

# Public Sector Industrial and Employee Relations

Level 4 75 William Street Brisbane QLD 4000 **Title** Exclusion from Overtime Salary Limit  
**Telephone** 32251422 **Facsimile** 32295943 **Date** 16 April 2002 **Circular No.** 5/02

## Background

Under existing requirements, higher paid employees who have worked overtime have been allowed time off in lieu (TOIL) rather than payment for the overtime worked. Directive 19/01 "Hours and Overtime" of December 2001 contains a new provision permitting the Director-General of the Department of Industrial Relations to make an exclusion and allow employees that are above the overtime salary limit to be paid for overtime worked. Such overtime payments would be in accordance with overtime provisions in an applicable industrial award, industrial agreement or certified agreement.

An exclusion from the overtime salary limit may be sought for employees on a classification level above AO5-5 (or equivalent) who are "public service employees" as defined in section 9 of the *Public Service Act 1996*. The directive does not apply to Senior Officers, SES, or employees in agencies other than departments and public service offices.

## Requirements of Applications

The exclusion from the overtime salary limit will be decided on a case-by-case basis and must be:

- ❖ for an identified class of employees;
- ❖ due to exceptional circumstances; and
- ❖ supported by persuasive evidence.

It is expected that such exclusions would be very uncommon and would only occur in exceptional circumstances. Examples

could include classes of employees working in excess of ordinary hours due to:

- ❖ special events, or emergent or unusual circumstances;
- ❖ a requirement to work alongside other employees in atypical working arrangements; and
- ❖ demands in specific locations.

## Submitting an Application

Applications for the exclusion from the overtime salary limit should be addressed to the Director-General of the Department of Industrial Relations and signed by the chief executive of the employing agency. The application for exclusion needs to show a business case for the need for the exclusion for the class of employees, and that the interests of the class of employees have been considered. Evidence to support the business case and the consideration of the interests of employees needs to be included. It is advisable also to include the name and phone number of a contact officer who can provide further information if this is needed.

## Further Enquiries

Please ensure when distributing this information within your agency that you nominate your own contact officer to respond to enquiries from staff within your agency.

TOM BARLOW  
General Manager

The Division of Public Sector Industrial and Employee Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Industrial Relations. Enquiries about this circular should be directed to Rod Andersen on telephone 07 322 51422.

- ❖ General enquiries about public sector industrial and employee relations matters should be directed to telephone 07 32252342.
- ❖ Written enquiries should be addressed to:
  - ❖ The General Manager  
Public Sector Industrial and Employee Relations  
Department of Industrial Relations  
GPO Box 69  
BRISBANE Q 4001

Copies of all current circulars issued by Public Sector Industrial and Employee Relations are available from the department's web site at [www.psier.qld.gov.au](http://www.psier.qld.gov.au)

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