



# MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

In accordance with section 117(3) of the *Public Service Act 1996* the Minister for Employment, Training and Industrial Relations has determined that the section on compensation for overtime in Part B of this directive is not subject to the jurisdiction of the Queensland Industrial Relations Commission.

**DIRECTIVE No. 6/99**  
July 1999

- 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 all public service employees.
- 5. STANDARD:** The entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 1999**.
- 7. VARIATION:** The provisions in the Schedule may be varied by a certified agreement 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 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:** Sections 20 and 21 of the *Public Service Management and Employment Regulation 1988*  
Determination No. 14
- 10. PREVIOUS REFERENCES:** Circular Nos. 1/94, 2/97  
Administrative Instruction Nos 1 | 71, 1 | 75, 1 | 76

## SCHEDULE

### HOURS AND OVERTIME

#### PART A – HOURS

##### GENERAL CONDITIONS

###### Hours of work not specified in industrial instrument

The ordinary 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 which were previously determined to apply or were worked by that employee immediately before the commencement of this directive.

#### PART B – OVERTIME

##### GENERAL CONDITIONS

###### Required to work overtime

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.

###### Compensation for overtime

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

###### Definitions

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

“**overtime**” means additional work in excess of ordinary working arrangements. On a public holiday (or substituted day) under the *Holidays Act 1983* - the term includes work in excess of ordinary working arrangements, but excludes work not in excess of ordinary working arrangements.

“**public service employee**” is a person employed under the *Public Service Act 1996* as a public service officer, a general employee or a temporary employee.

“**TOIL**” means time off in lieu on a time for time basis.

**GENERAL CONDITIONS FOR COMPENSATION FOR OVERTIME**

No claim for overtime shall be approved in circumstances where an employee elects to work solely for the employee's own convenience.

Notwithstanding any other provision in this schedule, unless otherwise stated, TOIL will lapse if not taken within that 12 month period.

Employees eligible for TOIL for overtime worked shall be permitted (subject to the provisions of this schedule) such time off within twelve months of the day on which the overtime was worked.

TOIL credited in this way will not be taken into account in determining the employee's maximum accumulation of recreation leave.

Taking of TOIL by an employee will be by mutual agreement between the employer and the employee and in all cases subject to organisational convenience. Provided that, if such agreement cannot be reached, the employer may direct when the employee is to take TOIL.

The payment of unused TOIL will only apply to TOIL that has accrued since 1 February 1997.

**COMPENSATION FOR OVERTIME**

**Salary limitations**

**Entitlement**

1. Employees in receipt of wages that do not exceed the equivalent of paypoint 4 of Classification Level AO5 of the CRS.
2. Employees at Classification Level AO6 (including in excess of AO5-4 but below AO6-1) or equivalent of the CRS.
3. Employees in receipt of wages in excess of Classification Level AO6 or equivalent of the CRS.

In accordance with any overtime provisions in an applicable industrial award or industrial agreement or certified agreement.

Equivalent TOIL, in accordance with this schedule provided that unused TOIL will be paid out after 12 months from the date of accrual where -

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

Equivalent TOIL, in accordance with this schedule.

