

DEPARTMENT OF TRAINING AND INDUSTRIAL RELATIONS

DIRECTIVE NO. 24/97
December 1997

1. **Title:** **Field Staff**
2. **PURPOSE:** To prescribe the Hours of Duty and Time off in Lieu of Overtime arrangements for Certain Departmental Employees .
3. **APPLICATION:** This directive applies to:
 - Public Service Officers
 - Temporary Employees under Section 113 of the *Public Service Act 1996* required to undertake field officer duties normally performed by Public Service Officers (but excluding employment on a casual basis).
4. **MINIMUM STANDARDS:** The prescribed amounts and entitlements set out in the Schedule are the minimum standards to apply.
5. **EFFECTIVE DATE:** This Directive is to operate from 22 December 1997 and shall only apply to Time accrued in Lieu of Overtime effective from that date.
6. **VARIATION:** The provisions in the Schedule may be varied by an Agreement made under Chapter 2, Part 1, of the *Workplace Relations Act 1997*.
7. **ENHANCEMENT:** A Chief Executive may enhance an amount or entitlement prescribed in the Schedule but may not extend the application of existing or enhanced entitlements to classes of employees not contained in the Application clause.
8. **INCONSISTENCY:** Sections 54 and 117 of the *Public Service Act 1996* and Section 464 of the *Workplace Relations Act 1997* apply if there is a conflict with another instrument:
 - (a) **Inconsistency Between Directive and Another Act**

If there is an inconsistency between the *Public Service Act 1996* or another Act or subordinate legislation under either Act and this Directive, the Act or subordinate legislation will prevail over the Directive to the extent of the inconsistency.
 - (b) **Inconsistency Between Directive and Agreement**

If there is an inconsistency between an Agreement made under Chapter 2, Part 1, of the *Workplace Relations Act 1997* and this Directive, the Agreement will prevail over the Directive to the extent of the inconsistency.
 - (c) **Inconsistency Between Directive and Award or Industrial Agreement**

If there is an inconsistency between this Directive and an Award or Industrial Agreement, the Directive will prevail over the Award or Industrial Agreement to the extent of the inconsistency.
9. **SUPERSEDES:** Executive Council Minute No 2029 - Hours of Duty for Certain Departmental Employees .

SCHEDULE

FIELD STAFF

GENERAL CONDITIONS

Entitlement

A Public Service Officer or Temporary Employee under Section 113 of the *Public Service Act 1996* shall have Hours of Duty as specified in Parts A and B. Time off in Lieu of Overtime arrangements shall be as specified in Part C.

**PART A
HOURS OF DUTY**

CATEGORIES OF OFFICERS	HOURS/WEEK /DAY
(a) Officers who are required to perform duties in a "field situation". "Field Situation" means any situation other than where duties are performed in an office or laboratory type situation and would include those duties where the work is performed in permanent or temporary accommodation provided on a building, construction or project site.	38 hours per week* up to 10 hours per day. Time off in Lieu of Overtime arrangements as detailed in Part C.
(b) Officers required to work in an office or field situation.	38 hours per week* up to 10 hours per day. Time off in Lieu of Overtime arrangements as detailed in Part C.
(c) <i>Miscellaneous</i> - employees who do not fall within categories (a) or (b) and are specifically identified below.	38 hours per week* maximum of 10 hours per day and/or an average so that the ordinary hours of duty over a fortnightly and/or four weekly period shall not exceed 76 hours and 152 hours respectively. Time off in Lieu of Overtime arrangements as detailed in Part C.
Employees covered by the Miscellaneous category include:	
Environment	. Field Officer
Treasury - Queensland Art Gallery	. Security Supervisor
	. Deputy Security Supervisor
Queensland Museum	. Senior Attendant
	. Assistant Curator
	. Senior Curator
	. Curator
	. Assistant Museum Technician
	. Museum Technician
	. Senior Museum Technician
Natural Resources	. Technical Operations Officer
	. Technical Officer (Operations)
*A Chief Executive, at his or her election, may approve a 36.25 hour week for Field Staff working within his or her Department.	

PART B

(The following conditions were agreed to in August 1991 in order to establish the 38 hour week for Field Staff and form part of the conditions of employment of Field Staff under the Directive):

IMPLEMENTATION OF 38 HOUR WEEK

Major Features

- Flexibility of implementation to suit operational needs of the employer (after consultation with employees);
- Spread of ordinary hours of work shall be 6.00 am to 6.00 pm;
- The ability to work up to a ten hour day without overtime payment by agreement between the employer and the majority of employees;
- Staggered starting and finishing times by agreement between the employer and the majority of employees;
- Observance of work times and preparation for work and cleaning up shall be in the employee's time;
- Banking of rostered days off up to a maximum of 5 (by agreement);
- Work to be performed on 5 out of any 7 days on current penalty rates with two consecutive days off.

Method of implementation of 38 hour week

The 38 hour week is to be implemented on one of the following bases, most suitable to each location, after consultation with the employees concerned -

- by employees working less than eight ordinary hours each day; or
- by employees working less than eight ordinary hours on one or more days each work cycle; or
- by fixing one or more work days on which all employees will be off during a particular work cycle; or
- by rostering employees off on various days of the week during a particular work cycle, so that each employee has one work day off during that cycle.

Accrual of Rostered Days Off

Subject to the above, employees may agree that the ordinary hours of work are to exceed eight on any day, thus enabling more than one work day to be taken off during a particular work cycle.

Where the arrangement of ordinary hours of work provides for a rostered day off, the Chief Executive Officer and the majority of employees concerned, may agree to accrue up to a maximum of five rostered days off. Where such agreement has been reached, the accrued rostered days off shall be taken within twelve calendar months of the date on which the first rostered day off was accrued. Consent to accrue rostered days off shall not be unreasonably withheld by either party.

Different methods of implementation of the 38 hour week may apply to individual employees, groups or sections of employees in each location concerned.

Consultation over implementation of 38 hour week

The Chief Executive Officer and all employees concerned in each establishment are to consult over the most appropriate method of implementing and working a 38 hour week.

The objective of such consultation is to reach agreement on the method of implementing and working a 38 hour week.

The Chief Executive Officer is authorised to make the final determination as to the method by which the 38 hour week is implemented or worked from time to time.

PART C

FIELD STAFF: TIME OFF IN LIEU ARRANGEMENTS

Classifications eligible

Time in lieu of overtime arrangements are applicable to Field Staff classified up to the equivalent of Classification Level AO5(4) of the Public Service Classification and Remuneration system. Field Staff classified at the equivalent of Classification Level A06 or above shall continue to be compensated for overtime worked in accordance with *Determination 14 - Compensation for Overtime Worked*.

Rate of Accrual

TOIL will accrue at the rate of time for time for all authorised overtime worked.

Public Holidays

Field Staff who are required to undertake work on either Christmas day or Good Friday shall be paid for all work done at the rate of double time and a half with a minimum of four hours.

Field Staff who work on any other Public Holiday, with the exception of Labour Day (where arrangements shall continue in accordance with clauses 5.3.1(b)(i) & (ii) of the *Public Service Award - State*), may elect as follows:

- to accrue TOIL at the rate of time and a half for time (minimum entitlement half a working day); or
- to be granted a minimum of half a working day equivalent time off together with payment of half time extra.

Chief Executive may approve payment

A Chief Executive, or his or her delegate, may approve payment for authorised overtime to individual Field Staff or categories of Field Staff.

Payment of Accrued TOIL

Payment for accrued TOIL at ordinary rate may be set at the Field Officers election in the following circumstances:

- for accrued TOIL in excess of 228 hours; or
- where accrued TOIL is not utilised within twelve months of its date of accrual;

Provided that payment is subject to being:

- a Field Officer having taken reasonable steps to avoid excessive TOIL balances; and
- the Field Officer having been refused an application to take such leave.