

SECTION 6 HOURS OF DUTY AND OVERTIME

The following provisions aim to provide managers, supervisors and employees with flexible working conditions that will enable the department to respond effectively to the needs of the Senate and senators and other work demands, and at the same time, assist employees to balance their work and personal commitments.

31. Hours of duty

Standard hours

- 31.1 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.
- 31.2 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

- 31.3 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.
- 31.4 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.

Working patterns

- 31.5 The pattern of hours which an employee may work will be decided by the section head after consultation with the employee.
- 31.6 The main consideration in agreeing on the pattern of hours will be operational requirements, including the impact on departmental clients. As a general principle, section heads should ensure that, as a minimum, work areas are available for client service between 8.30am and 5.00pm.
- 31.7 Other considerations in determining working patterns may include the personal needs of individuals, the impact that an employee's hours of duty have on other employees in the work area, and occupational health and safety matters.
- 31.8 Employees should not be required to work more than five consecutive hours without a meal break of at least 30 minutes.

Unauthorised absence

- 31.9 As a general principle, employees should advise their supervisor of any unplanned absence by 9.30am on the day of absence.

31.10 Where an employee is absent from duty without approval, all pay and other benefits provided under this Agreement will cease to be available until he or she resumes duty or is granted leave.

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

32.1 Part-time work involves employees working hours which are less than those of a full-time employee.

32.2 Part-time work arrangements are subject to the approval of the Clerk. When considering a request to work part-time, the Clerk will take into account the operational requirements of the work area and the reasons for the applicant's request. Part-time work arrangements will only be approved for a specified period, up to a maximum of 12 months at a time.

32.3 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 32.2 will apply.

32.4 To optimise productivity, part-time employees should ideally work at least three consecutive hours on any one day.

32.5 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 agreement.

32.6 The Clerk may approve a variation to, or early termination of, a part-time work agreement (including a job-sharing arrangement) with the consent of both the employee and the program manager.

32.7 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 agreement.

32.8 The Clerk may initiate the introduction 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 is assigned to a management-initiated part-time position may only convert to full-time employment by being assigned to a full-time position.

32.9 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 outlined in this Agreement for part-time employees will apply.

32.10 Salary and other benefits, including leave, for part-time employees will be calculated on a pro rata basis, apart from those allowances of a reimbursement nature, where part-time employees will receive the same amount as full-time employees.

32.11 Home-based work may be approved by the Clerk to permit an employee to perform part of the standard weekly hours of duty at home.

33. Flextime

33.1 The department's flextime arrangements enable managers and employees to vary working hours and patterns within the span of hours to provide maximum organisational flexibility with benefits to clients, employees and the department.

33.2 Flextime is available to all employees up to and including Parliamentary Executive Level 1 (see clause 34 for arrangements applying to employees at the Parliamentary Executive Level 2).

33.3 For flextime to work effectively, managers must ensure that employees' hours of duty are organised so that client service requirements are met and employees are productively employed. Managers should ensure that employees are not building up excessive flex credits unnecessarily, and without the opportunity to access flex leave.

33.4 The settlement period for flextime purposes is a four week period commencing on a Thursday (payday) and ceasing on the Wednesday four weeks later.

33.5 The maximum flex credit that may be carried forward from any one settlement period into the next settlement period will be 37 hours and 30 minutes. The section head may allow a flex credit in excess of 37 hours and 30 minutes to be carried forward into the next settlement period. No reasonable request to utilise an excess flex credit will be denied.

33.6 The maximum flex debit that may be carried from any one settlement period into the next settlement period is 10 hours. The amount by which the maximum debit is exceeded shall be treated as leave without pay and an appropriate salary deduction will be made. As an alternative, the section head may approve the grant of annual or purchased leave for that period.

33.7 The period of flex leave which may be taken will be subject to operational requirements and supervisor approval.

Reversion to standard hours

33.8 Access to the flextime arrangements may be withdrawn in circumstances where:

- (a) a manager reasonably considers that an employee's attendance is unsatisfactory; or
- (b) a manager reasonably considers that an employee is misusing the arrangements.

33.9 Where access to flextime arrangements is withdrawn, employees will revert to standard hours, which will be fixed by the program manager, after consultation with the employee, within the span of hours.

33.10 Access to flexible working arrangements may be restored where the manager is satisfied that an employee's attendance is satisfactory.

34. Parliamentary Executive Level 2 employees – working patterns

34.1 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 maximum client service.

34.2 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 to attend to unforeseen personal circumstances.

35. Overtime and time off in lieu

35.1 The Clerk may direct employees to work overtime. Such a direction must be reasonable in all the circumstances, and an employee may refuse to work the additional hours if he or she considers the request unreasonable.

35.2 Full-time employees at the Australian Parliamentary Service Levels 1/2 to 6 may claim payment for overtime where they are directed to work, and in fact work, outside the hours 8.00am to 6.00pm Monday to Friday.

35.3 Part-time employees may claim overtime for those hours they are directed to work beyond their agreed standard hours, with the exception of the first hour beyond their standard hours for that day, which may be claimed as flextime.

35.4 Sessional or casual non-ongoing employees (including casual Parliamentary Educators) 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.

35.5 Subject to clause 35.17, overtime is not payable to Parliamentary Executive level employees. Employees at this level may negotiate with their program manager for time off in lieu of significant or consistent unpaid hours not otherwise remunerated by HSA, CA or SAL. While it is recognised that not all such requests will be able to be accommodated, co-operation and flexibility in the negotiations should ensure that Parliamentary Executive level employees are able to balance their personal commitments with the operational requirements of their duties and responsibilities in the workplace.

35.6 Employees who have worked authorised overtime, but who have a flex debit at the end of the fortnight, will not be eligible for overtime payment until the flex debit has been eliminated. Such debits are to be reduced by the period of overtime worked, with the reduction being calculated at the applicable overtime rate.

35.7 Employees who have worked authorised overtime, may elect to take time off in lieu of receiving payment. TOIL will be calculated at the applicable overtime rate. Details on TOIL bank are outlined in the following subsection.

- 35.8 Overtime rates are as follows:
- Monday to Saturday Time and one half
 - Sunday Double time.
- 35.9 Where authorised overtime is worked on a public holiday which falls on a week day, the rate will be double time for duty outside the standard hours. For duty within the standard hours, overtime will be calculated at single time as employees are already being paid for the public holiday.
- 35.10 In calculating the overtime payment, a divisor of 37 hours and 30 minutes will be used for the purpose of determining the relevant hourly rate.
- 35.11 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

- 35.12 Employees who elect to take time off in lieu of receiving overtime payments, or who accumulate time off in lieu as a consequence of travelling on official duty outside the span of hours, may bank their TOIL credits up to a maximum limit of 150 hours.
- 35.13 Access to TOIL credits will be a matter for agreement between employees and their supervisors and will be subject to the same operational considerations that apply to other forms of leave (e.g. annual leave, flex leave).
- 35.14 It is agreed that, as a general principle, TOIL credits will not be cashed out. It is expected that employees will use their TOIL credits during the course of the year following its accumulation and that supervisors will monitor usage of TOIL credits to ensure that credits are accessed. Where a TOIL credit is not being used, it is expected that the employee and supervisor will agree on appropriate arrangements to use the TOIL credit.
- 35.15 In cases where an employee who has a TOIL credit leaves the department for any reason without having had a reasonable opportunity to use that credit, a TOIL credit will be paid out to the employee at ordinary time, with the approval of the delegate.

Volunteer duty at recognised conferences or open days

- 35.16 Employees at the Australian Parliamentary Service Levels 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.
- 35.17 Employees at the Parliamentary Executive levels who are directed to perform duty outside standard hours for duty associated with recognised conferences or open days are eligible to claim time off in lieu on an hour for hour basis.
- 35.18 Where employees are directed to perform overtime duty associated with such events, and the employees have no discretion, the overtime provisions in clauses 35.1 to 35.15 will apply.

36. Shift work

- 36.1 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.
- 36.2 Except at the regular changeover of shifts, employees should not be rostered to work more than one shift in each 24 hours.
- 36.3 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 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.
- 36.4 Employees working shiftwork will not be entitled to receive a penalty loading for hours claimed as overtime (as per clause 35.2 and 35.3).
- 36.5 Employees working regular shiftwork will accrue an additional one week of annual leave for each completed 12 month period of continuous service.
- 36.6 The Clerk may approve any proposals for a new roster or arrangement of shift cycles following consultation with the employees concerned, and having consideration for operational requirements and the impact of such proposals on the employees concerned.