



# 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 this directive is not subject to any industrial instrument as defined in section 117(4) of the Act. An industrial instrument means an award, industrial agreement or decision of the Industrial Relations Commission.

**DIRECTIVE No. 23/99**  
July 1999

- 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. LEGISLATIVE PROVISIONS:** Sections 34(2) and 117(3) of the *Public Service Act 1996* and section 686 of the *Industrial Relations Act 1999*.
- 4. APPLICATION:** This directive applies to:-
- public service officers; and
  - temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996* required to undertake field duties normally performed by public service officers.
- This directive does not apply -
- to employees engaged on a casual basis under sections 112(2)(b) and 113(2)(b) of the *Public Service Act 1996*; or
  - general employees engaged under section 112(2)(a) of the *Public Service Act 1996*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 1999** and shall only apply to time accrued in lieu of overtime effective from that date.
- 7. VARIATION:** This directive can be varied –
- by the Minister for Employment, Training and Industrial Relations; or
  - by legislation.
- 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 or regulation.
- 9. SUPERSEDES:** Directive 24/97 "Field Staff"
- 10. PREVIOUS REFERENCE:** Circular 10/97

## SCHEDULE

### FIELD STAFF

#### GENERAL CONDITIONS

**Entitlement**

Public service officers or temporary employees engaged under section 112(2)(a) of the *Public Service Act 1996* (referred to as “employees” in this schedule) performing duties in a “field situation” as defined shall have hours of duty as specified in Parts A and B. Time off in lieu of overtime (TOIL) arrangements shall be as specified in Part C.

#### PART A HOURS OF DUTY

CATEGORIES OF EMPLOYEES	HOURS/WEEK /DAY
<p>(a) Employees who are required to perform duties in a “field situation”.</p> <p>“Field Situation” means any situation other than where duties are performed in an office or laboratory and would include those duties where the work is performed in permanent or temporary accommodation provided on a building, construction or project site.</p>	<p>38 hours per week* up to 10 hours per day.</p> <p>Time off in lieu of overtime arrangements as detailed in Part C.</p>
<p>(b) Employees whose duties requires that they work in an office and a field situation.</p>	<p>38 hours per week* up to 10 hours per day.</p> <p>Time off in lieu of overtime arrangements as detailed in Part C.</p>
<p>(c) Employees who do not fall within categories (a) or (b) and are specifically identified below.</p> <p><b>Employees covered by the Miscellaneous category include:</b></p> <p><b>Environment</b></p> <p><b>Arts Office</b>     <i>Queensland Art Gallery</i></p> <p style="padding-left: 150px;"><i>Queensland Museum</i></p> <p><b>Natural Resources</b></p>	<p>38 hours per week* maximum of 10 hours per day or so that the ordinary hours of duty over a fortnightly or four weekly period do not exceed 76 hours or 152 hours respectively.</p> <p>Time off in lieu of overtime arrangements as detailed in Part C.</p> <ul style="list-style-type: none"> <li>• Field Officer</li> <li>• Security Supervisor</li> <li>• Deputy Security Supervisor</li> <li>• Senior Attendant</li> <li>• Assistant Curator</li> <li>• Senior Curator</li> <li>• Curator</li> <li>• Assistant Museum Technician</li> <li>• Museum Technician</li> <li>• Senior Museum Technician</li> <li>• Technical Operations Officer</li> <li>• Technical Officer (Operations)</li> </ul>
<p>*A chief executive, at his or her election, may approve a 36.25 hour week for Field Staff working within his or her department.</p>	

## PART B

*(The following conditions were agreed to in August 1991 in order to establish a 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 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 and all employees concerned in each establishment are to consult over the most appropriate means 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 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 the directive – *Hours and Overtime*.

#### **Rate of accrual**

TOIL will accrue at the rate of time for time for all work outside normal working hours.

#### **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) and (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 rates may occur 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 both:*

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