

# Working Hours, Overtime and Shiftwork for Professional Employees Procedure

## 1 Purpose

**PLEASE NOTE: All human resource management policy instruments are currently under review to ensure alignment with the new Enterprise Agreement. Contact the People Portfolio for more information.**

To outline the employment conditions relating to working hours, overtime and shiftwork for professional Employees as specified in the Enterprise Agreement.

## 2 Scope

This Procedure applies to all professional Employees.

## 3 Procedure Overview

This Procedure details the employment conditions relating to working hours, overtime and shiftwork for professional Employees.

## 4 Procedures

### 4.1 Ordinary hours of work

The ordinary hours of work for a full-time professional Employee are 36 hours each week, not exceeding seven consecutive days.

These ordinary hours may be worked on any consecutive days in the week, Monday to Sunday inclusive, subject to the following:

- Ordinary hours are to be worked between 6:00am and 10:00pm.
- The ordinary hours of work will not exceed 10 hours on any one day.
- The number of days worked in a seven day cycle will not exceed five.

Any arrangement of hours which includes a Saturday or Sunday as ordinary hours will be subject to agreement between the University and the majority of Employees concerned.

An Employee will not be required to commence work without a ten hour break after completing work the previous day.

Employees may, at their own initiative, request to have their ordinary hours of work varied by mutual agreement between the Employee and the Delegate. The ordinary hours of work under this variable agreement may, by agreement, be paid at the ordinary rate. Any request must be forwarded to the Chief People Officer for approval prior to implementation.

Where, for a full-time Employee, a break in an agreed work cycle coincides with a Public Holiday, the Employee will be entitled to a day off at a mutually convenient time as agreed between the Employee and the University.

## **4.2 Weekend work**

Hours worked on a weekend will be paid as follows:

- All ordinary hours worked on a Saturday will be paid a 50% penalty rate for the first three hours, and 100% penalty rate thereafter.
- All ordinary hours worked on a Sunday will be paid a 100% penalty rate.
- All ordinary hours worked on a gazetted public holiday will be paid a 150% penalty rate.

## **4.3 Starting and ceasing times**

All professional Employees up to and including the Salary Level 8, must record their hours of attendance in a formal record of attendance the University Professional Timesheet held within their faculty or section. In addition, all professional Employees at the Salary Level 9 and above who have been approved to accrue time off in lieu of overtime must also record their hours of attendance in a formal record of attendance held within their faculty or section. These timesheets form part of the University's time and wage records and should be kept for a period of seven years.

Professional Employees may negotiate with their Category 4 Delegate or above to start and cease work within those hours prescribed as ordinary hours of work (between 6:00am and 10:00pm). Employees may have their starting and ceasing times altered by mutual agreement between the Employee and the Delegate.

When negotiating individual working hours, the Category 4 Delegate or above should ensure adequate staffing in their areas of responsibility to enable the work to be done effectively and efficiently and should attempt to provide flexibility to the Employee.

Where there is a proposal to change starting or ceasing times for all Employees in a faculty or section, the Category 4 Delegate or above must consult with the Employees concerned about the new arrangements. Implementation arrangements, a trial period and review process should

form part of the agreement.

An Employee will be consulted where there is a proposed change to the regular roster or ordinary hours of work of an Employee or Employees. Where there is a proposed change to an Employee's or Employees' regular roster, the Category 4 Delegate or above will consult with the affected Employee or Employees and the Employee or Employees will be provided with information about the nature of the change and likely impacts of the change. An Employee or Employees will be provided with the opportunity to provide feedback in relation to the proposed change which may include any impact in relation to their family or caring responsibilities. The Category 4 Delegate will take into consideration the feedback provided by an Employee or Employees. An Employee or Employees may be assisted by a nominated representative during this consultation process.

## 4.4 Overtime

An Employee may be required to work reasonable overtime and is eligible for payment for additional hours worked, unless the Employee elects to take time in lieu of overtime in accordance with Section 4.5.

All overtime to be worked must be authorised by the Delegate prior to commencement of the overtime.

Claims for payment of additional hours worked must be submitted to the People Portfolio for payment processing.

Overtime is the time an Employee works in excess of:

- 10 hours in a single work period; or
- 36 hours in a seven day work cycle.

A professional Employee at or below Professional Level 8, will be eligible for payment for overtime worked, as follows:

- All overtime worked up to 40 hours in a work cycle from Monday to Friday will be paid at the Employee's ordinary rates;
- Any additional overtime worked in the same Monday to Friday work cycle will be paid at 'overtime rates' as follows:
  - All overtime worked between 40 and 43 hours will be paid at 150% of the ordinary rate;
  - All overtime worked in excess of 43 hours will be paid at 200% of the ordinary

rate.

- All overtime worked on a Saturday will be paid at 150% of the ordinary rate for the first three hours, and 200% of the ordinary rate thereafter;
- All overtime worked on a Sunday will be paid at 200% of the ordinary rate.
- All overtime worked on a gazetted public holiday will be paid at 250% of the ordinary rate.

An Employee who has worked overtime should be given a minimum break of 10 hours between the time of ceasing work and the time of commencing work on the next shift. An Employee not provided with a 10 hour break will be paid a 100% penalty rate for all ordinary hours worked until a break of not less than 10 hours has been received. No deduction will be made from an Employee's pay because of time lost when on this break.

The provisions in the preceding statement does not apply to an Employee called out to work after the ordinary ceasing time where the actual time worked on the call out is less than three hours.

All ordinary time worked on the sessional Employee's and continuing fractional Employee's (Residential Colleges only) rostered day off, will be paid at 150% for the first three hours and 200% thereafter; except on a Sunday which will have all time paid at 200% and gazetted Public Holidays which will have all time paid at 250%.

## **4.5 Time in lieu of overtime**

A professional Employee up to and including Professional Level 10, may decide to take time off in lieu of overtime worked, at a mutually agreed time.

Time off in lieu of overtime is calculated on an hour for hour basis.

No more than the equivalent of 72 hours of time in lieu of overtime may be accrued within a six month period. In exceptional circumstances, an Employee's time off in lieu may exceed 72 hours with the prior approval of the Chief People Officer.

In respect of work performed on Saturday afternoons and Sundays, time off in lieu will be allowed for any hours worked. That is, if an Employee worked five hours on either day the Employee may be granted five hours time off in lieu. The overtime rate entitlement is not used for the calculation of time off in lieu. In respect of work performed on gazetted public holidays, time off in lieu will be allowed for any hours worked. That is, if an Employee worked five hours on a gazetted public holiday the Employee may be granted five hours time off in lieu. In addition, the Employee is entitled to a payment calculated at the rate of half the normal hourly rate for all time worked on a gazetted public holiday, with a minimum of four hours pay.

Time off in lieu must be utilised by the Employee within six months of the day on which the

overtime was worked otherwise it will lapse. In exceptional circumstances where the Employee has accrued time off in lieu in excess of 72 hours, and the Employee is unable to avail themselves of the leave within 12 months from its accrual, application can be made to the Chief People Officer for the balance to be paid to the Employee at the overtime rate that applied at the time the overtime was worked.

## **4.6 Rest pauses and meal breaks**

A professional Employee who works in excess of four hours each day (excluding Residential Colleges) will be allowed one rest pause of 20 minutes duration in the first half of the working day.

A professional Employee who works in excess of three hours each day in Residential Colleges will be allowed one rest pause of 20 minutes duration in the first half of the working day.

Professional Employees are required to take a daily meal break of between 30 minutes and 60 minutes. The break does not count as work time and is to be taken no earlier than three hours and no later than six hours from commencement of duty.

## **4.7 Meal allowance**

Where less than one day's notice has been given by the Supervisor and the Employee is directed to work in excess of one hour after the Employee's normal ceasing time, a meal allowance will be paid.

A paid meal break of 30 minutes duration will be allowed between the 11th and 12th hour of commencing duty.

Employees may be entitled to a meal allowance where overtime is worked.

Claims for meal allowances must be submitted to the People Portfolio for payment processing and must cover the relevant period of authorised overtime.

Meal allowances are outlined in Schedule F of the Enterprise Agreement.

## **4.8 On call and Call out arrangements**

On call is an allowance paid to an Employee who is rostered for call-out standby. The call-out roster is for emergency return to work outside of the Employee's ordinary ceasing time. An Employee receiving an on call allowance is required to be contactable and available for duty at all times. On call allowances are payable whether a re-call to work is required or not.

On Call rates will be paid in accordance with Schedule F - Allowances.

Employees should submit a claim for the on call allowance to the People Portfolio for payment processing.

## 4.9 Call out

Where the Employee is required to be on call and paid for the aforementioned allowance, no additional allowance will be paid to the Employee where there is a subsequent call out (or call outs) that fall within the same time period of the initial allowance.

Where an Employee is called out to the University after the Employee's ordinary working hours, or via remote access (including but not limited to, telephone modem or personal computer), the Employee will be entitled to a minimum of two hours at call out rates.

Call out rates for Employees at Professional Level 1 - 10 will be paid at 150% of the ordinary rate for the first two hours, and 200% of the ordinary rate thereafter. All call outs on a gazetted public holiday will be paid at 250% of the ordinary rate.

Where a sessional Employee is called in to work, a minimum of three hours at sessional rates will be paid.

## 4.10 Shiftwork

Night shift means a consistently rostered work period of not less than five hours which begins before 10:00pm and finishes after 10:00pm.

Morning shift means a consistently rostered work period of not less than five hours which begins before 6:00am and finishes after 6:00am.

An Employee who works an approved shiftwork roster will be paid a shift allowance of 15% of the ordinary rate for the work period of the shift or a shift allowance of 30% of the ordinary rate for a non-rotating night shift.

All Employees required to undertake shiftwork between midnight Friday and midnight Sunday will be paid weekend penalty rates instead of shift allowance.

Sessional Employees and continuing fractional Employees (Residential Colleges only) working a split shift will be paid a split shift allowance in accordance with Schedule F - Allowances in the Enterprise Agreement. Only one break in daily working hours is permitted.

The Supervisor must ensure that all claims for shift allowance are submitted to the People Portfolio for payment processing.

## 5 Delegated responsibilities

Approver	Level of Delegation
Category 4 Delegate or above	Approval of working hours, overtime, shiftwork and allowances.

Category 2 Delegate or above	Approval of overtime, shiftwork and allowances.
------------------------------	---

## 6 References

Nil.

## 7 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

## 8 Procedure Information

<b>Accountable Officer</b>	Chief People Officer
<b>Responsible Officer</b>	Chief People Officer
<b>Policy Type</b>	University Procedure
<b>Policy Suite</b>	<a href="#">Working Hours and Arrangements Policy</a>
<b>Subordinate Schedules</b>	
<b>Approved Date</b>	6/1/2021
<b>Effective Date</b>	6/1/2021
<b>Review Date</b>	3/4/2024
<b>Relevant Legislation</b>	<a href="#">Enterprise Agreement</a>
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	
<b>Related Procedures</b>	<a href="#">Working from Another Location Procedure</a>
<b>Related forms, publications and websites</b>	<a href="#">People Portfolio Website</a>
<b>Definitions</b>	<b>Terms defined in the Definitions Dictionary</b>
	<a href="#">Delegate (noun)</a>  Delegate (noun) means the officer, Employee or committee of the

	University to whom, or to which, a delegation of authority has been made under this Policy.
	<a href="#">Employee</a>
	A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.
	<a href="#">Procedure</a>
	An operational instruction that sets out the process to operationalise a Policy.
	<a href="#">University</a>
	The term 'University' or 'UniSQ' means the University of Southern Queensland.
	<a href="#">Enterprise Agreement</a>
	University of Southern Queensland Enterprise Agreement 2023-2026.
	<b>Definitions that relate to this procedure only</b>
	<b>Supervisor</b>
	Any person responsible for leading the activities of others. In the context of this Procedure, a Supervisor includes Employees at any classification level or title who have responsibilities for leading, managing or supervising work teams and/or individual Employees.
<b>Keywords</b>	Ordinary hours, weekend, overtime, meal allowance, on-call, call-out, shift work, TOIL, RDO, breaks
<b>Record No</b>	13/484PL