

- 1. TITLE:** **Overtime Meal Allowances**
- 2. PURPOSE:** To prescribe the meal allowances payable to officers and employees specified in this directive when they are required to work overtime.
- 3. LEGISLATIVE PROVISION:** Section 34(2) of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to-
 - public service officers; and
 - temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996*.

This directive **does not apply** to –

 - general employees engaged under section 112(2)(a) of the *Public Service Act 1996*; or
 - employees engaged on a casual basis under sections 112(2)(b) and 113(2)(b) of the *Public Service Act 1996*.
- 5. STANDARD:** The amounts and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **24 December 2001**.
- 7. VARIATION:** The provisions in the Schedule may be varied in accordance with certified agreements made under Chapter 6, Part 1 of the *Industrial Relations Act 1999* or decisions of an industrial tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Directive 20/99: "Overtime Meal Allowances".
- 10. PREVIOUS REFERENCES:** Directive 10/97: "Overtime Meal Allowance".
Sections 63 and 65 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.
Determination No. 3
Circular letters 2/92, 6/91, 2/90, 7/88, 6/87
Administrative Instructions No 1 | 73.

SCHEDULE

OVERTIME MEAL ALLOWANCES

GENERAL CONDITIONS

Entitlement

A public service officer or temporary employee engaged under section 113(2)(a) of the *Public Service Act 1996* (referred to as "employee" in this schedule) required to work overtime is to be paid meal allowances as provided for in this schedule. This allowance is to be additional to any compensation received for overtime worked.

Meal break

In the interests of health and efficiency, an employee should not be required to work more than 3 hours overtime on any day unless special circumstances exist. Where this occurs a meal break of 45 minutes is to be taken for each such period of overtime.

Provision of meal in lieu

A meal of reasonable quality and adequate quantity may be supplied to the employee in lieu of the payment of a meal allowance.

Time limit on claim

Without the approval of the chief executive, a claim will not be paid unless it is submitted within 12 months –

- of the date of completion of the work, or
- the incurring of the expense, or
- the conclusion of the circumstances leading to the claim.

Definitions

"full overtime shift" means the same number of hours an employee is required to work on an ordinary day (eg. clerical administrative officer 7.25 hours, field staff 7.5 hours)

"ordinary starting or ceasing time" and "ordinary ceasing time" mean the starting or ceasing times authorised for an employee within the normal operating hours on any one day as determined by the chief executive of a department or work unit.

OVERTIME MEAL ALLOWANCES

In addition to any compensation received for overtime, an employee is to be paid a meal allowance as follows –

(a) Monday to Friday

Where an employee is required to –

work for more than one hour before or after his or her "ordinary starting or ceasing time" - \$10.00; or

continue or resume duty for more than one hour after the employee's "ordinary ceasing time" and cannot reasonably be expected to return to his or her residence for a meal, and has an unpaid meal break of at least 45 minutes before the completion of overtime - \$21.00.

(b) Weekends or any holiday

Where an employee is required to –

work overtime for more than four hours - \$10.00; or

continue or resume duty for more than one hour after completing four hours overtime, and cannot reasonably be expected to return to his or her residence for a meal, and has an unpaid meal break of at least 45 minutes before continuing overtime - \$21.00; and

continues or resumes duty for more than one hour after completing a "full overtime shift" and cannot reasonably be expected to return to his or her residence for a meal, and has an unpaid meal break of at least 45 minutes before the completion of overtime - a further \$21.00.