

Name of Policy	Overtime for Professional Staff Policy
Description of Policy	This policy covers the entitlement to overtime payments for Professional Staff of the University.
Policy applies to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organisational unit etc.</i>) <hr/>
	<input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
Policy Status	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy

Approval Authority	Vice-Chancellor and President
Governing Authority	Chief Operating Officer
Responsible Officer	Director, Human Resources

Approval Date	September 2011
Effective Date	September 2011
Approval date of last revision	4 April 2019
Effective date of last revision	4 April 2019
Date of Policy Review*	1 July 2019

* Unless otherwise indicated, this policy will still apply beyond the review date.

Related Legislation, Policies, Procedures, Guidelines and Local Protocols	Flexible Working Arrangements Policy Recording of Hours Worked Policy On-Call Arrangements for Professional Staff Policy Shiftwork for Professional Staff Policy Work Life Balance Statement
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1. Background

This policy has been developed to explain the Overtime provisions for Professional Staff at Australian Catholic University (ACU), as set out in the *ACU Staff Enterprise Agreement 2017 – 2021 (the Agreement)*.

2. Purpose

To facilitate the operations of the University, from time to time a professional staff member may be required to work overtime. When a professional staff member is directed to work overtime, they will either receive payment for working the overtime or may elect to take time off in lieu in accordance with the provisions of this policy.

3. Scope

The provisions of this policy apply to professional staff members, who receive a salary up to and including HEW Level 10 and should be read in conjunction with the *Flexible Working Arrangements Policy*.

4. Application of Policy

4.1 Working Arrangements for Professional Staff

A professional staff member, including a shift worker, who works under the provisions of the University's *Flexible Working Arrangements Policy* may, in consultation with their nominated supervisor, develop equitable working and overtime arrangements which occur outside the following flexible working arrangement parameters:

- (i) the normal weekly ordinary hours of work shall be 35, however, the maximum number of ordinary hours a staff member may be permitted to work in any week is 45 hours;
- (ii) the maximum number of ordinary hours a staff member may be permitted to work on any one day is 9 hours;
- (iii) the normal daily span of ordinary hours to be worked will be from 8:00 am to 6:00 pm, Monday to Friday, but this may be extended to 7:30 am to 7:00 pm where it is essential to maintain a University service or activity;
- (iv) except in an emergency situation, a staff member will normally be given 48 hours notice if they are required to work during the period 7.30 am to 8:00 am or 6:00 pm to 7.00pm;
- (v) overtime and shift allowances are not normally applicable between 7:30 am and 7:00 pm;
- (vi) with the approval of a Member of the Executive, a staff member may work ordinary hours outside the extended span of ordinary hours provided that they are not required to do so under this provision;
- (vii) a staff member will normally work an average of 140 hours over a four-week cycle;
- (viii) part-time staff will work the hours specified in their contract of employment over a four-week cycle (or the contracted period in the case of casual staff); and
- (ix) the ordinary hours of work for caretaking/cleaning/gardening/security staff shall be worked between 6:00 am to 10:00 pm, Monday to Friday.

4.2 Overtime Principles

4.2.1 The University may direct a staff member to work a reasonable amount of overtime, unless the staff member has reasonable grounds for not working the overtime. In determining whether additional hours are reasonable or unreasonable, the following must be considered:

- (i) any risk to the staff member's health and safety from working the additional hours;
- (ii) the staff member's personal circumstances, including family responsibilities;

- (iii) the needs of the work unit in which the staff member works;
- (iv) whether the staff member is entitled to receive overtime payments, penalty rates or other compensation for, or they receive a level of remuneration that reflects an expectation of, working additional hours;
- (v) the notice (if any) given by the University of any request or requirement to work the additional hours;
- (vi) the notice (if any) given by the staff member of their intention to refuse to work the additional hours;
- (vii) the usual patterns of work in the work unit;
- (viii) the nature of the staff member's role, and the staff member's level of responsibility;
- (ix) whether the additional hours are in accordance with the averaging provisions included in this Agreement; and
- (x) any other relevant matter.

4.2.2 All authorised time worked in the following circumstances shall be treated as overtime and will be paid at the ordinary rate per hour in accordance with the following table:

<i>Overtime Type</i>	<i>Hourly Rate</i>
In excess of any of the limits in section 4.1 for first 3 hours: <ul style="list-style-type: none"> - Monday to Saturday - Thereafter or Sunday - Public Holiday (Saturday, Sunday or outside the span of hours) 	150% 200% 250%
In excess of 35 hours per week for part-time, fractional and or casual staff after their hours have been averaged over a four-week cycle	Or equivalent time in lieu at the request of the staff member

(or over the contracted period for a casual staff member)	
University Concessional Holidays	Normal Salary plus 50% for the first three hours followed by normal salary plus 100%
Public Holiday on a day which would otherwise be a normal working day (Monday to Friday within normal span of hours)	Normal salary plus 150%
Public Holiday outside a normal working day (e.g. Saturday or Sunday or outside normal span of hours Monday to Friday)	Where no payment has been made in normal salary: 250%
For staff members recalled to duty <ul style="list-style-type: none"> - Monday to Saturday - Sunday - Public Holiday 	Minimum 3-hour payment of: 150% 200% 250%
Where there is not a minimum of 10 hours rest relief off duty prior to returning to duty until released from duty	200%

- 4.2.3 Any period of overtime which is continuous with ordinary duty and which extends beyond midnight shall be deemed to have been performed on the day the overtime commenced.
- 4.2.4 Where overtime is not continuous with ordinary duty and involves duty before and after midnight, the overtime shall be deemed to have been worked on the day for which the higher rate is payable.
- 4.2.5 Overtime shall be calculated to the nearest five (5) minutes of the total amount of overtime worked in a work cycle.
- 4.2.6 The salary of a staff member for the purposes of calculating overtime does not include shift work allowances or the casual loading but does include any higher duties allowance or other allowances being paid to the staff member as part of their salary.

4.3 Meal Breaks and Meal Allowances

4.3.1 A staff member will not be required to work for more than five consecutive hours, without taking an unpaid meal break of at least 30 minutes.

4.3.2 A meal allowance shall be paid where:

- (i) the staff member works at least one and a half hours authorised overtime before or after their ordinary hours for the day/shift; and,
- (ii) such overtime is continuous with the staff member's normal hours for the day/shift except for any intervening meal break.

4.3.3 The meal allowance rate is \$30.60 and will be reviewed annually by the University, in line with changes in the CPI, but will not exceed the amount determined by the Australian Taxation Office guidelines.

4.4 Time-in-lieu

4.4.1 If a staff member is directed to work overtime, the staff member may request to take time off in lieu of overtime payment. Such time off is to be calculated in the same manner as is prescribed in section 4.2.2.

4.4.2 A staff member may accumulate up to a maximum of 28 hours time-in-lieu after which payment must be made for any overtime worked. All time-in-lieu is to be cleared within three months of accrual unless otherwise agreed between the staff member and the supervisor. If the time off in lieu of overtime is not cleared within three months, in the absence of any other agreement the staff member shall be paid the monetary value of the accrued time-in-lieu.

4.5 Staff Member Recalled to Duty

4.5.1 A staff member who is required to work overtime which is not continuous with their ordinary duty shall receive a minimum of three hours overtime payment at the overtime rate detailed in 4.2.2, even though the period of duty may be less than three hours.

4.5.2 If a staff member, who is On-Call (as defined by the On-Call Arrangements Policy), is required to return to the University at any time outside the span of hours set out in section 4.2., they shall receive a minimum of three hours overtime at the overtime rate detailed in 4.2.2, inclusive of travel time.

4.5.3 Where more than one overtime attendance is required, the minimum payment provision shall not operate to increase the overtime payment beyond that amount which would have been payable had the staff member remained on duty from the time of commencing one period of overtime to the time of ceasing a subsequent period of overtime.

4.6 Rest Relief after Overtime

4.6.1 A staff member required to work overtime in circumstances where there is not a break of at least 10 consecutive hours between the cessation of one period of duty and the commencement of the next ordinary period of duty shall be released from duty, without any loss of pay, for a period of at least 10 consecutive hours.

4.6.2 A staff member required by the University to resume or continue work without having had at least 10 consecutive hours, off duty shall be paid at the overtime rate detailed in 4.2.2 until released from duty for at least 10 consecutive hours and such release shall be without loss of pay.

4.6.3 Other than emergencies, the University will make all reasonable efforts to ensure that staff are not required to continue working without having had at least 10 consecutive hours off duty.

5. Approvals

All overtime worked must be authorised by the appropriate delegated officer in writing (e.g. by email) prior to the commencement of overtime. Overtime not authorised prior to the overtime being undertaken will not be paid as overtime. Information regarding the delegated officers is available in the Delegations of Authority Policy and Register.

6. Procedures

6.1 A supervisor who requires a staff member to work overtime will write to the staff member by email. The email will detail the overtime hours and dates to be worked and will seek confirmation by a return email that the staff member is available and agrees to work the overtime required.

6.2 Staff members who are directed to work overtime are required to record their starting and finishing times and the timing of any breaks taken during the period of overtime.

6.3 The overtime hours should be recorded by completing a Timesheet via [Staff Connect](#), which will be presented to the staff member's supervisor for review.

7. Revisions made to this Policy

Date	Major, Minor or Editorial	Description
2 July 2013	Major	Updated to incorporate the amount paid for meal allowances as per the provisions of the Australian Taxation Office Ruling TD2012/17.
17 July 2018	Editorial	Update ACU brand template and change to procedural wording for submitting timesheets via Staff Connect.
4 April 2019	Major	<ul style="list-style-type: none">• Updated as per the ACU Enterprise Agreement 2017 - 2021 and to incorporate the amount paid for meal allowances as per the provisions of the ATO Ruling TD2018/11.• Updated to include Service Central information for further assistance.

The University may make changes to this policy from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to Human Resources.

8. Further Assistance

Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#).