a flex credit in respect of any hours for which he or she has been paid overtime.
- 31.3 The settlement period for flextime purposes is a designated four-week period commencing on a Thursday (payday) and ceasing on the Wednesday four weeks later.
- 31.4 Subject to clause 31.5, the maximum flex credit carryover to the next settlement period is 37 hours and 30 minutes. The maximum flex debit carryover is 10 hours. Supervisors should ensure that employees do not accumulate excess flex credits or debits.
- 31.5 The section head may allow the carryover of flex credits in excess of 37 hours and 30 minutes. Flex debits in excess of 10 hours at the end of a settlement period will be treated as leave without pay, unless approval is granted to use annual or purchased leave to acquit the excess flex debits.
- 31.6 Employees carrying a flex debit at the end of the flextime fortnight will not be eligible for overtime payments until the flex debit has been acquitted. The acquittal will be calculated at the applicable overtime rate.

Reversion to standard hours

- 31.7 Access to the flextime arrangements may be withdrawn in circumstances where a manager reasonably considers that:
- (a) an employee's attendance is unsatisfactory; or
 - (b) an employee is misusing the arrangements.
- 31.8 Where access to flextime arrangements is withdrawn, the employee will revert to standard hours, which will be determined by the manager, after consultation with the employee, within the span of hours.
- 31.9 Access to flexible working arrangements may be restored once the manager is satisfied that the employee's attendance is satisfactory.

32. Parliamentary Executive Level 2 employees – working patterns

- 32.1 The working pattern of Parliamentary Executive Level 2 employees will be determined by the program manager, and will be organised to achieve agreed work objectives and to maximise client service.
- 32.2 As flextime is not available to Parliamentary Executive Level 2 employees, program managers may exercise discretion in granting time off in recognition of hours worked, and/or for Parliamentary Executive Level 2 employees to attend to unforeseen personal circumstances which would not otherwise be covered by personal/carer's leave.

33. Overtime and time off in lieu

- 33.1 The Clerk may direct employees to work additional hours or overtime. Such a direction must be reasonable in all the circumstances but an employee may refuse to work the additional hours or overtime.
- 33.2 Employees at the Australian Parliamentary Service Levels 1/2 to 6 may claim payment for overtime where they are directed to, and work, outside the hours 8.00am to 6.00pm Monday to Friday.
- 33.3 A part-time employee who is directed to work additional hours may claim for payment as follows:
- (a) for any additional hours worked over and above his or her agreed hours up until 5.00pm – at the relevant single time rate; and/or
 - (b) where eligible to claim payment for overtime in accordance with clause 33.2 – at the relevant overtime rate.
- 33.4 Sessional or casual non-ongoing (temporary) employees will be paid overtime for all hours they are directed to work beyond 7 hours and 30 minutes on any particular day or rostered period of duty.
- 33.5 Overtime is not payable to Parliamentary Executive level employees. The relevant program manager, subject to operational requirements and the employee's personal needs, may approve time off in lieu of significant or consistent unpaid hours not otherwise remunerated by HSA or CA.
- 33.6 Employees who have worked authorised overtime may elect to take time off in lieu (TOIL) of overtime payment. TOIL will be calculated at the applicable overtime rate and subject to clauses 33.10 to 33.12.
- 33.7 Overtime rates are:
- (a) Monday to Saturday Time and one half; and
 - (b) Sunday Double time.
- 33.8 Subject to clause 33.7, where authorised overtime is worked on a weekday public holiday, the rate will be double time for duty performed outside the standard hours and single time within standard hours as employees are already paid for the public holiday.
- 33.9 Employees are required to have a rest break of at least nine hours, including travel time, between ceasing work on any day or shift and commencing work on the next day or shift. Where, following direction by the Clerk, the employee is required to resume duty without completing a nine-hour break, he or she will be paid double time rates until he or she has had a nine-hour break.

TOIL bank

- 33.10 Employees who elect to take time off in lieu of overtime payments, or who accumulate time off in lieu when travelling for official duty, may bank their TOIL credits to a maximum of 150 hours.

- 33.11 Access to TOIL credits is subject to operational requirements, the employee's personal needs and relevant departmental guidelines. Employees and supervisors are expected to monitor TOIL balances and make appropriate arrangements to enable usage of TOIL credits.
- 33.12 TOIL credits will not be cashed out. However, where an employee ceases employment without having a reasonable opportunity to use all his or her TOIL credits, the delegate may approve payment for the TOIL credits at single time rates.

Volunteer duty at recognised conferences or open days

- 33.13 Employees at the Australian Parliamentary Service classifications 1/2 to 6 who volunteer to perform duty, associated with recognised conferences or open days, which is outside standard hours will be eligible to be compensated for the rostered extra duty under the following arrangements:
- (a) for duty which attracts overtime at the rate of time and one half, payment at half time and time off in lieu at single time; and
 - (b) for duty which attracts overtime at the rate of double time, payment at single time and time off in lieu at single time.
- 33.14 Employees at the Parliamentary Executive levels who volunteer to perform duty, associated with recognised conferences or open days, which is outside standard hours will be eligible to claim time off in lieu on an hour for hour basis.
- 33.15 Where employees at the Australian Parliamentary Service classifications 1/2 to 6 are directed to perform overtime duty associated with such events, and the employees have no discretion, the overtime provisions in clause 33 will apply.

34. Shift work

- 34.1 Employees will be entitled to be paid a penalty if rostered to perform their standard hours outside the period 6.30am to 6.00pm, Monday to Friday, and/or on Saturdays, Sundays or public holidays for an ongoing or fixed period.
- 34.2 Except at the regular changeover of shifts, employees should not be rostered to work more than one shift in each 24 hours.
- 34.3 The following penalty loading rates will apply:
- (a) 15% of salary for the shift where any part of the duty is performed between the hours of 6.00pm to 6.30am;
 - (b) 30% of salary for each shift falling wholly within the hours of 6.00pm and 8.00am for a period exceeding four weeks;
 - (c) 50% of salary for all rostered time performed on a Saturday;
 - (d) 100% of salary for all rostered time performed on a Sunday; and
 - (e) 150% of salary for all rostered time performed on a public holiday.
- 34.4 Employees working shiftwork will not be entitled to receive a penalty loading for hours claimed as overtime (as per clauses 33.2 and 33.3).

- 34.5 Employees working regular shiftwork will accrue an additional one week of annual leave for each completed 12 month period of continuous service.
- 34.6 The Clerk may approve any proposals for a new roster or arrangement of shift cycles following consultation with the employees concerned, and taking into account operational requirements and the impact of such proposals on the employees concerned.