

DIRECTIVE No. 07/13*Supersedes: 05/05, 16/05 & 01/06***Minister Assisting the Premier Directive: Hours, Overtime and Excess Travel****1 Purpose:**

To prescribe:

- the ordinary hours of work for employees not covered by awards or agreements
- compensation for overtime for public service employees, whether covered by awards or not
- the compensation for excess travel time for certain employees.

2 Effective date: 09 August 2013**3 Legislative Provision:**Section 54(1) of the *Public Service Act 2008* (PSA).**4 Application:**

This directive applies to particular public service employees as specified in the provisions of this directive.

This directive applies to employees engaged at the Senior Officer classification level only in relation to clause 8.

In accordance with s52(3) of the PSA, sections 6 and 7 of this directive prevail over an industrial instrument to the extent of any inconsistency.

5 Previous References:

- Directives 06/99 and 19/01: Hours and overtime
- Directives 02/00 and 07/00: Excess Travel Time
- Directives 10/97, 20/99 and 20/01: Overtime Meal Allowances
- Sections 20, 21, 63 and 65 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995
- Determinations No. 3 and 14
- Circular Nos. 6/87, 7/88, 2/90, 6/91, 2/92, 1/94, 2/97
- Administrative Instruction Nos. 1 | 71, 1 | 73, 1 | 74, 1 | 75, 1 | 76 and 1 | 93

Directive:**6 Hours of work not specified in an industrial instrument**

- 6.1 Where an industrial instrument does not specify hours of work, the ordinary hours of work 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.

7 Requirement to undertake overtime

7.1 Public service employees required to work overtime are, as far as practicable:

- (a) to be provided with reasonable notice of such requirement
- (b) not to 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.

7.2 Public service employees who worked overtime and

- (a) who obtained approval from their chief executive prior to working overtime; or
- (b) in the absence of prior approval, whose chief executive is subsequently satisfied that it was essential for the proper conduct of public business that the employee work overtime and that the work could not have reasonably been performed within the employee's ordinary work hours

are to be compensated in accordance with the applicable industrial instrument, read in conjunction with clause 7.3. No claim for overtime is to be approved where an employee elects (elected) to work overtime solely for their own convenience.

7.3 Subject to clause 7.4, compensation for overtime:

- (a) for employees (excluding field staff) in receipt of wages that do not exceed AO5(4) of the CRS **and** all casual employees, is in accordance with the provisions of an applicable industrial instrument;
- (b) for employees (excluding casual employees) in receipt of wages in excess of AO5(4) of the CRS but not in excess of AO6(4) of the CRS, is by the provision of equivalent time-off-in lieu (TOIL)
- (c) for employees (excluding casual employees) in receipt of wages in excess of AO6(4) of the CRS, is by the provision of equivalent TOIL.

7.4 A chief executive may, in exceptional circumstances, approve an exclusion from the salary limitations for overtime compensation set out in clause 7.3. Applications to a chief executive must be supported by persuasive evidence and must be considered on a case by case basis.

- (a) Where an exclusion is approved under clause 7.4, overtime will be paid at the AO5(4) rate unless otherwise approved by the chief executive.

7.5 Where a public service employee is required to work overtime *and* public transport is not available or taking public transport is a safety risk, the employer is responsible for ensuring that alternative transport to that employee's home is available. This generally means the provision of a departmental car, taxi vouchers or reimbursement of taxi fares on production of a receipt.

8 Overtime meal allowance

8.1 Section 8 does not apply to:

- (a) general employees engaged under s147 of the PSA
- (b) employees engaged on a casual basis under s148(2)(b) of the PSA.

- 8.2 Where a public service employee is required to work more than:
- (a) 3 hours overtime in addition to hours worked between ordinary starting and ceasing time; or
 - (b) 3 hours overtime worked where such overtime is in excess of a full overtime shift;
- they are to take a meal break of 45 minutes for each such period of overtime and a meal allowance paid in accordance with schedule one. A meal allowance is not payable where a meal of reasonable quality and adequate quantity is supplied in lieu.
- 8.3 A claim for a meal allowance under clause 8.2 will not be paid unless it is submitted within 12 months of:
- (a) the date of completion of the work; or
 - (b) the incurring of the expense; or
 - (c) the conclusion of the circumstances leading to the claim.
- 8.4 Overtime as described in clause 8.2 should not occur unless special circumstances exist.

9 Requirement to undertake official travel outside of hours

- 9.1 Public service employees who are covered by the *Queensland Public Service Award – State 2012* and who are required to undertake official travel away from their normal headquarters outside the ordinary spread of hours (excess travel) are to be compensated by the provision of time off in lieu (TOIL).
- 9.2 The amount of compensation under clause 9.1:
- (a) is calculated to the nearest quarter hour, provided that the minimum claim is 30 minutes (i.e. no compensation is due where excess travel is less than 30 minutes) and the maximum is eight (8) hours in any one calendar day; and
 - (b) is calculated on the time taken for the official travel less the time the employee would usually spend travelling between their residence and usual workplace.
- 9.3 Claims for TOIL under clause 9.1 must be supported by documentation acceptable to the chief executive, including detailing departure and arrival times.
- 9.4 Claims under s9.1 do not affect the employee's entitlement to travel allowances / expenses, meal allowances, vehicle allowances etc, where applicable.

10 Taking of TOIL

- 10.1 TOIL accrued under clause 7 and/or clause 9 is to be taken at a time convenient to the department and the employee and within 12 months of the date overtime was worked. Where agreement cannot be reached, the department may direct the employee when the TOIL is to be taken.
- 10.2 Where TOIL is accrued under clause 7, other than as provided for clause 10.3, unused TOIL will lapse if not taken within 12 months of the date overtime was worked.
- 10.3 Unused TOIL accrued under clause 7.3(b) or 9 will be paid out at ordinary time rates after 12 months from the date overtime was worked where:

- (a) an employee has taken reasonable steps to avoid excessive TOIL balances; and
- (b) the employee has been refused an application to take such TOIL.

11 Definitions

Unless otherwise defined, terms in this directive have the meaning prescribed in the *Public Service Act 2008*.

CRS means the Public Service Classification and Remuneration System. The monetary rate is the rate applicable for the department where the employee is employed.

Equivalent TOIL means time-off-in-lieu on a time for time basis.

Field staff means those employees identified as field staff in accordance with the ministerial directive relating to field staff as issued or amended from time to time.

Full overtime shift means the same number of hours an employee is required to work on an ordinary day (e.g. clerical administrative officer 7.25 hours, field staff 7.6 hours).

Industrial instrument means an award, industrial agreement or certified agreement or decision of the Queensland Industrial Relations Commission.

Ordinary spread of hours has the definition prescribed in the *Queensland Public Service Award – State 2012*.

Ordinary hours of work are as specified in the applicable award, industrial agreement or certified agreement. Where no such hours are specified, the ordinary hours of work 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.

Ordinary starting and ceasing time means the starting and ceasing time authorised for an employee within the normal operating hours on any one day as determined by the chief executive (or delegate) of a department or work unit.

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.

Official travel includes but is not restricted to time spent travelling to attend approved seminars and departmental courses which are undertaken by direction and to suit Departmental convenience but does not include:

- travelling by an employee who is on duty at temporary headquarters to the employee's home for the weekend, holidays etc for their own convenience and subsequent return to such temporary headquarters;
- travelling between an employee's home and normal place of work;
- travelling to undertake private business; or
- travelling outside Australia.

Official travel time is calculated based on the period of time which would reasonably have been taken by the most practicable direct route using approved means of transport OR the time actually involved, whichever is the lesser. Excess travel time includes time in transit, however wherever practicable travel arrangements should be made to minimise excess travel time.

**Schedule One
Meal Allowances**

Situation	Entitlement
On days with “ordinary starting or ceasing times”	
(i) Where an employee is required to work for more than one (1) hour before or after his or her “ordinary starting or ceasing time”	(i) \$10.00 Allowance
(ii) Where an employee is required to continue or resume duty more than one (1) hour after his or her “ordinary ceasing time” AND cannot reasonably be expected to return to his or her residence for a meal	(ii) \$21.00 Allowance - only where an unpaid meal break of 45 minutes has been taken Where an employee in (ii) does not take the 45 minute unpaid break, either by their election or by mutual agreement in accordance with clause 6.2.1 of the <i>Queensland Public Service Award – State 2012</i> , the \$21.00 Allowance will not be paid and clause (i) will be applied.
On days other than those with “ordinary starting and ceasing times” (i.e. non-working days including public holidays)	
(i) Where an employee is required to work for more than four (4) hours overtime	(i) \$10.00 Allowance
OR	
(ii) Where an employee is required to continue or resume duty more than one (1) hour after completing four (4) hours overtime, AND cannot reasonably be expected to return to his or her residence for a meal	(ii) \$21.00 Allowance - only where an unpaid meal break of 45 minutes has been taken Where an employee in (ii) does not take the 45 minute unpaid break, either by their election or by mutual agreement in accordance with clause 6.2.1 of the <i>Queensland Public Service Award – State 2012</i> , the \$21.00 Allowance will not be paid and clause (i) will be applied.
AND (if applicable)	
(iii) Where the employee continues or resumes duty for more than one (1) hour after completing a “full overtime shift”, AND cannot reasonably be expected to return to his or her residence for a meal	(iii) A further \$21.00 Allowance – only where an unpaid meal break of 45 minutes has been taken