

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 125 - making, amending and repealing awards; and
s. 129 - flow-on of certified agreements

Department of Justice and Attorney-General AND The Queensland Public Sector Union of Employees
(A/2011/1)

QUEENSLAND PUBLIC SERVICE AWARD - STATE 2003

COMMISSIONER FISHER

11 February 2011

AMENDMENT

This matter coming on for hearing before the Commission at Brisbane on 11 February 2011 this Commission orders that the said Award be amended as follows as from 11 February 2011:

1. By deleting clause 5.14.4 and inserting the following in lieu thereof:

5.14.4 *On call allowances*

- (a) Nursing staff employed under this Award instructed to be on call outside ordinary or rostered working hours shall be compensated in accordance with Schedule 4, Section 3.
- (b) Where an employee is instructed to be available on call outside ordinary or rostered working hours, the employee will be paid, in addition to their ordinary rate of pay an allowance based upon the hourly rate of the classification of Professional Officer level 3, paypoint 4 in accordance with the following scale:
 - (i) Where the employee is on call throughout the whole of a rostered day off, an accrued day off or a public holiday - 95% of the hourly rate in respect of such instances;
 - (ii) Where an employee is on call during the night only of a rostered day off, an accrued day off or public holiday - 60% of the hourly rate per night; and
 - (iii) Where an employee is on call on any other night - 47.5% of the hourly rate per night.For the purpose of calculating the hourly rate, the divisor shall be based upon a 38 hour week and calculated to the nearest 5c.

For the purpose of this provision, a "night" shall be deemed to consist of those hours falling between 5.00 p.m. and 8.00 a.m. or mainly between such hours. "Rostered day off" includes the 2 days in 7 not part of ordinary working hours, e.g. Saturday and Sunday for employees whose ordinary working days are Monday to Friday.

- (c) *Monday to Friday* - in the event of an employee on call being recalled to perform duty, such employee shall be paid for the time worked at the prescribed overtime rate, such time to be calculated as from home and back to home with a minimum payment of 2 hours.
- (d) *Saturday, Sunday and public holidays* - an employee performing overtime work on recall on Saturday, Sunday or a public holiday may be paid for such overtime at the appropriate overtime rate with a minimum of 2 hours inclusive of travelling time, in respect of overtime worked on a Saturday or Sunday and 4 hours in respect of overtime worked on a public holiday, or at the employee's option be granted time off at a mutually convenient time, equivalent to the number of hours worked. Such time to be calculated as from home and back to home:

Provided that an employee who works overtime on a public holiday and who is granted equivalent time off shall be paid at half the ordinary rate for the time so worked with a minimum of 4 hours:

Provided further that accrued time off in lieu shall be taken in periods mutually agreed between the Chief Executive Officer and the employee.

- (e) Employees on call who undertake duties without the need to leave the employee's place of residence shall be entitled to the following:

- (i) Where providing advice, referring callers to other staff or organisations, taking details of complaints/incidents for resolution during ordinary hours or directing other staff to attend an incident (normally no greater than 10 minutes for each occurrence) - payment at the prescribed overtime rate for the actual time worked up to a maximum of 2 hours on any one day, provided that where at least 4 calls in this category are taken between 10.00 p.m. and 6.00 a.m., such calls shall be deemed to constitute a minimum of one hour's work;
- (ii) Where undertaking normal duties (e.g. correcting/resolving faults via internet, making and receiving phone calls in order to manage an incident other than provided for in (i) above) - payment at the prescribed overtime rate for actual time worked with a minimum payment of one hour for each time the employee performs such duties:

Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply.

Provided that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

- (f) Any overtime payable shall be in addition to the on call allowance.
- (g) Where an employee is recalled to perform work during an off duty period such employee shall be provided with transport to and from the employee's home, or be refunded the cost of such transport.
- (h) Where practicable the Chief Executive shall not require an employee to be continuously available on call for a period in excess of 6 weeks.
- (i) The provisions of clause 6.4.9 shall apply when an employee has actually worked in excess of 2 hours inclusive of travelling time on one or more of such recalls.
- (j) On call arrangements will be implemented by agreement between the Chief Executive, the majority of affected employees, and the relevant Union. Agreement to implement on call arrangements shall not be unreasonably refused.

2. By deleting Section 6 (On call arrangements) from Schedule 4.

Dated 11 February 2011.

By the Commission,
[L.S.] G.D. SAVILL,
Industrial Registrar.

Operative Date: 11 February 2011
Amendment - On call allowances
Released: 15 February 2011