

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1999* - s. 125 - making, amending and repealing awards

**Together Queensland, Union of Employees AND Public Service Commission (A/2012/9)**

**QUEENSLAND PUBLIC SERVICE AWARD - STATE 2012**

DEPUTY PRESIDENT SWAN

18 September 2012

AMENDMENT

This matter coming on for hearing before the Commission at Brisbane on 18 September 2012 this Commission orders that the said Award be amended as follows as from 5 November 2012.

By deleting Schedule 5 and inserting the following in lieu thereof:

**Schedule 5 - Organisational Hours of Work Arrangements**

**S5.1 Coverage**

- (a) Organisational hours of work arrangements implemented in accordance with clause 6.1.6 and this schedule apply to those employees including trainees whose ordinary hours of duty are 36.25 hours per week.
- (b) Organisational hours of work arrangements shall also apply to part-time employees except where operational requirements do not allow for the application of organisational hours of work arrangements. Examples of where operational requirements would preclude the application of these arrangements to part-time employees include:
  - filling in spaces on a roster;
  - replacing employees absent on leave or accrued days off; or
  - covering peak workload periods or client service requirements at specific times.
- (c) This schedule does not apply to:
  - employees performing shift and continuous shift work as defined at clause 6.1.1;
  - casual employees; or
  - those employees subject to the Field Staff Directive as issued from time to time by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*, except in the case of employees identified as field staff who are approved by the Chief Executive to work their ordinary hours on a 36.25 hours per week basis.
- (d) This schedule shall also not apply to arrangements prescribed in Schedule 3 or 4 where inconsistent with such arrangements.

**S5.2 Definitions**

- (a) "Accrued full day off" means accrued time which is equal to an employee's ordinary working hours which is taken as paid time off during a work cycle where there is agreement between the employee and the relevant supervisor.
- (b) "Accrued time" means:
  - ordinary hours performed in excess of the ordinary working hours of the employee; and
  - authorised overtime performed which is not compensated by the payment of overtime in accordance with clauses S5.3(j)(ii) and (iii).
- (c) "Carryover" time means any accrued time not taken as paid time off (and debit time if included in the organisational hours of work arrangements) in one work cycle and which, subject to any specified limit(s), is carried over to the next work cycle.

- (d) "Debit time" means the amount of paid time off taken prior to the accrual of time in excess of the ordinary working hours prescribed for each category of employee.
- (e) "Directive" means a directive issued by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.
- (f) "Employee" means an "officer" or "employee" employed under this Award including a trainee registered under the *Vocational Education, Training and Employment Act 2000* whose parent award is the *Queensland Public Service Award - State 2012*, subject to the provisions of clause S5.1.
- (g) "Hours of work arrangements" means those working arrangements introduced in accordance with this schedule which are designed to give effect to the purposes in clause 6.1.6.
- (h) "Normal operating hours" means the hours of operation of the Agency or work unit on any one day within the spread of hours (as defined) within which employees will be authorised to commence and cease duty.
- (i) "Ordinary working hours" means 7.25 hours (seven hours fifteen minutes) per day.
- (j) "Spread of hours" will be 6.00 a.m. to 6.00 p.m. Monday to Friday, or as provided in a certified agreement, or as agreed in accordance with the provisions of clause S5.3(b)(i).
- (k) "Standard hours" means a standard 7 hours 15 minutes working day within the spread of hours with a lunch break of 45 minutes, e.g. 9.00 a.m. to 5.00 p.m. Mondays to Fridays inclusive with a lunch break of 45 minutes between 12.00 noon and 2.00 p.m.
- (l) "Supervisor" means a person responsible for the daily supervision and operation of a work area.
- (m) "Travelling time" means the difference between the time taken for an employee to travel as directed to an alternative place of work and the time taken for an employee to travel to their usual place of work.
- (n) "Work cycle" means a period of time specifying a number of consecutive days during which accrued time and approved leave will be accounted.
- (o) "Work unit" means an identifiable group of employees within an Agency.

### S5.3 Arrangements

- (a) (i) Subject to clause S5.3(b), the spread of hours in an Agency or work unit are determined to be 6.00 a.m. to 6.00 p.m. Monday to Friday (except where a certified agreement provides otherwise).
- (ii) Hours of work arrangements in an Agency or work unit within the spread of hours of 6.00 a.m. to 6.00 p.m. Monday to Friday will be determined by the Chief Executive after consultation with the affected employees. Any subsequent changes to organisational hours or work arrangements relating to "carryover" balances, "normal operating hours", maximum accruals or maximum periods of accrued time off during a work cycle shall be subject to consultation with the relevant Union or Unions.
- (iii) Within the spread of hours of 6.00 a.m. to 6.00 p.m. Monday to Friday, the normal operating hours of an Agency or work unit will be determined by the Chief Executive.
- (iv) Hours of work arrangements based on a spread of hours of 6.00 a.m. to 6.00 p.m. Monday to Friday for each Agency or work unit will be recorded in writing, advised to affected employees and written notification provided to the relevant Union or Unions.
- (b) (i) A spread of hours extending outside 6.00 a.m. to 6.00 p.m. on Mondays to Fridays and related new hours of work arrangements may be introduced in an Agency or work unit by agreement of the Chief Executive, the majority of employees affected and the relevant Union or Unions.
- (ii) In reaching agreement, no party will unnecessarily delay the process or unreasonably withhold consent.
- (c) Hours of work arrangements will prescribe that the ordinary hours of work exclusive of meal times shall not exceed 9 1/2 hours per day to be worked within "normal operating hours".
- (d) Paid time off may only be taken with the prior approval of the relevant supervisor.
- (e) (i) Subject to clause S5.3(e)(ii), an employee will be required to accrue equivalent additional time prior to taking a part or full day (or longer period) as paid time off.
- (ii) The hours of work arrangements in an Agency or work unit may permit an employee to avail of debit time up to a specified limit.

- (iii) Where agreement cannot be reached, the Chief Executive may direct the starting and ceasing times of employees within the spread of hours.
  - (iv) In determining hours of duty, wherever practicable, the Chief Executive must:
    - consult on the requirements to work specific hours before directing employees to work those hours;
    - where the working of accrued time is not suitable to an employee on a given day take into account whether other employees are available and competent to perform the work;
    - take into account the needs of workers with family responsibilities or disabilities;
    - provide timely notice of the requirement to work in excess of ordinary hours; and
    - take into account the employees current accumulation of accrued time.
  - (v) All employees will give first priority to the maintenance of acceptable work flows and ensure that co-operation exists with supervisors in planning office working times in order that resources are available to service the needs of the Agency and clients.
  - (vi) An employee may not perform accrued time unless work is allocated for the employee to perform and is performed during such period.
  - (vii) It shall be the responsibility of each supervisor in respect to their work unit to ensure that the needs of the organisation and clients are met and appropriate supervision is available at all times. Supervisors are also responsible for ensuring that employees' workloads are properly managed and that employees are provided, subject to operational requirements, with the ability to take accrued time off in order to avoid forfeiting of accrued time in excess of any prescribed maximum carryover balance.
  - (viii) Subject to clauses S5.3(a) and S5.3(e)(vi), there shall be no limit to the number of hours that may be accrued during a work cycle.
  - (ix) Employees who resign, retire or otherwise cease employment should ensure that they have utilised all accrued time or made up any debit time, prior to termination of employment. Employees are not entitled to any compensation or payment for any accrued time not utilised as at date of termination of employment. Any debit time accrued as at date of termination of employment shall be recoverable by the Chief Executive at ordinary rates and deducted from any monies owed at date of termination of employment.
  - (x) Where an employee's time management is deemed to be unsatisfactory, the Chief Executive may direct the employee to work standard hours. Subject to the Hours and Overtime Directive and the Field Staff Directive as issued and amended by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*, any authorised time worked in excess of standard hours will be payable as overtime.
- (f) Organisational hours of work arrangements may include provision for the carryover of accrued time (and debit time if included in the arrangements) from one work cycle to the next.
- (g) Issues which may be considered for inclusion in hours of work arrangements may include, but are not necessarily limited to, the following:
- (i) spread of hours (including consideration of a spread of hours beyond 6.00 a.m. to 6.00 p.m. Monday to Friday) in accordance with clause S5.3(b);
  - (ii) work cycle;
  - (iii) core times;
  - (iv) maximum carryover balance from one work cycle to the next, provided that where a maximum balance is prescribed, it shall not be limited to an amount less than 5 days accrual;
  - (v) access to accrued time off, provided that where a limit is prescribed for the amount of accrued time off in a work cycle, such a limitation shall not be less than 3 days, to be taken either consecutively or separately; and
  - (vi) weekend overtime accrual, specifically accrual factor/s referred to in clause S5.3(j)(iii).
- (h) Entitlements relating to meal breaks, rest pauses, transport costs on recall and fatigue leave are as prescribed at clauses 6.2, 6.3 and 6.4.
- (i) Travelling time, as defined, other than authorised overtime, performed by employees in excess of the ordinary hours but within the nine and a-half hours of duty permitted in clause S5.3(c) will be recognised as accrued time on a time for time basis. Any travelling time undertaken outside the nine and a-half hours of duty permitted in clause S5.3(c) shall be compensated in accordance with the Excess Travelling Time Directive as issued from time to time by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.
- (j) (i) As part of the hours of work arrangements, employees may perform authorised work outside the spread of hours or in excess of nine and a-half hours exclusive of meal breaks on any one day (or other period specified in any certified agreement).

- (ii) Employees who mutual by mutual agreement with the relevant supervisor perform work as outlined in clause S5.3(j)(i) on Mondays to Fridays, will by mutual agreement with the supervisor, be compensated either by paid overtime at the rate prescribed in this award or relevant directive, or have such time accrued on a time for time basis.
- (iii) Where such overtime is performed on Saturdays or Sundays, the overtime shall be compensated by paid overtime at the rate prescribed in this award or relevant directive, or where the employee and the relevant supervisor agree, have such time accrued on a time for time basis or such other factor as prescribed in the organisational hours of work arrangements.
- (iv) All ordinary work performed on a public holiday shall be compensated in accordance with clause 7.7.
- (v) All authorised overtime performed on a public holiday shall be compensated in accordance with clause 7.7 and the provisions of the *Industrial Relations Act 1999*.
- (vi) All overtime accrued under the hours of work arrangements shall comply with minimum period provisions prescribed in clauses 6.4, 6.5 and 7.7.
- (vii) When applying clause S5.3(j), genuine consultation is to occur between the relevant supervisor and employees free from duress.
- (viii) Where agreement to accrue authorised overtime under hours of work arrangements is not reached, such overtime shall be compensated by paid overtime at the rate prescribed in this Award or relevant directive subject to classification restrictions to paid overtime.
- (ix) The provisions of clause S5.3(j) herein do not apply to:
  - (A) employees in receipt of ordinary salary that exceeds the equivalent of the AO5(4) salary payable at any given time and who are compensated for overtime in accordance with the Hours and Overtime Directives as issued and amended from time to time by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*; and
  - (B) employees designated as field staff who receive overtime entitlements in accordance with a the Field Staff Directives as issued and amended from time to time by the Minister responsible for industrial relations under section 54 of the *Public Service Act 2008*.

Dated 18 September 2012.

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

Operative Date: 5 November 2012

Released: 25 September 2012