



# MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

**DIRECTIVE No. 5/05**  
August 2005

In accordance with section 117(3) of the *Public Service Act 1996* and section 687(3) of the *Industrial Relations Act 1999*, this directive prevails over an industrial instrument to the extent of any inconsistency. Industrial instrument means an award, industrial agreement, certified agreement or decision of the Queensland Industrial Relations Commission.

- 1. TITLE:** Hours and Overtime
- 2. PURPOSE:** To prescribe the ordinary hours for employees not covered by awards or agreements and the compensation for overtime for public service employees whether covered by awards or not.
- 3. LEGISLATIVE PROVISION:** Section 34(2) of the *Public Service Act 1996* and section 686 of the *Industrial Relations Act 1999*.
- 4. APPLICATION:** This directive applies to "public service employees" as defined in section 9 of the *Public Service Act 1996*.
- 5. STANDARD:** The entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 August 2005**.
- 7. VARIATION:** This directive can be varied by -
- the Minister for Industrial relations; or
  - legislation.
- 8. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and sections 686 and 687 of the *Industrial Relations Act 1999* apply when there is an inconsistency between an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Directive 19/01: "Hours and Overtime"
- 10. PREVIOUS REFERENCES:** Sections 20 and 21 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.  
Directive 6/99: "Hours and Overtime"  
Determination No. 14  
Circular Nos. 1/94, 2/97  
Administrative Instruction Nos 1 | 71, 1 | 74, 1 | 75, 1 | 76

# SCHEDULE

## HOURS AND OVERTIME

### PART A – HOURS

#### GENERAL CONDITIONS

#### 1. Hours of work not specified in an industrial instrument

- 1.1 The hours of work of a public service employee, where these are not specified in an award, industrial agreement or certified agreement, are to be the hours that were previously determined to apply or were worked by that class of employee immediately before the commencement of this directive.

### PART B – OVERTIME

#### GENERAL CONDITIONS

#### 1. Definitions

- 1.1 “**CRS**” means the Public Service Classification and Remuneration System. The monetary rate is the rate applicable for the department where the employee is employed.
- 1.2 “**field staff**” means those employees identified as field staff in accordance with ministerial directive No. 8/03 (Field Staff) as issued or as amended from time to time.
- 1.3 “**overtime**” means additional work in excess of ordinary hours. On a public holiday (or substituted day) under the *Holidays Act 1983* – the term includes work in excess of ordinary hours, but excludes ordinary hours on a public holiday.
- 1.4 “**public service employee**” is defined in section 9 of the *Public Service Act 1996* to mean a person employed under that Act as a public service officer, general employee, or temporary employee.
- 1.5 “**TOIL**” means time off in lieu on a time for time basis.

#### 2. Where employees required to work overtime

- 2.1 A public service employee required to work overtime shall, as far as practicable –
- (a) be given reasonable notice of such requirement; and
  - (b) not be required to work overtime for more than –
    - (i) a reasonable length of time on any one occasion; or
    - (ii) a reasonable number of times in any period.

#### 3. Transport home for employees working overtime

- 3.1 Where a public service employee is required to work overtime, the employer is responsible for ensuring that transport to that employee’s home is available after work finishes –
- when public transport is not available; or
  - when taking public transport is a safety risk.

This generally means the provision of a departmental car, taxi vouchers or reimbursement of taxi fares on production of a receipt.

#### 4. Compensation for overtime

- 4.1 Where a public service employee is required to work overtime, and –
- (a) the approval of the chief executive was obtained before working the additional period;
- or
- (b) In the absence of prior approval, the chief executive is subsequently satisfied that it was essential for the proper conduct of public business that the employee work for the additional period and that the work could not reasonably have been performed within the employee’s ordinary hours of work,

the employee, subject to the provisions of this directive, is to be compensated for the additional time worked as provided in the applicable award, industrial agreement or certified agreement.

## GENERAL CONDITIONS FOR COMPENSATION FOR OVERTIME

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| <p>1. No claim for overtime is to be approved where an employee elects to work solely for his or her own benefit or convenience.</p> <p>2. Employees eligible for TOIL for overtime worked are to be permitted (subject to the provisions of this schedule) such time off within twelve months of the day on which the overtime was worked.</p> <p>TOIL credited in this way will not be taken into account in determining the employee's maximum accumulation of recreation leave.</p> <p>Notwithstanding any other provision in this schedule, unless otherwise stated, TOIL will lapse if not taken within that 12-month period.</p> | <p>The taking of TOIL by an employee will be by mutual agreement between the employer and the employee. In all cases it will be subject to organisational convenience. If an agreement cannot be reached on the taking of TOIL, the employer may direct the employee when it is to be taken.</p> <p>3. Where the Director General of the department responsible for industrial relations excludes a certain class of employees in exceptional circumstances from any salary limitation, overtime will be payable at Classification Level 5, paypoint 4 rate of pay, except where otherwise approved.</p> |
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## COMPENSATION FOR OVERTIME

### Salary Limitations

### Entitlement

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| <p>1. Employees (excluding field staff) in receipt of wages that do not exceed paypoint 4 of Classification Level AO5 of the CRS, and all casual employees.</p> <p>2. Employees (excluding casual employees) in receipt of wages in excess of paypoint 4 of Classification Level AO5 of the CRS, but not exceeding paypoint 4 of Classification Level AO6 of the CRS.</p> <p>Except where the Director General of the department responsible for industrial relations excludes certain classes of employees in exceptional circumstances.</p> <p>Applications to exclude employees from the overtime salary limit are to be supported by persuasive evidence and will be considered on a case-by-case basis.</p> <p>3. Employees (excluding casual employees) in receipt of wages in excess of Classification Level AO6 of the CRS.</p> <p>Except where the Director General of the department responsible for industrial relations excludes certain classes of employees in exceptional circumstances.</p> <p>Applications to exclude employees from the overtime salary limit are to be supported by persuasive evidence and will be considered on a case-by-case basis.</p> | <p>In accordance with any overtime provisions in an applicable industrial award or industrial agreement or certified agreement.</p> <p>Equivalent TOIL, in accordance with this schedule provided that unused TOIL will be paid out after 12 months from the date of accrual where –</p> <ul style="list-style-type: none"> <li>• an employee has taken reasonable steps to avoid excessive TOIL balances; and</li> <li>• the employee has been refused an application to take such leave.</li> </ul> <p>Equivalent TOIL, in accordance with this schedule.</p> |
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