

## DIRECTIVE 09/16

Supersedes: 12/14

# Minister for Employment and Industrial Relations Directive: Field Staff

Pursuant to section 52(3) of the *Public Service Act 2008 (PSA)* and section 687(3) of the *Industrial Relations Act 1999*, this Directive prevails over an industrial instrument to the extent of any inconsistency except in relation to the provisions relating to hours of duty and ordinary time weekend penalties, where a certified agreement provides otherwise (see clause 7). Industrial instrument means an award, certified agreement or decision of the Queensland Industrial Relations Commission.

### 1. Purpose:

To prescribe the hours of duty and time off in lieu of overtime arrangements for field staff.

### 2. Effective date: 8 January 2016

### 3. Legislative authority:

Section 54(1) of the *Public Service Act 2008* and section 687 of the *Industrial Relations Act 1999*.

### 4. Application:

This Directive applies to the following groups of employees:

- public service officers;
- temporary employees engaged under section 148(2)(a) of the PSA;
- casual employees engaged under section 148(2)(b) of the PSA, but only for the purposes of determining hours of duty and weekend penalties.

### 5. Previous references:

- Directive 12/14, 12/11, 10/07, 8/03, 23/99 and 24/97
- Circular 10/97

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### 6. Identification of field staff

#### 6.1 A chief executive is to identify those roles to be designated as 'field staff' roles. The following criteria may assist in identifying roles to be designated as field staff roles:

- (a) where the majority of work is performed on a basis other than in an office or laboratory;
- (b) where the majority of work is performed on a construction project;
- (c) where management control of the accrual of the employee's time (within the parameters of the relevant department's flexible working hours arrangements) is restricted because of external influences, e.g. environmental factors or project guidelines which require extended hours to be performed at certain times of the year or to ensure the completion of a project;
- (d) where work regularly commences or ceases away from the employee's headquarters;

- (e) where normal supervision is limited because the employee departs headquarters for performance of duties;
  - (f) where the employee undertakes overnight travel for work purposes on a frequent basis.
- 6.2 where a role is designated as a field staff role, this must be reflected in the role description, along with the ordinary weekly hours of work.

## 7. Hours of duty

- 7.1 Subject to clause 7.2, the ordinary hours of work for field staff are 38 hours per week with a maximum of 10 ordinary hours per day, worked during the ordinary spread of hours.
- 7.2 The ordinary hours of work for a field staff employee may be varied:
- (a) in accordance with an agency or occupation specific provision contained in an award; or
  - (b) by a chief executive to 36.25 hours per week, with a maximum of 7.25 ordinary hours per day to be worked in accordance with their department's flexible working hours arrangements.
- 7.3 The following award provisions apply to field staff:
- (a) for employees working 38 hours per week, the provisions relating to 38 hour week arrangements and work cycles;
  - (b) for employees engaged in shift work, the shift work provisions;
  - (c) provisions relating to extra payments for weekend work;
  - (d) provisions relating to working ordinary hours on public holidays. Other than for casual employees, for overtime hours worked on public holidays, clause 8 of this Directive applies.

## 8. Compensation for overtime through time off in lieu

- 8.1 This clause does not apply to casual employees.
- 8.2 This clause does not apply to employees in receipt of wages that exceed AO5(4) rates under the CRS who are to be compensated for overtime in accordance with the Directive relating to hours, overtime and excess travel.
- 8.3 Employees in receipt of wages that do not exceed AO5(4) rate under the CRS are to receive time off in lieu (TOIL) of overtime rates on a time for time basis.
- 8.4 Chief executives may approve an exemption to clauses 8.2 and 8.3 in exceptional circumstances, such that field staff may be compensated for overtime by payment of penalty rates in accordance with the applicable award or certified agreement.
- 8.5 Managers and employees are responsible for managing TOIL accruals and use. Field staff are to have reasonable access to utilise accrued TOIL such that, where possible, TOIL is used within 12 months of accrual or before TOIL accrual balances exceed 228 hours.
- 8.6 Where TOIL has not been used in accordance with clause 8.5, a field staff employee may elect to have their TOIL paid out at ordinary rates, provided:
- (a) the employee has taken reasonable steps to avoid an excess balance; and
  - (b) the employee has been refused an application to take TOIL.
- 8.7 Award entitlements (such as shift and work related allowances) continue to apply where field staff use TOIL accruals.

## 9. Definitions

Unless otherwise provided, the definitions contained in the PSA apply.

**CRS** means the public service classification and remuneration system. The monetary rate is the rate applicable for the department where the employee is employed.

**Ordinary spread of hours** means, in relation to day workers, 6:00am to 6:00pm Monday to Sunday.

**Overtime** means additional work in excess of ordinary hours or outside the spread of ordinary hours. On a public holiday (or substituted day) under the *Holidays Act 1993*, work performed during the ordinary spread of hours is not considered overtime.

**TOIL** means time off in lieu on a time for time basis (for example, the Flu Pandemic Directive lists many items that are highly unlikely to be referred to, so use of an (a), (b), (c) list serves no purpose).

Repealed