

MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

- 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 **16 January 2006**.
- 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 20/01: “*Overtime Meal Allowances*”.
- 10. PREVIOUS REFERENCES:** Directive 20/99: “*Overtime Meal Allowance*”
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

1. Definitions

1.1 "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 7.6 hours).

1.2 "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.

2. 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.

3. Meal break

In the interests of health and efficiency, an employee is not expected to be required to work more than:

- 3 hours overtime in addition to hours worked between "ordinary starting and ceasing time"; or
 - 3 hours overtime worked where such overtime is in excess of a "full overtime shift";
- unless special circumstances exist.

Where either scenario occurs a meal break of 45 minutes is to be taken for each such period of overtime.

4. 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.

5. 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.

OVERTIME MEAL ALLOWANCES

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

Situation	Minimum 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” OR (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	\$10.00 Allowance \$21.00 Allowance - only where an unpaid meal break of 45 minutes has been taken*
<i>* 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 Public Service Award - State, the \$21.00 Allowance will not be paid and clause (i) will be applied.</i>	
On days other than those with “ordinary starting and ceasing times” (ie; non-working days including public holidays):	
(i) Where an employee is required to work for more than four (4) hours overtime: 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 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	\$10.00 Allowance \$21.00 Allowance – only where an unpaid meal break of 45 minutes has been taken* A further \$21.00 Allowance – only where an unpaid meal break of 45 minutes has been taken
<i>* 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 Public Service Award - State, the \$21.00 Allowance will not be paid and clause (i) will be applied.</i>	
Examples: A clerical employee ordinarily works Monday to Friday. <ul style="list-style-type: none"> • If the employee stays back for an hour and a half after “ordinary ceasing time” on a Wednesday they will receive \$10.00 Allowance. • If the employee stays back for 4 hours after “ordinary ceasing time” on a Thursday, without a break of 45 minutes, they will receive \$10.00 Allowance. If they take an unpaid break of 45 minutes, and cannot reasonably be expected to go home and have a meal, the Allowance will be \$21.00. • If the employee works overtime for 5 hours on the Saturday, they will receive \$10.00 Allowance. • If the employee works a full day (7.25 hours) worth of overtime on the Sunday, without a break of 45 minutes, they will receive \$10.00 Allowance. If they take an unpaid break of 45 minutes, and cannot reasonably be expected to go home and have a meal, the allowance will be \$21.00. • If the employee is asked to stay back and work further overtime after having worked a full day (7.25 hours) worth of overtime on the Sunday, depending on whether they have an unpaid lunch break, they will receive either \$10.00 or \$21.00 PLUS a further \$21.00 (on the condition they have an unpaid 45 minute dinner break). 	