

SECTION 4: HOURS OF DUTY AND OVERTIME

22. Hours of duty

Standard hours

- 22.1 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.
- 22.2 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

- 22.3 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.
- 22.4 An employee may request to work outside the span of hours. Approval will be subject to operational requirements and the agreement of the section head. Any hours worked on this basis will be recorded, and those exceeding the employee's standard hours of work per week will be taken as time off in lieu (TOIL) at single time. Requests to work outside the span of hours will not attract overtime rates (this does not apply to employees at Parliamentary Executive Levels 1 and 2 – see clause 25 for arrangements applying to those employees).

Working patterns

- 22.5 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.
- 22.6 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.
- 22.7 Employees should not be required to work more than five consecutive hours without a meal break of at least 30 minutes.

Unauthorised absence

- 22.8 Employees should advise their supervisors of any unplanned absence by 9.30am on the day of absence.
- 22.9 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.

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

- 23.1 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. 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.
- 23.2 The Clerk may initiate an offer of part-time employment. 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.
- 23.3 Before commencing part-time work, an employee and the Clerk must agree in writing a regular pattern of work, specifying the days of the week upon which the employee will work and the commencing and finishing times of work. This pattern of work will not be varied without the consent of the employee and any agreed variations will be recorded in writing.
- 23.4 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 23.1 will apply.
- 23.5 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 are part-time employees.
- 23.6 Salary and other benefits (such as paid annual or personal/carer's leave accruals), excluding expense related allowances and reimbursements or where the context suggests otherwise, for part-time employees will be calculated on a pro-rata basis.
- 23.7 Home-based work may be approved by the Clerk as set out in the relevant departmental guidelines.

24. Flextime

- 24.1 Australian Parliamentary Service Level 1 to 6 employees and Parliamentary Executive Level 1 (other than sessional or casual employees) may access flextime as set out in the relevant departmental guidelines. The accrual of flex credits and debits, and access to flex leave, is subject to operational requirements and supervisor approval.
- 24.2 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.
- 24.3 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.

- 24.4 Subject to clause 24.5, 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.
- 24.5 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 leave to acquit the excess flex debits.
- 24.6 Eligible employees carrying a flex debit at the time of making the claim for overtime will not be eligible for overtime payments, or to accrue TOIL in lieu of overtime, until the flex debit has been acquitted. The acquittal will be calculated at the applicable overtime rate.

Reversion to standard hours

- 24.7 Access to the flexitime 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.
- 24.8 Where access to flexitime 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.
- 24.9 Access to flexible working arrangements may be restored once the manager is satisfied that the employee's attendance is satisfactory.

25. Working patterns for Parliamentary Executive Level 2 employees

- 25.1 The working pattern of Parliamentary Executive Level 2 employees will be determined by the supervisor and/or program manager, and will be organised to achieve agreed work objectives and to maximise client service.
- 25.2 A supervisor may exercise discretion in granting time off to Parliamentary Executive Level 2 employees in recognition of:
- (a) significant additional hours worked; or
 - (b) to attend to unforeseen personal circumstances, not otherwise covered by personal/carer's leave.

26. Overtime and time off in lieu

- 26.1 The Clerk may direct employees to work reasonable additional hours or overtime. Such a direction must be reasonable in all the circumstances. An employee may refuse to work the additional hours or overtime which are not reasonable.
- 26.2 Employees at the Australian Parliamentary Service Levels 1 to 6 who have worked authorised overtime may elect to take TOIL in lieu of overtime payments. TOIL

will be calculated at the applicable overtime rate and subject to clauses 26.9 to 26.11.

Definition of overtime – full-time and part-time employees

- 26.3 For full-time employees at Australian Parliamentary Service Levels 1 to 6, overtime is any time the employee is directed to work, and the employee works, that is:
- (a) outside of the span of hours of 8.00am and 6.00pm Monday to Friday; or
 - (b) on a public holiday.
- 26.4 For part-time employees at the Australian Parliamentary Service Levels 1 to 6, who are 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 6.00pm – at the relevant single time rate; and/or
 - (b) outside of the span of hours of 8.00am and 6.00pm Monday to Friday or on a public holiday – at the relevant overtime time.

Definition of overtime – sessional and casual employees

- 26.5 For sessional and casual employees at the Australian Parliamentary Service Levels 1 to 6, overtime is any time the employee is directed to work, and the employee works, that is:
- (a) in excess of 7 hours and 30 minutes on a weekday;
 - (b) on a Saturday or Sunday; or
 - (c) on a public holiday.

Payment for overtime

- 26.6 Where an employee is directed to work and works overtime, the employee will be paid as follows:
- (a) Monday to Saturday time and one half; and
 - (b) Sunday double time.
- 26.7 Subject to clause 26.6 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.

Note: An employee is entitled to single time for overtime performed within the standard hours as the employee already receives payment at the single time rate for the standard hours falling on the public holiday.

- 26.8 Notwithstanding clauses 26.3 and 26.4, 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

- 26.9 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. TOIL for travel purposes will be at single time rates.
- 26.10 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.
- 26.11 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 Clerk may approve payment for the TOIL credits at single time rates for employees at the Australian Parliamentary Service Levels 1 to 6.

27. Shiftwork

- 27.1 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.
- 27.2 Except at the regular changeover of shifts, employees should not be rostered to work more than one shift in each 24 hours.
- 27.3 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.

For sessional and casual employees, a 20% casual loading is paid in addition to the penalty loading rate (see clause 17.4).

- 27.4 Employees working shiftwork will not be entitled to receive a penalty loading for hours claimed as overtime.
- 27.5 For an employee at Australian Parliamentary Service Levels 1 to 6, overtime is any time the employee is directed to work, that is:
- (a) beyond his or her rostered hours on a day; or
 - (b) in excess of 37 hours and 30 minutes in a week.
- 27.6 Where an employee is directed to work and works overtime, the employee will be paid as follows:
- (a) Monday to Saturday time and one half;
 - (b) Sunday double time; and

(c) public holiday double time and a half.

For sessional and casual employees, no casual loading is paid in addition to the overtime rate (see clause 17.4).

- 27.7 Employees working regular shiftwork will accrue an additional one week of annual leave for each completed 12 month period of continuous service.
- 27.8 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.