



MEMORANDUM

Date	12 March 2004	Reference	CDS/4264
To	Graeme Nicholas, A/Director, Disaster Operations		
CC	Alan Brunner, Executive Director, CDRS Ian Rector, Chair, CDRS Industrial Relations Committee Owen Harvey, Disaster Mitigation Unit Representative, CDRS Industrial Relations Committee Ralph Carlisle, CHEM Unit Representative, CDRS Industrial Relations Committee Phil Perrow, Aviation Services Representative, CDRS Industrial Relations Committee Danny Costello, CAP Representative, CDRS Industrial Relations Committee		
From	Principal Industrial Relations Officer, Industrial Relations and Organisational Health	Telephone	Ext 95069
Subject	Industrial Relations Issues relating to the State Counter Disaster Organisation Duty Officer		

PURPOSE

- To respond to your memorandum dated 2 February 2004 regarding the above subject matter.

BACKGROUND

- Your memo of 2 February 2004 outlined the following background information in relation to this matter:
 - Counter Disaster and Rescue Services (CDRS) is responsible under the *State Disaster Organisation Act 1975* "to coordinate the resources necessary to ensure that all steps are taken to plan for and counter the effects of a disaster" and "to give advice and assistance to the Minister on all matters with respect to counter disaster".
 - As detailed in the Queensland State Disaster Coordination Centre Standard Operating Procedures, the "on-call Disaster Operations State Counter Disaster Organisation (SCDO) Duty Officer" is the first point of contact for the SCDO after hours.
 - Within CDRS, the SCDO Duty Officer and the Response Advice for Chemical Emergencies (RACE) service are on-call on a continuous 24 basis. Whilst rostered on-call, the SCDO Duty Officer and on-call RACE staff are paid an on-call allowance vide Schedule G of the *Public Service Award – State 2003*.
 - The SCDO Duty Officer is rostered on-call to ensure that a continuous 24-hour contact is available for the SCDO. Activations in late 2003 have identified issues requiring clarification for the employment of the SCDO Duty Officer.

- The activations in late 2003 have identified that there is an increased expectation on the Disaster Operations Unit (via the SCDO Duty Officer) to obtain timely intelligence on incidents and disseminate this information within the Department of Emergency Services and, when required, throughout Queensland Government. The increased intelligence provision has led to increased responsibilities for CDRS staff, locally and regionally, who are required to obtain the information and provide it to the SCDO Duty Officer.
- A preliminary examination of the increasing expectation that staff are available to be contacted at all hours suggests that they could be undertaking responsibilities, which are additional to their employment conditions.
- In July 2003 the Director, Industrial Relations and Organisational Health met with the Executive Director, CDRS to discuss the priority to be given by Industrial Relations to addressing CDRS industrial issues. The issue of remuneration for RACE Officers rostered on call and the allowance paid to the SCDO Duty Officer (Colloquially known as the "Disturbance Allowance") were two of the items discussed.
- The remuneration for RACE Officers rostered on call was given the highest priority after the matter of the Agency Level Enterprise Agreement for Queensland Rescue. The issue of the future of the Disturbance Allowance was given the lowest priority to be addressed after the finalisation of the planned removal of the "Telephone Allowance".
- Subsequent discussion between Industrial Relations staff in Department of Emergency Services (DES) and the Department of Industrial Relations (DIR) were held with the view to seeking Cabinet Budget Review Committee (CBRC) approval for a sub-agency level certified agreement to address the remuneration issues surrounding the employment of RACE Officers rostered on call around the clock.
- DIR subsequently directed DES not to proceed with an approach to the Queensland Public Sector Union (QPSU) advising that Government policy was to require Departments only to respond to a log of claims from the QPSU in pursuit of such matters. On 31 October 2003 this was discussed in an email between Katrina de Lange, Principal Industrial Relations Officer and Ron Miller, Director CHEM Unit.
- At the 22 December 2003 meeting of the CDRS Industrial Relations Committee, the CHEM Unit representative confirmed advice received by Industrial Relations that CHEM staff had discussed these matters with the QPSU and that CDRS should expect a log of claims from the QPSU.
- As a result of the non-receipt of the log of claims at the time of the CDRS Industrial Relations Committee meeting on 26 February 2004, Industrial Relations staff approached the QPSU regarding the status of the matter.
- Advice received earlier this week by Industrial Relations from the QPSU indicates that CDRS can expect a log of claims within days.

CURRENT ISSUES

- The issues raised by you in your memorandum of 2 February 2004 are addressed within the above background as follows:

1 The circumstances under which the on-call allowance is paid?

An on call allowance is paid, "Where an employee is instructed to be on call outside ordinary or rostered working hours...", to quote from the *Public Service Award*.

2 Is an on-call allowance the only recompense available to on-call SCDO Duty Officers?

Apart from the compensation for any overtime worked, an on call allowance is generally the only recompense for being placed on call.

However, in the case of SCDO Duty Officers, there is an Industrial Agreement (the Agreement) struck in 1979, to specifically apply to the then State Emergency Service at a time when there was no on-call provision in the Public Service Award. Provision for on call was first introduced into the award effective from 23 December 1996.

There is a particular allowance in the Agreement referred to as "duty officer" and is, "...in full consideration of any duties performed at home in attending to telephones and organizing any necessary further action etc.". The rate is \$15.60 per fortnight, which has not increased since 1979. There is no corresponding allowance in the Public Service Award.

This Agreement 'lives on' by having been 'saved' within a schedule to the Public Service Award. The Public Service Award on-call arrangements also applies to these emergency service employees by virtue of the provisions under Schedule 4 of the Award, specifically Sections 4.6.1 (a) and (i).

3 Can the on-call SCDO Duty Officer claim for hours worked attending to a call issue? If so, is there a minimum amount of time required to be worked before this is claimed?

4 If time can be claimed, is there a policy determining whether it is taken as TOIL or Overtime/Penalty rates?

The Public Service Award also provides for circumstances whereby the employee on call does not actually get called out/back but gives advice (over the phone) for which a maximum of 2 hours per day can be claimed as overtime. This provision of the Public Service Award is designed to remunerate typically those employees such as the SCDO Duty Officer who under the award would be paid the on call allowance plus the prescribed overtime rate up to a maximum of two (2) hours per day for providing advice over the phone and not having to return to the facility.

Payment applies to persons of classification AO5 (4) or less, with TOIL applying for those persons above that level.

In the absence of the Industrial Agreement providing the \$15.60 per fortnight Disturbance Allowance, the SCDO Duty Officer would only be paid for time on the phone, up to a maximum of two (2) hours per day. There is no entitlement to be paid both the Disturbance Allowance and the overtime.

5 Under what circumstances does the SCDO Duty Officer change his/her work status from being on-call to being at work?

For the SCDO Duty Officer, being at work means being at the usual place of work at the usual time and not at home. Being at work also means being called back/out from home to attend work at the office factory etc or in the field; whatever may be a usual place of work.

The when factor is determined by normal starting and finishing times etc and in the case of the SCDO being called out/back means from when the employee received the call at home to when they returned home with a minimum payment of two (2) hours. The SCDO Duty Officer providing advice without the need to attend a work facility is at home and being paid to provide advice from there and as such is not at work. Payment is for a maximum of two (2) hours overtime per day, which is both subject to verification by the Chief Executive Officer and the award with respect to TOIL arrangements.

6 Does the current position description for CDRS District Managers imply that they are expected to be available for after hours calls, and if so, has this been taken into account within the CED evaluation of the position?

There is no specific note in either of the present AO5 or AO6 level PD's that states the requirement for after hours calls is expected. However, not all working conditions are detailed in a PD and an assessment of the requirements of the position as listed in the duties/responsibilities could reasonably conclude that after hours calls would be a requirement of the job from time to time. It would be highly desirable that when such PD's are next reviewed, a notation is inserted to the effect that being on call is a requirement of the position. The fact that an employee may be required to be on call has no impact on the evaluation of a position based on current job evaluation methodology.

7 Are CDRS District Managers paid a "Disturbance Allowance" as part of their salary package? If they are, what is the basis for the payment of it?

Advice from Payroll indicates that some but not all District Managers are paid the "Disturbance Allowance" on the basis of a regular \$15.60 allowance each fortnight. The authority for the payment of this allowance is as outlined in the response to Question 2. The reason for the approval of payments to some District Managers and not others would require further investigation and may be best undertaken as a separate exercise so as not to unnecessarily delay the response to other issues.

8 Are there variations in the circumstances under which on-call allowance is paid to Government Employees in other Queensland Government Departments?

Public Servants across all State Government Departments are subject to the same on call allowance payment arrangements. There are variations in the circumstances under which on call allowance is paid to other than public servants particularly in Queensland Health. However, as the employees in CDRS are public servants those conditions are not applicable to them. Staff in Queensland Health who work alongside RACE employees are employed under the *District Health Service Act* and Award and are District Health Service Officers and not Public Service Officers.

9 Are there guidelines relating to the number of staff who can be placed on on-call status within an organisation?

No, operational requirements determined by management dictate the number of staff placed on call at any one time, however there is a requirement in the *Public Service Award* to the effect that where practicable, an individual employee should not be placed on continuous on call for a period exceeding 6 weeks.

- As advised previously, the remedy to the industrial issues faced by employees in RACE and the position of SDCO Duty Officer require the negotiation of a Sub-Agency Certified Agreement. A project plan for such an exercise was developed by Industrial Relations in 2003. However, as advised, the Department of Industrial Relations directed that the initiative for the pursuit of such an agreement rests with the QPSU. This matter was addressed at the meeting of the CDRS Industrial Relations Committee meeting on 26 February 2004.

RECOMMENDATION

- That you note the contents of this memorandum and advise me if any matters require further clarification.

Ken Hawkins
Principal Industrial Relations Officer

QFES RTI FINAL RELEASE

Ken Hawkins

From: Michael Hawkins
Sent: Wednesday, 21 January 2009 14:06
To: Ken Hawkins
Cc: Timothy Davey; John R Martin
Subject: FW: Watch Desk Officers - Public Holidays

Hi Ken,

Please find attached our advice on payment for public holidays not worked.

In essence, our view is that employees covered by the *Public Service Award - State* who do not work on a public holiday are only entitled to payment for that public holiday had they otherwise been required to work that day had it not been a public holiday i.e. if an employee was scheduled to work the public holiday (and ordinarily would have worked that day), and the employer stood the employee down, on the basis that the day is a public holiday, then the employee would be entitled to payment. However, if the employee was not (ever) rostered to work on that day, the employee would not be entitled to payment for the day. Hopefully John's advice (below) explains this position a little more clearly.

Regards

Michael.

Michael Hawkins
Executive Manager, Workplace Services
Department of Emergency Services
Ph: 07 3247 8164 (direct dial 94 164)
Mob: ~~contrary to the public interest~~
Fax: 07 3109 5037
Email: mhawkins@emergency.qld.gov.au

From: John R Martin
Sent: Wednesday, 21 January 2009 09:07
To: Michael Hawkins
Subject: RE: Watch Desk Officers - Public Holidays

Michael,

I have given much thought to the question asked in relation to the WDOs. I understand that some doubt has been cast a result of a QIRC decision in relation to the application of public holidays for employees working a non-standard week. I also understand that the *Public Service Award - State* is the industrial instrument that has application.

I cannot come to a conclusion other than payment for a public holiday (with the possible exception of Labour Day) would only be made if the employee would have worked the public holiday had it not been a public holiday. There are three essential reasons for this conclusion: the principles of payment for public holidays; the aforementioned QIRC decision and the provisions of the industrial instrument.

Principles for Payment

As previously discussed, my advice is fundamentally based on the principle that payment for a public holiday is contingent upon the employee being ready, willing and able to work the day had it not been a public holiday. This means unless there is a contrary provision in an industrial instrument, an employee would have had to have been otherwise rostered for the day but advised that their services were not required for that day because it was a public holiday. Likewise an employee on leave without pay is not entitled to payment for a public holiday.

Statement of Policy

Advice incorrect
for continuous shift
workers.

The reference to a 2002 QIRC decision, I think refers to case number B210 of 1998 [162QGIG33] wherein the Full Bench endorsed principles adopted by the AIRC in 1995 [Print L9178] in relation to public holidays for employees working non-standard weeks. This decision was a statement of policy and not a general ruling. Therefore the statement of policy developed the principles for parties to include in clauses in industrial instruments in the event that the industrial instrument was silent.

The *Public Service Award – State* is not silent with respect to this issue. The issue of the entitlement to public holidays for employees working non-standard weeks is contemplated by the first proviso in clause 7.7.4. Whether this proviso predates or is in defiance of the statement of policy is irrelevant. The award would have had to have been amended to give effect to the statement of policy for the statement of policy to have effect.

Industrial Instrument

In any event, the provisions of the award are quite clear if not elegant. Payment for a public holiday (where not worked) is on the basis of an employee being rostered off. The imprecise term of “rostered off” is defined for the purposes of clause 7.7.4 (and presumably clause 7.7.4 only) as being “rostered off on a day of the week which normally forms part of the employee’s ordinary hours”. The intention, in my view, is quite clear that clause 7.7.4 limits the application of public holidays not worked to circumstances where the employee would have had to have been otherwise rostered for the day but advised that their services were not required for that day because it was a public holiday.

Based on:

1. The general principle for payment for public holidays;
2. The non-application of the QIRC Statement of Policy; and
3. The clear intention of the provisions of the *Public Service Award – State*

I am clearly of the view that employees covered by the *Public Service Award – State* not working public holidays are only entitled to payment had they otherwise been required to work that public holiday had it not been a public holiday.

Regards,

JRM

From: Michael Hawkins
Sent: Tuesday, 20 January 2009 16:39
To: John R Martin
Subject: FW: Watch Desk Officers - Public Holidays

Hello Johnny,

Attached is a message from Ken Hawkins (who is our HR officer in EMQ), about his understanding of entitlements for watch desk officers who worked during the Xmas New Year period.

Would you mind having a look just to make sure that Ken is on the right track (from a very brief examination, he appears to be on the right track).

You'll notice that he is aware that we are considering the entitlement to public holiday payments for employees who don't work public holidays.

Thanks!

M.

Michael Hawkins
Executive Manager, Workplace Services
Department of Emergency Services
Ph: 07 3247 8164 (direct dial 94 164)
Mob: [REDACTED]

Ken Hawkins

From: Liza Tong
Sent: Friday, 12 September 2008 11:48
To: Ken Hawkins
Subject: FW: Question- Public Holiday entitlements for part time shift workers

Liza Tong

Assistant Human Resource Consultant | Business Support Services

Department of Emergency Services | Level 2, Block C, Kedron Park Building | GPO Box 1425,
 Brisbane Qld 4001

Tel: (07) 3247 8999 | Fax: (07)3109 5037 | Email: ltong@emergency.qld.gov.au

From: Steele, Patrick [mailto:Patrick.Steele@deir.qld.gov.au]
Sent: Thursday, 11 September 2008 15:01
To: Liza Tong
Subject: RE: Question- Public Holiday entitlements for part time shift workers

Hi Liza,

Clause 7.7.4 of the PS Award provides:

Employees "rostered off" on public holidays who work in accordance with Shift Work or 5 out of 6 days provisions.

All Employees (other than casual Employees) working in accordance with the provisions of clauses 6.1 or 6.5, if rostered off on any public holiday shall be paid an additional day's wage, or by mutual agreement between the Chief Executive and the employee, shall be granted a day's holiday in lieu at a time to be mutually arranged between the Chief Executive and the employee concerned, or an extra day shall be taken with annual leave, for each such day on which the employee is rostered off:

Provided that for the purposes of clause 7.7.4 "rostered off" shall mean rostered off on a day of the week which normally forms part of the employee's ordinary hours:

Provided further that the "additional day's wage", "another day off" or "extra day" added to annual leave shall mean:

- for employees prescribed in Schedule 4, Section 1 and any employees designated as Field Staff in accordance with the Directive relating to Field Staff, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996* whose ordinary hours are 38 hours per week, 7.6 hours at ordinary rates; and
- for all other Employees, 7.25 hours at ordinary rates.

For clause 7.7.4 to apply to part-time continuous shift workers, the employee must have access to rostered days off. I.e. they perform work over a cycle to regularly receive rostered days off. If the employee does not have access to rostered days off, then this clause does not apply to them. "Rostered off" essentially has the meaning that if the employee does have access to rostered days off, and one of these days happens to fall on a public holiday, the clause will apply and the employee is entitled to the provisions above.

Cheers

Patrick Steele

Industrial and Employee Relations Officer
 I&ERS Branch | PSIER |

17 09 2008

Department of Employment and Industrial Relations
 Phone: (07) 322 45485
 Email: patrick.steele@deir.qld.gov.au

From: Liza Tong [<mailto:ltong@emergency.qld.gov.au>]
Sent: Thursday, 11 September 2008 10:26 AM
To: Steele, Patrick
Subject: FW: Question- Public Holiday entitlements for part time shift workers

Hey Pat

I emailed this query to Rob last week but I understand that you guys have been really busy. If it's not too much trouble, could you please help me clarify the below? I have read these sections too many times and I just need someone with a fresh outlook to examine it ☺

Cheers

Liza Tong

Assistant Human Resource Consultant | Business Support Services

Department of Emergency Services | Level 2, Block C, Kedron Park Building | GPO Box 1425, Brisbane Qld 4001

Tel: (07) 3247 8999 | Fax: (07)3109 5037 | Email: ltong@emergency.qld.gov.au

From: Liza Tong
Sent: Wednesday, 3 September 2008 15:11
To: 'rob.gillespie@deir.qld.gov.au'
Subject: Question- Public Holiday entitlements for part time shift workers

Good afternoon Mr Gillespie

I was just wondering if you could help me clarify the entitlements for a part time, continuous shift worker, in the case where there is a public holiday.

We currently have conflicting interpretations of the Public Service Award; specifically section 7.7.4 which outlines the entitlements of shift workers who are rostered off on a public holiday.

Basically, I am a bit confused with the words pertaining to the definition of "rostered off". The provision states,

Provided that for the purposes of clause 7.7.4 "rostered off" shall mean rostered off on a day of the week which normally forms part of the employee's ordinary hours.

Would it be correct to assume that the 'ordinary hours' for continuous shift workers (as prescribed in section 6.1), include hours of work rotated in accordance with a shift roster covering a 24 hour per day operation over a 7 day week. Therefore; all shift workers who are not rostered on the public holiday, **both part time and full time**, will be eligible to the entitlement outlined in section 7.7.4 - paid an additional day's wage or a day's holiday in lieu.

Looking forward to your response ☺

Liza Tong

Assistant Human Resource Consultant | Business Support Services

Department of Emergency Services | Level 2, Block C, Kedron Park Building | GPO Box 1425,

17 09 2008

From: John R Martin (QFRS)

Sent: Thursday, 10 December 2009 11:32

To: Ken Hawkins

Cc: Michael Hawkins; Glenn Carthew

Subject: EMQ industrial arrangements

An outline of discussion on 4 December 2009 is as follows:

Amendment to the schedule 3 Queensland Public Service Award – State 2003 (QPAS) to include all of the following EMQ operations:

1. EMQ HQ
2. Helicopter Rescue
3. Regional Operations
4. Watch Desk Officers

1. In the case of EMQ HQ as per QPAS except for activation where Admin & General employees can be required to work extended spread of hours.

2. Helicopter as per 2009 Core Agreement

3. In the case of Regional Operations, the conditions of employment that would differ from the QPAS are as follows:

- Notional 38 Hour Week to worked as required (any hours Monday to Sunday)
- Capacity for aggregated hours to be determined on a regional basis
- Expectation that TOIL may or may not be taken
- 6 weeks leave in consideration lost TOIL (1 week) & irregular hours (1 week)
- Critical Incident Directive to have application (no other activation eg from Chief Officer)

4. Watch Desk Officers as per current arrangement.

Is this in accord with your understandings?

Regards,

John Martin

Principal Advisor, Industrial Relations

Department of Community Safety

p 07 3247 8162 (94162)

e jrmartin@emergency.qld.gov.au

From: John R Martin (QFRS)
Sent: Monday, 18 January 2010 12:21
To: Glenn Carthew
Subject: FW: EMQ industrial arrangements
as per request for agenda item

From: John R Martin (QFRS)
Sent: Thursday, 10 December 2009 11:32
To: Ken Hawkins
Cc: Michael Hawkins; Glenn Carthew
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2. Helicopter as per 2009 Core Agreement
3. In the case of Regional Operations, the conditions of employment that would differ from the QPAS are as follows:
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 - Expectation that TOIL may or may not be taken
 - 6 weeks leave in consideration lost TOIL (1 week) & irregular hours (1 week)
 - Critical Incident Directive to have application (no other activation eg from Chief Officer)
4. Watch Desk Officers as per current arrangement.

Is this in accord with your understandings?

Regards,

John Martin

Principal Advisor, Industrial Relations
Department of Community Safety
p 07 3247 8162 (94162)
e jmartin@emergency.qld.gov.au

On-Call & Recall Conditions and Entitlements Summary

State Government Departments Certified Agreement 2006 & Queensland Public Service Award – State 2003

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
On-Call Provide advice only (from home)	An employee on-call being requested to provide advice, without returning to work or the need to log on to a computer, etc.	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i>
Entitlement:		<ul style="list-style-type: none"> • Up to 2 hours x 150% - <i>6.4.1 of QPS Award.</i> 	<p>Saturday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 150% - <i>6.4.2(a) of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 200% - <i>6.4.2(b) of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Up to 2 hours x 250% - <i>clause 7.7 of QPS Award.</i> <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Up to 2 hours x 300% - <i>section 15(4)(b) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
Recalled Required to return to work	An employee on-call being recalled to perform duty and required to return to the workplace to do so.	<ul style="list-style-type: none"> • Minimum payment of two hours – <i>Schedule 4.6.3(b) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(b) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of two hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i>
Entitlement:		<ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.1 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.1 of QPS Award.</i> 	<p>Saturday:</p> <ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.2 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.2 of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • All Time – Double time (200%) – <i>6.4.2 of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • 250%. <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • First 3 Hours – 300%. • Thereafter – 400% – <i>section 15(4)(a)(ii) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
Recalled Work performed at home	An employee on-call being recalled to perform duty and doing so from home by logging on to a computer, etc.	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour if outside ordinary hours of work – <i>clause 2.2(b) of SGDC Agreement.</i> • Minimum payment of four hours if within ordinary hours of work – <i>clause 7.7 of PS Award.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>clause 7.7 of PS Award.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i>
Entitlement:		<ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.1 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.1 of QPS Award.</i> • Minimum payment of 1 hour. 	<p>Saturday:</p> <ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) - <i>6.4.2 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.2 of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • All Time – Double time (200%) – <i>6.4.2 of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Minimum of 4 hours – <i>7.7 of the QPS Award.</i> • 250%. <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Minimum payment of 1 hour. • First 3 hours – 300%. • Thereafter – 400% – <i>section 15(4)(a)(ii) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • Minimum payment of 4 hours – <i>7.7 of the QPS Award.</i> • 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

* Entitlements provided for in the table are for those officers below the overtime payment limit, ie: AO5(4). TOIL at time for time applies to those officers above the overtime payment limit up to an AO8(4) or equivalent level. In some situations, officers below the overtime payment limit can elect to take TOIL in lieu of payment.

Overview and Explanation of On-Call and Recall Entitlements

On-call is the industrial term applied when an employee is required to be available, outside his/her normal hours of work to respond, (normally to a telephone call from the workplace), to requests for advice and/or remedial action.

If the employee is required to return to their place of work to provide advice/assistance on a matter then this is termed a **recall**.

The provisions and conditions relating to on-call and recall arrangements for public servants are contained in the *Queensland Public Service Award - State 2003* and the *State Government Departments Certified Agreement 2006*.

On-Call:

When an employee is placed **on-call**, (termed **instructed** in the Award), a graded allowance is paid for each occasion the employee is placed on-call. In the first instance, these allowances are derived from an Award salary rate [PO3(4)] with the prevailing CA rate applied. This mechanism allows for the on-call allowance rates to be indexed by future CA increases. The current rates¹ for on-call allowances are as follows:

- Where the employee is on-call throughout the whole of a rostered day off or statutory holiday – 95% of the hourly rate in such instances [**\$33.87**];
- Where the employee is on-call during the night only of a rostered day off or statutory holiday – 60% of the hourly rate in such instances [**\$21.39**];
- Where the employee is on-call any other night – 47.5% of the hourly rate per night [**\$16.93**].

Note: The on-call allowance is paid irrespective of whether or not the employee actually performs any duties during the on-call period and the allowance is paid per night, (not per hour).

Overtime:

An important item to note is that when duties are performed during an occasion of on-call, the time spent while attracting compensation for the overtime worked, does not attract payment if the employee's salary is greater than the AO5(4) classification level. Overtime performed by such employees will be compensated by equivalent time for time, ie: TOIL. Employees whose classification is **less than** the AO5(4) classification level are entitled to overtime payments only.²

Overtime payable or claimed as TOIL is in addition to the payment of the applicable on-call allowance.

The taking of accrued TOIL is to be mutually agreed between the employee and supervisor.

Miscellaneous Provisions:

When an employee is recalled to work during an off duty period, the employee will either be provided with transport to and from the employee's home, or be refunded the cost of such transport, (eg: bus, cab fares) - **clause 6.4.8 of the QPS Award**.

Where practicable, an employee shall not be required to be continuously on-call for a period in excess of six (6) weeks - **S4.6.3(g) of the QPS Award**.

¹ Rates applying from the 1 August, 2009.

² Minister for Industrial Relations *Directive No 5/05 – Hours and Overtime*.

The fatigue leave provisions of the QPS Award, (clause 6.4.9), apply when an employee has worked in excess of two (2) hours, inclusive of travelling time, on one or more recalls - **S4.6.3(h) of the QPS Award.**

Abbreviations:

SGDC Agreement = State Government Departments Certified Agreement 2006

QPS Award = Queensland Public Service Award

IR Act = Industrial Relations Act 1999 (Qld)

Scenarios:

Some scenarios of on-call entitlements in practice:

Scenario One:

An employee who is on-call is required to log onto a work computer system from home at 8:00pm and logs off at 8:25pm – the employee will be entitled to one hour's wages at overtime rates. Continuing this scenario, the employee is required to log onto a work computer system from home a second time at 8:30pm and logs off at 8:55pm – the employee is not entitled to any further payment.

Scenario Two:

An employee who is on-call is required to log onto a work computer from home at 8:00pm and logs off at 8:40pm – the employee is entitled to one hour's wage at overtime rates. Continuing this scenario, the employee is required to log onto a work computer from home a second time at 8:45pm and logs off at 9:30pm – the employee will be entitled to a further one hour's wages at overtime rates.

Scenario Three:

An employee who is on-call is required to log onto a work computer system from home for a single time from 8:00pm and logs off at 9:30pm – the employee will be entitled to one and a half hour's wages at overtime rates.

Thus the principle is that if an employee who is on-call is required to log onto a work computer system from home for a second time within the original one hour, but extends past the one hour mark, then a further one hour minimum will apply. If a single log on goes past one hour, then the actual time worked shall be paid for.

Executive Briefing Note

Requested by: Proactive

Critical Urgent General Ref:

CSD EMQ QAS QCS QFRS SPD

Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management within Emergency Management Queensland (EMQ) Date: xx/5/10

1. Background

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. ~~There is concern amongst Managers and employees are concerned~~ that ~~some of these industrial arrangements for Regional Officers~~ do not adequately protect and compensate employees ~~who work excessive hours~~.
- ~~Any instances of excessive working hours without compensation and appropriate recovery periods highlights~~ There is currently a level of concern for the possible workplace health and safety ~~issues for of some EMQ employees and for implications for the on-going~~ industrial harmony within EMQ.

2. Issues

- EMQ's ~~role has for some time adopted an ever-increasing role~~ in the management of various threats to the safety of Queenslanders ~~has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work. However, industrial arrangements for EMQ employees, other than those engaged in Helicopter Rescue, largely reflect employment conditions for day-work public servants.~~
- There are four identifiable areas of employment within EMQ that warrant separate and specific industrial arrangements:
 - Helicopter Rescue;
 - Watch Desk Officers (WDOs);
 - Head Office (public servants); and
 - Regional Offices (public servants).

Helicopter Rescue

- ~~Employment conditions for Helicopter Rescue employees (Pilots, Engineers, Crew etc.) are the subject of a schedule in the proposed State Government Departments Certified Agreement 2009 (2009 Core Agreement). These employees are award-free and were previously the subject of their own Helicopter Rescue specific Certified Agreement (which was rescinded in ...). The employees in question were made subject to the Core Agreement as a matter of administrative convenience, which has resulted in, but it is reasonable to say that the employee dissatisfaction on the grounds that the public service employment framework does not meet the needs of those working in the aviation industry.~~

Commented [m1]: Aren't a number of these employees subject to s. 122 employment contracts, i.e. they're not all covered by the Core EBA?

Action Officer: Ken Hawkins

Area: EMQ

Telephone: 94489

- Regardless of the employees' concerns about the generic application of the industrial instrument which provides employment conditions for employees of Helicopter Rescue, the existing employment conditions provide adequate flexibility in employment practices and compensation for duties performed and time worked. s are not in favour of being covered by the Core Agreement.

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Watch Desk Officers (WDOs)

- WDOs are ~~covered by~~ subject to a shift work arrangement specified under the Queensland Public Service Award – State 2003 (PSA) and otherwise by the industrial instruments that ~~would~~ apply to public servants.
- There are no issues of concern in respect of industrial arrangements/employment conditions for WDOs.

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Head Office

- Head Office employees are covered by Queensland Public Service Award – State 2003 (PSA) and the 2009 Core Agreement whilst performing normal duties and but are the subject to the operation of the Critical Incident Directive (when activated).

- Head Office employees are also subject to an Hours of Work arrangement made in accordance with the flexibility provisions of the PSA, which provide for (i.e. something along the lines of ordinary public service working hours arrangements during periods of limited operational activity and rotating 12 hour shifts during periods of operational activity as determined by the Chief Officer, EMQetc etc)

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- we need to identify the concerns that EMQ management and employees have in respect of the current hours of work arrangements for Head Office staff

Regional Offices/Duty Officers

- Regional Offices are staffed by public service officers (also covered by the PSA and the 2009 Core Agreement). These positions include Area Director (AO6), Regional Training and Equipment Coordinator (AO6), Training Coordinator (AO5), Training Officer (AO4) and Support Officer (AO3). These employees are also required to perform the The functions of the regional offices include Duty Officer on a rotational basis s which is perceived as being problematic. (is this correct, i.e. can any/all of these occupational groups be designated as Duty Officer?)

Commented [m2]: What about the Senior Officer positions, e.g. Peter Twomey's position??

- Duty Officers is the unofficial title given to employees of EMQ who are required to remain on call and respond to calls from the public and other Government agencies and services. Can we provide more detail about the extent to which duty officers are on-call, e.g. one week out of two, and paid an on-call allowance amounting to or whatever the arrangements are? Duty Officer may be employed at various administrative levels including senior officers.

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- A perception amongst employees is that the overtime exemption (provided by the Hours and Overtime Ministerial Directive 5/05) provides inequitable outcomes for Duty Officers, as those at the level of AO6 and above are not entitled to payment for overtime but are to be granted Time Off in lieu of Overtime (TOIL); however, and these officers are never afforded the opportunity to take time in lieu of overtime (TOIL).

Commented [m3]: Or, rarely???

- Regional Officers claim that, when rostered on as Duty Officers, they are continually required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:

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- Answer phone calls;
- Knowledge Information Tool referrals;

- Incident Information Escalation; and
- SES activation.

• ~~Little in the way of~~ There is little statistical evidence at this stage to support claims that Duty Officers are continually working outside of their ordinary hours; however is able to be provided at this stage. ~~Anecdotal evidence would indicates that, when rostered on as Duty Officers-, regional officers~~ Duty Officers in regions are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours. It is proposed that a retrospective review of relevant officers' working hours arrangements will be undertaken in order to establish the extent to which officers are denied access to fatigue breaks and/or TOIL.

• The PSA provides that employees are entitled to take a 10 hour break between the cessation of work on one day and commencement of work on the next (fatigue break). ~~There is a considerable risk to the employer in respect of meeting its obligations to provide a safe system of work, should it be proven that employees are working excessive hours~~ The continual working outside of ordinary hours by Duty Officers without being afforded fatigue breaks, or access to TOIL, taking any leave the following day, presents concern as to the provision of a safe system of work.

• ~~Awards including the PSA provide for employees taking a 10 hour break between the cessation of work on one day and commencement on the next (fatigue break). It is being suggested that Duty Officers are unable (by virtue of workload) to take any time off either as TOIL or fatigue break.~~

• The Possible options available to attempt to address the working hours issues for Regional Officers (and Head Office staff??) include the following:

- Strict adherence to industrial instruments to ensure that employees are granted access to adequate time away from duty;
- Clarify the work roles to minimise out of hours work;
- Acknowledge down time and prioritisation of tasks;
- Transferring certain duties performed by Duty Officers to WDOs to minimise unnecessary out of hours work;
- Introducing Aggregated and/or averaging hours of work arrangements to enable flexibility to meet peak workload demands;
- Provision of A additional annual leave in compensation for unlimited working hours;
- Pursue the R removal of the overtime exemption applied to officer classified above A05(4)h; and
- Introduce s Shift work arrangements to replicate regional managers at nights and on weekend.

• ~~Duty Officers are continually being required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:~~

- ~~Answer phone call;~~
- ~~Knowledge Information Tool referrals;~~
- ~~Incident Information Escalation; and~~

Commented [m4]: How does the fatigue break provision apply when employees are rostered 'on call'.

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Commented [m5]: I'm not sure what this means??

Commented [m6]: Who are these people - i.e. we haven't mentioned them before??

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~~SES activation.~~

Strict adherence to industrial instruments

- It is unacceptable ~~that if~~ employees are continually expected to work during the night and to continue their ordinary tasks the next day without access to fatigue breaks and TOIL arrangements, or other forms of compensation. Such practices are likely to result in increased staff turnover, increased workcover claims and a reduction in employee performance. This proposal provides that ~~it is proposed to instruct~~ Duty Officers and their managers be instructed to comply with fatigue leave and TOIL provisions provided under relevant industrial instruments ~~except in extraordinary circumstances.~~ A likely consequence of this proposal is that workload demands will not be met as offices will be unattended at certain times.

Commented [m7]: Is this true? And, we might need to expand on other consequences etc

Clarify the roles

- ~~There would appear to be a need~~ it is appropriate to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees. e.g.

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Acknowledge down time and prioritisation of tasks

- There also appears to be a need for an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level to take on If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work additional ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.

Additional annual leave in compensation

- ~~A previous suggestion has been made to c~~ompensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.

Remove overtime exemption

- Employees have suggested that the exemption from overtime for employees at the level of AO6 and above is removed. To remove the exemption on overtime for employees at the level of AO6 and above would provide for result in an expense without addressing concerns for workplace health and safety of the employees in question.

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the employment of additional staff to work shift work, however, this option is worthy of investigation. What are other implications such as costs etc????

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- There ~~is~~are a range of options available to and it is proposed to undertake a review of the work performed within EMQ in order to investigate and identify the best options available. It may well be that a combination of these options is appropriate.

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3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Director Human Resources (HR) Branch and a number of officials of the HR Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you endorse a course of action to:
 - Investigate and identify the reallocation of work to prevent possible breaches ~~to~~of workplace health and safety obligations and award provisions; and
 - Develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.

Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Jim McGowan
DIRECTOR-GENERAL

/ /

Noted / Approved / Not Approved

Comments:

100524E EMQ Hour of Work

Recently the Director General mentioned new Hours of Work arrangements in "from the DG's desk".

These arrangements are an amalgamation of the Hours of Work arrangements for the former departments of Corrective Services and Emergency Services. Employees of EMQ are specifically excluded from the departmental hours of work arrangements as they had been by the previous arrangements for the former Department of Emergency Services.

The reason that EMQ personnel are excluded from the Hours of Work arrangements is that they have their own specific arrangements for hours of work that are prescribed in the relevant award. The hours of work arrangements for EMQ are currently under review.

I trust this email clarifies the situation in relation hours of work for EMQ personnel.

QFES RTI FINAL RELEASE

**Executive Briefing Note**

Requested by: Proactive

Critical **Urgent** **General** Ref: CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)**Date:** xx/6/10**1. Background**

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. Managers and employees are concerned that industrial arrangements for EMQ do not reflect contemporary service-delivery arrangements and organisational structure.
- Current industrial arrangements and work practices highlight a range of possible issues with respect to workplace health and safety; compliance with industrial instruments; industrial harmony; and the capacity to attract and retain staff.
- EMQ is currently the subject of three reviews into its operations: the McHugh Report, the Disaster Management Review and a Workplace Health and Safety review of EMQ Helicopter Rescue. Any changes to industrial arrangements will have to reflect the outcomes of those reviews.

2. Issues

- EMQ's role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work. However, industrial arrangements for EMQ employees, other than Watch Desk Officers (WDOs) and those engaged in Helicopter Rescue largely reflect employment conditions for day-work public servants.
- There are four identifiable areas of employment within EMQ that warrant separate and specific industrial arrangements:
 - Helicopter Rescue;
 - Watch Desk Officers (WDOs);
 - Head Office/Regional Offices (public servants); and
 - Duty Officers (public servants).

Helicopter Rescue

- Employment conditions for Helicopter Rescue Pilots and Crew are the subject of a schedule to the proposed *State Government Departments Certified Agreement 2009* (2009 Core Agreement). These employees are award-free and were previously the subject of a Helicopter Rescue specific Certified Agreement (which was rescinded by the certification of the 2006 Core Agreement). The employees in question were made subject to the Core Agreement as a

matter of administrative convenience, which has resulted in employee dissatisfaction on the grounds that the public service employment framework does not meet the needs of those working in the aviation industry.

- The Chief Pilot, Deputy Chief Pilot, Chief Engineer, Deputy Chief Engineer, Base Engineers, and Base Managers have their employment conditions prescribed by a contract made under section 122 of the *Public Service Act 2008*.
- Regardless of the employees' concerns about the generic application of the industrial instrument which provides employment conditions for employees of Helicopter Rescue, the existing employment conditions provide adequate flexibility in employment practices and compensation for duties performed and time worked.

Watch Desk Officers (WDOs)

- WDOs are subject to a shiftwork arrangement specified under the *Queensland Public Service Award – State 2003 (PSA)* and otherwise by the industrial instruments that apply to public servants.
- There are no issues of significant concern in respect of industrial arrangements/employment conditions for WDOs.

Head Office/Regional Offices

- Head Office and Regional Office employees (other than those on Senior Executive Service contracts) are covered by the PSA and the 2009 Core Agreement and are subject to the operation of the Critical Incident Directive (when activated).
- Head Office and Regional Office employees are also subject to an Hours of Work arrangement made in accordance with the flexibility provisions of the PSA, which provide differing hours of work for general, administration and operational personnel in circumstances of work categorised as general, emergency and state counter-disaster arrangements (SCDA).
- General, Administrative and Operational personnel have varying spreads of hours (until 9pm, 6pm and midnight respectively). Operational personnel may work up to 12 ordinary hours per day. General and Operational personnel may also work ordinary hours on weekends.
- During SCDA activations employees above the level of AO5 and below the level of Senior Officers, are entitled to paid overtime capped at AO5 (4) pay rates.
- These Hours of Work arrangements are considered to be unnecessarily complex and inconsistent with contemporary service-delivery arrangements and EMQ's organisational structure.
- Concerns held by EMQ management and employees in respect of the current hours of work arrangements for Head Office and Regional Office staff include:
 - The distinction between categories of employees contained in the Hours of Work arrangements no longer exist;
 - Confusion caused by the ambiguity in employment conditions for different categories of employees;
 - Some employees are perceived to be inadequately compensated for the work they perform outside ordinary hours (including alleged inability to access Time Off in Lieu of Overtime (TOIL));
 - Unclear application of on-call arrangements and payments;
 - Apparent non-compliance with fatigue leave provisions in awards;

- Restriction of flexible work practices afforded to other employees of the Department of Community Safety and other Queensland Government departments (although flexible work practices are generally 'less available' to operational employees);
 - Anecdotally, extensive use of TOIL appears to have an impact on excess leave balances and TOIL balances are difficult to manage;
 - Ambiguity between the voluntary election to, and being compelled to work outside ordinary hours; and
 - Payment of overtime rates at the AO5 level to certain employees beyond the salary cut-off limit (i.e. AO6, AO7 and AO8).
- Regional Offices are staffed by public service officers also covered by the PSA and the 2009 Core Agreement). These positions include Regional Director (SO2), Area Director (AO6), Regional Training and Equipment Coordinator (AO6), Disaster Management Officers (AO5); Training Coordinator (AO5), Training Officer (AO4) Youth Development Officer (AO4); Regional Communications Technician (TO4) and Support Officer (AO3). Employees in all of these positions may be required to perform the function of Duty Officer on a rotational basis; however the requirement as to who performs Duty Officer functions varies from region to region.

Duty Officers

- 'Duty Officer' is the unofficial title given to EMQ employees who are required to remain on call and respond to calls from the public and other Government agencies and services. The frequency with which Duty Officers work outside ordinary hours varies from region to region. Duty Officers are entitled to on-call allowances and arrangements as provided in the PSA and the 2009 Core Agreement.
- Regional Officers in some regions claim that, when rostered on as Duty Officers, they are continually required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:
 - Answer (132 500) phone calls;
 - Knowledge Information Tool referrals;
 - Incident Management;
 - Distribution of warnings; and
 - SES activation.
- There is little statistical evidence (currently available) to support claims that Duty Officers are continually working outside of their ordinary hours; however anecdotal evidence indicates that, when rostered on as Duty Officers, regional officers are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours.
- A perception amongst employees is that the overtime exemption (provided by Ministerial Directive 5/05 - Hours and Overtime) provides inequitable outcomes for Duty Officers, as those at the level of AO6 and above are not entitled to payment for overtime but are to be granted TOIL; however, according to these officers, they are rarely afforded the opportunity to take TOIL.
- The PSA provides that employees are entitled to take a 10 hour break between the cessation of work on one day and commencement of work on the next (fatigue break). There is a considerable risk to the employer in respect of meeting its obligations to provide a safe system

of work, should it be proven that employees are working excessive hours without being afforded fatigue breaks, or access to TOIL.

Options

- Possible options available to address the working hours issues for Head and Regional Offices include:
 - Strict adherence to industrial instruments to ensure that employees are granted access to adequate time away from duty;
 - Systems and data collection to provide for evidence based management decisions;
 - Clarify the work roles to minimise out of hours work;
 - Improvement in time management and prioritisation of tasks;
 - Training managers on management functions and HR related issues;
 - Transferring certain duties performed by Duty Officers to WDOs to minimise unnecessary out of hours work;
 - Introducing aggregated and/or averaging hours of work arrangements to enable flexibility to meet peak workload demands;
 - Provision of additional annual leave in compensation for unlimited working hours;
 - Pursue the removal of the overtime exemption applied to officer classified above A05(4); and
 - Introduce shift work arrangements at nights and on weekend.

Strict adherence to industrial instruments

- It is unacceptable if employees are continually expected to work during the night and to continue their ordinary tasks the next day without access to fatigue breaks and TOIL arrangements, or other forms of compensation. Such practices are likely to result in increased staff turnover, increased WorkCover claims and a reduction in employee performance.
- This proposal provides that Duty Officers and their managers be instructed to comply with fatigue leave and TOIL provisions provided under relevant industrial instruments. A likely consequence of this proposal is that workload demands will not be met as offices will be unattended at certain times.

Systems and Data Collection

- In order to evaluate possible options available to deal with the issues raised in this brief, EMQ Regional Directors have been requested to provide data as to out of hours activities for the period January to April, 2010. This data is to be provided by 30 June 2010.

Clarify the roles

- It is appropriate to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees.

Training managers

- The provision of training programs for EMQ managers on HR related issues would enhance understanding of conditions, limitations and obligations in relation to workload management..

Time management and prioritisation of tasks

- It is appropriate to undertake an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level to take on screening of calls that might otherwise go to the Duty Officer in the first instance. If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work additional ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.

Additional annual leave in compensation

- Compensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.

Remove overtime exemption

- Employees have suggested that the exemption from overtime for employees at the level of AO6 and above is removed. To remove the exemption on overtime for employees at the level of AO6 and above would result in an expense without addressing concerns for workplace health and safety of the employees in question.

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the employment of additional staff to work shift work in each region, however, this option is worthy of investigation.

- There is a range of options available to attempt to address the issues raised in this brief and it is proposed to undertake a review of the work performed within EMQ in order to investigate and identify the best options available. It may well be that a combination of these options is appropriate.

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Executive Director, Human Resources Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you endorse a course of action to:
 - Match employment conditions and management practices to the outcomes of the various reviews impacting upon EMQ;
 - Investigate and identify the reallocation of work to prevent possible breaches of workplace health and safety obligations and award provisions; and
 - Develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.

Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

Jim McGowan
DIRECTOR-GENERAL

/ /

/ /

Noted / Approved / Not Approved

Comments:

Executive Briefing Note

Requested by: Proactive

Critical **Urgent** **General**

Ref:

CSD **EMQ** **QAS** **QCS** **QFRS** **SPD**

Briefing note for approval **Briefing note for information**

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)

Date: xx/6/10

1. Background

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. Managers and employees are concerned that industrial arrangements for EMQ do not reflect contemporary service-delivery arrangements and organisational structure.
- Current industrial arrangements and work practices highlight a range of possible issues with respect to workplace health and safety; compliance with industrial instruments; industrial harmony; and the capacity to attract and retain staff.
- EMQ is currently the subject of three reviews into its operations: the McHugh Report, the Disaster Management Review and a Workplace Health and Safety review of EMQ Helicopter Rescue. Any changes to industrial arrangements will have to reflect the outcomes of those reviews.

2. Issues

- EMQ's role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work. However, industrial arrangements for EMQ employees, other than Watch Desk Officers (WDOs) and those engaged in Helicopter Rescue largely reflect employment conditions for day-work public servants.
- There are four identifiable areas of employment within EMQ that warrant separate and specific industrial arrangements:
 - Helicopter Rescue;
 - Watch Desk Officers (WDOs);
 - Head Office/Regional Offices; and
 - Duty Officers.

Helicopter Rescue

- Employment conditions for Helicopter Rescue Pilots and Crew are the subject of a schedule to the proposed *State Government Departments Certified Agreement 2009* (2009 Core Agreement). These employees are award-free and were previously the subject of a Helicopter Rescue specific Certified Agreement (which was rescinded by the certification of the 2006 Core Agreement). The employees in question were made subject to the Core Agreement as a

matter of administrative convenience, which has resulted in employee dissatisfaction on the grounds that the public service employment framework does not meet the needs of those working in the aviation industry.

- The Chief Pilot, Deputy Chief Pilot, Chief Engineer, Deputy Chief Engineer, Base Engineers, and Base Managers have their employment conditions prescribed by a contract made under section 122 of the *Public Service Act 2008*.
- Regardless of the employees' concerns about the generic application of the industrial instrument which provides employment conditions for employees of Helicopter Rescue, the existing employment conditions provide adequate flexibility in employment practices and compensation for duties performed and time worked.

Watch Desk Officers (WDOs)

- WDOs are subject to a shiftwork arrangement specified under the *Queensland Public Service Award – State 2003 (PSA)* and otherwise by the industrial instruments that apply to public servants.
- There are no issues of significant concern in respect of industrial arrangements/employment conditions for WDOs.

Head Office/Regional Offices

- Head Office and Regional Office employees (other than those on Senior Executive Service contracts) are covered by the PSA and the 2009 Core Agreement and are subject to the operation of the Critical Incident Directive (when activated).
- Head Office and Regional Office employees are also subject to an Hours of Work arrangement made in accordance with the flexibility provisions of the PSA, which provide differing hours of work for general, administrative and operational personnel in circumstances of work categorised as general, emergency and state counter-disaster arrangements (SCDA). There is some ambiguity around the definitions of general and administrative employees.
- Under these arrangements, general, administrative and operational personnel have varying spreads of hours (7am - 9pm Monday to Sunday, 7am - 6pm Monday to Friday and 6am - midnight Monday to Sunday respectively). Operational personnel may work up to 12 ordinary hours per day. General and Operational personnel may also work ordinary hours on weekends.
- During SCDA activations employees above the level of AO5 and below the level of Senior Officers, are entitled to paid overtime capped at AO5 (4) pay rates.
- These Hours of Work arrangements are considered to be unnecessarily complex and inconsistent with contemporary service-delivery arrangements and EMQ's organisational structure.
- Concerns held by EMQ management and employees in respect of the current hours of work arrangements for Head Office and Regional Office staff include:
 - The distinction between categories of employees contained in the Hours of Work arrangements no longer exist;
 - Confusion caused by the ambiguity in employment conditions for different categories of employees;
 - Some employees are perceived to be inadequately compensated for the work they perform outside ordinary hours (including alleged inability to access Time Off in Lieu of Overtime (TOIL));
 - Unclear application of on-call arrangements and payments;

- Apparent non-compliance with fatigue leave provisions in awards;
 - Restriction of flexible work practices afforded to other employees of the Department of Community Safety and other Queensland Government departments (although flexible work practices are generally 'less available' to operational employees);
 - Anecdotally, extensive use of TOIL appears to have an impact on excess leave balances and TOIL balances are difficult to manage;
 - Ambiguity between the voluntary election to, and being compelled to work outside ordinary hours; and
 - Payment of overtime rates at the AO5 level to certain employees beyond the salary cut-off limit (i.e. AO6, AO7 and AO8).
- Regional Offices are staffed by public service officers also covered by the PSA and the 2009 Core Agreement). These positions include Regional Director (SO2), Area Director (AO6), Regional Training and Equipment Coordinator (AO6), Disaster Management Officers (AO5); Training Coordinator (AO5), Training Officer (AO4) Youth Development Officer (AO4); Regional Communications Technician (TO4) and Support Officer (AO3). Employees in all of these positions may be required to perform the function of Duty Officer on a rotational basis; however the requirement as to who performs Duty Officer functions varies from region to region.

Duty Officers

- 'Duty Officer' is the unofficial title given to EMQ employees who are required to remain on call and respond to calls from the public and other Government agencies and services. The frequency with which Duty Officers work outside ordinary hours varies from region to region. Duty Officers are entitled to on-call allowances and arrangements as provided in the PSA and the 2009 Core Agreement.
- Regional Officers in some regions claim that, when rostered on as Duty Officers, they are continually required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:
 - Answer (132 500) phone calls;
 - Knowledge Information Tool referrals;
 - Incident Management;
 - Distribution of warnings; and
 - SES activation.
- There is little statistical evidence (currently available) to support claims that Duty Officers are continually working outside of their ordinary hours; however anecdotal evidence indicates that, when rostered on as Duty Officers, regional officers are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours.
- A perception amongst employees is that the overtime exemption (provided by Ministerial Directive 5/05 - Hours and Overtime) provides inequitable outcomes for Duty Officers, as those at the level of AO6 and above are not entitled to payment for overtime but are to be granted TOIL; however, according to these officers, they are rarely afforded the opportunity to take TOIL.
- The PSA provides that employees are entitled to take a 10 hour break between the cessation of work on one day and commencement of work on the next (fatigue break). There is a considerable risk to the employer in respect of meeting its obligations to provide a safe system

of work, should it be proven that employees are working excessive hours without being afforded fatigue breaks, or access to TOIL.

Options

- Possible options available to address the working hours issues for Head and Regional Offices include:
 - Strict adherence to industrial instruments to ensure that employees are granted access to adequate time away from duty;
 - Systems and data collection to provide for evidence based management decisions;
 - Clarify the work roles to minimise out of hours work;
 - Improvement in time management and prioritisation of tasks;
 - Training managers on management functions and HR related issues;
 - Transferring certain duties performed by Duty Officers to WDOs to minimise unnecessary out of hours work;
 - Introducing aggregated and/or averaging hours of work arrangements to enable flexibility to meet peak workload demands;
 - Provision of additional annual leave in compensation for unlimited working hours;
 - Pursue the removal of the overtime exemption applied to officer classified above A05(4); and
 - Introduce shift work arrangements at nights and on weekend.

Strict adherence to industrial instruments

- It is unacceptable if employees are continually expected to work during the night and to continue their ordinary tasks the next day without access to fatigue breaks and TOIL arrangements, or other forms of compensation. Such practices are likely to result in increased staff turnover, increased WorkCover claims and a reduction in employee performance.
- This proposal provides that Duty Officers and their managers be instructed to comply with fatigue leave and TOIL provisions provided under relevant industrial instruments. A likely consequence of this proposal is that workload demands will not be met as offices will be unattended at certain times.

Systems and Data Collection

- In order to evaluate possible options available to deal with the issues raised in this brief, EMQ Regional Directors have been requested to provide data as to out of hours activities for the period January to April, 2010. This data is to be provided by 30 June 2010.

Clarify the roles

- It is appropriate to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees.

Training managers

- The provision of training programs for EMQ managers on HR related issues would enhance understanding of conditions, limitations and obligations in relation to workload management..

Time management and prioritisation of tasks

- It is appropriate to undertake an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level to take on screening of calls that might otherwise go to the Duty Officer in the first instance. If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work additional ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.

Additional annual leave in compensation

- Compensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.

Remove overtime exemption

- Employees have suggested that the exemption from overtime for employees at the level of AO6 and above is removed. To remove the exemption on overtime for employees at the level of AO6 and above would result in an expense without addressing concerns for workplace health and safety of the employees in question.

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the employment of additional staff to work shift work in each region, however, this option is worthy of investigation.
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3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Executive Director, Human Resources Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

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7. If this brief includes a new policy; publication; report; initiative or is a change in a policy

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8. Recommendation

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Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

Jim McGowan
DIRECTOR-GENERAL

/ /

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Noted / Approved / Not Approved

Comments:

Executive Briefing Note

Requested by: Proactive

Critical

Urgent

General

Ref:

CSD

EMQ

QAS

QCS

QFRS

SPD

Briefing note for approval

Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)

Date: xx/6/10

1. Background

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. Managers and employees are concerned that industrial arrangements for EMQ do not reflect contemporary service-delivery arrangements and organisational structure.
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Action Officer: Ken Hawkins

Area: EMQ

Telephone: 94489

matter of administrative convenience, which has resulted in employee dissatisfaction on the grounds that the public service employment framework does not meet the needs of those working in the aviation industry.

- The Chief Pilot, Deputy Chief Pilot, Chief Engineer, Deputy Chief Engineer, Base Engineers, and Base Managers have their employment conditions prescribed by a contract made under section 122 of the *Public Service Act 2008*.
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Duty Officers and Duty Managers

- 'Duty Officer' is the unofficial title given to EMQ employees who are required to remain on call and respond to calls from the public and other Government agencies and services. The frequency with which Duty Officers work outside ordinary hours varies from region to region. Duty Officers are entitled to on-call allowances and arrangements as provided in the PSA and the 2009 Core Agreement.
- Regional Officers in some regions claim that, when rostered on as Duty Officers, they are continually required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:

- [Watch Office \(in regions\)](#)

- Answer (132 500) phone calls;
- Knowledge Information Tool (KIT) referrals [from 132500 Smart Service call Centre](#);
- Incident Management [Response](#);
- Distribution of warnings [\(e.g. Tsunami\)](#); and
- SES activation.

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- [A unofficial position of State Disaster Management Group \(SDMG\) Duty Manager also exists at a state level. The SDMG Duty Manager position is held by senior officers within EMQ and has the following functions and responsibilities in support of the State Disaster Coordination Centre \(SDCC\):](#)

- [Daily media briefings are emailed to the SDCC Kedron email account, further briefings can be obtained from the Watch Desk Officer, as required;](#)
- [Provide advice and assistance to the Watch Desk Officer, as required;](#)
- [Receive, manage and respond to all after hours calls and messages in a timely and appropriate manner;](#)
- [Maintain a log of activities;](#)
- [Advise Senior Executives and key stakeholders of significant activations, events and/or issues \(refer to SDCC Initial Notification of Events\);](#)

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- Attend the SDCC to manage operational requirements, as required; and
- Duty Managers must at all times:
 - o ensure that the duty manager blackberry (mobile) is switched on and in range;
 - o remain within one hour response of the SDCC; and
 - o remain under 0.05% blood alcohol limit.

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- There is little statistical evidence (currently available) to support claims that Duty Officers are continually working outside of their ordinary hours; however anecdotal evidence indicates that, when rostered on as Duty Officers, regional officers are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours.
- A perception amongst employees is that the overtime exemption (provided by Ministerial Directive 5/05 - Hours and Overtime) provides inequitable outcomes for Duty Officers, as those at the level of AO6 and above are not entitled to payment for overtime but are to be granted TOIL; however, according to these officers, they are rarely afforded the opportunity to take TOIL.
- The PSA provides that employees are entitled to take a 10 hour break between the cessation of work on one day and commencement of work on the next (fatigue break). There is a considerable risk to the employer in respect of meeting its obligations to provide a safe system of work, should it be proven that employees are working excessive hours without being afforded fatigue breaks, or access to TOIL.

Options

- Possible options available to address the working hours issues for Head and Regional Offices include:
 - Strict adherence to industrial instruments to ensure that employees are granted access to adequate time away from duty;
 - Systems and data collection to provide for evidence based management decisions;
 - Clarify the work roles to minimise out of hours work;
 - Improvement in time management and prioritisation of tasks;
 - Training managers on management functions and HR related issues;
 - Transferring certain duties performed by Duty Officers to WDOs to minimise unnecessary out of hours work;
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 - Provision of additional annual leave in compensation for unlimited working hours;
 - Pursue the removal of the overtime exemption applied to officer classified above A05(4); and
 - Introduce shift work arrangements at nights and on weekend.

Strict adherence to industrial instruments

- It is unacceptable if employees are continually expected to work during the night and to continue their ordinary tasks the next day without access to fatigue breaks and TOIL arrangements, or other forms of compensation. Such practices are likely to result in increased staff turnover, increased WorkCover claims and a reduction in employee performance.

- This proposal provides that Duty Officers [and Duty Managers](#) and their managers be instructed to comply with fatigue leave and TOIL provisions provided under relevant industrial instruments. A likely consequence of this proposal is that workload demands will not be met as offices will be unattended at certain times.

Systems and Data Collection

- In order to evaluate possible options available to deal with the issues raised in this brief, EMQ Regional Directors have been requested to provide data as to out of hours activities for the period January to April, 2010. This data is to be provided by 30 June 2010.

Clarify the roles

- It is appropriate to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees.

Training managers

- The provision of training programs for EMQ managers on HR related issues would enhance understanding of conditions, limitations and obligations in relation to workload management..

Time management and prioritisation of tasks

- It is appropriate to undertake an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level to take on screening of calls that might otherwise go to the Duty Officer in the first instance. If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work additional ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.

Additional annual leave in compensation

- Compensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.

Remove overtime exemption

- Employees have suggested that the exemption from overtime for employees at the level of AO6 and above is removed. To remove the exemption on overtime for employees at the level of AO6 and above would result in an expense without addressing concerns for workplace health and safety of the employees in question.

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the

employment of additional staff to work shift work in each region, however, this option is worthy of investigation.

- There is a range of options available to attempt to address the issues raised in this brief and it is proposed to undertake a review of the work performed within EMQ in order to investigate and identify the best options available. It may well be that a combination of these options is appropriate.

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Executive Director, Human Resources Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you endorse a course of action to:
 - Match employment conditions and management practices to the outcomes of the various reviews impacting upon EMQ;
 - Investigate and identify the reallocation of work to prevent possible breaches of workplace health and safety obligations and award provisions; and
 - Develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public. Any proposals will be referred to you prior to consultation with employees and their unions.

Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Jim McGowan
DIRECTOR-GENERAL

/ /

Noted / Approved / Not Approved

Comments:

CONFIDENTIAL - DRAFT
QFES RTI FINAL RELEASE

Executive Briefing Note

Requested by: Proactive

Critical **Urgent** **General**

Ref:

CSD **EMQ** **QAS** **QCS** **QFRS** **SPD**

Briefing note for approval **Briefing note for information**

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)

Date: xx/6/10

1. Background

- On 15 June 2010, you endorsed a course of action to deal with a range of management and industrial issue currently facing EMQ.
- Juxtaposed to that course of was the development and negotiation of Hours of Work arrangements for the EMQ. Enclosed is correspondence for your signature that seeks negotiation of arrangements that meet the contemporary business needs of EMQ as well as providing access to flexible work practices for public service employees employed by EMQ.

2. Issues

- EMQ currently has Hours of Work arrangements (unregistered) similar to that which covers public service employees in the remainder of the Department of Community Safety. The existing EMQ Hours of Work arrangements are antiquated and ambiguous.
- It is proposed to replace the existing EMQ Hours of Work arrangements with a specific provision contained in schedule 3 to the *Queensland Public Service Award – State* (PSA). A schedule to the PSA will lift the profile, permanency and enforceability of the provisions.
- The proposed provisions in the schedule differ from the existing Hours of Work arrangements by:
 - simplifying the arrangements applying to EMQ personnel;
 - removing the artificial distinction between varying classes of employees that exists in the current Hours of Work arrangements (e.g. between administrative, general and operational personnel);
 - codifying existing shift work arrangements for Watch Desk Officers (WDOs);
- Enclosed for your signature is a letter to the Queensland Public Sector Union (QPSU – being the relevant industrial organisation) and copied the Department of Justice and Attorney (DJAG) General that encloses the proposed EMQ Hours of Work arrangements. DJAG involvement is necessary and desirable as the proposed course of action will require amendment to the PSA.
- A range of other management issues are taking place concurrently with the negotiation of the proposed EMQ Hours of Work arrangements including:
 - Relocation of work from Duty Officers in the regions to WDOs; and

- Commencing discussions with WDOs with a view to relocate day shift WDOs to a night shift and weekend arrangements.

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with a number of officials of the Employee Relations Unit.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you sign the attached letter to the QPSU that encloses a draft schedule to the QPSA and seeks to commence negotiations.

Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Jim McGowan
DIRECTOR-GENERAL

/ /

Noted / Approved / Not Approved

Comments:

**Executive Briefing Note**

Requested by: Proactive

Critical Urgent General Ref: CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)

Date: xx/710

1. Background

- On 15 June 2010 you endorsed a course of action to deal with a range of management and industrial issues currently facing EMQ.
- In further exploration of these issues associated with that course of action, it would appear that current industrial arrangements applying to EMQ are at odds with Ministerial Directive 5/05 (Hours and Overtime) in that under certain circumstances, overtime is paid to employees in contravention of that directive.

2. Issues

- As you have noted elsewhere, employees of EMQ are the subject of an unregistered Hours of Work arrangements entitled Counter Disaster and Rescue Services Hours of Work Provisions (CDRS Hours of Work) that has been in place since 1 March 1999.
- CDRS Hours of Work arrangements purport to override directives such as Directive 5/05 to the extent of any inconsistency and EMQ have been applying the Hours of Work arrangements to the exclusion of Directive 5/05.
- Part 4 of CDRS Hours of Work arrangements includes State Counter Disaster Arrangements Provisions. Part 4 provides that following a declaration of State Counter Disaster Arrangements, all work performed in excess of 7.25 hours per day is to be paid at overtime rates. In such circumstances, employees in receipt of a salary in excess of classification level AO5 are paid at the rate of classification level AO5.
- Directive 5/05, on the other hand, prevails over any industrial instrument by virtue of section 687 of the *Industrial Relations Act 1999*.
- Directive 5/05 excludes employees in receipt of wages in excess of pay point 4 of classification level AO5 from receipt of overtime payments.
- It would appear the long-standing practice of payment of overtime to employees in receipt of wages in excess of pay point 4 of classification level AO5 in circumstances of the operation of State Counter Disaster Arrangements is contradiction of Directive 5/05.
- The course of action you approved on 15 June 2010, included the renegotiation of the Hours of Work arrangements and their replacement with a provision contained in schedule 3 to the *Queensland Public Service Award – State (2003)*. It is the estimation of senior managers of EMQ that the re-negotiation of the hours of work arrangements would be seriously hampered if they involved the removal of the long-standing practice of payment of overtime to employees

above classification level AO5 in circumstances of the operation of State Counter Disaster Arrangements.

- It is also unacceptable to continue to make payment to employees in contravention of Directive 5/05.
- Directive 5/05 also provides for the relevant Chief Executive (now Director General of the Department of Justice and Attorney General) to exclude certain classes of employees in exceptional circumstances.
- Having considered all of the available options, it would appear that the most logical way forward is to seek an exemption from the overtime limit prescribed by the Hours and Overtime Directive (5/05)
- Accordingly a business case to the Director General of the Department of Justice and Attorney General has been developed and included for your approval.

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Director, Employee Relations Unit.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you approve the attached business plan to seek an exemption from Directive 5/05 (Hours and Overtime).

Bruce Grady
ACTING CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

Jim McGowan
DIRECTOR-GENERAL

/ /

/ /

Noted / Approved / Not Approved

Comments:

100702E Hawkins Dot points for business case

Ken,

I have enclosed a copy of the PSIER Business Case information sheet and

Background

- Hours of work arrangements made pursuant to the Department of Emergency Services Enterprise Partnership Agreement of 1997 (clause 4.4.1)
- Existing hours of work arrangements contain a range of antiquated provisions

Class of employees

- Insert here employees in AO6 to AO8 likely to be subject of EMQ Operational Activation

Special circumstances

- Emergency work – cannot wait till Monday or tomorrow (obvious but needs to be stated) –
- work wont be done without it – political fall out – loss of public confidence
- link into Q2
- global warming – extreme weather
- Limited number of personnel with capacity and skills
- Limited timeframes
- How often has this payed in last 5 years
- Similar to CID that it requires activation – define circumstances of CID:
 - o More than one local government
 - o Multi-agency
 - o 24/7 extended operations
 - o Feds pay
- EMQ operational activation (formerly State Counter Disaster Arrangements):
 - o 1 local govt.
 - o EMQ personnel only
 - o Not extensive at the time of declaration
 - o No Fed funding
- It is the same official that activates CID that activates the EMQ operational activation
- Has formed part of conditions for EMQ staff since 1999, it is completely unrealistic to expect renegotiation of hours of work arrangements with the removal of such a fundamental condition (custom and practice)

Agreement of employees

- Will be necessary for the proposed hours of work arrangements
- It is the status quo as far as employees are concerned
- Fatigue management is important part of hours of work arrangements

Regards,

100727E Hawkins EMQ brief OT exemption

Michael,

Today (27/7/10) Ashton and I met with Ken Hawkins with respect to progress in the brief concerning overtime exemption.

Following some lengthy consideration we have come to the conclusion that the best way forward is to use the Critical Incident Directive for the payment of overtime to officers above the AO5 cut off. We have arrived at that conclusion for the following reasons:

- The cost is not as high as might be expected given that most of the employees involved are at the AO6 level (Ken is going to undertake some costings in that regard);
- Such an approach is consistent with the DG's comments to keep matters simple;
- The delineation between critical incidents and EMQ operational activations is artificial and purely for the purposes of a definition to fit our industrial instruments;
- Operation of the CID is within the control of the Chief Officer;
- Operation of the CID does not require any approvals and/or negotiations; and
- It has beneficial attraction and retention consequences that would justify the additional expense.

Ken is still going to proceed with the business case because it is a useful exercise; however its fatal flaw is that we would be seeking an exemption forever. Given our experience with OT exemption elsewhere, it is unlikely that an open-ended exemption would be granted by PSIER. That being the case it would be necessary to contrive time lines and continually apply for exemptions in the future.

We are planning to arrange a meeting later in the week in order to proceed with this matter.

Ken has been tasked with discussing this issue with Peta et al and has requested that we don't make any comment until he has had the opportunity to undertake the costings.

Come and discuss the issues if you get a chance (might be a pleasant diversion from QAS).

Regards,

100730D EMQ Hours of Work and CID

A previous brief sought the DG's approval for a course of action in order to address a range of management and industrial relations issues existing in EMQ

Approval was given to the course of action with the notation "simple is best".

Part of approval was to develop new hours of work arrangements for EMQ.

Existing arrangements are derived from an unregistered 1997 agreement and amongst other things provides that employees above AO5 be paid overtime rates at the AO5 level

Upon investigation of the proposal for new hours of work arrangements, it was established that the existing practice of paying above AO5 overtime was contrary to the Directive 5/05.

One solution that was considered was seeking exemption in terms of 5/05 but this was considered unlikely to be approved and/or provide a result that reflected the existing practice.

The solution being considered (subject to the DG's approval) is to apply the CID to all events that might require the payment of overtime:

Advantages of using CID

- CID trumps other directives and industrial instruments
- Would provide a solid legal basis
- Cost not as high as might be thought circa \$20K pa (DCS only)
- Consistent with the direction to keep matters simple
- The delineation between CID and others circumstances that might occasion payment of OT for above AO5 is largely artificial
- Operation of the CID is within the control of this agency
- Does not require approvals or negotiations
- It has been requested by staff (previous industrial issues)
- Should be a positive step for attraction and retention

Disadvantages with seeking 5/05 exemption

- No saying that even with exemption it would be at AO5 rate (QPSU & QIRC involvement)
- Exemption would be for a period of time
- Does not neatly fit criteria upon which exemptions are usually granted

If the adoption of CID is approved it will require a process of consultation with central agencies, other stakeholders associated with SDMG, staff and the QPSU.

It is proposed to undertake this consultation as soon as possible.

Following the process of consultation it is proposed to take a submission to SDMG.

QFES RTI FINAL RELEASE

Executive Briefing Note

Requested by: Proactive

Critical **Urgent** **General**

Ref:

CSD **EMQ** **QAS** **QCS** **QFRS** **SPD**
Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management within Emergency Management Queensland (EMQ) **Date:** 4/08/10

1. Background

- On 15 June 2010 you endorsed a course of action to deal with a range of management and industrial issues currently facing EMQ. These actions include the re-negotiation of hours of work provisions.
- A conflict between the long term treatment of certain overtime entitlements as prescribed in the existing EMQ hours of work arrangements and the provisions of Ministerial Directive 5/05 (Hours and Overtime) has been identified.

2. Issues

- The majority of EMQ employees are the subject of an unregistered Hours of Work arrangement currently entitled *Counter Disaster and Rescue Services Hours of Work Provisions* (CDRS Hours of Work). These arrangements were originally known as the Emergency Services Division Hours of Work Provisions ~~and formed part of the~~
- [Clause 4.4.1 of Department of Emergency Services Enterprise Partnership Agreement 1997 \(DESEPA1997 Certified Agreement\) by virtue of Clause 4.4.1 of such Agreement obliged the parties to develop a new set of Hours of Work arrangements.](#)
- [The arrangements made pursuant to clause 4.4.1 of the 1997 Certified Agreement, were put in place on 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland \(SPSFQ\).](#)
- On the basis that the DESEPA 1997 has been rescinded and that the CDRS Hours of Work arrangements have no head of power, you have previously approved that these provisions be incorporated into Schedule 3 of the *Queensland Public Service Award – State 2003* (PSA).
- ~~The arrangements have been in place since 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland (SPSFQ).~~
- Part 4 of the CDRS Hours of Work includes enhanced overtime provisions that are to apply when the Executive Director, Emergency Services Division (now Chief Officer, EMQ) declares that State Counter Disaster Arrangements are required in relation to a specific event.

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Action Officer: Ken Hawkins

Area: EMQ

Telephone: 94489

- In these circumstances, the CDRS Hours of Work provides that for those employees engaged in work relating to the event, work performed in excess of 7.25 hours per day is to be paid at overtime rates and that in such circumstances, those employees in receipt of a salary in excess of classification level AO5(4) up to AO8(4) level are paid for overtime at the rate of classification level AO5 (4).
- Directive 5/05 (Hours and Overtime) and its predecessor Directive 19/01, effective 24/12/2001, exclude employees in receipt of wages in excess of AO5(4) from receipt of overtime payments.
- [Section 687 of the Industrial Relations Act 1999 provides that ministerial directives over-ride industrial instruments where the ministerial directive states that it so overrides an industrial instrument. Directive 5/05 contains a provision that it overrides industrial instruments.](#)
- [By virtue of section 687, the provisions from existing Hours of Work arrangements that allowed for payment of overtime to classification levels AO6, AO7 and AO8 would not be able to be included in the proposed schedule to the PSA.](#)
- [An additional complexity associated with seeking exemption under Directive 5/05 is that if such an exemption were granted the terms of the exemption \(ie payment of overtime to classification levels AO6, AO7 and AO8\) would not be able to be contained in the schedule containing the remainder of the provisions applying to the relevant employees of EMQ.](#)
- [Conversely, the application of the CID would have the added attraction that any schedule to the PSA need only "call up" up the provisions of the CID in so far as the payment of overtime is concerned. Such a call up provision would merely reflect the existing reality as the CID overrides any industrial instrument.](#)
- [The provisions of Directive 5/05 prevail over any industrial instrument by virtue of section 687 of the Industrial Relations Act 1999.](#)
- On this basis, the long-standing practice of payment of overtime to EMQ employees in receipt of wages in excess of AO5 (4) in circumstances of the operation of State Counter Disaster Arrangements, as negotiated and agreed on in good faith in 1999, is now in conflict with the provisions of Directive 5/05.
- While the continuation of overtime payments to EMQ employees in excess of AO5 (4) would be in contravention of Directive 5/05, it is considered that the successful re-negotiation of the EMQ hours of work arrangements would be seriously hampered if it involved the removal of the long-standing practice of payment of overtime to employees above classification level AO5 in circumstances relating to the operation of State Counter Disaster Arrangements (SCDA).
- Two options (use of Critical Incident Directive and Exemption from Overtime Directive 5/05) are considered to provide potential solutions to resolve this matter.
- **Option 1-** The instigation of the Critical Incident Entitlements and Conditions Directive 3/08 (CID) as from 27/12/07 does provide a range of enhanced entitlements (including overtime payment at substantive level for officers at AO5(4) level up to AO8(4) level) to public service employees in declared critical incident situations. However, the significant pre-requisites for a declared critical incident under this Directive are such that some situations that are currently covered within the pre-requisites for the declaration of State Counter Disaster Arrangements within the CDRS Hours of Work do not satisfy CID standards.
- Application of the CID in circumstances that currently activates the State Counter Disaster Arrangements within the CDRS Hours of Work is considered a viable solution to the current situation. However, the payment of overtime at substantive level allowable under CID would be above that provided for in the current CDRS Hours of Work.
- The following factors make Option 1 viable:

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- o The Critical Incident Directive provides a sound legal basis for extended overtime provisions;:-
 - o The CID enables permanent basis upon which EMQ can make overtime payments to classification levels AO6, AO7 and AO8 under appropriate circumstances;
 - o Provisions contained in a schedule to the PSA could easily make reference to the CID and apply its terms (ie payment of overtime to classification levels AO6, AO7 and AO8 in times of activation);
 - o The application of the CID would be less complex than an exemption under Directive 5/05 in that there would be only need to apply the terms of the schedule to the award and the CID (whereas an exemption under Directive 5/05 suffers the difficulties associated with section 687 of the *Industrial Relations Act 1999* referred to hereunder);
 - o Data from SCDA activations since 1/1/09 indicate minimal increased costs could be expected. (If CID conditions were applied to all SCDA activations in the period commencing 1/1/09, additional cost of approx \$20K would have been incurred);:-
 - o Approval would remain within the control of this agency;:-
 - o Staff have requested appropriate remuneration for working extended hours; and-
 - o Outcome would be a positive step for attraction and retention strategies.
- **Option 2** - Directive 5/05 provides for the relevant Chief Executive (now Director-General of the Department of Justice and Attorney General) to exclude certain classes of employees from the specified overtime salary limits in exceptional circumstances. However, any exemption granted on this basis would be for a limited time only and would require a defined class of employees to be identified in the submission. Current CDRS Hours of Work arrangements allow the Chief Officer, EMQ to identify the employees to be covered by any declaration based on the operational requirements of the specific event.
 - A Business Case is required in order to seek an exemption from Directive 5/05. Such a Business Case has been drafted for your consideration.
 - An exemption under Directive 5/05 will have complexities associated with the application of section 687 of the *Industrial Relations Act 1999*.
 - In the event that an exemption was granted in terms of Directive 5/05, the proposed instrument for maintaining the existing EMQ conditions is a Schedule to the PSA. The creation of such a schedule will by necessity involve negotiation with the relevant industrial organisation and/or proceedings before the QIRC. It is by no means certain that this process would not require some discussion about the level of overtime payment and initial responses from affected staff would indicate some dissatisfaction with the current arrangements i.e. overtime payment at the level of AO5 (4).
 - Discussions with staff would indicate that the retention of payment of overtime in circumstances of activation is essential for the ongoing industrial harmony within EMQ.
 - The payment of overtime to classification levels AO6, AO7 and AO8 since 1997 in certain circumstances would make removal of such a condition difficult.
 - Amendment to the PSA (as would be required) is unlikely to occur without the consent of the relevant union or likely to be rendered contrary to the No Extra Claims provisions (clause 2.4) of the *State Government Departments Certified Agreement 2009*.
 - Within the existing regulatory regime it would appear that only options 1 and 2 provide for an outcome that would maintain the retention of the payment of overtime.

3. Is this in accordance with Government election commitments?

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- N/A
- 4. Consultation**
 - Consultation has been undertaken with the Director, Employee Relations Unit.
- 5. Total Cost of Project and Funding Source**
 - Some additional costs are likely but this will be managed within existing budget allocations.
- 6. Has this matter been considered by a DCS Executive Committee?**
 - N/A
- 7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?**
 - No
- 8. Recommendation**
 - That you discuss options 1 and 2 (including the attached business case) with the Director-General of the Department of Justice and Attorney General.

Bruce Grady
ACTING CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

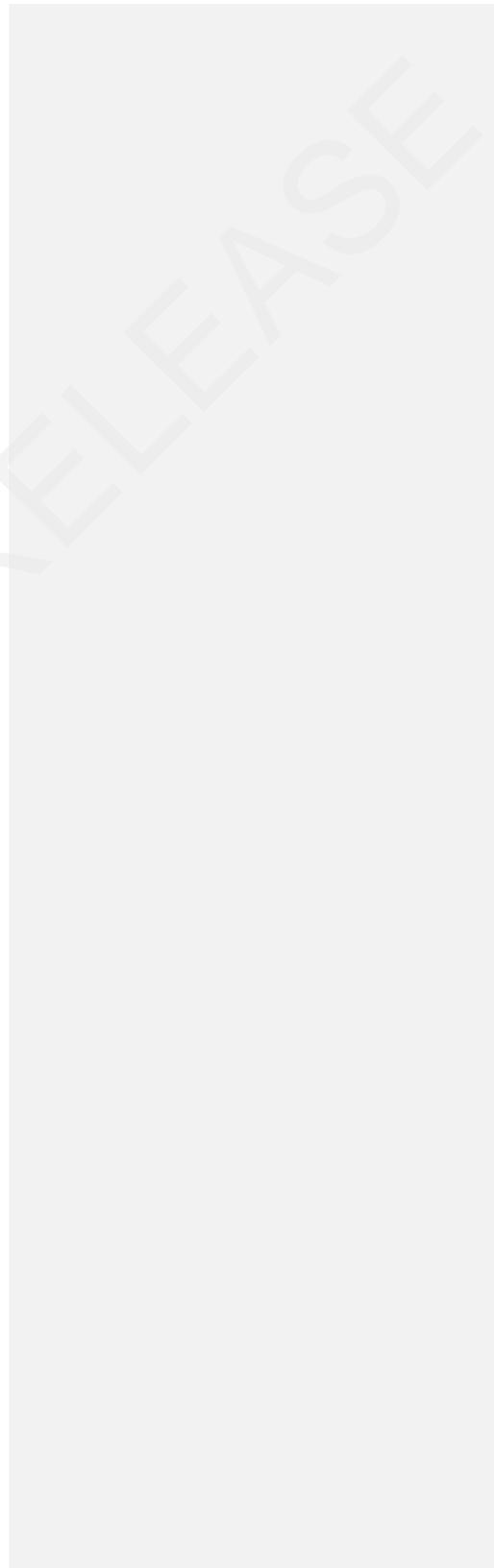
Jim McGowan
DIRECTOR-GENERAL

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Noted / Approved / Not Approved

Comments:



QFES RTI FINAL RELEASE

BUSINESS CASE

EXCLUSION OF CERTAIN EMPLOYEES

OF

**EMERGENCY MANAGEMENT QUEENSLAND
DEPARTMENT OF COMMUNITY SAFETY**

FROM

**THE OVERTIME SALARY LIMIT PRESCRIBED
IN
MINISTERIAL DIRECTIVE 5/05**

Objective:

- This proposal seeks to gain the approval of the Director-General, Department of Justice and Attorney-General to exclude certain classes of employees of Emergency Management Queensland (EMQ), Department of Community Safety from the overtime salary limit prescribed in Ministerial Directive 5/05 in certain specified circumstances.
- This primary purpose for seeking this approval is to provide the industrial basis under which the existing overtime provisions prescribed in the Hours of Work arrangements currently applied to EMQ employees can be maintained.
- The class of employees to be covered by the approval is all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 (presently 55 in total).
- Since 1997, certain employees of EMQ have been subject to industrial arrangements that provide for payment of overtime for employees at classification levels AO6, AO7 and AO8 under specified circumstances.
- The specified circumstances under which the approval is to apply are those situations that are determined by the Chief Officer, EMQ to be an "EMQ Operational Activation".
- The period of any EMQ Operational Activation will be determined by the Chief Officer, EMQ and only those employees authorised to work in support of the activation will be eligible for the application of the overtime exemption.
- EMQ seeks to maintain the industrial harmony and goodwill of employees that currently exists. The goodwill of staff has been invaluable in EMQ's capacity to respond to disasters and other incidents in recent history.

Background:

- Emergency Management Queensland (EMQ) is a division of the Department of Community Safety. The division plays a key role in the coordination of Queensland emergency and disaster management arrangements and disaster mitigation programs. EMQ also provides the core staffing for the Queensland Disaster Management System and manages the State Emergency Service (SES).
- Disaster management and mitigation has become an increasingly crucial role of Government because of:
 - growing community expectations about Government responses to disasters and other incidents; and
 - a greater occurrence of incidents that require Government response.
- For the purposes of this proposal, EMQ employees can be grouped into four broad categories:
 - Senior Officers and above;
 - EMQ Helicopter Rescue Operational staff;
 - Watch Desk Officers; and
 - Other employees based at Head Office in Brisbane and at regional locations throughout the state.

- Employment conditions for EMQ Helicopter Rescue Pilots and Crew are the subject of a schedule to the *State Government Departments Certified Agreement Certified Agreement 2009* (2009 Core Agreement). The overtime provisions for this class of employees are considered to be adequately prescribed in the existing schedule.
- Watch Desk Officers are rotational shift workers at OO6 level and their overtime provisions are also considered to be adequately covered under current provisions within the *Queensland Public Service Award – State 2003* (PSA).
- All other EMQ employees (excluding those at Senior Officer level and above) are the subject of an unregistered Hours of Work arrangement currently entitled *Counter Disaster and Rescue Services Hours of Work Provisions* (CDRS Hours of Work).
- These arrangements were originally known as the Emergency Services Division Hours of Work Provisions and formed part of the Department of Emergency Services Enterprise Partnership Agreement 1997 ([DESEPA1997 Certified Agreement](#)) by virtue of Clause 4.4.1 of such Agreement
- Clause 4.4.1 of the 1997 [DESEPA Certified Agreement](#) required the updating of existing hours of work provisions to meet identified aims which included such things as the consideration of seasonal, internal and external customer requirements, expansion of ordinary hours in recognition of after “normal hours” work requirements and to compensate all employees for “disruption of Natural Disaster Relief Arrangements”.
- The updated arrangements have been in place since 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland (SPSFQ).
- Part 4 of the CDRS Hours of Work includes enhanced overtime provisions that are to apply when the Executive Director, Emergency Services Division (now Chief Officer, EMQ) declares that State Counter Disaster Arrangements are required.
- Part 4 of the CDRS Hours of Work provides that following a declaration of State Counter Disaster Arrangements, all work performed in excess of 7.25 hours per day is to be paid at overtime rates and that in such circumstances, employees in receipt of a salary in excess of classification level AO5(4) up to AO8(4) level are paid for overtime at the rate of classification level AO5 (4).
- The current CDRS Hours of Work includes a statement, continued on from the original [Hours of Work Arrangements 1999 agreement](#), that the agreement prevails to the extent of any inconsistency with Directives and other rulings issued by the Minister for Training and Industrial Relations.
- Directive 5/05 (Hours and Overtime) and its predecessors, Directive 19/01 (effective 24/12/2001) and Determination 14, excludes employees in receipt of wages in excess of AO5(4) from overtime payments.
- The provisions of Directive 5/05 prevail over any industrial instrument by virtue of section 687 of the *Industrial Relations Act 1999*.
- On this basis, the payment of overtime to EMQ employees in receipt of wages in excess of AO5(4) in circumstances of the operation of State Counter Disaster Arrangements is in conflict with the provisions of Directive 5/05.
- Notwithstanding the apparent contradiction of the policy position adopted by Directive 5/05 and the provisions of the CDRS Hours of Work arrangements, employees and

management of EMQ have received payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances since 1997.

- There are genuine concerns that the removal of the capacity to pay overtime to classification levels AO6, AO7 and AO8 in these circumstances will lead to substantial operational difficulties for EMQ.
- The goodwill of staff has been invaluable in EMQ's capacity to respond to disasters and other incidents and the removal of the ability to pay overtime to classification levels AO6, AO7 and AO8 in specified circumstances will seriously erode that goodwill.
- The workload associated with disaster management and mitigation is such that use of TOIL is impractical.

Current Situation:

- EMQ's role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work by staff at all levels.
- In addition, EMQ has recently been the subject of three reviews into its operations: the McHugh Report, the Disaster Management Review and a Workplace Health and Safety review of EMQ Helicopter Rescue.
- In response to the changing work demands of EMQ, a program of work has been initiated to review management practices, investigate and identify the reallocation of work and to develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.
- A significant part of this program is the proposed replacement of the existing CDRS Hours of Work arrangements with specific provisions in Schedule 3 (Agency Specific Provisions) to the *Queensland Public Service Award – State 2003* (PSA).
- Provisions in schedule 3 of the PSA are more robust and enforceable than an unregistered agreement that relies upon a superseded ~~certified agreement~~Certified Agreement for its existence.
- The CDRS Hours of Work arrangements include an extended spread of hours (later cease time Monday to Friday and the ability to work ordinary hours on weekends) that enables EMQ to function as an operational division.
- The extended spread of hours was negotiated as a result of a provision 1997 Certified Agreement (Clause 4.4.1) that obliged the parties to negotiate Hours of Work arrangements. Clause 4.4.1 provided that hours of work arrangement be negotiated that, amongst other things, expanded the spread of ordinary hours in recognition of after normal hours and compensated employees for the disruption of Natural Disaster Relief Arrangements.
- It is quite clear that the extended spread of hours and overtime payments to classification levels AO6, AO7 and AO8 are inextricably linked. The ability for EMQ to work employees outside of normal office hours is the trade off for the payment of overtime to classification levels AO6, AO7 and AO8 and vice versa from the point of view of the employees.
- Any amendment of the PSA will require negotiations with the Queensland Public Sector Union (QPSU) representing the relevant employees of EMQ. Given the

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sentiment of employees of EMQ [and the nexus between the flexible provisions and the payment of overtime](#), it is unlikely that the QPSU would be disposed towards such an amendment unless it involved retention of the payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances.

- Also given the nature of the No Extra Claims Clause (Clause 2.4) contained in the *State Government Departments Certified Agreement* [Certified Agreement 2009](#) (the Core Agreement), it is unlikely that there would be any possibility to amend the PSA without the consent of the QPSU.
- Clause 2.4 of the Core Agreement (which also binds EMQ) [contains the following provision is sub-clause \(1\): contains a No Extra Claims clause. It is arguable that the removal of such a long-standing condition might constitute an extra claim on the part of the employer.](#)
- ~~This Agreement is in full and final settlement of all parties' claims for its duration. It is a term of this Agreement that no party will pursue any extra claims relating to wages or conditions of employment whether dealt with in this Agreement or not.~~ (Emphasis added). The removal of a condition of employment (i.e. payment of overtime as opposed to TOIL) that has existed since 1999 constitutes an extra claim on the part of the employer (EMQ) and as such would be prevent an application to amend an award without consent (see *Ergon Energy v ETU [2006] QIC 481QGIG533*).
- While the continuation of overtime payments to EMQ employees in excess of AO5(4) would be in contravention of Directive 5/05, it is considered that the successful re-negotiation of the EMQ hours of work arrangements would be unrealistic if it involved the removal of this long-standing practice as negotiated and agreed on in good faith in [the 1999 Hours of Work Arrangements](#).

Commented [m1]: Or 1997????

Categories of Work:

- The type of work done by the EMQ employees addressed in this proposal falls into three categories:
 - Routine;
 - EMQ Operational Activation (as declared by the Chief Officer, EMQ); or
 - CID Activation (as declared by the Chief Officer, EMQ and also by the Director-General, Justice and Attorney-General).
- Routine work relates to the daily activities performed by EMQ employees within agreed hours of work and with the usual overtime salary limits of Directive 5/05.
- EMQ Operational Activation is the contemporary term proposed to replace the State Counter Disaster Arrangements provisions in the current CDRS Hours of Work. Situations of this type could be generally defined as an event that requires the activation of staff as a result of an emergency or protracted event in a community that does not meet the pre-requisites to be assessed as an event under the Critical Incident Directive. Characteristics of an EMQ Operational Activation include:
 - Local event;
 - Single agency response;
 - Extended hours required to be worked by staff in preparing for, managing or recovering from an event;

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- Work necessary to secure life and property; and
 - Immediate action necessary.
- CID Activations are made in accordance with the provisions of Directive 3/08. Characteristics of a CID Activation include:
 - The occurrence of an event under the Disaster Management Act;
 - Extended hours worked by staff in preparing for, managing or recovering from an event;
 - Significant threat to life and property;
 - Multi-agency response necessary;
 - Activation of the State Disaster Co-ordination Centre;
 - Multiple locations and/or extensive area of event;
 - Multiple [Local Government Disaster Management Group \(LGDMG\)](#) activations ;
 - National Disaster Relief and Recovery Arrangements activated; and
 - Immediate response necessary.
- The instigation of the Critical Incident Entitlements and Conditions Directive 3/08 (CID) as from 27/12/07 does provide a range of improved entitlements to public service employees in declared critical incident situations. However, the significant pre-requisites for a declared critical incident under this Directive are such that some situations that are currently covered within the pre-requisites for the declaration of State Counter Disaster Arrangements within the existing CDRS Hours of Work do not satisfy CID standards.

Activations History:

The following Table 1 shows information on the overtime performed by EMQ staff at classifications level AO6 to AO8 during activations since 1/1/09:

Table 1 Recent Activation History

Event	Activation Type		Period of Activation	Number of Staff by Classification Level	Overtime Costs
	EMQ	CID			
TC Neville	x		21/1/09 to 25/1/09	40	?? hrs and/or xx \$
			<i>Data being collated (when?)</i>		

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Event	Activation Type		Period of Activation	Number of Staff by Classification Level	Overtime Costs
	EMQ	CID			

Issues:

- The limited core staff levels of EMQ requires that at times of operational activations, extended hours must be worked by staff at all classification levels to meet urgent service demands a those times.
- The nature of routine EMQ work (e.g. meetings with local government and community groups during the day and with volunteers on weekends and at night) already places demands on staff over extended periods of time.
- The management of TOIL accruals is already a challenge for EMQ, particularly in regional areas, where demands on the limited staff levels are high with expectations that staff will be accessible to their clients at all times.
- Leave management in general is an ongoing challenge with the peak operational period (cyclone season) from October to March limiting the time that leave can generally be taken to 7 months of the year.
- EMQ employees have indicated a strong preference to paid overtime as opposed to TOIL (where a choice is available) and this arrangement is also the preferred approach for EMQ, the outcome providing a reasonable balance between maximising staff availability levels for operational purposes and allowing staff adequate recreation time through access to usual leave accruals at convenient times.
- Given the reliance on reaching agreement to maintain the existing flexibilities contained in the Hours of Work Arrangements, the retention of the payment of overtime to classification levels AO6, AO7 and AO8 is considered to be essential.

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Class of Employees:

- The exclusion from Directive 5/05 that is being sought will apply to all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 but only in situations where the Chief Officer, EMQ declares an activation and then only to those staff within the class of employees who are approved to participate in the activation. The following table 2show the positions within this class which at this time are most likely to be engaged in operational activitiescontains all of the positions in the AO6 to AO8 classification range within EMQ:

Table 2 EMQ Potions at classification levels AO6, AO7 and AO8

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Position Title	Class	Number of Posns	Position Title	Class	Number of Posns
Executive Manager	AO8	6	Area Director	AO6	20

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Position Title	Class	Number of Posns	Position Title	Class	Number of Posns
Executive Officer	AO8	1	Senior Program Officer	AO6	12
Principal Program Officer	AO7	10	Regional Training & Equipment Officer	AO6	2

- [Not all of these employees will be required to perform work that attracts overtime payment. The recent activations and number of employees involved are contained in Table 1.](#)

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Agreement with staff:

- This proposal seeks to continue a practice agreed with employees [and their union in 1998 in the 1997 Certified Agreement and the subsequent Hours of Work Arrangements](#). It would be reasonable to suggest that employee expectations are such that agreement to rationalise and update conditions of employment would be contingent upon retention of the payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances.
- The QPSU has been informed of the Agency's intention to seek approval for this exemption from the overtime limit and that this approach forms part of the soon to commence negotiation phase for a revised hours of work agreement for EMQ employees.

Workload Management:

- While this proposal seeks to continue existing entitlements in operational situations, the process of revising the hours of work agreement for EMQ employees includes a review of various work practices aiming to reduce the out of hours workload for EMQ staff, particularly those within the class of employees identified previously.
- The review of work practices will involve the transfer of certain duties from regional staff to Watch Desk Officers who are employed on shift arrangements. It is the intention of this job redesign to remove routine functions from regional personnel and refocusing regional staff on disaster management and mitigation in their specific locations.
- In addition, improved practices in roster management during operational activities is focussed on better managing fatigue within a high demand operational workload.

Options:

The following options have been considered:

- Eliminate EMQ Operational Activations and include operations of this type as a Critical Incident Directive activation:
 - o Advantages:
 - No exemption from overtime limit required
 - Simple process requiring approval of Chief Officer, EMQ only

- (For employees) Increased compensation as overtime paid at substantive level
- Consistency in the application of overtime to EMQ employees at classification levels AO6, AO7 and AO8 in all circumstances (CID and other circumstances)
- A more permanent solution (does not require on-going approval)
- Disadvantages:
 - Assessment criteria currently used in determining a Critical Incident event would be less restrictive.
 - Increased costs as overtime would be paid at substantive level and not capped at AO5(4) level
- Revert to standard Public Service overtime provisions:
 - Advantages:
 - (For employer) Decreased overtime costs
 - Disadvantages:
 - Proper and enforceable industrial arrangements are unlikely to be renegotiated. It is unlikely that existing flexible employment conditions will be retained without payment of overtime to classification levels AO6, AO7 and AO8
 - (For employees) Seen as unwarranted reduction in current compensation levels
 - Damage to existing relationships and goodwill likely to result in:
 - industrial action by disgruntled employees
 - Staff turnover
 - Inability for EMQ to maintain its current functions
- Maintain status quo through approval of exemption from overtime limit approval (Directive 5/05):
 - Advantages:
 - Existing conditions "legitimised"
 - No additional expense
 - Disadvantages:
 - Approval can only be for limited period only with requests for extension required
 - Complexities associated with the operation of section 687 of the Industrial Relations Act 1999 and Directive 5/05 overriding an industrial instrument

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Proposal:

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• ~~Two viable alternatives exist:~~

- ~~Exemption from Directive 5/05 to enable existing provisions to apply; and~~
- ~~Adoption of the CID for all circumstances where payment of overtime to classification levels AO6, AO7 and AO8 may be required.~~

- Directive 5/05 provides for the Director-General of the Department of Justice and Attorney General to exclude certain classes of employees from the specified overtime salary limits in exceptional circumstances.
- Approval is sought for exemption from the overtime limit for all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 who are authorised to work in support of situations that are determined by the Chief Officer, EMQ to be an "EMQ Operational Activation".

Jim McGowan

Director-General

/ /

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**Executive Briefing Note**

DG 409.

Requested by: Proactive

Critical Urgent General Ref: CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Director-General, Department of Community Safety

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland

Date: 10/8/2010

1. Background

- On 15 June 2010 you endorsed a course of action to deal with a range of management and industrial issues currently facing Emergency Management Queensland (EMQ). These actions include the re-negotiation of hours of work provisions.
- A conflict between the long term treatment of certain overtime entitlements as prescribed in the existing EMQ hours of work arrangements and the provisions of Ministerial Directive 5/05 (Hours and Overtime) has been identified.

2. Issues

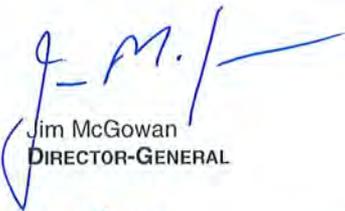
- The majority of EMQ employees are the subject of an unregistered Hours of Work arrangement currently entitled *Counter Disaster and Rescue Services Hours of Work Provisions* (CDRS Hours of Work). These arrangements were originally known as the Emergency Services Division Hours of Work Provisions.
- Clause 4.4.1 of *Department of Emergency Services Enterprise Partnership Agreement 1997* (1997 Certified Agreement) obliged the parties to develop a new set of Hours of Work arrangements.
- The CDRS Hours of Work arrangements made pursuant to clause 4.4.1 of the 1997 Certified Agreement, were put in place on 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland (SPSFQ).
- On the basis that the DESEPA 1997 has been rescinded and that the CDRS Hours of Work arrangements have no head of power, you have previously approved that these provisions be incorporated into Schedule 3 of the *Queensland Public Service Award – State 2003* (PSA).
- Part 4 of the CDRS Hours of Work includes enhanced overtime provisions that are to apply when the Executive Director, Emergency Services Division (now Chief Officer, EMQ) declares that State Counter Disaster Arrangements are required in relation to a specific event.
- In these circumstances, the CDRS Hours of Work provides that for those employees engaged in work relating to the event, work performed in excess of 7.25 hours per day is to be paid at overtime rates and that in such circumstances, those employees in receipt of a salary in excess of classification level AO5 (4) up to AO8 (4) level are paid for overtime at the rate of classification level AO5 (4).
- Directive 5/05 (Hours and Overtime) and its predecessor Directive 19/01, effective 24/12/2001, exclude employees in receipt of wages in excess of AO5 (4) from receipt of overtime payments.

- Section 687 of the *Industrial Relations Act 1999* provides that ministerial directives over-ride industrial instruments where the ministerial directive states that it so overrides an industrial instrument. Directive 5/05 contains a provision that it overrides industrial instruments.
- By virtue of section 687, the provisions from existing Hours of Work arrangements that allow for payment of overtime to classification levels AO6, AO7 and AO8 would not be able to be included in the proposed schedule to the PSA.
- On this basis, the long-standing practice of payment of overtime to EMQ employees in receipt of wages in excess of AO5 (4) in circumstances of the operation of State Counter Disaster Arrangements, as negotiated and agreed on in good faith in 1999, is in conflict with the provisions of Directive 5/05.
- The Director-General, Department of Justice and Attorney-General is authorised to exempt specified employees from Directive 5/05. A complexity associated with seeking exemption under Directive 5/05 is that if such an exemption were granted, the terms of the exemption (i.e. payment of overtime to classification levels AO6, AO7 and AO8) would not be able to be contained in the schedule to the PSA containing the remainder of the working hours provisions applying to the relevant employees of EMQ.
- While the continuation of overtime payments to EMQ employees in excess of AO5 (4) would be in contravention of Directive 5/05, it is considered that the successful re-negotiation of the EMQ hours of work arrangements would be seriously hampered if it involved the removal of the long-standing practice of payment of overtime to employees above classification level AO5 in circumstances relating to the operation of State Counter Disaster Arrangements (SCDA).
- Two options (use of Critical Incident Directive and Exemption from Overtime Directive 5/05) are considered to provide potential solutions to resolve this matter.
- **Option 1-** The instigation of the Critical Incident Entitlements and Conditions Directive 3/08 (CID) as from 27/12/07 provides a range of enhanced entitlements (including overtime payment at substantive level for officers at AO5 (4) level up to AO8 (4) level) to public service employees in declared critical incident situations. However, the significant pre-requisites for a declared critical incident under this Directive are such that some situations that are currently covered within the pre-requisites for the declaration of State Counter Disaster Arrangements within the CDRS Hours of Work do not satisfy CID standards.
- Application of the CID in circumstances that currently activates the State Counter Disaster Arrangements within the CDRS Hours of Work is considered a viable solution to the current situation. However, the payment of overtime at substantive level allowable under CID would be above that provided for in the current CDRS Hours of Work.
- The following factors make Option 1 viable:
 - The Critical Incident Directive provides a sound legal basis for extended overtime provisions;
 - The CID enables permanent basis upon which EMQ can make overtime payments to classification levels AO6, AO7 and AO8 under appropriate circumstances;
 - Provisions contained in a schedule to the PSA could easily make reference to the CID and apply its terms (i.e. payment of overtime to classification levels AO6, AO7 and AO8 in times of activation);
 - The application of the CID would be less complex than an exemption under Directive 5/05 in that there would be only need to apply the terms of the schedule to the award and the CID (whereas an exemption under Directive 5/05 suffers the difficulties associated with section 687 of the *Industrial Relations Act 1999* previously referred to);
 - Data from SCDA activations since 1/1/09 indicate minimal increased costs could be expected. (If CID conditions were applied to all SCDA activations in the period commencing 1/1/09, additional cost of approx \$20K would have been incurred);
 - Approval would remain within the control of this agency;
 - Staff have requested appropriate remuneration for working extended hours on a semi-regular basis; and the
 - Outcome would be a positive step for attraction and retention strategies.

- **Option 2** - Directive 5/05 provides for the relevant Chief Executive (now Director-General of the Department of Justice and Attorney General) to exclude certain classes of employees from the specified overtime salary limits in exceptional circumstances. However, any exemption granted on this basis would be for a limited time only and would require a defined class of employees to be identified in the submission. Current CDRS Hours of Work arrangements allow the Chief Officer, EMQ to identify the employees to be covered by any declaration based on the operational requirements of the specific event.
 - A Business Case is required in order to seek an exemption from Directive 5/05. Such a Business Case has been drafted for your consideration.
 - Discussions with staff indicate that the retention of payment for overtime in circumstances of activation is essential for the ongoing industrial harmony within EMQ.
 - The payment of overtime to classification levels AO6, AO7 and AO8 since 1997 in certain circumstances would make removal of such a condition difficult.
 - Amendment to the PSA (as would be required) is unlikely to occur without the consent of the relevant union or likely to be rendered contrary to the No Extra Claims provisions (clause 2.4) of the *State Government Departments Certified Agreement 2009*.
 - Within the existing regulatory regime it would appear that only options 1 and 2 provide for an outcome that would maintain the retention of the payment of overtime.
- 3. Is this in accordance with Government election commitments?**
- N/A
- 4. Consultation**
- Consultation has been undertaken with the Director, Employee Relations Unit.
- 5. Total Cost of Project and Funding Source**
- Some additional costs are likely but this will be managed within existing budget allocations.
- 6. Has this matter been considered by a DCS Executive Committee?**
- N/A
- 7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?**
- No
- 8. Recommendation**
- That you discuss options 1 and 2 (including the attached business case) with the Director-General of the Department of Justice and Attorney General.

Bruce Grady
ACTING CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

1 / 1


 Jim McGowan
DIRECTOR-GENERAL
 16 18/10

Approved / ~~Not Approved~~

Comments:

File No: ()
Ref No: (10/08557)

Office of the
Director-General

Department of
Community Safety

Mr Barry Leahy
Associate Director General
Department of Justice and Attorney-General
GPO Box 69
Brisbane QLD 4001

Dear Mr Leahy,

Thank you for meeting with me on 31 August 2010 in relation to the industrial arrangements for Emergency Management Queensland (EMQ), being an operational Division of the Department of Community Safety.

Officers of my department are currently in the process of updating these industrial arrangements with a view to including specific provisions in schedule 3 of the *Queensland Public Service Award – State 2003*.

As you would recall, long-standing (since 1997) industrial arrangements applying to employees of EMQ provide for the payment of overtime to employees above the level of AO5 in very specific circumstances. The Chief Officer of EMQ has, by virtue of these arrangements, the ability to initiate activations that result in payment of overtime rather than the use of time in lieu of overtime (TOIL) for employees above the level of AO5. These arrangements are now in contravention of Ministerial Directive 5/05 (Hours and Overtime) that proscribes the payment of overtime for employees above the level of AO5 and mandates use of TOIL for such employees. Ministerial Directive 5/05 also overrides industrial instruments pursuant to section 687 of the *Industrial Relations Act 1999*.

I have been advised that the application of TOIL in cases of EMQ activations would be both industrially and operationally untenable. In order to maintain the ability to make payment of overtime to employees above the level of AO5 and to have such arrangements enshrined in an industrial instrument, the use of a Ministerial Directive is an option.

Having considered all of the available options, in my view, the most appropriate course of action is to include a specific provision in the Directive 03/08 (Critical Incident Entitlement and Conditions). As you would be aware, Directive 03/08 allows for the payment of overtime to employees above of the level of AO5 (up to AO8) in circumstances where a critical incident has been declared. It would appear logical to include in Directive 03/08 specific provisions that apply in the case of EMQ activations.

Creating a safer Queensland
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Telephone +61 7 3247 8531
Facsimile +61 7 3247 8535
Website www.communitysafety.qld.gov.au
ABN 19 823 962 345

I have enclosed for your consideration a draft amendment to Directive 03/08 that would provide the Director General of the Department of Community Safety with the power to declare activation thereby enabling application of the same conditions that apply in the case of a critical incident under Directive 03/08.

The proposed amendment to Directive 03/08 would enable the continued industrial arrangements for EMQ employees but limit their application to the employees currently the subject of the industrial arrangements in place at EMQ. EMQ activations having Director General (rather than Chief Officer) approval would provide for a level of governance befitting the application of entitlements such as the payment of overtime to employees above the level of AO5.

I am mindful of the workplace health and safety considerations associated with the current application of Directive 03/08 and would ensure that particular regard is paid to these considerations in any future use of that same directive for EMQ activations.

In addition, I understand that the Queensland Public Sector Union (being the relevant industrial organisation) and the relevant employees are supportive of the continued payment of overtime in cases of EMQ activations.

Should you require further information, please contact John Martin, Principal Advisor Employee Relations on telephone number (07) 3247 8162.

Yours sincerely

Jim McGowan
Director-General

Proposed amendment to Directive 03/08 (Critical Incident Entitlement and Conditions)

By inserting a new paragraph c) in Clause 2 of Schedule A as follows:

- “c) where the Chief Executive of the Department of Community Safety declares an Emergency Management Queensland activation. Emergency Management Queensland activation includes any set of circumstances or event that is likely to give rise to the need for shift work or other specific entitlements of public service employees of the Department of Community Safety.”

INFORMATION SHEET

On Call / Recall Conditions and Entitlements EMQ Employees

Purpose:

This information sheet provides a summary of conditions and entitlements for EMQ employees (excluding Helicopter Rescue operational staff, Watch Desk Officers, Senior Officers and those on contract) who may be placed on-call and/or be recalled to perform duty during an off-duty period.

Key Point Summary:

- EMQ employees up to and including AO8 level can be directed to perform reasonable overtime and may be required to participate in an on-call roster arrangement from time to time.
- Those employees up to and including AO8 level who are instructed to be on-call are eligible for an on-call allowance regardless of whether or not any work is performed while on-call...
- EMQ employees may be recalled to duty when not on-call.
- Those employees up to and including AO8 level who are required to return to their workplace or provide advice over or a response from home either by logging on to a computer or by phone are eligible for compensation for the time worked.
- Overtime compensation for those up to and including AO5(4) is by way of paid overtime.
- Overtime compensation for those from AO6(1) up to and including AO8(4) is by way of TOIL (Time Off In Lieu of Overtime).

Definitions/Explanations:

On-Call is the industrial term applied when an employee is required to be available, outside his/her normal hours of work to respond, (normally to a telephone call from the workplace), to requests for advice and/or remedial action.

If the employee is required to return to their place of work to provide advice/assistance on a matter then this is termed a **recall**.

The provisions and conditions relating to on-call and recall arrangements for public servants are contained in the *Queensland Public Service Award - State 2003* and the *State Government Departments Certified Agreement 2009*.

Overtime:

An important item to note is that when duties are performed during an occasion of on-call, the time spent while attracting compensation for the overtime worked, does not attract payment if the employee's salary is greater than the AO5(4) classification level. Overtime performed by such employees will be compensated by equivalent time for time, ie: TOIL. Employees whose classification is **less than** the AO5(4) classification level are entitled to overtime payments only.¹

Overtime payable or claimed as TOIL is in addition to the payment of the applicable on-call allowance.

The taking of accrued TOIL is to be mutually agreed between the employee and supervisor.

¹ Minister for Industrial Relations *Directive No 5/05 – Hours and Overtime*.

Entitlements:

On-Call Allowance:

When an employee is placed **on-call**, (termed **instructed** in the Award), a graded allowance is paid for each occasion the employee is placed on-call. In the first instance, these allowances are derived from an Award salary rate [PO3(4)] with the prevailing CA rate applied. This mechanism allows for the on-call allowance rates to be indexed by future CA increases. The current rates² for on-call allowances are as follows:

- Where the employee is on-call throughout the whole of a rostered day off or statutory holiday – 95% of the hourly rate in such instances **[\$36.93]**;
- Where the employee is on-call during the night only of a rostered day off or statutory holiday – 60% of the hourly rate in such instances **[\$23.32]**;
- Where the employee is on-call any other night – 47.5% of the hourly rate per night **[\$18.46]**.

Note: The on-call allowance is paid irrespective of whether or not the employee actually performs any duties during the on-call period and the allowance is paid per night, (not per hour).

Overtime Compensation:

(Refer to attached schedule for details)

Miscellaneous Provisions:

When an employee is recalled to work during an off duty period, the employee will either be provided with transport to and from the employee's home, or be refunded the cost of such transport, (eg: bus, cab fares) - **clause 6.4.8 of the QPS Award**.

Where practicable, an employee shall not be required to be continuously on-call for a period in excess of six (6) weeks - **S4.6.3(g) of the QPS Award**.

The fatigue leave provisions of the QPS Award, (clause 6.4.9), apply when an employee has worked in excess of two (2) hours, inclusive of travelling time, on one or more recalls - **S4.6.3(h) of the QPS Award**.

Reference Material:

(Links to be inserted beside each reference)

- *Queensland Public Service Award - State 2003*
- *State Government Departments Certified Agreement 2010*
- *EMQ Hours of Work Provisions*
- *Directive 5/05 – Hours and Overtime*
- *On-call Allowance Claim Form*
- *Overtime Claim Form*

Contacts:

- Enquires on entitlements, conditions and processes should be directed to the EMQ HR Unit (<mailto:agnes.powell@dcs.qld.gov.au>) in the first instance.

² Rates applying from the 1 August, 2010.

Overtime Entitlements and Conditions - On-Call & Recall Situations

State Government Departments Certified Agreement 2006 & Queensland Public Service Award – State 2003

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
On-Call Provide advice only (from home)	An employee on-call being requested to provide advice or receive information over the phone, without returning to work or the need to log on to a computer.	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i>
Entitlement:		<ul style="list-style-type: none"> • Up to 2 hours x 150% - <i>6.4.1 of QPS Award.</i> 	<p>Saturday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 150% - <i>6.4.2(a) of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 200% - <i>6.4.2(b) of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Up to 2 hours x 250% - <i>clause 7.7 of QPS Award.</i> <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Up to 2 hours x 300% - <i>section 15(4)(b) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
Recalled Required to return to work	An employee on-call being recalled to perform duty and required to return to the workplace to do so.	<ul style="list-style-type: none"> • Minimum payment of two hours – <i>Schedule 4.6.3(b) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(b) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of two hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i>
Entitlement:		<ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.1 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.1 of QPS Award.</i> 	<p>Saturday:</p> <ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.2 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.2 of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • All Time – Double time (200%) – <i>6.4.2 of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • 250%. <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • First 3 Hours – 300%. • Thereafter – 400% – <i>section 15(4)(a)(ii) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
Recalled Work performed at home	An employee on-call being recalled to perform duty and doing so from home by logging on to a computer (not just a phone advice/response).	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour if outside ordinary hours of work – <i>clause 2.2(b) of SGDC Agreement.</i> • Minimum payment of four hours if within ordinary hours of work – <i>clause 7.7 of PS Award.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>clause 7.7 of PS Award.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i>
Entitlement:		<ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.1 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.1 of QPS Award.</i> • Minimum payment of 1 hour. 	<p>Saturday:</p> <ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) - <i>6.4.2 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.2 of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • All Time – Double time (200%) – <i>6.4.2 of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Minimum of 4 hours – <i>7.7 of the QPS Award.</i> • 250%. <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Minimum payment of 1 hour. • First 3 hours – 300%. • Thereafter – 400% – <i>section 15(4)(a)(ii) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • Minimum payment of 4 hours – <i>7.7 of the QPS Award.</i> • 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

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Scenarios:

Some scenarios of on-call entitlements in practice:

Scenario One:

An employee who is on-call is required to log onto a work computer system from home at 8:00pm and logs off at 8:25pm – the employee will be entitled to one hour's wages at overtime rates. Continuing this scenario, the employee is required to log onto a work computer system from home a second time at 8:30pm and logs off at 8:55pm – the employee is not entitled to any further payment.

Scenario Two:

An employee who is on-call is required to log onto a work computer from home at 8:00pm and logs off at 8:40pm – the employee is entitled to one hour's wage at overtime rates. Continuing this scenario, the employee is required to log onto a work computer from home a second time at 8:45pm and logs off at 9:30pm – the employee will be entitled to a further one hour's wages at overtime rates.

Scenario Three:

An employee who is on-call is required to log onto a work computer system from home for a single time from 8:00pm and logs off at 9:30pm – the employee will be entitled to one and a half hour's wages at overtime rates.

Thus the principle is that if an employee who is on-call is required to log onto a work computer system from home for a second time within the original one hour, but extends past the one hour mark, then a further one hour minimum will apply. If a single log on goes past one hour, then the actual time worked shall be paid for.

Overtime Entitlements and Conditions - On-Call & Recall Situations

State Government Departments Certified Agreement 2009 & Queensland Public Service Award – State 2003

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
On-Call Provide advice only (from home)	An employee on-call being requested to provide advice or receive information over the phone, without returning to work or the need to log on to a computer.	<ul style="list-style-type: none"> • Minimum payment of one hour – clause 2.2(b) of SGDC Agreement. • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – clause 2.2(b) of SGDC Agreement. • Records to be kept by employee, verified by employer – clause 2.2(b) of SGDC Agreement. • Paid for actual time worked up to a maximum payment of 2 hours – Schedule 4.6.3(d) of QPS Award. 	<ul style="list-style-type: none"> • Minimum payment of one hour – clause 2.2(b) of SGDC Agreement. • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – clause 2.2(b) of SGDC Agreement. • Records to be kept by employee, verified by employer – clause 2.2(b) of SGDC Agreement. • Paid for actual time worked up to a maximum payment of 2 hours – Schedule 4.6.3(d) of QPS Award. 	<ul style="list-style-type: none"> • Minimum payment of one hour – clause 2.2(b) of SGDC Agreement. • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – clause 2.2(b) of SGDC Agreement. • Records to be kept by employee, verified by employer – clause 2.2(b) of SGDC Agreement. • Paid for actual time worked up to a maximum payment of 2 hours – Schedule 4.6.3(d) of QPS Award. 	<ul style="list-style-type: none"> • Minimum payment of one hour – clause 2.2(b) of SGDC Agreement. • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – clause 2.2(b) of SGDC Agreement. • Records to be kept by employee, verified by employer – clause 2.2(b) of SGDC Agreement. • Paid for actual time worked up to a maximum payment of 2 hours – Schedule 4.6.3(d) of QPS Award.
Entitlement:		<ul style="list-style-type: none"> • Up to 2 hours x 150% - 6.4.1 of QPS Award. 	Saturday: <ul style="list-style-type: none"> • Up to 2 hours x 150% - 6.4.2(a) of QPS Award. Sunday: <ul style="list-style-type: none"> • Up to 2 hours x 200% - 6.4.2(b) of QPS Award. 	Within Ordinary Hours of Work: <ul style="list-style-type: none"> • Up to 2 hours x 250% - clause 7.7 of QPS Award. Outside Ordinary Hours of Work: <ul style="list-style-type: none"> • Up to 2 hours x 300% - section 15(4)(b) of IR Act. 	Easter Saturday: <ul style="list-style-type: none"> • Up to 2 hours x 250% - section 15(4)(a)(ii) of IR Act.

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
Recalled Required to return to work	An employee on-call being recalled to perform duty and required to return to the workplace to do so.	<ul style="list-style-type: none"> • Minimum payment of two hours – <i>Schedule 4.6.3(b) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(b) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of two hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i>
Entitlement:		<ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.1 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.1 of QPS Award.</i> 	<p>Saturday:</p> <ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.2 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.2 of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • All Time – Double time (200%) – <i>6.4.2 of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • 250%. <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • First 3 Hours – 300%. • Thereafter – 400% – <i>section 15(4)(a)(ii) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

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Comparison of CDRS HoW and proposed schedule 3

COUNTER DISASTER AND RESCUE SERVICES HOURS OF WORK PROVISIONS	PROPOSED SCHEDULE 3 – WORKING DRAFT (Provision in proposed schedule in bold)	CHANGES EFFECTED
PART 1 – PRELIMINARY		
<p>1.3 APPLICATION This agreement is taken to form part of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i> by virtue of Clause 4.4.1 of such Agreement. Should there be any inconsistency between this Agreement and: (i) the provisions of the <i>Public Service Award – State</i>; and (ii) Directives and other rulings issued by the Minister for Training and Industrial Relations the provisions of this Agreement shall prevail to the extent of any inconsistency. These provisions shall apply to all employees of Emergency Services Division, excluding the following classes of employees: • Employees engaged in Aviation Services as 'operational' employees;• Employees engaged at the classification level of Senior Officer 2 (SO2) and above; and • Casual employees engaged by Emergency Services Division. Notwithstanding the above, Part 4 of this Agreement may apply to employees of other Divisions of the Department of Emergency Services where such employees are required to be part of State Counter Disaster (SCD) Arrangements.</p>	<p>The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.</p> <p>3.4.2</p>	<p>Inconsequential change. Much of the preamble to the CDRS arrangements was superfluous.</p>
<p>1.4 DATE OF OPERATION These provisions will replace existing hours of work and related provisions and shall apply from 1 March 1999. This agreement will remain in force until 31 December 1999 or such later time until either party terminates the agreement by providing the other party with thirty days written notice.</p>	<p>N/A</p>	<p>The schedule 3 amendment would take effect from the time at which the QIRC amends the award.</p>
<p>1.5 PRINCIPLES (a) The management of hours worked (including accrued TOIL) shall be a local matter with the responsibility resting with managers and employees at the lowest appropriate level; (b) Employees should perform reasonable hours of work, but should not be expected to perform unreasonable or excessive hours of work. The performance of reasonable hours is a management issue to monitor in consultation with employees; (c) Hours of work must be flexible to meet customer requirements; (d) The operating hours for each work unit will be determined in consultation with employees, recognising the principles of fairness, equity and flexibility, Workplace Health & Safety and quality of service; (e) Hours of work must be simple to administer; (f) Hours of work performed must focus on the task of the work unit; (g) Hours of work must be performed with due recognition to the domestic, personal and social needs of employees; (h) Expectations of management in relation to hours of work must be communicated to employees; and (i) Management tools such as Performance Appraisals, organisational goals and objectives and positions descriptions should be used to determine optimum workloads of employees in order to avoid excessive hours of work.</p>	<p>(a) Principles</p> <p>These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:</p> <ul style="list-style-type: none"> • Maximise work/life balance; • Ensure operational coverage; • Ease traffic congestion; and • Ensure meaningful work is provided. <p>The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.</p> <p>Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL</p> <p>3.4.2 (a)</p>	<p>Greater emphasis on work/life balance as a consideration.</p>
<p>1.6 GRIEVANCES Any employee aggrieved by a decision of a manager in relation to these hours of work provisions may lodge a grievance in accordance with Clause 7.7 of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>N/A</p>	<p>Award Grievance Procedure would have application</p>

<p>1.7 DEFINITIONS</p> <p>(1) "Required by their Manager to perform work" (Clause 2.9 {1} and {4} and Clause 2.7 {2}) refers to those situations where a Manager specifically authorises and directs an employee to work a set number of hours on a public holiday, Saturday or Sunday to complete a special or significant task.</p> <p>(2) "Manager" refers to any managerial position with the Emergency Services Division of the Department of Emergency Services including the positions of Assistant Director, Director and Executive Director.</p> <p>(3) "TOIL" refers to time off in lieu of paid overtime.</p> <p>(4) "General Employees" – refers to those employees who are not classified as "administrative employees" or "DMU operational employees".</p> <p>(5) "Administrative Employees" – refers to those employees categorised as such by the Director of the Work Unit whose primary task is to provide administrative support to a work unit.</p> <p>(6) "DMU Operational Employees" - refers to those employees employed in the Disaster Management Unit who are classified as such by the Director DMU, subject to the provisions of this Agreement.</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations (Critical Incident and EMQ activations)
<p>1.8 REVIEW OF HOURS OF WORK PROVISIONS</p> <p>A review of the effectiveness of the Hours of Work provisions will be undertaken in December 1999 and will be finalised by mid January 2000</p>	N/A	No provision has been included in the draft. NB the QPSU has requested a similar review provision in negotiations for 12 hour shifts for DCS security personnel
<p>PART 2 – GENERAL HOURS OF WORK</p>		
<p>2.1 SPREAD OF HOURS</p> <p>(1) General Employees For general employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am and 9pm, Monday to Sunday inclusive; and (c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(2) Administrative Employees For administrative employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am-6pm, Monday to Friday; and (c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(3) DMU 'Operational Employees' For DMU 'Operational Employees' the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 6am-12midnight Monday to Sunday; and (c) a maximum of 12 hours in any one day excluding meal breaks.</p>	<p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.</p> <p>Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.</p> <p>In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles</p> <p>A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.</p> <p>3.4.2 (b)</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun)</p> <p>Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun</p> <p>Operational 6 am to 12 M'night Mon to Sun)</p> <p>SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>2.2 CATEGORY OF EMPLOYEES</p> <p>(1) All Work Unit Directors shall make a recommendation to the Executive Director, Emergency Services Division as to which category (General/Administrative/DMU Operational) employees' within their work unit are classified as.</p> <p>(2) Where an employee disagrees with the Director's recommendation, the employee may refer the matter to the Emergency Services Division</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.

Local Consultative Committee for their consideration. The Local Consultative Committee will make a recommendation to the Executive Director, whose decision shall be final.		
2.3 STARTING AND FINISHING TIMES Starting and finishing times shall be on the hour or at 15 minute intervals.	An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals. 3.4.2 (c)	Recording hours of work in 15 minute intervals might be best included in the schedule
2.4 MEAL BREAKS Employees shall be entitled to an unpaid meal break of not less than 30 minutes between the third and sixth hour of duty. Where the engagement of employment is greater than 10 ordinary hours, employees shall be entitled to an additional unpaid meal break of not less than 30 minutes.	Employees are entitled to meal break(s) as follows:- ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day. Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages. 3.4.4 (c)	No change
2.5 TOIL (1) All employees shall have access to at least one full day off over a 4 week period. (2) An employee's TOIL carry over shall not exceed 58 hours at the end of each 4 week period (unless specifically prescribed in these arrangements). TOIL in excess of 58 hours at the end of each 4 week period will be forfeited. (3) The minimum accrual period for TOIL is 15 minutes. (4) TOIL accrues on a time for time basis. (5) Employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these hours of work provisions up to a maximum of 36.25 hours on cessation of employment with the Division.	A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate. 3.4.2 (e)	It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours
2.6 SICK LEAVE Sick leave taken will be deducted from an employee's sick leave balance on the basis of an ordinary working day (7.25 hours) or the actual hours where an employee is sick for less than an ordinary working day.	N/A	Standard award provisions will provide for outcome of 7.25 hours
2.7 PUBLIC HOLIDAYS (1) Employees are to be credited with 7.25 hours for a public holiday except when the public holiday falls on a Saturday or Sunday. (2) Where employees are required by their manager to perform work on a gazetted public holiday they will be paid double time and a half (time and a half in addition to ordinary time) for such work with a minimum of four hours payment.	N/A	Standard award provisions will provide for outcome of 7.25 hours
2.8 FATIGUE LEAVE Employees shall be provided with, and shall avail themselves of, a minimum of ten consecutive hours off duty between the finish of duty on one day and the commencement of duty on the next rostered day. If this break is not able to be taken, the employee is to be paid at double rates for that period until released from duty. The employee will then be provided with a 10 hour consecutive break from duty without loss of pay for ordinary working time occurring during such absence (ordinary working time in this instance shall equal 7 hours 15 minutes). Provided that this clause does not apply to employees engaged in "Emergency	Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the	No change – emphasis that an employee must be directed

Work” as defined in Part 3.	conclusion of an operational activation until return to normal duties.	
<p>2.9 OVERTIME/PENALTY RATES</p> <p>(1) Where employees are required by their manager to perform work on a weekday, Saturday or Sunday outside the ordinary hours of work as defined in Clause 2.1 for the category, this time shall accrue as TOIL, provided that employees who paid at the rate of AO5 PP4 or below may receive:</p> <p>(a) time and a half for the first 3 hours, and double time thereafter, for work performed on a weekday or a Saturday;</p> <p>(b) double time for work performed on a Sunday;</p> <p>(2) Where employees elect, of their own accord, to perform work on a public holiday, weekend or outside ordinary hours of work, such time will not be recognised for any purpose.</p> <p>(3) Where employees elect to and by mutual agreement with their manager, perform work on a public holiday, weekend or outside the ordinary hours prescribed in Clause 2.1, such time will be recognised as ordinary hours of work but overtime or penalty rates will not be payable.</p> <p>(4) Where employees are required by their manager to perform work on a Saturday and Sunday within the ordinary hours of work as defined in Clause 2.1 and provided such employees are not paid in excess of AO5PP4, they will receive:</p> <p>(a) half time in addition to normal time for work performed on Saturday;</p> <p>(b) single time in addition to normal time for work performed on a Sunday;</p> <p>(c) provided that employees at the AO6 level with an existing entitlement to penalty rates for work performed on Saturdays and Sundays as at the date of commencement of these provisions will maintain that entitlement with the payment being in accordance with (a) and (b) above. Such entitlement will cease if employees are appointed to a level above AO6.</p>	<p>3.4.4 (f)</p> <p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p> <p>3.4.4 (b)</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>
<p>2.10 ON-CALL</p> <p>(1) Employees required to be on-call (as designated by the Director or delegate of the work unit) shall be paid an on-call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i> notwithstanding that any overtime may be accrued as TOIL.</p>	<p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p> <p>3.4.2 (f)</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
PART 3 – EMERGENCY OPERATIONS		
<p>3.1 APPLICATION</p> <p>This part applies to employees engaged in emergency operations as defined</p>		
<p>3.2 DEFINITION</p> <p>“<i>Emergency Operations</i>” – Operations which require the activation of staff as a result of an emergency or protracted emergency in a community (but which does not result in State Counter Disaster Arrangements). The determination of Emergency Operations is a matter for the Director of each work unit to determine in consultation with staff</p>	N/A	<p>A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.</p>
<p>3.3 RATIONALE</p> <p>This part recognises that emergencies may arise at any time and often require great flexibility and time commitment on the part of staff in dealing with them. It aims to balance the need to deal effectively with the emergency against the personal needs of staff.</p>	N/A	
<p>3.4 SPREAD OF HOURS</p> <p>(1) The hours of work performed during emergency operations</p>	<p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p>

<p>contributes to the employee's 72.5 hours per fortnight. (2) Hours may be worked between the hours of Midnight to Midnight, Monday to Sunday inclusive as required by the emergency. (3) The daily hours worked should not exceed 12 hours in any 24 hour period, excluding meal breaks.</p>	<p>3.4.4 (a)</p>	<p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri) Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>3.5 FATIGUE LEAVE Where employees, at the end of an emergency, have exceeded a total of 12 hours work in the previous 24 hours, they must avail themselves of a minimum of 10 hours break between the finish of duty on the emergency operation and the commencement of duty on ordinary hours of work. If the employer directs employees to work and the break can not be taken, the employees are to be paid at double rates until a 10 hour break is taken.</p>	<p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p> <p>3.4.4 (f)</p>	<p>No change – emphasis that an employee must be directed This appears to have been duplicated in the CDRS ARRANGEMENTS</p>
<p>3.6 TOIL No limit shall apply to the amount of TOIL which can be accrued during emergency operations but where such TOIL results in the 58 hour maximum for general conditions being exceeded, the excess should be taken as soon as practicable as determined with the local work unit.</p>	<p>Overtime is any authorised work which is preformed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.</p> <p>Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director-General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.</p> <p>Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative Directives as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.</p> <p>Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any</p>	<p>It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours</p>

	<p>time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.</p> <p>On the approval of the Assistant Director-General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.</p> <p>3.4.2 (e)</p>	
<p>3.7 INCONSISTENCY WITH GENERAL PROVISIONS Where these provisions for emergency operations are inconsistent with the general hours provisions, these provisions shall apply to the extent of an inconsistency.</p>	N/A	
<p>PART 4 – STATE COUNTER DISASTER ARRANGMENTS PROVISIONS</p>		
<p>4.1 APPLICATION Where there is an inconsistency between these provisions and the provisions in Part 2 – the provisions of this Part will prevail during periods of State Counter Disaster Arrangements.</p>	N/A	
<p>4.2 DEFINITION “State Counter Disaster Arrangements Operations” refers to those situations where the Executive Director, Emergency Services Division, declares at the commencement of the operation that State Counter Disaster Arrangements are required. Another declaration will be made at the conclusion of the operation to formalise the return to ordinary working conditions. These Arrangements shall include the deployment or redeployment of staff to or from the field prior to or after the formal declarations have been made.</p>	N/A	Antiquated terminology
<p>4.3 HOURS OF WORK (1) The maximum ordinary hours of duty during these operations shall be seven and a quarter (7.25) per day, Monday to Friday. (2) The Executive Director or Director may choose to initiate the staffing of two shifts per day within the State Disaster Coordination Centre. Where these shifts are to cover 24 hours, the day shift shall be from 7.30am to 8.00pm and the night shift shall be from 7.30pm to 8.00am or as otherwise directed by the Executive Director or Director to meet operational demands. At affected locations other than the State Disaster Coordination Centre, the hours of work will be as directed in order to meet operational requirements. (3) Meal Breaks – employees working twelve and a half hour shifts shall be allowed two paid meal breaks of 30 minutes. (4) Employees shall be entitled to rest pauses of a total of thirty minutes, which shall be taken at such times as suits operational requirements. (5) Employees engaged in State Counter Disaster Arrangements shall not accrue TOIL.</p>	<p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p> <p>3.4.4 (a)</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M’night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M’day to M’night Mon to Sun M’day to M’night Mon to Fri</p>
<p>4.4 OVERTIME (1) Any overtime worked must be authorised and directly related to the State Counter Disaster Arrangements. (2) Any time worked outside of 7.25 hours per day shall be paid at the rate of time and a half for the first three hours and double time thereafter. (3) All time worked by an employee between Midnight Friday and Midnight Saturday shall be considered overtime and shall be paid at the rate of time and a half. Any time worked by an employee above 10.25 hours on a Saturday will be paid at double time.</p>	<p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>

<p>(4) All time worked by an employee between Midnight Saturday and Midnight Sunday shall be considered overtime and shall be paid at the rate of double time.</p> <p>(5) All time worked by an employee on a public holiday shall be paid at the rate of double time and a half.</p> <p>(6) Overtime relating to State Counter Disaster Arrangements worked by an employee at a salary level greater than AO5 PP4 will be calculated at the AO5 PP4 rate of salary in accordance with the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>employer may direct the employee when it is to be taken.</p> <p>3.4.4 (b)</p>	
<p>4.5 ON-CALL Employees required by the Executive Director or Director or delegate to be on call as a result of State Counter Disaster Arrangements shall be paid an on call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i>.</p>	<p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p> <p>3.4.2 (f)</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
<p>4.6 TRANSPORT Employees will be provided with transport, or refunded the cost of such transport, to and from work when working twelve and a half (12.5) hour shifts.</p>	<p>Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause 3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i>.</p> <p>3.4.4 (e)</p>	<p>Not quite the same issue</p>
<p>4.7 MEAL PROVISIONS Where employees are required to work between the hours of 6pm and 8pm, they shall be entitled to a meal allowance (unless a meal is provided) at the rate provided for in Directive 10/97 or any amendment thereto or as per any delegated legislation which replaces that Directive</p>	<p>N/A</p>	<p>Directive will have application</p>
<p>4.8 COMMENCEMENT OF STATE COUNTER DISASTER ARRANGMENTS Employees who are at work at the time of the announcement of State Counter Disaster Arrangements, and who are directed to go home from work prior to 10.00am in order to either deploy to the field or return as rostered to the State Disaster Coordination Centre, shall be credited with two hours time or the actual hours worked for that shift, whichever is the greater. If they are directed to return home after 10.00am they shall be credited with the actual time worked.</p>	<p>N/A</p>	<p>Antiquated terminology</p>
<p>4.9 CONCLUSION OF STATE COUNTER DISASTER ARRANGMENTS If employees are part way through working a twelve and a half (12.5) hour shift when State Counter Disaster Arrangements are cancelled, they shall be credited with 4 hours or the actual hours worked for that shift, whichever is the greater.</p>	<p>N/A</p>	<p>Antiquated terminology</p>

EMQ Proposed Hours of Work Changes	QPSU Suggested Changes	ERU Recommended Response
<p>Clause 3.4.2 (b)</p> <p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed <u>12 hours per day</u> to be worked within the ordinary spread of hours.</p>	<p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. <i>(Comment: why does it have to be this late? Finishing this late elsewhere would attract 15% loading. Are there other benefits EMQ pers get in return for this.)</i> Ordinary hours of work exclusive of meal times shall not exceed <u>9.5 hours per day</u> to be worked within the ordinary spread of hours.</p>	<ul style="list-style-type: none"> • The ordinary hours of work are provided as 12 hours as this is what is provided for in existing arrangements for operational employees. The wide spread of hours enables employees to carry out their training work and attend meetings with volunteers which in some cases require them to travel and work up until 10:00pm. The extended cover of ordinary hours is reflective of the different employees and work requirements within EMQ. • The ERU recommends that EMQ employees will not be entitled to any shift loading for work they undertake up until 10pm. In the large majority of circumstances employees work regular 9:00am to 5:00pm day shifts, however it is important to retain the 12 hours per day, and 6:00am to 10:00pm ordinary working hours to cover those employees who do work either early starts or late finishes. The intention of the proposed hours of work changes is to enable employee's greater flexibility with their hours and working conditions in consultation with their supervisors.
<p>Clause 3.4.2 (c) Accrued Time</p> <p>An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.</p>	<p>An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited</p>	<ul style="list-style-type: none"> • ERU has no concern with consenting to this proposed amendment.

	<p><u>however managers have a responsibility to manage work-units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit.</u> (Comment: mirrors managerial responsibilities in Departmental Hours of Work document)</p>	
<p>Clause 3.4.2 (c) Accrued Time</p> <p>The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative Directives as issued from time to time.</p>	<p>Clause 3.4.2 (c) Accrued Time</p> <p>The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory <u>as part of a formal performance management process.</u> Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative Directives as issued from time to time.</p>	<ul style="list-style-type: none"> ERU sees no concern in agreeing to this proposed addition and thinks it a reasonable change.
<p>Clause 3.4.2 (d) Work performed on weekends and public holidays</p> <p>Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of <u>12 hours</u> per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.</p>	<p>Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of <u>9.5 hours</u> per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award. (Comment: what happens after 12 hours, do they revert to overtime, i.e. time and a half for the first 3 hours)</p>	<ul style="list-style-type: none"> The ERU recommends advising that anything over 12 hours will attract overtime payment at the relevant rates as prescribed by the Award, as will anything outside of 6:00am to 10:00pm. The ERU recommends not agreeing to the proposed change from 12 hours to 9.5 for reasons detailed above in the hours of work section.
<p>Clause 3.4.2 (e) Overtime</p> <p>Overtime is any authorised work which is preformed within the daily spread of ordinary hours and exceeds <u>12 hours</u> or is authorised work performed outside the ordinary spread of hours</p>	<p>Overtime is any authorised work which is preformed within the daily spread of ordinary hours and exceeds <u>9.5 hours</u> or is authorised work performed outside the ordinary spread of hours</p>	<ul style="list-style-type: none"> The ERU recommends not agreeing to this for the reasons detailed above in respect to the hours of work clause.
<p>Clause 3.4.2 (e) Overtime</p>		

<p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p>	<p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate. <i>(Comment: Please cite authority for writing off TOIL I have checked determination 14 under the PSM&E Regulations which was extant at the time the CD&RS hours of work were established and every Directive since and can find no authority for this)</i></p>	<ul style="list-style-type: none"> The ERU recommends that this section of the clause be omitted from the proposed hours of work document. As it stands currently, they are in contravention of the <i>Hours and Overtime Directive</i> No. 5/05 which provides that TOIL not taken within the 12 month period from the day on which the overtime was worked will lapse.
<p>Clause 3.4.2 (e) Overtime</p> <p>On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.</p>	<p>On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ. <i>(Comment: Again, I do not think there is any authority for this and it is therefore in breach of the Directive)</i></p>	<ul style="list-style-type: none"> The ERU recommends that this section of the clause be omitted from the proposed hours of work document. There is no authority for this. It is however recommended that EMQ produce a Business Rule which directs managers to not approve the carry over of TOIL in excess of 36.25 hours at the end of a work cycle, except in extreme circumstances such as during Critical Events.
<p>Clause 3.4.2 (f) On Call</p> <p>Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in</p>	<p>Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in</p>	<ul style="list-style-type: none"> The ERU would recommend advising the QPSU that it is the intention of EMQ to consult with employees prior to the implementation of the new Hours of Work provisions. In accordance with clause 5.14.4 (j) of the <i>Queensland Public Service Award 2003</i> endorsement by the majority of

<p>excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p>	<p>excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods. <i>(Comment: Does this extend the coverage of the employees that can be on-call? If so, we probably need to get the agreement of a majority of new staff affected)</i></p>	<p>affected employees would be needed.</p>
<p>Clause 3.4.3 Watch Desk Officers</p>	<p>Entire Section: <i>Comment: Still seeking feedback from watch desk officers</i></p>	<ul style="list-style-type: none"> • No response required at this point in time.
<p>Clause 3.4.4 Critical Incident and EMQ Activations</p> <p>The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.</p>	<p>The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ. <i>(Comment: Won't you need to go much wider in consultation if you are going to cover the field this broadly?)</i></p>	<ul style="list-style-type: none"> • The ERU recommends that the words “and other Government Agencies” be omitted from this clause to limit the field of operation to the Department of Community Safety employees. This is in line with advice received from Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General.
<p>Clause 3.4.4 (c) Meal Breaks</p>	<p>Employees are entitled to meal break(s) as follows:-</p>	<ul style="list-style-type: none"> • The ERU sees no concern in agreeing to the proposed addition of the third entitlement for a

<p>Employees are entitled to meal break(s) as follows:-</p> <ul style="list-style-type: none"> ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than <u>12.5 hours</u> in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works <u>12.5 hours</u> or more in any one day. 	<ul style="list-style-type: none"> ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than <u>9.5 hours</u> in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works <u>between 9.5 and 12.5 hours</u> or more in any one day. ▪ <u>A further meal break of 30 mins duration in each and every 8 hour period for an employee who works beyond 12.5 hours.</u> 	<p>further meal break of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours. The ERU sees it to be a reasonable entitlement.</p> <ul style="list-style-type: none"> • With respect to the proposed changes to the first two points, this issue has been expanded upon above in the hours of work section and this proposed change should not be agreed to for the reasons specified already.
<p>Clause 3.4.4 (f) Fatigue Management</p> <p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p>	<p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p> <p><i>(Comment: Just noting that the overtime cut-off does not apply here)</i></p>	<ul style="list-style-type: none"> • No response required at this point in time.

EMQ RESPONSE TO QPSU SUGGESTED CHANGES

Clause 3.4.2 (b) Hours of Work

- Spread of hours 6:00am – 10:00pm

The QPSU has questioned why the spread of hours are so long. The EMQ response to this is that this ensures that all EMQ employees are covered for the hours which they are currently required to work. This spread of hours enables employees to carry out their training work and attend meetings with volunteers which in some cases require them to travel and work up until 10:00pm. The extended cover of ordinary hours is reflective of the different employees and work requirements within EMQ.

- 12 ordinary hours per day

The QPSU has questioned why the ordinary hours of work exclusive of mealtimes shall be 12 hours maximum per day. The reason for this is that in existing arrangements operational employees have the capacity to work up to 12 hours. This will also ensure that all required work hours are covered, in particular for employees required to undertake training where travel may be required and the hours for that day come up to 12 hours.

A possibility is to insert a clause into the document to the effect that no employee will be compelled to work more than 9.5 hours per day, however employees will have the capacity to work up to 12 hours. Where an employee is compelled to work more than 12 hours per day, they will be compensated with either the accrual of TOIL or overtime.

- Will employees receive a shift penalty

The QPSU has enquired as to whether EMQ employees will be compensated with a shift loading for the spread of hours. It should be conveyed to the QPSU that EMQ employees will not be entitled to any shift loading for work they undertake up until 10pm. In the large majority of circumstances employees work regular 9:00am to 5:00pm day shifts, however it is important to retain the 12 hours per day, and 6:00am to 10:00pm ordinary working hours to cover those employees who do work either early starts or late finishes.

It should also be reiterated to the QPSU that the intention of the proposed hours of work changes is to enable employee's greater flexibility with their hours and working conditions in consultation with their supervisors.

Clause 3.4.2 (c) Accrued Time

The QPSU has requested amending the clause to include that managers have a responsibility to manage work-units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit. EMQ sees no concern in adopting this proposed addition as it mirrors what is in the existing Hours of Work provisions.

In addition, the QPSU has requested amending the clause to include that any direction to an employee to work standard hours where that employee's time management is unsatisfactory must be done as part of a formal performance management process. EMQ sees no concern in agreeing to this proposed addition and thinks it a reasonable change.

Clause 3.4.2 (d) Work Performed on Weekends and Public Holidays

The QPSU has asked what is to happen after an employee works 12 hours on a Saturday, Sunday or Public Holiday. EMQ proposes to advise that anything over this will attract overtime payment at the relevant rates as prescribed by the Award, as will anything outside of 6:00am to 10:00pm.

It is also advised that the suggested change of 12 hours to 9.5 hours should not be agreed to for the reasons detailed above in respect to the hours of work clause.

Clause 3.4.2 (e) Overtime

The QPSU is seeking for EMQ employees to be entitled to overtime on any authorised work performed in excess of 9.5 hours rather than 12 hours. EMQ proposes to not agree to this for the reasons detailed above in respect to the hours of work clause.

With respect to the two paragraphs relating to the forfeiture of any TOIL in excess of 36.25 hours at the end of a work cycle, and the pay out of TOIL up to a maximum of 36.25 hours, EMQ proposes that these be omitted from the proposed hours of work document. The section relating to the forfeiture of TOIL is in contravention of the *Hours and Overtime Directive No. 5/05* which provides that TOIL not taken within the 12 month period from the day on which the overtime was worked will lapse. The section relating to the pay out of TOIL also has no head of power, and therefore should be omitted.

Clause 3.4.2 (f) On-Call

The QPSU advises that in relation to this clause, endorsement would be needed from the majority of employees if it proposes to extend the coverage of employees who can be on-call. EMQ would agree with this, that if the on-call arrangements are to be implemented, then endorsement by the majority of affected employees would be needed in accordance with clause 5.14.4 (j) of the *Public Service Award 2003*.

Clause 3.4.4 Critical Incident and EMQ Activations

The QPSU raised the question whether there would need to be wide consultation with other Government Agencies if we are going to include the application of the arrangements to their employees. EMQ recommends that the words "and other Government Agencies" be omitted from this clause and limit the field of operation to the Department of Community Safety and not other Government Agencies. This is in line with advice received from Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General.

Clause 3.4.4 (c) Meal Breaks

The QPSU has proposed that a further provision be added into this clause which entitles an employee with a further meal break of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours. EMQ sees no concern in agreeing to this proposed amendment and sees it to be a reasonable entitlement.

The QPSU also proposed changes in the first 2 dot points to reduce the hours from 12.5 to 9.5. This issue has been expanded upon above in the hours of work section and this proposed change should not be agreed to for the reasons specified already.

QFES RTI FINAL RELEASE

**Executive Briefing Note**

Requested by: Employee Relations

Critical **Urgent** **General**

Ref: 11/02980

CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Bruce Grady, Assistant Director-General, Emergency Management Queensland (EMQ)

Subject: Proposed Hours of Work Arrangements for Emergency Management Queensland (EMQ)

Date: 24/03/2011

1. Background

- Emergency Management Queensland (EMQ) developed new proposed Hours of Work provisions to replace the existing "Counter Disaster and Rescue Services Hours of Work Provisions".
- This document was put to the Queensland Public Service Union (QPSU) to which we have now received a response detailing various proposed changes and commentary.

2. Issues

- The Employee Relations Unit (ERU) has reviewed the proposed changes made by the QPSU. Detailed within this EBN and the attached table are the EMQ proposed changes, suggestions made by the QPSU, and the ERU recommendations in response.
- Clause 3.4.2 (b) Hours of Work: The QPSU has questioned why the spread of hours (6:00am to 10:00pm) are so long, why the ordinary hours of work per day are 12 hours (as opposed to their suggested 9.5), and whether EMQ employees shall receive a 15% shift loading in compensation for this.
- The ERU recommends responding that the ordinary hours of work are provided as 12 hours as this is what is provided for in existing arrangements for operational employees. The wide spread of hours enables employees to carry out their training work and attend meetings with volunteers which in some cases require them to travel and work up until 10:00pm. The extended cover of ordinary hours is reflective of the different employees and work requirements within EMQ.
- The ERU recommends that EMQ employees will not be entitled to any shift loading for work they undertake up until 10pm. In the large majority of circumstances employees work regular 9:00am to 5:00pm day shifts, however it is important to retain the 12 hours per day, and 6:00am to 10:00pm ordinary working hours to cover those employees who do work either early starts or late finishes.
- It should also be reiterated to the QPSU that the intention of the proposed hours of work changes is to enable employee's greater flexibility with their hours and working conditions in consultation with their supervisors.
- Clause 3.4.2 (c) Accrued Time: The QPSU has proposed amending the clause to include that managers have a responsibility to manage work-units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit.

- The ERU sees no concern in adopting this proposed addition as it mirrors what is in the Hours of Work Arrangement that applies to other Public Service employees within the Department of Community Safety.
- In addition, the QPSU has proposed amending the clause to include that any direction to an employee to work standard hours where that employee's time management is unsatisfactory must be done as part of a formal performance management process.
- The ERU sees no concern in agreeing to this proposed addition and thinks it a reasonable change.
- Clause 3.4.2 (d) Work Performed on Weekends and Public Holidays: The QPSU has requested clarification of what is to happen after an employee works 12 hours on a Saturday, Sunday or Public Holiday. They have also proposed changing the 12 hours to 9.5 in this clause.
- The ERU recommends advising that anything over 12 hours will attract overtime payment at the relevant rates as prescribed by the Award, as will anything outside of 6:00am to 10:00pm. The ERU recommends not agreeing to the proposed change from 12 hours to 9.5 for reasons detailed above in the hours of work section.
- Clause 3.4.2 (e) Overtime: The QPSU is seeking for EMQ employees to be entitled to overtime on any authorised work performed in excess of 9.5 hours rather than 12 hours.
- The ERU recommends not agreeing to this for the reasons detailed above in respect to the hours of work clause.
- The QPSU also seeks clarification of the authority that EMQ has to insert the clause which provides for TOIL in excess of 36.25 hours to be forfeited at the end of a work cycle, and also the clause which entitles an employee be paid out their TOIL up to a maximum of 36.25 hours on cessation of employment with EMQ.
- The ERU recommends that these sections of the clause be omitted from the proposed hours of work document. As they stand currently, they are in contravention of the *Hours and Overtime Directive* No. 5/05 which provides that TOIL not taken within the 12 month period from the day on which the overtime was worked will lapse.
- It is however recommended that EMQ produce a Business Rule which directs managers to not approve the carry over of TOIL in excess of 36.25 hours at the end of a work cycle, except in extreme circumstances such as during Critical Events.
- Clause 3.4.2 (f) On-Call: The QPSU advises that in relation to this clause, endorsement would be needed from the majority of employees if it proposes to extend the coverage of employees who can be on-call.
- The ERU would recommend advising the QPSU that it is the intention of EMQ to consult with employees prior to the implementation of the new Hours of Work provisions. In accordance with clause 5.14.4 (j) of the *Queensland Public Service Award 2003* endorsement by the majority of affected employees would be needed.
- Clause 3.4.4 Critical Incident and EMQ Activations: The QPSU raised the question whether there would need to be wide consultation with other Government Agencies if we are going to include the application of the arrangements to their employees.
- The ERU recommends that the words "and other Government Agencies" be omitted from this clause to limit the field of operation to the Department of Community Safety employees. This is in line with advice received from Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General.

- Clause 3.4.4 (c) Meal Breaks: The QPSU has proposed that a further provision be added into this clause which entitles an employee with a further meal break of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours.
 - The ERU sees no concern in agreeing to this proposed amendment and sees it to be a reasonable entitlement.
 - The QPSU also proposed changes in the first 2 dot points to reduce the hours from 12.5 to 9.5 hours in relation to meal entitlements.
 - This issue has been expanded upon above in the hours of work section and this proposed change should not be agreed to for the reasons specified already.
- 3. Is this in accordance with Government election commitments?**
- N/A
- 4. Consultation**
- Consultation has been undertaken with Ken Hawkins of EMQ.
- 5. Total Cost of Project and Funding Source**
- N/A
- 6. Has this matter been considered by a DCS Executive Committee?**
- N/A
- 7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?**
- No
- 8. Recommendation**
- That you note this brief; and
 - That you approve the proposed strategy to negotiate with the QPSU in accordance with the recommendations made in this brief.

Michael Hawkins
DIRECTOR
EMPLOYEE RELATIONS

/ /

Bruce Grady
ASSISTANT DIRECTOR-GENERAL
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Noted / Approved / Not Approved

Comments:

**Executive Briefing Note**

Requested by: Employee Relations

Critical Urgent General

Ref: 11/02980

CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Bruce Grady, Assistant Director-General, Emergency Management Queensland (EMQ)

Subject: Proposed Hours of Work Arrangements for Emergency Management Queensland (EMQ)

Date: 24/03/2011

1. Background

- Emergency Management Queensland (EMQ) developed new proposed Hours of Work provisions to replace the existing "Counter Disaster and Rescue Services Hours of Work Provisions".
- This document was put to the Queensland Public Service Union (QPSU) to which we have now received a response detailing various proposed changes and commentary.

2. Issues

- The Employee Relations Unit (ERU) has reviewed the proposed changes made by the QPSU. Detailed within this EBN and the attached table are the EMQ proposed changes, suggestions made by the QPSU, and the ERU recommendations in response.
- Clause 3.4.2 (b) Hours of Work: The QPSU has questioned why the spread of hours (6:00am to 10:00pm) are so long, why the ordinary hours of work per day are 12 hours (as opposed to their suggested 9.5), and whether EMQ employees shall receive a 15% shift loading in compensation for this.
- The ERU recommends responding that the ordinary hours of work are provided as 12 hours as this is what is provided for in existing arrangements for operational employees. The wide spread of hours enables employees to carry out their training work and attend meetings with volunteers which in some cases require them to travel and work up until 10:00pm. The extended cover of ordinary hours is reflective of the different employees and work requirements within EMQ.
- The ERU recommends that EMQ employees will not be entitled to any shift loading for work they undertake up until 10pm. In the large majority of circumstances employees work regular 9:00am to 5:00pm day shifts, however it is important to retain the 12 hours per day, and 6:00am to 10:00pm ordinary working hours to cover those employees who do work either early starts or late finishes.
- It should also be reiterated to the QPSU that the intention of the proposed hours of work changes is to enable employee's greater flexibility with their hours and working conditions in consultation with their supervisors.
- Clause 3.4.2 (c) Accrued Time: The QPSU has proposed amending the clause to include that managers have a responsibility to manage work-units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit.

- The ERU sees no concern in adopting this proposed addition as it mirrors what is in the Hours of Work Arrangement that applies to other Public Service employees within the Department of Community Safety.
- In addition, the QPSU has proposed amending the clause to include that any direction to an employee to work standard hours where that employee's time management is unsatisfactory must be done as part of a formal performance management process.
- The ERU sees no concern in agreeing to this proposed addition and thinks it a reasonable change.
- Clause 3.4.2 (d) Work Performed on Weekends and Public Holidays: The QPSU has requested clarification of what is to happen after an employee works 12 hours on a Saturday, Sunday or Public Holiday. They have also proposed changing the 12 hours to 9.5 in this clause.
- The ERU recommends advising that anything over 12 hours will attract overtime payment at the relevant rates as prescribed by the Award, as will anything outside of 6:00am to 10:00pm. The ERU recommends not agreeing to the proposed change from 12 hours to 9.5 for reasons detailed above in the hours of work section.
- It should be noted however that the proposed hours of work arrangements utilises Clause 6.5.3 of the Award all ordinary time worked between midnight on Friday and midnight on Saturday
- Clause 3.4.2 (e) Overtime: The QPSU is seeking for EMQ employees to be entitled to overtime on any authorised work performed in excess of 9.5 hours rather than 12 hours.
- The ERU recommends not agreeing to this for the reasons detailed above in respect to the hours of work clause.
- The QPSU also seeks clarification of the authority that EMQ has to insert the clause which provides for TOIL in excess of 36.25 hours to be forfeited at the end of a work cycle, and also the clause which entitles an employee be paid out their TOIL up to a maximum of 36.25 hours on cessation of employment with EMQ.
- The ERU recommends that these sections of the clause be omitted from the proposed hours of work document. As they stand currently, they are in contravention of the *Hours and Overtime Directive* No. 5/05 which provides that TOIL not taken within the 12 month period from the day on which the overtime was worked will lapse.
- It is however recommended that EMQ produce a Business Rule which directs managers to only approve the carry over of TOIL in excess of 36.25 hours at the end of a work cycle in extreme circumstances such as during Critical Events. The Business Rule should require Managers to actively manage officers TOIL balances.
- Clause 3.4.2 (f) On-Call: The QPSU advises that in relation to this clause, endorsement would be needed from the majority of employees if it proposes to extend the coverage of employees who can be on-call.
- The ERU would recommend advising the QPSU that it is the intention of EMQ to consult with employees prior to the implementation of the new Hours of Work provisions. In accordance with clause 5.14.4 (j) of the *Queensland Public Service Award 2003* endorsement by the majority of affected employees would be needed.
- Clause 3.4.4 Critical Incident and EMQ Activations: The QPSU raised the question whether there would need to be wide consultation with other Government Agencies if we are going to include the application of the arrangements to their employees.
- The ERU recommends that the words "and other Government Agencies" be omitted from this clause to limit the field of operation to the Department of Community Safety employees. This is

in line with advice received from Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General.

- **Clause 3.4.4 (c) Meal Breaks:** The QPSU has proposed that a further provision be added into this clause which entitles an employee with a further meal break of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours.
- The ERU sees no concern in agreeing to this proposed amendment and sees it to be a reasonable entitlement.
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- This issue has been expanded upon above in the hours of work section and this proposed change should not be agreed to for the reasons specified already.

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with Ken Hawkins of EMQ.

5. Total Cost of Project and Funding Source

- N/A

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you note this brief; and
- That you approve the proposed strategy to negotiate with the QPSU in accordance with the recommendations made in this brief.

Glenn Carthew
A/DIRECTOR
EMPLOYEE RELATIONS

/ /

Bruce Grady
ASSISTANT DIRECTOR-GENERAL
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Noted / Approved / Not Approved

Comments:

From: Michael S. Thomas [Michael.Thomas@qpsu.org.au]

Sent: Friday, 15 July 2011 1:22 PM

To: Glenn Carthew

Subject: Re: Hours of Work

Thanks Glenn, that looks reasonable at first instance, I will go back to delegates and members to get their views.
Sent from my Blackberry

Michael Thomas
Director Industrial Services
AMACSU

From: Glenn Carthew <Glenn.Carthew@dcs.qld.gov.au>

To: Michael S. Thomas

Sent: Fri Jul 15 12:57:37 2011

Subject: RE: Hours of Work

Michael,

Have presented your arguments to EMQ. They have conceded to most.

Clause 3.4.2 (b)-Hours of Work

EMQ wants to retain the 12 hour spread as it provides officers with the opportunity to work flexibly and meet commitments for training and SES meetings. This arrangement is currently in place. It does not mean that officers will be required to undertake 12 hr days in fact the majority do work 9.00 to 5.00.

Clause 3.4.2 (c) Accrued Time

You sought an amendment that included managers having the responsibility to manage work units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit and an amendment to include that any direction to an employee to work standard hours where that employee's time management is unsatisfactory must be done as part of a formal performance management process.

EMQ has agreed to these amendments.

Clause 3.4.2 (d) Weekend and Public Holidays

You sought information on what is to happen after an employee works 12 hours on a Saturday, Sunday or Public Holiday.

EMQ

(i) Anything over 12 hours will attract overtime payment at the relevant rates

(ii) Anytime worked outside 6.00am - 10.00pm will attract overtime at the relevant rates.

(iii) All ordinary time worked between midnight Friday and midnight Saturday not being overtime will be paid for at one and a half times the ordinary rate and all ordinary time worked between midnight Saturday and Midnight Sunday to be paid at the rate of double time. (6.5.3 of Award)

Clause 3.4.2 (e) Overtime

You sought an entitlement to overtime on any authorised work performed in excess of 9.5 hours.

Also the removal of the clause on TOIL as it breaches the directive

EMQ

(i) Where an employee is directed to work beyond 9.5 hours in any one day will be paid the appropriate overtime or accrue TOIL

(ii) Removal of the clause on TOIL

(iii) Business Rule for Managers to ensure they take a proactive approach to manage officers TOIL balances.

Clause 3.4.2 (f) On-call

Advise was provided to EMQ that any extension of on-call arrangements would need to be through the award provision seeking endorsement by the majority of affected employees. It is the intention of EMQ to consult with employees prior to the implementation of the new Hours of Work provisions.

Clause 3.4.4 Critical Incidents and EMQ Activations

EMQ will remove the words "and other Government Agencies" from the clause however will inform seconded employees through information kits and offers to other departmental employees of the arrangements in place should they come to EMQ.

Clause 3.4.4 (c) Meal Breaks.

EMQ has agreed to additional meal breaks of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours.

EMQ were also seeking the view of the QPSU in relation to combining the Accrued time and TOIL into one bank of hours that could be managed by managers. I have advised EMQ of the concerns of approaching accrued time and TOIL as one bank but do feel obliged to seek your view. EMQ are adamant that through proper management TOIL balances will not reach the state of having to be paid out at the conclusion of twelve months or lapse.

Happy to discuss

regards

Glenn Carthew

A/Director

Employee Relations Unit

Human Resources Branch

Corporate Support Division

Telephone: 3635 3064 Mob [REDACTED]

glenn.carthew@dcs.qld.gov.au

From: Michael S. Thomas [mailto:Michael.Thomas@qpsu.org.au]

Sent: Friday, 8 July 2011 11:25 AM

To: Glenn Carthew

Subject: RE: Hours of Work

Thanks

I understand that element of it, but it doesn't explain why you can do 12 hours straight before being entitled to overtime when it is 9.5 hours in the rest of the sector. I would think 12 hours straight without any penalties is anything but "ordinary"

regards

Michael Thomas
Director Industrial Services
Tel: (07) 3017 6117
Fax: (07) 3017 6217
Mob: contrary to public interest

email: mst@qpsu.org.au

Please note: The QPSU and ASU (C&S) have amalgamated to form AMACSU – a new stronger union as of 1 July 2011. My QPSU email address will still deliver to me, all other details remain the same. For expert industrial assistance please phone 1800 177 244.

"A union is a group of workers coming together to have the power to change something they cannot change alone"

Authorised by Alex Scott, Lvl 1, 27 Peel Street, South Brisbane.

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From: Glenn Carthew [mailto:Glenn.Carthew@dcs.qld.gov.au]
Sent: Friday, 8 July 2011 11:23 AM
To: Michael S. Thomas
Subject: RE: Hours of Work

From my understanding there is still the issue of meetings and the flexibility of starting late and finishing late for interaction with SES. While there is the transformation to a more policy driven function there is still a reasonable amount of liaison between local councils, SES and EMQ outside of the normal spread. That is not for all as the majority of time for people will be 9.00 to 5.00 the spread enables employees greater flexibility with their hours and conditions with their supervisors.

I have elaborated in the brief that we make concessions to a number of your amendments.

regards

Glenn Carthew
A/Director
Employee Relations Unit
Human Resources Branch
Corporate Support Division
Telephone: 3635 3064 Mob: contrary to public interest
glenn.carthew@dcs.qld.gov.au

From: Michael S. Thomas [mailto:Michael.Thomas@qpsu.org.au]
Sent: Friday, 8 July 2011 11:12 AM
To: Glenn Carthew
Subject: RE: Hours of Work

Thanks, I'll hold off for a few days on the off chance EMQ actually does something. What's there view on spread of hours, 12 hours seems ludicrous and unjustifiable given EMQs change of role to more of a policy rather than event management focus.

regards

Michael Thomas
Director Industrial Services
Tel: (07) 3017 6117
Fax: (07) 3017 6217
Mob: contrary to public interest

email: mst@qpsu.org.au

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From: Glenn Carthew [mailto:Glenn.Carthew@dcs.qld.gov.au]

Sent: Friday, 8 July 2011 11:09 AM

To: Michael S. Thomas

Subject: Hours of Work

Michael,

I have just completed a brief to the Assistant Director General for EMQ advising that the issue of TOIL as it currently is and the proposal within the new hours of work arrangements is to be removed immediately as it contravenes the Directive.

There are other matters that relate to the ordinary spread of hours that you and I will need to discuss however at this point I can offer that there is advice from ER to EMQ that to continue with the TOIL provisions are for all intents and purposes illegal and must be removed.

I have been upstairs twice now to discuss this with Bruce Grady, ADG but he is not there. This brief will be up there this afternoon.

regards

Glenn Carthew

A/Director

Employee Relations Unit

Human Resources Branch

Corporate Support Division

Telephone: 3635 3064 Mob: [REDACTED]

glenn.carthew@dcs.qld.gov.au

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All reasonable precautions will be taken to respect the privacy of individuals in accordance with the Information Pr

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QFES RTI FINAL RELEASE

Proposed Hours of Work Changes – Working Draft (22 February 2011)

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

Employees working an afternoon shift in accordance with shift provisions provided for in the Public Service Award – State 2003, will be paid 15% per shift for all ordinary time worked in addition to 9.5 hours. Shift allowances will be paid only in instances where an officer's work commitments do not allow the work to be performed during the day.

(e)(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 42-9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

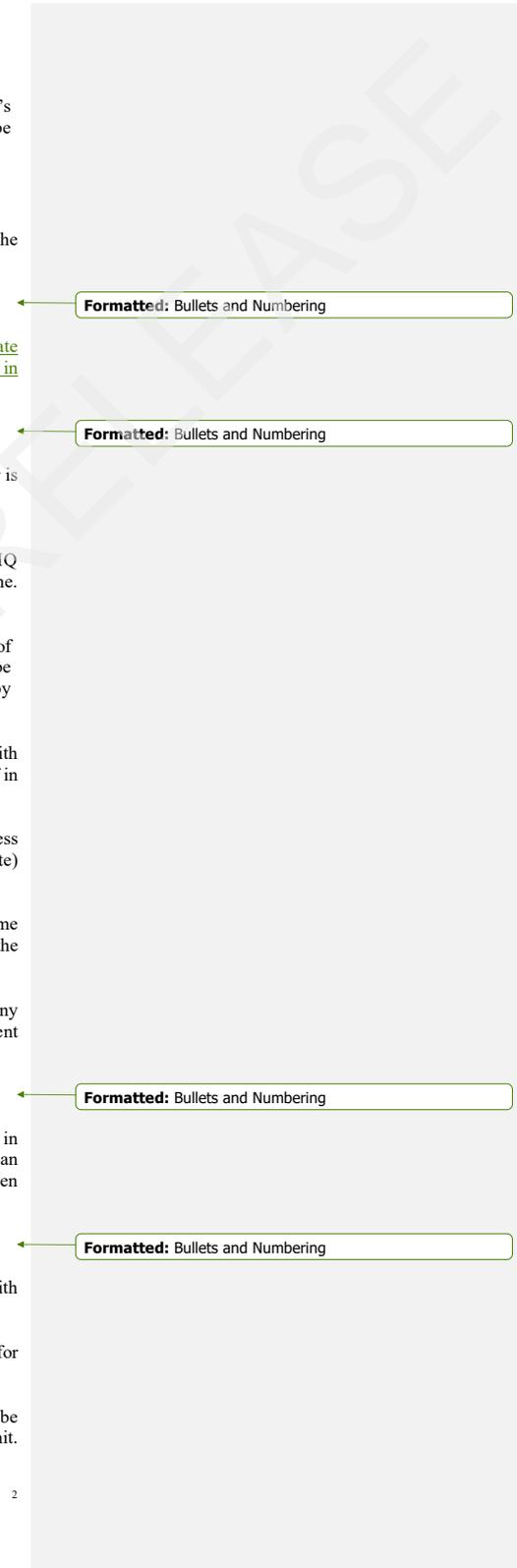
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(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.



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S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day; or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

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A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.

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On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

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A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or

- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

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(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

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Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

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- Maximise work/life balance;
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The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

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Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

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Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

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The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

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(g) On Call

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(b) Hours of Work

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(c) Work Performed on Weekends and Public Holidays

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(a) Hours of Work

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(b) Overtime

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At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

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(e) Travelling Time

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Department of Community Safety

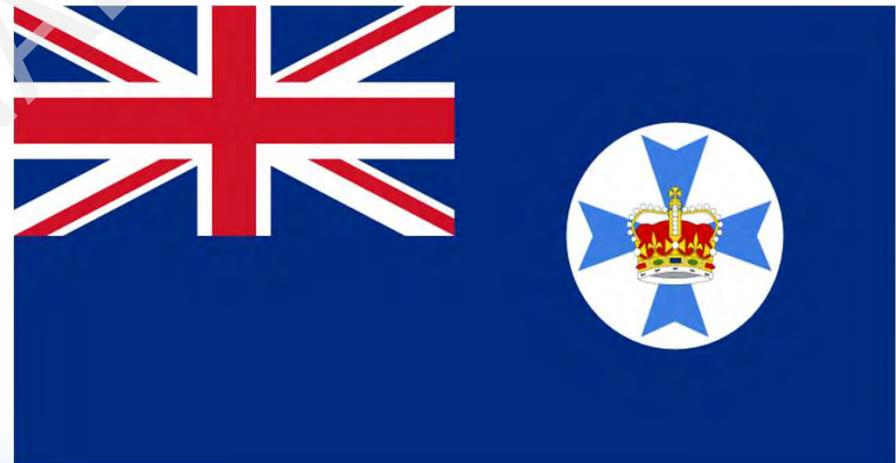


EMERGENCY MANAGEMENT QUEENSLAND

HOURS OF WORK ARRANGEMENTS (overview)

EMQ- Hours of Work

- Minimum Conditions of Employment
- Dismissals
- Freedom of Association
- Awards
- Agreements
- Industrial Action
- QIC & QIRC
- Enforcement
- Registered Organisations



Minimum Conditions of Employment (Chapter 2)

- Minimum Wage
- Leave
 - Sick
 - Annual
 - Jury Service
 - Public Holidays
 - Family
- Underpins award/award-free



Dismissals (Chapter 3)

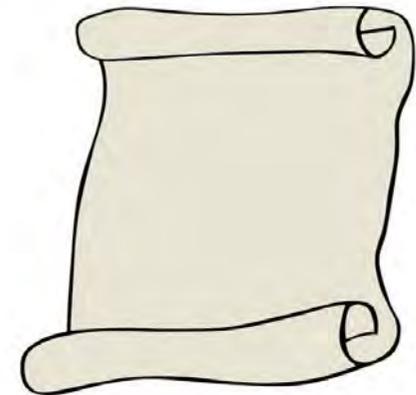
- Unfair dismissals
- Requirements for dismissal
- Redundancy
- Stand down
- Unfair dismissal v Unlawful dismissal

Freedom of Association (Chapter 4)

- Prohibited conduct
- Based on membership or non-membership of an industrial organisation/professional body
- Based on ILO convention

Awards (Chapter 5)

- QIRC powers
- Content
- Flow on of CA (s129)
- Review of awards (process)



Agreements (Chapter 6)



- Making agreements (rules for parties)
 - Certifying agreements (rules for QIRC)
 - No-disadvantage Test
 - Effect of CA (override award, replace existing agreement)
 - Extension/amendment/termination
 - Industrial action (protected)– see also Chapter 7 (unprotected)
 - 3rd party action in case of unprotected action
-
- QWAs (QG excluded s192)

QIC & QIRC



- QIC – President & jurisdiction
- QIRC – membership, jurisdiction, function & powers e.g.:
 - Injunctions s277 (eg unprotected action)
 - Reference to full bench s281
 - Interpretation s284
 - General Ruling 287 (e.g. safety net rulings)

Enforcement (Chapter 11)

- Records to be kept s306
- Right of entry s372
- Powers to inspect s373
- Protection of wages
- Recovery of wages

Registered Organisations (Chapter 12)

- Registrar
- Applications, objections etc.
- Management of organisations
- Membership etc.

Specific sessions for

- Industrial instruments
- Enterprise bargaining
- Unions & campaigning

From: Bruce Grady
Sent: Wednesday, 16 November 2011 11:35
To: Glenn Carthew
Subject: RE: 111116 Implementation Plan . EMQ.doc
OK

Regards

Bruce Grady
Assistant Director-General
Emergency Management Queensland

bruce.grady@dcs.qld.gov.au

telephone: (07) 3635 3485
mobile: contrary to the public interest
fax: (07) 3247 8505

From: Glenn Carthew
Sent: Wednesday, 16 November 2011 11:32
To: Bruce Grady; Peta Robertson
Subject: 111116 Implementation Plan . EMQ.doc

<< File: 111116 Implementation Plan . EMQ.doc >>

Bruce

I have attached an implementation plan for the Hours of Work Arrangements for EMQ. I have been advised that the Union will lodge a dispute this afternoon at 4.00 if they do not receive a copy of the Hours arrangements. Spoke directly to Michael Thomas regarding this and his comments were that as the hours arrangements have been agreed there should be no issue with the union being advised and provided a copy

I intend to send a copy of the Implementation Plan to Michael together with a copy of the proposed Hours of Work Arrangements before midday. He will then have an understanding of the timelines and implementation phases in getting the hours into place and staff trained.

Please advise if you have concerns regarding this.

Regards

Glenn Carthew

EMQ- IMPLEMENTATION PLAN FOR NEW HOURS OF WORK ARRANGEMENTS

- Provide union with copy of the proposed Hours of Work on 16 November 2011
- Union and EMQ already have an in principle agreement with proposed Arrangements.

	Action	Responsible Officer	Timeframe
Develop Time Sheet	<ul style="list-style-type: none"> ▪ ICS to assist in the development of a timesheet for EMQ new hours of work arrangements (exclusive of Critical Incidents). ▪ Propose amending current Public Service Timesheet to reduce time lag. 		28 November 2011
Prepare Hours of Work Presentation.	<ul style="list-style-type: none"> ▪ Deliver presentation to employees. ▪ Provide handouts for : <ul style="list-style-type: none"> (i) Staff and (ii) Supervisors ▪ Tape presentation and provide on Desportal ▪ Utilise tanberg for presentation to Regions ▪ Provide contact points for all EMQ staff with ER on issues 	ER Team	28 November 2011
Vote	<ul style="list-style-type: none"> ▪ Combined Union and Management ballot on Hours of Work 	EMQ/ER Team	29/30 November 2011
DG Approval	<ul style="list-style-type: none"> ▪ Prepare brief to DG on the proposed arrangements and result of vote 	ER Team	December
Schedule 3 -Award	<ul style="list-style-type: none"> ▪ Arrange for Award Variation – Schedule 3 	PSIER/Union and DCS	December
Implement hours arrangements	<ul style="list-style-type: none"> ▪ Provide information and contacts for transitional information 	ER Team	1 December 2011 <u>19 December 2011</u>

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	Action	Responsible Officer	Timeframe
Develop Time Sheet	<ul style="list-style-type: none"> ☐ Seek assistance from EMQ — Ms Mack ☐ Seek approval for Ms Mack to undertake the amendment to the current Critical Incident Time sheet. ☐ Testing of Timesheet ☐ Presentation of timesheet rules in accordance with the Hours of Work Provisions. (Part of the overall presentation on the implementation of the new Hours of Work. 	ERU	21 November to 25 November
Prepare Hours of Work Presentation.	<ul style="list-style-type: none"> ☐ Deliver presentation to employees. ☐ Provide handouts for: <ul style="list-style-type: none"> (iii) Staff and (iv) Supervisors ☐ Tape presentation and provide on Desportal ☐ Utilise tanberg for presentation to Regions ☐ Provide contact points for all EMQ staff with ER on issues for explanation 	ER Team	28 November 2011
Vote	☐ Combined Union and Management ballot on Hours of Work	EMQ/ER Team	29/30 November 2011
DG Approval	☐ Prepare brief to DG on the proposed arrangements and result of vote	ER Team	December
Schedule 3 Award	☐ Arrange for Award Variation — Schedule 3	PSIER/Union and	December

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		DCS	
Implement hours arrangements	<input type="checkbox"/> Provide information and contacts for transitional information	ER Team	1 December 2011

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Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
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or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Proposed Hours of Work Changes –

Section 4 - Department of Community Safety

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~~Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.~~

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S3.4.3 Watch Desk Officers, Emergency Management Queensland

Commented [MST1]: No, only for those above AO5/4

Commented [MST2]: No, the maximum only applies to accrued time, not TOIL, it would all have to be paid out if not used. They can't write it off.

Commented [MST3]: Just refer to the Directive and leave it at that, otherwise you'd have to re-write the whole thing and there is no need.

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

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(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

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Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

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- Ensure operational coverage;
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- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

Critical Incidents and or EMQ Activations may require 24/7 activation. In such cases all entitlements and conditions as stipulated within Directive 24/10 ‘Critical Incident Entitlements and Conditions’ shall apply. The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee’s wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or

- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day;
or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Hours of Work Arrangements for Emergency Management Queensland

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

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Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

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The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

Critical Incidents and or EMQ Activations may require 24/7 activation. In such cases all entitlements and conditions as stipulated within Directive 24/10 ‘Critical Incident Entitlements and Conditions’ for employees working on the incident or activation shall apply

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
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Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee’s wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or

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- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
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- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

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In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

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(d) Work Performed on Weekends and Public Holidays

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(e) Shift Penalties

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- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

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The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

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(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

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Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

QFES RTI FINAL RELEASE

Department of Community Safety



EMQ Hours of Work

Employee Information Sessions

Emergency Management



Hours of Work

Ordinary Hours

- Ordinary Spread of Hours 6.00am – 10.00pm
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight
- 2 X 10 day fortnights, Monday to Sunday over a four week cycle

Hours of Work

Ordinary Hours

- Ordinary Hours occurs Monday through to Sunday
 - Any classification can work ordinary hours on Saturday and Sunday up to a maximum of 12 hours for the day with the remaining time as overtime- (penalties)
 - There has to be a legitimate reason for working on the weekend.
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight

Hours of Work

Definitions and New Concepts

- Accrued Time
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
 - Accrued time can be taken during the work cycle with agreement with the Manager
 - Accrued Time is ordinary hours that accumulate over and above the 72.5 hours a fortnight.
- Accrued time is not overtime.

Accrued Time

- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month accessed (minimum entitlement)

Hours of Work

Definitions and New Concepts

- Overtime/TOIL
 - Time Off In Lieu (of over time).
 - Outside the ordinary spread of hours (6.00am to 10.00pm) OR
 - Time worked over 9.5 hours in any one day.
 - Overtime can be paid if an officer is at the AO5 classification level or lower OR if the AO5 classification or lower officer elects, the overtime can be taken as TOIL.
 - AO6 level to AO8 level officers can only take overtime as TOIL
 - TOIL is provided on a time for time basis (*Directive 5/05 Hours and Overtime*)

Work Performed on Weekend and Public Holidays

- Ordinary hours up to a maximum of 12 hours worked on:
 - Saturday,
 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
 - Saturday one and half times the ordinary rate
 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.

Shift Penalties

- Shift Penalties.
 - An employee who is directed:
 - To work where the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid.
 - Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
 - An afternoon shift allowance of 15% will apply for all ordinary time worked in addition to normal salary.
 - E.g. \$200 (ordinary daily rate) X 15% = \$230

Overtime.

- Overtime (OT) applies in circumstances where hours are worked:
 - Outside the spread of hours 6.00am to 10.00pm or
 - in excess of 9.5 hours per day
- OT is calculated to nearest $\frac{1}{4}$ of an hour.
- Approved OT can be paid or can be provided as TOIL (Time off in Lieu of Overtime)
 - **A06** classification and above **receive TOIL for OT**
 - **A02 to A05** can be **paid overtime or can elect TOIL**
- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on - call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Do not have to return to work to get paid on-call
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is paid OT unless election made to have TOIL
 - TOIL lapses after 6 months
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Manager's Responsibilities

- Ensure that fatigue breaks are taken.
 - 10 hours between cessation of overtime and commencement of work.
- Make sure that requests for working on weekends and overtime are reasonable.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
2. How do I access accrued time / TOIL?
3. What happens if I can't take my TOIL within 12 months?
4. What happens if I work outside the spread of hours (6.00am to 10.00pm) or more than 9.30 hours per day?

Hours of Work

Implementation date: 19 December 2011.

Ballot: To be provided to all EMQ officers who will be using the new Hours Arrangements.

Return Date: 19 December 2011

Hours of Work

Contact Names and Numbers

- Glenn Carthew
- 3635 3503
 - glenn.carthew@dcs.qld.gov.au

- Callum MacSween
- 3635 3663
 - callum.macsween@dcs.qld.gov.au

	Action	Responsible Officer	Timeframe
Develop Time Sheet	<ul style="list-style-type: none"> ▪ Seek assistance from EMQ – Ms Mack ▪ Seek approval for Ms Mack to undertake the amendment to the current Critical Incident Time sheet. ▪ Testing of Timesheet ▪ Presentation of timesheet rules in accordance with the Hours of Work Provisions. (Part of the overall presentation on the implementation of the new Hours of Work. 	ERU	21 November to 25 November
Prepare Hours of Work Presentation.	<ul style="list-style-type: none"> ▪ Deliver presentation to employees. ▪ Provide handouts for : <ul style="list-style-type: none"> (i) Staff and (ii) Supervisors ▪ Tape presentation and provide on Desportal ▪ Utilise tanberg for presentation to Regions ▪ Provide contact points for all EMQ staff with ER on issues for explanation 	ER Team	28 November 2011
Vote	<ul style="list-style-type: none"> ▪ Combined Union and Management ballot on Hours of Work 	EMQ/ER Team	29/30 November 2011
DG Approval	<ul style="list-style-type: none"> ▪ Prepare brief to DG on the proposed arrangements and 	ER Team	December

	result of vote		
Schedule 3 -Award	<ul style="list-style-type: none"> ▪ Arrange for Award Variation – Schedule 3 	PSIER/Union and DCS	December
Implement hours arrangements	<ul style="list-style-type: none"> ▪ Provide information and contacts for transitional information 	ER Team	1 December 2011



**PROPOSED HOURS OF WORK
ARRANGEMENTS**

BALLOT PAPER:

Do you agree with the proposed
Hours of Work Arrangements for
EMQ.

Please tick one box

YES

NO



**PROPOSED HOURS OF WORK
ARRANGEMENTS**

BALLOT PAPER:

Do you agree with the proposed
Hours of Work Arrangements for
EMQ.

Please tick one box

YES

NO



**PROPOSED HOURS OF WORK
ARRANGEMENTS**

BALLOT PAPER:

Do you agree with the proposed
Hours of Work Arrangements for
EMQ.

Please tick one box

YES

NO



**PROPOSED HOURS OF WORK
ARRANGEMENTS**

BALLOT PAPER:

Do you agree with the proposed
Hours of Work Arrangements for
EMQ.

Please tick one box

YES

NO



PROPOSED HOURS OF WORK ARRANGEMENTS

BALLOT PAPER:

Do you agree with the proposed Hours of Work Arrangements for EMQ.

Please tick one box

YES

NO

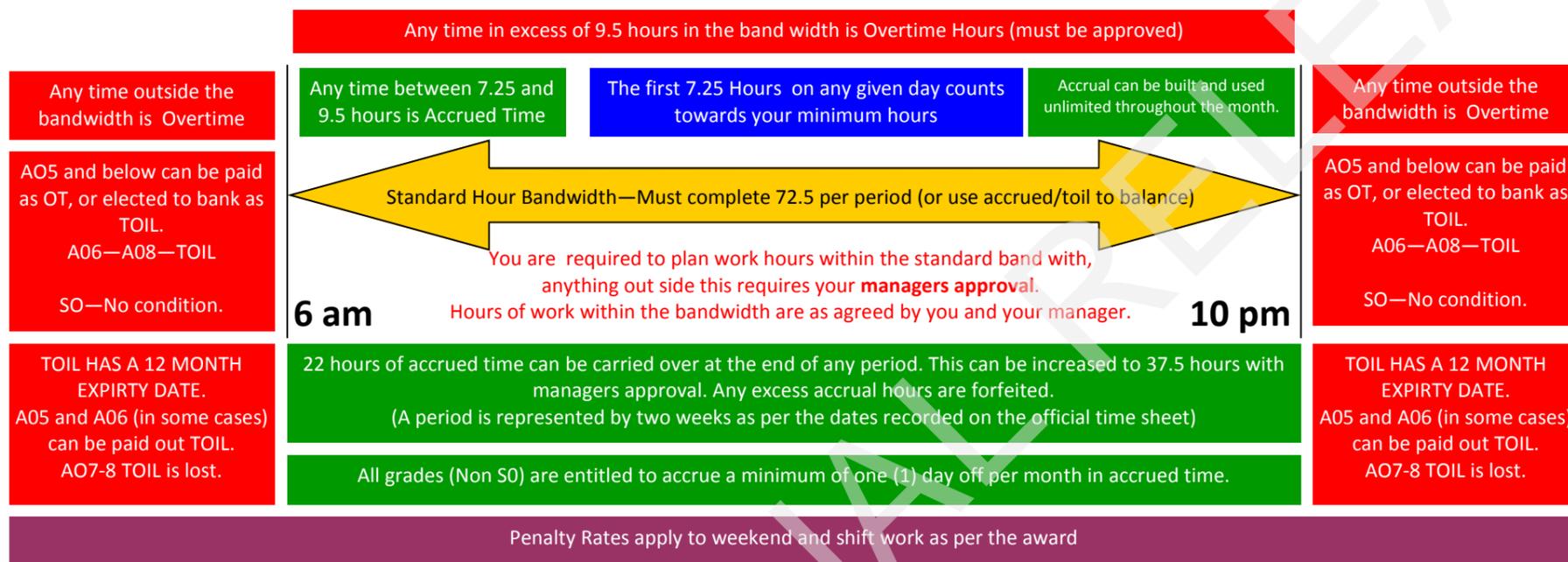
Please return your ballot to:

For Regional Officers (including Brisbane Region) - your Regional Snr HR Consultant (QFRS and EMQ).

For Officers in Brisbane at Kedron –the Ballot Box in the Manager Employee Relations Unit Office Level 1 C Block.

Ballot closes at 12.00 Noon on 19 December 2011

A guide to the new EMQ Hours of Work Provisions....



An example of a work period, and the calculation of Accrued Time (Assumption is provided that approval has been given for all work undertaken, and one hour lunch taken)

Paid at Penalty rates if entitled							TOTAL HOURS WEEK 1 Base Hrs: 29.0 Overtime Hrs: 2.0 Accrued Hrs: 3.25	SUMMARY FOR THE PERIOD Base Hours: 70 Less base hours paid: -72.5 Sub Total: -2.5 Accrued Hours: 8.25 Therefore 8.25 - 2.5 hours = 5.25 hours Accrued Hours carry Forwarded: 5.75 Hours Paid / Banked in TOIL: 2.0
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		
Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 0.25	Base Hours: Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 0.75	Base Hours: Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: 2.0 Accrued Hrs: 2.25	Base Hours: Overtime Hrs: Accrued Hrs:		
09:00-17:30		08:00—18:30	09:00-17:00		05:00—17:00			
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		
	09:00-17:00	10:00-19:00	12:00-22:00	08:00-14:00	08:00-17:00	12:00-20:00		
Base Hours: Overtime Hrs: Accrued Hrs:	Base Hours: 7.0 Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 0.75	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 1.75	Base Hours: 5 Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 0.75	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 1.75		
							TOTAL HOURS WEEK 2 Base Hrs: 41.0 Overtime Hrs: 0 Accrued Hrs: 5.0	
Paid at Penalty rates if entitled								



EMQ HOURS OF WORK BALLOT.

A ballot was arranged for the proposed New Hours of Work Arrangements.

Ballot closed on Monday 19 December 2011 and was counted on Tuesday morning of 20 December 2011 at 11.00am.

The time between Monday close and Tuesday was to allow the Regional Offices to courier the ballots down to the Department in time for the vote.

Ballots were sent to all EMQ personnel via email with instructions on where to hand in the ballots particularly for those in the regions.

Ballot Number	Yes Vote	No Vote
95 ballots received	73 votes for Yes	22 votes for No

Scrutineers from the union 'Together' were union delegates Ian McCulloch and Jenny Papani

Glenn Carthew counted the vote.

Of the ballots received 76% voted YES for the new Hours of Work Arrangements for Emergency Management Queensland

.....
Glenn Carthew

.....
Ian McCulloch

.....
Jenny Papani

Application for Overtime (TOIL)

Name:

Position:

Reason for accruing TOIL:

.....

Current TOIL balance:.....

Signature Date:

Supervisor: APPROVED NOT APPROVED

Signature: Date:/...../.....



Application to take TOIL

Name:

Position:

Date of Leave:

Balance Available:

Balance after TOIL:

Signature Date:

Supervisor: APPROVED NOT APPROVED

Hours of Work Arrangements for Public service employees of Emergency Services, for the Queensland Fire and Emergency Services Management Queensland

Section 4 - Department of Community Safety Queensland Fire and Emergency Services

S3.4.2 Emergency Management Queensland Services Employees

The following conditions apply to all employees engaged in Emergency ~~Services Management Queensland (EMQ) (ES)~~, excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

Critical Incidents and or EMQ Activations may require 24/7 activation. In such cases all entitlements and conditions as stipulated within Directive 24/10 ‘Critical Incident Entitlements and Conditions’ for employees working on the incident or activation shall apply

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee’s wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or

- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day;
or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

2010 – 2011 Queensland Flood Recovery (Critical Incident) - Pay & Overtime/TOIL Entitlements

Date		Day	Usual Treatment	Ordinary Payment or Public Holiday Payment	Overtime Details	Fatigue Leave
25/12/2010	Christmas Day	Saturday	Weekend	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half C7.7 of QPSA	All hours on this day are considered overtime as they fall outside of the ordinary hours of work – 250% S15(4)(a)(iii) of IR Act	
26/12/2010		Sunday	Weekend	All time is overtime paid @ double time (200%) C6.4.2(b) of QPSA		
27/12/2010	Boxing Day	Monday	Boxing Day Public Holiday	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half C7.7 of QPSA	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Shift B: Receive 7.25 hours for 4 hours work. Time worked after 6pm is outside of ordinary hours and therefore is overtime:</p> <p>First 3 Hours: 300% C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Thereafter: 400% C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p>	<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty.</p> <p>“Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>
28/12/2010		Tuesday	Additionally Recognised Day for Christmas Day	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half Clause 7.7 of QPSA	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Shift B: Receive 7.25 hours for 4 hours work. Time worked after 6pm is outside of ordinary hours and therefore is overtime:</p> <p>First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p>	

Commented [PS2]: Shift B will be receive 7.25 hours @ 100% + 4 hours @ 150% for 2pm – 6pm. After 6pm, overtime payment applies as detailed.

Commented [PS1]: This could be changed to “Normal day’s pay plus time and a half for time worked” and refer to s15 IR Act.

Commented [PS4]: Shift B will be receive 7.25 hours @ 100% + 4 hours @ 150% for 2pm – 6pm. After 6pm, overtime payment applies as detailed.

Commented [PS3]: This could be changed to “Normal day’s pay plus time and a half for time worked” and refer to s15 IR Act.

29/12/2010		Wednesday	Leave on Full Pay Without Debit	Normal Pay – Single Time for 7.25 Hours	<p>Another day to be substituted (within 12 months) with no deduction to leave balances.</p> <p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	
30/12/2010		Thursday	<p>Recreation Leave, TOIL or Accrued Hours</p> <p>Shift A: Have a full day of re-credited (7.25 hrs) – AL, TOIL or Accrued</p> <p>Shift B: Have 3.25 hrs of re-credited – AL, TOIL or Accrued</p>	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty.</p> <p>“Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>
31/12/2010		Friday	<p>Shift A: Have a full day of re-credited (7.25 hrs) – AL, TOIL or Accrued</p> <p>Shift B: Have 3.25 hrs of re-credited – AL, TOIL or Accrued</p>	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p>	

Commented [PS5]: With a concessional day to be provided at a later date.

Commented [PS6]: Here Shift B will receive 7.25 hours @ 100% for the 4 hours work. After 6pm, overtime applies.

Commented [PS7]: 4 hours

Commented [PS8]: 4 hours

					Thereafter: double time (200%) C6.4.2(a) of QPSA
01/01/2011	New Years Day	Saturday	Weekend	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half Clause 7.7 of QPSA	All hours on this day are considered overtime as they fall outside of the ordinary hours of work – 250% S15(4)(a)(iii) of IR Act
02/01/2011		Sunday	Weekend	All time is overtime paid @ double time C6.4.2(b) of QPSA	
03/01/2011		Monday	Additionally Recognised Day for New Years Day	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half Clause 7.7 of QPSA	Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Shift B: Receive 7.25 hours for 4 hours work. Time worked after 6pm is outside of ordinary hours and therefore is overtime: First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act
04/01/2011		Tuesday	Weekday	Normal Pay – Single Time for 7.25 Hours	Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA Shift B: The first 4 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA

Commented [PS10]: Shift B will be receive 7.25 hours @ 100% + 4 hours @ 150% for 2pm – 6pm. After 6pm, overtime payment applies as detailed.

Commented [PS9]: This could be changed to “Normal day’s pay plus time and a half for time worked” and refer to s15 IR Act.

05/01/2011		Wednesday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	
06/01/2011		Thursday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty.</p> <p>“Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>
07/01/2011		Friday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	

Thereafter:

Saturdays			Weekend	<p style="text-align: center;"><i>All time is overtime paid at: First 3 Hours @ Time and a Half (150%) C6.4.2(a) Thereafter @ Double Time (200%) C6.4.2(a)</i></p>	
Sundays			Weekend	<p style="text-align: center;"><i>All time is overtime paid @ Double Time (200%) C6.4.2(b)</i></p>	
Mon - Fri			Weekday	<p>Normal Pay – Single Time for 7.25 Hours</p>	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA Shift B: The first 4 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA</p>

If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to **double rates** until released from duty.

“Double rates” means an *additional single ordinary time penalty payment* **not** double the rate of overtime or public holidays.

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Additional Details:

Leave Forms:

- Employees that were on annual leave, and who have been recalled to duty, will need to submit an amended leave form to SSA to have their annual leave re-credited.

Overtime & TOIL:

- Employees whose classification does not exceed the AO8.4 classification level can elect to be paid overtime **or** credited time off in lieu (TOIL). Casual employees are not entitled to TOIL.
- TOIL and overtime entitlements **must** be recorded throughout the critical incident.
- Employees who are credited with TOIL during the critical incident are to be provided with the opportunity to access their TOIL entitlements within 6 months of the cessation of the critical incident. Employees must make all reasonable attempts to utilise their TOIL entitlements within 6 months of the cessation of the critical incident.
- If, after 6 months of the cessation of the critical incident, employees have not utilised all of their TOIL balances accrued during the critical incident, the remaining balance will be paid out. Unused TOIL will be paid out at time and a half at the employee's salary rate paid on the last day of engagement of the critical incident.
- Overtime payments are based on the salary the employee is receiving during the critical incident. Throughout the critical incident, flexitime arrangements are **suspended**.

Higher Duties:

- If an employee is acting in a Higher Duties position, there is no requirement to assume the higher duties for a minimum period of time during the critical incident before the higher rate of pay is payable.

Supporting Documentation:

- * Directive 24/10 – Critical Incident Entitlements and Conditions
- * Critical Incident Entitlements and Conditions – Support Materials
- * Public Sector Industrial and Employee Relations Circular C2-10 – 2010/2011 Christmas/New Year
- * Public Sector Industrial and Employee Relations Circular C4-10 – *Holidays Amendment Act 2010* – Christmas/New Year Public Holidays

2010 – 2011 Queensland Flood Recovery (Critical Incident) - Pay & Overtime/TOIL Entitlements

Date		Day	Usual Treatment	Ordinary Payment or Public Holiday Payment	Overtime Details	Fatigue Leave
25/12/2010	Christmas Day	Saturday	Weekend	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half C7.7 of QPSA	All hours on this day are considered overtime as they fall outside of the ordinary hours of work – 250% S15(4)(a)(iii) of IR Act	
26/12/2010		Sunday	Weekend	All time is overtime paid @ double time (200%) C6.4.2(b) of QPSA		
27/12/2010	Boxing Day	Monday	Boxing Day Public Holiday	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half C7.7 of QPSA	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Shift B: Receive 7.25 hours for 4 hours work. Time worked after 6pm is outside of ordinary hours and therefore is overtime:</p> <p>First 3 Hours: 300% C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Thereafter: 400% C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p>	<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty.</p> <p>“Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>
28/12/2010		Tuesday	Additionally Recognised Day for Christmas Day	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half Clause 7.7 of QPSA	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Shift B: Receive 7.25 hours for 4 hours work. Time worked after 6pm is outside of ordinary hours and therefore is overtime:</p> <p>First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p> <p>Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act</p>	

Commented [PS2]: Shift B will be receive 7.25 hours @ 100% + 4 hours @ 150% for 2pm – 6pm. After 6pm, overtime payment applies as detailed.

Commented [PS1]: This could be changed to “Normal day’s pay plus time and a half for time worked” and refer to s15 IR Act.

Commented [PS4]: Shift B will be receive 7.25 hours @ 100% + 4 hours @ 150% for 2pm – 6pm. After 6pm, overtime payment applies as detailed.

Commented [PS3]: This could be changed to “Normal day’s pay plus time and a half for time worked” and refer to s15 IR Act.

29/12/2010		Wednesday	Leave on Full Pay Without Debit	Normal Pay – Single Time for 7.25 Hours	<p>Another day to be substituted (within 12 months) with no deduction to leave balances.</p> <p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	
30/12/2010		Thursday	<p>Recreation Leave, TOIL or Accrued Hours</p> <p>Shift A: Have a full day of re-credited (7.25 hrs) – AL, TOIL or Accrued</p> <p>Shift B: Have 3.25 hrs of re-credited – AL, TOIL or Accrued</p>	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty.</p> <p>“Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>
31/12/2010		Friday	<p>Shift A: Have a full day of re-credited (7.25 hrs) – AL, TOIL or Accrued</p> <p>Shift B: Have 3.25 hrs of re-credited – AL, TOIL or Accrued</p>	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p>	

Commented [PS5]: With a concessional day to be provided at a later date.

Commented [PS6]: Here Shift B will receive 7.25 hours @ 100% for the 4 hours work. After 6pm, overtime applies.

Commented [PS7]: 4 hours

Commented [PS8]: 4 hours

					Thereafter: double time (200%) C6.4.2(a) of QPSA
01/01/2011	New Years Day	Saturday	Weekend	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half Clause 7.7 of QPSA	All hours on this day are considered overtime as they fall outside of the ordinary hours of work – 250% S15(4)(a)(iii) of IR Act
02/01/2011		Sunday	Weekend	All time is overtime paid @ double time C6.4.2(b) of QPSA	
03/01/2011		Monday	Additionally Recognised Day for New Years Day	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half Clause 7.7 of QPSA	Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Shift B: Receive 7.25 hours for 4 hours work. Time worked after 6pm is outside of ordinary hours and therefore is overtime: First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act
04/01/2011		Tuesday	Weekday	Normal Pay – Single Time for 7.25 Hours	Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA Shift B: The first 4 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA

Commented [PS10]: Shift B will be receive 7.25 hours @ 100% + 4 hours @ 150% for 2pm – 6pm. After 6pm, overtime payment applies as detailed.

Commented [PS9]: This could be changed to “Normal day’s pay plus time and a half for time worked” and refer to s15 IR Act.

05/01/2011		Wednesday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	
06/01/2011		Thursday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty.</p> <p>“Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>
07/01/2011		Friday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	

Thereafter:

Saturdays			Weekend	<p style="text-align: center;"><i>All time is overtime paid at: First 3 Hours @ Time and a Half (150%) C6.4.2(a) Thereafter @ Double Time (200%) C6.4.2(a)</i></p>	
Sundays			Weekend	<p style="text-align: center;"><i>All time is overtime paid @ Double Time (200%) C6.4.2(b)</i></p>	
Mon - Fri			Weekday	<p>Normal Pay – Single Time for 7.25 Hours</p>	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA</p>

If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to **double rates** until released from duty.

“Double rates” means an *additional single ordinary time penalty payment* **not** double the rate of overtime or public holidays.

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- TOIL and overtime entitlements **must** be recorded throughout the critical incident.
- Employees who are credited with TOIL during the critical incident are to be provided with the opportunity to access their TOIL entitlements within 6 months of the cessation of the critical incident. Employees must make all reasonable attempts to utilise their TOIL entitlements within 6 months of the cessation of the critical incident.
- If, after 6 months of the cessation of the critical incident, employees have not utilised all of their TOIL balances accrued during the critical incident, the remaining balance will be paid out. Unused TOIL will be paid out at time and a half at the employee's salary rate paid on the last day of engagement of the critical incident.
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Higher Duties:

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- * Critical Incident Entitlements and Conditions – Support Materials
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2010 – 2011 Queensland Flood Recovery (Critical Incident) - Pay & Overtime/TOIL Entitlements

Date		Day	Usual Treatment	Payment Details if Worked	Overtime Details	Fatigue Leave
25/12/2010	Christmas Day	Saturday	Weekend	Normal Pay – Single Time for 7.25 Hours <i>S15(1) of IR Act</i> Time Worked: Double time and a half <i>C7.7 of QPSA</i>	All hours on this day are considered overtime as they fall outside of the ordinary hours of work – 250% <i>S15(4)(a)(ii) of IR Act</i>	
26/12/2010		Sunday	Weekend	All time is overtime paid @ double time (200%) <i>C6.4.2(b) of QPSA</i>		
27/12/2010	Boxing Day	Monday	Boxing Day Public Holiday	Normal Pay – Single Time for 7.25 Hours <i>S15(1) of IR Act</i> + Time Worked: Time and a half <i>S15(4)(a)(i) of IR Act</i>	Shift A: The first 7.25 hours @ time and a half (150%), thereafter overtime: First 3 Hours: 2 x time and a half (300%) <i>C6.4.2(a) of QPSA and s15(4)(b) of IR Act</i> Thereafter: 2 x double time (400%) <i>C6.4.2(a) of QPSA and s15(4)(b) of IR Act</i> Shift B: The first 4 hours @ time and a half. Time worked after 6pm is outside of ordinary hours and therefore is overtime: First 3 Hours: 300% <i>C6.4.2(a) of QPSA and s15(4)(b) of IR Act</i> Thereafter: 400% <i>C6.4.2(a) of QPSA and s15(4)(b) of IR Act</i>	If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty. “Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.
28/12/2010		Tuesday	Additionally Recognised Day for Christmas Day	Normal Pay – Single Time for 7.25 Hours <i>S15(1) of IR Act</i> + Time Worked: Time and a half <i>S15(4)(a)(i) of IR Act</i>	Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: 2 x time and a half (300%) <i>C6.4.2(a) of QPSA and s15(4)(b) of IR Act</i> Thereafter: 2 x double time (400%) <i>C6.4.2(a) of QPSA and s15(4)(b) of IR Act</i> Shift B: The first 4 hours @ time and a half. Time worked after 6pm is outside of ordinary hours and therefore is overtime: First 3 Hours: 2 x time and a half (300%) <i>C6.4.2(a) of QPSA and s15(4)(b) of IR Act</i> Thereafter: 2 x double time (400%) <i>C6.4.2(a) of QPSA and s15(4)(b) of IR Act</i>	

29/12/2010	Wednesday	Leave on Full Pay Without Debit	Normal Pay – Single Time for 7.25 Hours	<p>Another day to be substituted (within 12 months) with no deduction to leave balances.</p> <p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: Receive 7.25 hours for 4 hours work. Time worked after 6pm is outside of ordinary hours and therefore is overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	
30/12/2010	Thursday	<p>Recreation Leave, TOIL or Accrued Hours</p> <p>Shift A: Have a full day of re-credited (7.25 hrs) – AL, TOIL or Accrued</p> <p>Shift B: Have 4 hrs re-credited – AL, TOIL or Accrued</p>	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty.</p> <p>“Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>
31/12/2010	Friday	<p>Shift A: Have a full day of re-credited (7.25 hrs) – AL, TOIL or Accrued</p> <p>Shift B: Have 4 hrs of re-credited – AL, TOIL or Accrued</p>	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p>	

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01/01/2011	New Years Day	Saturday	Weekend	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act Time Worked: Double time and a half Clause 7.7 of QPSA	All hours on this day are <i>considered overtime</i> as they fall outside of the ordinary hours of work – 250% S15(4)(a)(iii) of IR Act
02/01/2011		Sunday	Weekend	All time is overtime paid @ double time C6.4.2(b) of QPSA	
03/01/2011		Monday	Additionally Recognised Day for New Years Day	Normal Pay – Single Time for 7.25 Hours S15(1) of IR Act + Time Worked: Time and a half S15(4)(a)(i) of IR Act	Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Shift B: The first 4 hours @ time and a half. Time worked after 6pm is outside of ordinary hours and therefore is overtime: First 3 Hours: 2 x time and a half (300%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act Thereafter: 2 x double time (400%) C6.4.2(a) of QPSA and s15(4)(b) of IR Act
04/01/2011		Tuesday	Weekday	Normal Pay – Single Time for 7.25 Hours	Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA Shift B: The first 4 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA

05/01/2011		Wednesday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	
06/01/2011		Thursday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty.</p> <p>“Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>
07/01/2011		Friday	Weekday	Normal Pay – Single Time for 7.25 Hours	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p> <p>Shift B: The first 4 hours are ordinary hours, thereafter overtime:</p> <p>First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA</p> <p>Thereafter: double time (200%) C6.4.2(a) of QPSA</p>	

Thereafter:

Saturdays			Weekend	<p>All time is overtime paid at: First 3 Hours @ Time and a Half (150%) C6.4.2(a) Thereafter @ Double Time (200%) C6.4.2(a)</p>	
Sundays			Weekend	<p>All time is overtime paid @ Double Time (200%) C6.4.2(b)</p>	
Mon - Fri			Weekday	<p>Normal Pay – Single Time for 7.25 Hours</p>	<p>Shift A: The first 7.25 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA Shift B: The first 4 hours are ordinary hours, thereafter overtime: First 3 Hours: time and a half (150%) C6.4.2(a) of QPSA Thereafter: double time (200%) C6.4.2(a) of QPSA</p>
				<p>If an employee has not had 10 consecutive hours off duty between completion of overtime the previous day and commencement of duty the next day, the employee is entitled to double rates until released from duty. “Double rates” means an <i>additional single ordinary time penalty payment</i> not double the rate of overtime or public holidays.</p>	

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Additional Details:

Leave Forms:

- Employees that were on annual leave, and who have been recalled to duty, will need to submit an amended leave form to SSA to have their annual leave re-credited.

Overtime & TOIL:

- Employees whose classification does not exceed the AO8.4 classification level can elect to be paid overtime **or** credited time off in lieu (TOIL). Casual employees are not entitled to TOIL.
- TOIL and overtime entitlements **must** be recorded throughout the critical incident.
- Employees who are credited with TOIL during the critical incident are to be provided with the opportunity to access their TOIL entitlements within 6 months of the cessation of the critical incident. Employees must make all reasonable attempts to utilise their TOIL entitlements within 6 months of the cessation of the critical incident.
- If, after 6 months of the cessation of the critical incident, employees have not utilised all of their TOIL balances accrued during the critical incident, the remaining balance will be paid out. Unused TOIL will be paid out at time and a half at the employee's salary rate paid on the last day of engagement of the critical incident.
- Overtime payments are based on the salary the employee is receiving during the critical incident. Throughout the critical incident, flexitime arrangements are **suspended**.

Higher Duties:

- If an employee is acting in a Higher Duties position, there is no requirement to assume the higher duties for a minimum period of time during the critical incident before the higher rate of pay is payable.

Supporting Documentation:

- * Critical Incident Declaration 05/2010 – Monsoonal Low
- * Directive 24/10 – Critical Incident Entitlements and Conditions
- * Critical Incident Entitlements and Conditions – Support Materials
- * Public Sector Industrial and Employee Relations Circular C2-10 – 2010/2011 Christmas/New Year
- * Public Sector Industrial and Employee Relations Circular C4-10 – *Holidays Amendment Act 2010* – Christmas/New Year Public Holidays

Critical Incident Entitlements and Conditions

Support Materials

Support materials Directive No. 3/08

CRITICAL INCIDENT ENTITLEMENTS AND CONDITIONS

Support Materials

About the Directive

Existing industrial instruments provide for public service employees' entitlements in the facilitation of "normal" day to day operations.

The intent of the ***Critical Incident Entitlements and Conditions Directive No. 3/08*** is to provide a specific industrial instrument which supports agencies in effectively managing their public service workforce under emergency response and disaster recovery conditions.

About this Document

This document aims to provide information to support the implementation and application of the ***Critical Incident Entitlements and Conditions Directive No. 3/08***.

The information contained is a guide only and does not have any regulatory status when determining disputes about interpretation of the directive.

This document, while specifically referring to Directive 3/08, does not refer to every section of the directive. The notes provided here relate only to those sections of the directive that are considered to be complex or open to interpretation, or sections that can be better explained with examples.

This document also outlines the key points of the ***Critical Incident Entitlements and Conditions Directive No. 3/08*** and how the Directive's provisions relate to sections of relevant existing directives – Domestic Travelling and Relieving Expenses, Hours and Overtime, Higher Duties, and Field Staff.

CRITICAL INCIDENT ENTITLEMENTS AND CONDITIONS

Support Materials

When to use this Directive and Support Materials

The *Critical Incident Entitlements and Conditions Directive* No. 3/08 can only be applied:

- (a) when a disaster event (i.e. critical incident situation) is determined to exist by the Minister responsible for emergency services or by the Executive Director of Emergency Management Queensland;
OR
- (b) when a disaster event (i.e. critical incident situation) is declared under the *Disaster Management Act 2003*; the *Public Health Act 2005*; the *State Transport Act 1938*; or the *Public Safety Preservation Act 1986*;
OR
- (c) where, subject to the provisions of the directive, an agency has gained approval to apply the directive from the Director-General of the department responsible for industrial relations.

The approval process requires an agency submission or documentation to be provided to the Director-General responsible for industrial relations. This documentation includes:

- details of the critical incident including how it would/does adversely **disrupt** the agency's high priority business function/s;
- details of those identified critical business functions likely to be disrupted by the critical incident; and
- details on groups of employees who would typically be categorised as essential under these circumstances – taking into account that employees whose support to the “essential” or frontline employees might also be categorised as essential.

Where (a) or (b) as outlined above occurs, the Directive is applied to essential employees engaged in any department or agency to which this Directive applies who are engaged on duties associated with the determined or declared disaster event.

Where disaster events are determined or declared through the Department of Emergency Services, this department (i.e. DES) will provide automatic notification of such determination or declaration to affected departments and agencies. To receive notifications from DES, agencies should contact the Principal Industrial Relations Officer on phone 3247 8103.

What's different about the *Critical Incident Entitlements and Conditions Directive* No. 3/08?

The *Critical Incident Entitlements and Conditions Directive* No. 3/08 recognises the exceptional circumstances under which some public service employees are either deployed to work, and/or the exceptional workload of some public service employees which occurs when the agency responds to a declared emergency or disaster.

Furthermore, the directive provides an instrument for application when a critical incident impacting on the agency disrupts one or more of the agency's critical business functions and the agency is forced to respond immediately to mitigate or minimise the impact (whether it be short or long term).

Application of the *Critical Incident Entitlements and Conditions Directive* No. 3/08 in such circumstances ensures that public service employees receive appropriate entitlements and conditions for performing work tasks and work loads which are critical for effective and efficient response, recovery and rehabilitation.

There are four (4) ministerial directives which are directly affected by the *Critical Incident Entitlements and Conditions Directive*:

- Domestic Travelling and Relieving Expenses
- Hours and Overtime;
- Higher Duties; and
- Field Staff.

Hours and Overtime Directive

The Hours and Overtime Directive prescribes the compensation for overtime worked by public service employees under "normal" day to day operations. The application of the *Critical Incident Entitlements and Conditions Directive* effects change within the general conditions and entitlements for overtime and salary limitations, identifies the triggers to apply the directive (by declaration or approval), and overrides the need for chief executives to seek exemption to pay overtime to employees in receipt of wages that exceed paypoint (4) of classification level AO5. Furthermore it provides an opportunity for employees and employers to negotiate the credit of time off in lieu for payment of overtime, subject to the operational necessity of the agency – refer to Table 1.

Table 1: Hours and Overtime

Conditions	Hours and Overtime Directive	Critical Incident Entitlements and Conditions Directive No. 3/08
Payment of Overtime	<ul style="list-style-type: none"> • This directive prescribes that employees (excluding field staff) in receipt of wages that do not exceed 	<ul style="list-style-type: none"> • Employees, including field staff, in receipt of wages that do not exceed paypoint (4) of Classification Level AO8 of the

	<p>paypoint (4) of Classification Level AO5 of the CRS, and all casual employees, shall be paid overtime in accordance with any overtime provisions in an applicable industrial award or industrial agreement or certified agreement.</p>	<p>CRS or equivalent will be paid overtime in accordance with any overtime provisions in an applicable industrial award or certified agreement.</p> <ul style="list-style-type: none"> • Overtime is calculated for the period between the completion of ordinary hours of work and cessation of duty at the employee's headquarters. • Overtime payments will be based on the salary the employee is receiving during the critical incident.
<p>Compensation for Overtime</p>	<ul style="list-style-type: none"> • Equivalent TOIL is credited to employees (excluding casual employees) in receipt of wages in excess of paypoint (4) of Classification Level AO5 of the CRS, except where the Director-General of the department responsible for industrial relations excludes certain classes of employees in exceptional circumstances. <p>Applications to exclude employees from the overtime salary limit are to be supported by persuasive evidence and will be considered on a case-by-case basis.</p>	<ul style="list-style-type: none"> • Employees in receipt of wages not exceeding paypoint (4) of Classification Level AO8 of the CRS, or equivalent may negotiate with the agency to be credited with equivalent TOIL, prior to working overtime. However, this is subject to operational requirements of the agency. • Subject to the provisions of this directive <u>there is no requirement</u> for the CEO of an agency to apply for an overtime salary limit exclusion to pay overtime to employees in excess of paypoint (4) of Classification Level AO5 of the CRS but not exceeding paypoint (4) of Classification Level AO8 of the CRS, or equivalent.
<p>Unused TOIL</p>	<ul style="list-style-type: none"> • Equivalent TOIL is credited to employees, <u>provided that unused TOIL</u> will be paid out after 12 months from each date of accrual where – <ul style="list-style-type: none"> - an employee has taken reasonable steps to avoid excessive TOIL balances; 	<ul style="list-style-type: none"> • If after 6 months from the end date of application of this directive, employees have not accessed all their TOIL credited for the critical incident event, then all unused TOIL credited for <u>each</u> event will be paid out as a lump sum at the rate of time and a-half calculated on

	<p>and</p> <ul style="list-style-type: none"> - the employee has been refused an application to take such leave. • For EACH instance of TOIL, a pay out is made ONLY after 12 months has lapsed since the TOIL was originally credited. • This applies only to employees in receipt of wages in excess of paypoint (4) of Classification level AO5 of the CRS, or equivalent, but not exceeding paypoint (4) of Classification level AO6 of the CRS, or equivalent. • Unused TOIL for Classification levels AO7 & AO8 or equivalent will lapse if not taken within 12 months from each date of accrual 	<p>the employee's salary rate actually paid on the last day of the employee's engagement on the critical incident event.</p> <p>(Note: The employee's unused TOIL balance is derived from a time for time accrual of actual overtime hours performed, irrespective that a higher compounding factor, e.g. time and a-half, may have been applied at time of actual accrual in accordance with TOIL definition at clause 5.12 of the Directive.)</p>
<p>Recording compensation for overtime</p>	<ul style="list-style-type: none"> • As per organisational arrangements 	<ul style="list-style-type: none"> • Agencies must record overtime payments/TOIL accrued for overtime worked under critical incident events. • Overtime payments/TOIL accrued will be recorded against each application of the directive where more than one critical incident occurs per financial year period i.e. 1 July to 30 June. • Records for each application of the directive will show all overtime payments/TOIL credited throughout the duration of the critical incident.

Field Staff Directive

Field staff positions are specifically designated as such in position descriptions. The chief executive or the chief executive's delegate identifies the positions to be designated as field staff positions, and must specify within the position description the ordinary weekly hours of the position.

In applying the *Critical Incident Entitlements and Conditions Directive* to designated field staff positions, such staff will be provided with the same entitlements and conditions as non-field staff employees who are subject to the provisions of the directive.

Table 2: Field Staff

Conditions	Field Staff Directive	Critical Incident Entitlements and Conditions Directive No. 3/08
Application	<p>This directive applies to –</p> <ul style="list-style-type: none"> • public service officers; • temporary employees engaged under section 113(2)(a) of the <i>Public Service Act 1996</i>; and • casual employees engaged under section 113(2)(b) of the <i>Public Service Act 1996</i> but only for the purposes of determining hours of duty and weekend penalties prescribed at Part A of the Schedule. <p>This directive does not apply to –</p> <ul style="list-style-type: none"> • general employees engaged under section 112 of the <i>Public Service Act 1996</i>. 	<p>This directive applies to –</p> <ul style="list-style-type: none"> • public service officers; • temporary employees engaged under section 113(2) of the <i>Public Service Act 1996</i>; and • general employees engaged under section 112(2) of the <i>Public Service Act 1996</i>.
Compensation/ Payment for overtime	<ul style="list-style-type: none"> • Equivalent TOIL is credited to employees (excluding casual employees) in receipt of wages not exceeding 	<ul style="list-style-type: none"> • Employees, including field staff, in receipt of wages that do not exceed paypoint (4) of Classification Level AO8 of the

	<p>paypoint (4) of Classification Level AO5 of the CRS.</p>	<p>CRS or equivalent will be paid overtime in accordance with any overtime provisions in an applicable industrial award or certified agreement.</p> <ul style="list-style-type: none"> • Employees, including field staff, in receipt of wages not exceeding paypoint (4) of Classification Level AO8 of the CRS, or equivalent, may negotiate with the agency to be credited with equivalent TOIL, prior to working overtime. However, this is subject to operational necessity of the agency.
<p>Unused TOIL</p>	<ul style="list-style-type: none"> • Payment for accrued TOIL at ordinary rates may occur at the employee's election in the following circumstances: <ul style="list-style-type: none"> - for accrued TOIL in excess of 228 hours; or - where accrued TOIL is not utilised within twelve months of its date of accrual. <p><i>Provided that payment is subject to both:</i></p> <ul style="list-style-type: none"> - an employee having taken reasonable steps to avoid excessive TOIL balances; and - the employee having been refused an application to take such leave. 	<ul style="list-style-type: none"> • If after 6 months from the end date of application of this directive, employees have not accessed all their TOIL credited for the critical incident event, then all unused TOIL credited for <u>each</u> event, will be paid out as a lump sum at the rate of time and a-half calculated on the employee's salary rate actually paid on the last day of the employee's engagement on the critical incident event. <p>(Note: The employee's unused TOIL balance is derived from a time for time accrual of actual overtime hours performed, irrespective that a higher compounding factor, e.g. time and a-half, may have been applied at time of actual accrual in accordance with TOIL definition at clause 5.12 of the Directive.)</p>

Higher Duties Directive

The Higher Duties directive prescribes conditions for the payment of higher duties when a public service officer, or temporary employee engaged to perform essential work of a

type normally performed by a public service officer, assumes the duties and responsibilities of a higher classification level.

The application of the *Critical Incident Entitlements and Conditions Directive No. 3/08* effects changes within the general conditions of higher duties and coverage as shown in Table 3.

The Higher Duties directive prescribes a “minimum period” of time that an employee is required to perform higher duties before being eligible for payment at the higher level, whereas the *Critical Incident Entitlements and Conditions Directive* does not prescribe a “minimum period” before an employee is entitled to payment at the higher level.

Furthermore, while the Higher Duties Directive does not apply to general employees under section 112(2) (a) of the *Public Service Act - 1996*, these employees are covered under the *Critical Incident Entitlements and Conditions Directive No. 3/08*.

These changes recognise that critical incidents typically require swift agency response in staff deployment often resulting in employees being directed, at a moment’s notice, to assume the essential duties and responsibilities of a higher classification level for an indeterminate period of time. Refer in Table 3.

Table 3: Higher Duties

Conditions	Higher Duties Directive	Critical Incident Entitlements and Conditions Directive No. 3/08
“minimum period”	<ul style="list-style-type: none"> • Dependant upon whether the duties and responsibilities of the higher classification position is assumed by one or more employees, at a relevant percentage of > or < than 75% of the full duties and responsibilities of the “higher classification level”, the “minimum period” is prescribed as either: <ul style="list-style-type: none"> - 3 consecutive working days; - 3 cumulative working days; - 3 consecutive working weeks; or - 3 cumulative working weeks. 	<ul style="list-style-type: none"> • No “minimum period” of relief is required for employees directed to assume the duties and responsibilities of an essential position at a “higher classification level” (not exceeding paypoint (4) of Classification Level AO8 of the CRS).

Application	<p>This directive applies to –</p> <ul style="list-style-type: none"> • public service officers; and • temporary employees under section 113(2) (a) of the <i>Public Service Act 1996</i>. <p>This directive does not apply to –</p> <ul style="list-style-type: none"> • general employees under section 112(2)(a) of the <i>Public Service Act 1996</i>; or • employees engaged on a casual basis under sections 112(2) (b) or 113(2) (b) of the <i>Public Service Act 1996</i>. 	<p>This directive applies to –</p> <ul style="list-style-type: none"> • public service officers; • temporary employees under section 113(2) of the <i>Public Service Act 1996</i>; and • general employees under section 112(2) of the <i>Public Service Act 1996</i>.
Salary Limitations	<ul style="list-style-type: none"> • Not specified 	<ul style="list-style-type: none"> • Higher duties performed at a classification level not exceeding paypoint (4) of Classification Level AO8 of the CRS, or equivalent.

Domestic Travelling and Relieving Expenses

While the Domestic Travelling and Relieving Expenses Directive prescribes the compensation for expenses incurred when an employee is required to travel to perform duties away from the employee's usual place of work, it does not specifically address the exceptional "accommodation" issues that may occur within a critical incident.

For example, the damage caused by a cyclone may result in loss or lack of accommodation which is at least consistent with the 3 star rating used in RACQ accommodation directories, which is regarded to be the minimum standard of accommodation as per the Domestic Travelling and Relieving Expenses Directive.

Therefore those who are deployed to these conditions are likely to have no choice other than to utilise accommodation below the 3 star rating.

In this situation, the application of *Critical Incident Entitlements and Conditions Directive* No. 3/08 will mandate the payment of an additional hardship allowance of \$47.05 per night to compensate those employees.

Applying the *Critical Incident Entitlements and Conditions Directive* No. 3/08 also addresses the needs of local employees working under critical incident conditions by allowing them to receive the same entitlements and allowances prescribed in Directive No. 7/07, if meals and accommodation are required due to either:

- having been directed to work under those conditions, and then because of occurrences beyond their control (such as road closures, unsafe weather conditions or similar) they are unable to return to their place of residence;

OR

- having been directed to attend work throughout the critical incident, travelling to and from their place of residence would cause an unacceptable level of risk for the employee.

Similarly, local employees would also be entitled to the additional hardship allowance of \$47.05 per night if the only accommodation standard provided or available to them did not meet the minimum 3 star rating.

---END---

ATTORNEY-GENERAL AND MINISTER FOR INDUSTRIAL RELATIONS

DIRECTIVE NO. 24/10
December 2010

In accordance with section 52(3) of the *Public Service Act 2008* 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 circumstances where the industrial instrument provides for conditions in excess of this Directive. Industrial instrument means an award, certified agreement or decision of the Queensland Industrial Relations Commission. This Directive prevails over other Ministerial Directives to the extent of any inconsistency.

- 1. TITLE:** **Critical Incident Entitlements and Conditions**
- 2. PURPOSE:** To prescribe the entitlements and conditions for specified public service employees in critical incident circumstances prescribed in paragraph 2 of Schedule A.
- 3. LEGISLATIVE PROVISION:** Section 54(1) of the *Public Service Act 2008*.
Section 687 of the *Industrial Relations Act 1999*.
- 4. APPLICATION:** This Directive applies to “public service employees”, as defined in section 9 of the *Public Service Act 2008* and covered by:
 - *Queensland Public Service Award - State 2003*; or
 - *Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2003*; or
 - *Building Trades Public Sector Award - State 2002*; or
 - *Civil Construction, Operations and Maintenance General Award - State 2003*; or
 - *Conservation, Parks and Wildlife Employees’ Award - State Government 2003*; or
 - *Engineering Award - State 2002*.
- 5. STANDARD:** The entitlements and conditions prescribed in the schedules apply.
- 6. EFFECTIVE DATE** This Directive is to operate from **20 December 2010**
- 7. VARIATION:** This Directive can be varied by –
 - The Minister responsible for industrial relations; or
 - Legislation.
- 8. SUPERSEDES:** Directive 3/08 “Critical Incident Entitlements and Conditions”
- 9. PREVIOUS REFERENCES:** Directive 1/08 “Critical Incident Entitlements and Conditions”
- 10. SEE ALSO** Directives on:
 - Overtime Meal Allowances;
 - Domestic Travelling and Relieving Expenses;
 - Motor Vehicle Allowances;
 - Hours and Overtime;
 - Higher Duties;
 - Field Staff.

SCHEDULE A

CRITICAL INCIDENT ENTITLEMENTS AND CONDITIONS

GENERAL CONDITIONS

1. Requirement

This Directive operates in conjunction with relevant industrial instruments and Ministerial Directives as amended from time to time including:

Queensland Public Service Award - State 2003; or

Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2003; or

Building Trades Public Sector Award - State 2002; or

Civil Construction, Operations and Maintenance General Award - State 2003; or

Conservation, Parks and Wildlife Employees' Award - State Government 2003; or

Engineering Award - State 2002; and

Directives on:

- Overtime Meal Allowances;
- Domestic Travelling and Relieving Expenses;
- Motor Vehicle Allowances;
- Hours and Overtime;
- Higher Duties;
- Field Staff.

This Directive prevails over industrial instruments and other Ministerial Directives to the extent of any inconsistency.

2. When the entitlements under this Directive apply

This directive only applies to employees identified by the relevant chief executive as performing work essential to the resolution of the critical incident or Emergency Management Queensland (EMQ) activation.

Employees who are identified as per the above requirement are to be remunerated in accordance with Schedules B, C and D, only:

- (a) when a critical incident situation is determined to exist by the Minister

responsible for emergency services or the Assistant Director-General of Emergency Management Queensland, or is declared under the *Disaster Management Act 2003*, the *Public Health Act 2005*, the *State Transport Act 1938* or the *Public Safety Preservation Act 1986*, **OR**

- (b) where, subject to the provisions of this Directive, approval to apply this Directive has been obtained from the chief executive of the department responsible for industrial relations, **OR**

- (c) where the Director-General, Department of Community Safety declares an EMQ activation.

3. Approval to apply this Directive

3.1 The chief executive of a government department or public service office may seek approval from the chief executive of the department responsible for industrial relations. This approval may be sought prior to, during or after the critical incident event has occurred.

3.2 Approval only applies to critical incidents identified in the department or public service office's Business Continuity Plan (BCP) or plans.

The chief executive of the department responsible for industrial relations will determine the conditions of approval.

3.3 Approval will not be granted to address disruption to business as a result of lawful or protected industrial action.

3.4 Approval will allow a department or public service office to invoke this Directive when the Disaster Recovery Co-ordinator (DRC) or equivalent designated position within the department or public service office, has determined it necessary to activate the contingency actions and/or crisis management plan/s.

3.5 The approval application must include a copy from the BCP where those critical incidents are identified.

<p>3.6 The department or public service office may, at any time, update the documentation within their business continuity plan and re-apply for a subsequent approval.</p> <p>4. Duration for application of this Directive</p> <p>4.1 Start date of the application of this Directive is:</p> <p>(a) the date when a critical incident situation is determined to exist by the Minister responsible for emergency services or the Assistant Director-General of Emergency Management Queensland, or when a critical incident situation is declared under the <i>Disaster Management Act 2003</i>, the <i>Public Health Act 2005</i>, the <i>State Transport Act 1938</i> or the <i>Public Safety Preservation Act 1986</i>, OR</p> <p>(b) the date determined by the chief executive of a department or public service office with approval to apply this Directive, OR</p> <p>(c) the date determined for the commencement of an EMQ activation.</p> <p>4.2 End date of the application of this Directive is no later than 45 days after the start date.</p> <p>In the case of an application approved under section 3 of this Directive, the chief executive should end the application of this Directive as soon as the chief executive is satisfied it is no longer necessary to apply it or on the date of cessation as determined by the chief executive of the department responsible for industrial relations.</p> <p>4.3 The application of this Directive to a particular critical incident may be extended past the end date specified in clause 4.2 by the chief executive of the department or public service offices performing work essential to the resolution of the critical incident.</p> <p>4.4 Chief executives shall advise the chief executive of the department responsible for industrial relations of the extension of this Directive and the proposed end date.</p> <p>4.5 Chief executives of the departments or public service offices utilising</p>	<p>entitlements under this Directive must advise affected employees when this Directive no longer applies to the particular critical incident and entitlements are to cease.</p> <p>5. Definitions</p> <p>5.1 “critical incident” includes any event requiring swift, decisive action by the State in response to and recovery from such even, and occurring outside of the normal course of routine business activities. A critical incident may be naturally occurring or cause by human acts or omissions.</p> <p>5.2 “critical incident conditions” are those conditions which cause serious disruption to basic services in a community and place abnormal strain on resources and expertise to mitigate the adverse effects of the event.</p> <p>5.3 “essential position” means a position considered by the chief executive of the relevant department or public service office as vitally important or absolutely necessary, directly or indirectly, in resolving a critical incident.</p> <p>5.4 “field staff” means those employees identified as field staff in accordance with the Ministerial Directive on Field Staff.</p> <p>5.5 “flexitime” means a system where employees utilise an organisational accrued time working time arrangement made in accordance with Schedule 5 of the <i>Queensland Public Service Award - State 2003</i>.</p> <p>5.6 “headquarters” means the employee's usual employment site.</p> <p>5.7 “lawful industrial action” means, for the purpose of this Directive, refusal to work in accordance with s 241 of the <i>Industrial Relations Act 1999</i>.</p> <p>5.8 “overtime” for employees other than those working flexitime under the <i>Queensland Public Service Award - State 2003</i>, means all authorised work in excess of ordinary working hours or outside the ordinary spread of hours as defined in:</p> <ul style="list-style-type: none"> • <i>Queensland Public Service Award - State 2003</i>; or, • <i>Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2003</i>; or, • <i>Building Trades Public Sector Award - State 2002</i>; or, • <i>Civil Construction, Operations and maintenance General Award – State 2003</i>; or
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<ul style="list-style-type: none"> • <i>Conservation, Parks and Wildlife Employees' Award – State Government 2003</i>; or, • <i>Engineering Award – State 2002</i>. <p>5.9 “overtime” for employees working flexitime under the <i>Queensland Public Service Award – State 2003</i> means all authorised work in excess of 36.25 hours per week, 7.25 hours per day or outside the spread of 6:00am to 6:00pm Monday-Friday.</p> <p>5.10 “protected industrial action” means, for the purpose of this Directive, refusal to work in accordance with s 174 of the <i>Industrial Relations Act 1999</i>.</p> <p>5.11 “temporary headquarters” means during a critical incident the employee’s temporary employment site or the site where employees assemble to travel to and from the site of the impact. The location of an employee’s temporary headquarters may change during the critical incident.</p>	<p>5.12 “TOIL” means time off in lieu of paid overtime on a time for time basis; OR in accordance with the basis of time off for time worked provided in the relevant:</p> <ul style="list-style-type: none"> • award; • certified agreement; or • department’s hours of work arrangements made pursuant to the award. <p>5.13 “EMQ Activation” is where the Director-General, Department of Community Safety declares an emergency situation exists and that situation is of such significance that it requires employees of Emergency Management Queensland and, if required, other Divisions of the Department of Community Safety to work extended hours and/or temporary shift work to meet operational demands in preparing for and responding to the situation.</p>
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<p>SCHEDULE B</p> <p>CRITICAL INCIDENT ENTITLEMENTS AND CONDITIONS</p>
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<p>OVERTIME ENTITLEMENTS</p>

<p>6. Overtime</p> <p>6.1 Employees (including field staff) who are in receipt of a salary which does not exceed the full-time equivalent of AO8 paypoint 4, shall be paid overtime or credited time off in lieu (TOIL).</p> <p>6.2 Overtime payments will be based on the salary the employee is receiving during the critical incident up to and including AO8 paypoint 4.</p> <p>6.3 For the purposes of invoking this Directive, employees will elect whether they will be paid overtime or credited with TOIL.</p> <p>6.4 During application of this Directive flexitime arrangements are suspended for employees receiving entitlements under this Directive.</p> <p>6.5 Paid overtime or credited TOIL is calculated up to the cessation of duty at the employee’s headquarters or temporary headquarters.</p>	<p>7. Recording compensation for Overtime</p> <p>7.1 Departments or public service offices must record TOIL for overtime worked under critical incident events.</p> <p>7.2 TOIL will be recorded against each critical incident event where more than one critical incident occurs per financial year period i.e. 01 July to 30 June.</p> <p>7.3 Each event record will show all TOIL credited throughout the duration of the event.</p> <p>8. Claim for compensation for Overtime</p> <p>8.1 No claim for overtime is to be approved where an employee elects to work solely for his or her own benefit or convenience.</p> <p>8.2 Departments or public service offices are to ensure that employees credited with TOIL under this Directive are provided with the opportunity to take off all time accrued within six months of the end date of application to which this Directive applies.</p>
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<p>8.3 Employees must also make a reasonable attempt to take the TOIL.</p> <p>8.4 The taking of TOIL by an employee will be by mutual agreement between the employer and the employee. In all cases it will be subject to organisational convenience.</p>	<p>9. Unused Critical Incident TOIL</p> <p>9.1 If, after six months from the end date of the application of this Directive, employees have not taken all the TOIL credited for the particular critical incident event, then all unused TOIL accrued during that event will be paid out.</p> <p>9.2 TOIL will be paid at time and a half (ordinary time plus half ordinary time) at the employee's salary rate actually paid on the last day of the employee's engagement on the critical incident event.</p>
---	---

SCHEDULE C

CRITICAL INCIDENT ENTITLEMENTS AND CONDITIONS

HIGHER DUTIES

<p>10. No requirement for minimum period of duty for payment at the higher rate.</p> <p>When this Directive applies, an employee directed to assume the duties and responsibilities of an essential position at a higher classification level is to be remunerated at the higher rate.</p> <p>There is no requirement to assume the higher duties for a minimum period of time before the higher rate is payable.</p>	
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SCHEDULE D

CRITICAL INCIDENT ENTITLEMENTS AND CONDITIONS

DOMESTIC TRAVELLING AND RELIEVING EXPENSES

<p>To be read in conjunction with the Directive on Domestic Travelling and Relieving Expenses.</p> <p>11. Application of the Directive on Domestic Travelling and Relieving Expenses</p> <p>Any employee working under critical incident conditions is to receive the same entitlements and allowances as prescribed in the Directive on Domestic Travelling and Relieving Expenses if:</p> <p>(a) the employee has been directed to work under critical incident conditions and then, due to occurrences beyond the employee's control (eg road closures), the employee is unable to reach their place of residence or because it is impractical for the employee to return to their place of residence; OR</p>	<p>(b) the employee has been directed to work under critical incident conditions, but has been directed not to travel to and from their place of residence because of the unacceptable level of risk for the employee.</p> <p>12. Hardship Allowance</p> <p>Where an employee is entitled to the benefits of the Directive on Domestic Travelling and Relieving Expenses (including employees entitled under clause 11 of Schedule D), an additional hardship allowance of \$47.05 per night is payable where the employee is required to perform duties under critical incident conditions and has no choice other than to utilise accommodation below the 3 star rating used in RACQ accommodation directories.</p>
--	--

From: Ken Hawkins
Sent: Monday, 22 November 2010 23:19
To: Glenn Carthew; John R Martin (QFRS)
Cc: Michael Hawkins; Peta Robertson
Subject: On-Call Entitlements etc

Attachments: 101122 On-Call Recall Overtime Summary.doc; 101122 INFORMATION SHEET - ON_CALL.doc
John/Glenn

Attached is a draft information sheet that I have collated from a range of information available to me (including Stewart's summary that he prepared)

I'm looking at getting this reviewed and enhanced by ER and endorsed by the Director, ER prior to getting Bruce's endorsement to circulate to EMQ managers.

Your assistance would be appreciated. We have an IR Meeting with EMQ on Wednesday.

Matters that might require some further work are the scenarios (I want to make it as clear as possible what fits into each category in an EMQ context). I'd also like to clarify the overtime entitlements that apply when someone NOT on-call is required to return to work.

Thanks Ken

From: Michael Hawkins
Sent: Tuesday, 4 January 2011 16:18
To: Peta Robertson; Ken Hawkins; Glenn Carthew
Subject: FW: Critical Incident Entitlements and Conditions Directive

FYI - please see message below (better late than never).

Regards

Michael Hawkins
Director, Employee Relations
Department of Community Safety
Ph: 07 3635 3064
Mob: Contrary to the public interest
michael.hawkins@dcs.qld.gov.au

Please note new telephone number

-----Original Message-----

From: Grant Wallace [mailto:Grant.Wallace@justice.qld.gov.au]
Sent: Tuesday, 4 January 2011 16:08
To: Michael Hawkins
Cc: Ray Clarke; Michael B. Anderson; Noel Cavanough
Subject: Re: Critical Incident Entitlements and Conditions Directive

Hi Michael,

I just wanted to inform you that PSIER have been advised that the Attorney-General has approved the proposed amendments to the Critical Incident Entitlements and Conditions Directive. As such, PSIER will endeavour to have the amended Directive gazetted this coming Friday. The Directive will have the retrospective operative date of 20 December 2010 and will be given the Directive number 24/10.

I hope this information assists.

Cheers

Grant Wallace
A/Senior Consultant
Public Sector Industrial and Employee Relations | Department of Justice and Attorney-General
t: (07) 322 45485 | f: (07) 322 95943 | e:
grant.wallace@justice.qld.gov.au | w: www.psier.qld.gov.au

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QFES RTI FINAL RELEASE

From: Christiane Strong
Sent: Thursday, 8 December 2011 15:38
To: Peta Robertson
Cc: Glenn Carthew
Subject: FW: Information Session - New Hours of Work Arrangements - EMQ - Tuesday, 29/11/2011 from 11am to 12 noon.
Good afternoon Peta

Glenn has asked me to run this draft e-mail by yourself to see if you are happy with the content prior to it being forwarded out to all of EMQ Staff, or if you would like to change it to suit....the auditorium has been booked for 2pm to 3pm (it has been booked at 1pm to 4pm to allow us to set up and to answer any queries if time goes over the one hour).

Kind Regards
Christiane Strong

From: Christiane Strong
Sent: Wednesday, 23 November 2011 13:44
To: Glenn Carthew
Cc: Christiane Strong
Subject: Information Session - New Hours of Work Arrangements - EMQ - Tuesday, 29/11/2011 from 11am to 12 noon.
Importance: High
Hi Glenn

Below is a draft e-mail/invitation to information session request that I have done ready to send out to all EMQ staff. Can you have a look over to see what you wish to add/change before you give me the okay to send out?

Cheers
Chris

An information session has been arranged for Wednesday, 14/12/2011 from 2pm to 3pm to provide a detailed overview of the new EMQ Hours of Work changes. This information pertains to all EMQ staff covered by the EMQ Hours of Work arrangements, except for helicopter staff as they are covered by their own EB.

Information packs will be made available to those who attend the information session and to those who request packs to be forwarded to them.

The information will cover the following:-

EMQ Hours of Work changes (document in information pack provided)

- Hours of Work
- Accrued Time (copy of Clause 6.16 of the *Queensland Public Service Award - State 2003* provided in information pack provided)
- Work Performed on Weekend and Public Holidays (copy of Clause 6.5.3 and 7.7 of the *Queensland Public Service Award - State 2003* provided in information pack provided)
- Shift Penalties (copy of Clause 6.5.2 of the *Queensland Public Service Award - State 2003* provided in information pack provided)
- Hours and Overtime (copy of Clause 6.4.1 and 6.4.2 of the *Queensland Public Service Award - State 2003* provided in information pack provided)
- On Call (copy of Clause 5.14.4 of the *Queensland Public Service Award - State 2003* provided in information pack provided)
- Work Performed on Weekends and Public Holidays (copy of Clause 6.5.3 and 7.7 of the *Queensland Public Service Award - State 2003* provided in information pack provided)
- Critical Incidents and EMQ Activations (Directives on Critical Incident and Hours of Work in information pack provided)
 - Hours of Work
 - Overtime
 - Meal Breaks/Rest Pauses
 - Travel Time
 - Fatigue Management (copy of Clause 6.4.9 of the *Queensland Public Service Award - State 2003* provided in information pack provided)

- Amended timesheet for EMQ staff that incorporates changes to reflect the new EMQ Hours of Work arrangements
- Question time

The video conference and auditorium session can be accessed in the following ways:

For Regional staff you will be able to join the video conference as a Tanberg or Movi client, depending on what technology is available in your location. Through Tanberg or Movi you will need to dial 950 and when requested enter the pin number 1234#.

For those that don't have access as a Tanberg or Movi Client there is a limited capacity for people to join through teleconference. To teleconference you need to dial 3622 2950 and after you hear the instruction "please wait" or "enter the security pin", you will need to enter 1234#. There is limited capacity for teleconference of only 8 lines.

Staff may also be able to view the information session live through Desportal via the following link:

<http://bnetcs02/>

The information session is entitled "Information Session - New Hours of Work Arrangement - EMQ". This information session will also be available on an ongoing basis on viewing and staff will be able to download the information session from Desportal.

The employee relations unit will be available to answer any questions during the information session and a contact list will be provided post the information session for any further enquiries that may arise.

Public Sector Industrial and Employee Relations

Level 25, 50 Ann Street, Brisbane QLD 4000
Telephone 322 45490

Facsimile 3229 5943

Circular No. C2-10
Date 16 August 2010

Title: 2010/2011 Christmas/New Year Compulsory Closure

Compulsory closure arrangements for the Christmas and New Year period are based on –

- the benefits that result from closure during a traditionally low productivity period; and
- providing the opportunity for staff to have a substantial break for family or other reasons.

Provisions

The closure arrangements will apply only where departmental requirements permit the absence of employees.

Limited staffing arrangements may need to be implemented in some areas of departments to meet essential government and public needs.

Leave for officers and employees participating in the compulsory closure is to be on the following basis –

Public Holiday (Boxing Day)

Monday 27 December 2010

Public Holiday (Christmas Day)

Tuesday 28 December 2010

Leave on full pay without debit

Wednesday 29 December 2010

Recreation Leave, TOIL or Accrued Hours

Thursday 30 December 2010

Recreation Leave, TOIL or Accrued Hours

Friday 31 December 2010

Public Holiday (New Years Day)

Monday 3 January 2011

Employees engaged in a service which requires continuous shift operations and who receive additional leave for such work are not entitled to participate in the closure arrangements.

Employees who are not engaged in continuous shift operations and who are

required to work during the Christmas or New Year period are to be allowed one working day on full pay without debit to any leave account. This day may be taken at any time convenient to the employer, within the ensuing year.

Where an employee is absent on annual (recreation) leave or long service leave extending over the compulsory closure period, the employee's leave is to be adjusted so that one working day is granted without debit to any leave account. This does not apply to an employee who is engaged in a service which requires continuous shift operations and who receives additional leave for such work. Special Leave without pay should not be granted in lieu of this leave.

Employees do not qualify for the one day's leave on full pay without debit to any leave account when absent on any other form of leave.

Part-time employees only qualify for the one day leave on full pay without debit when their regular ordinary hours fall on that day. Payment is based on the ordinary regular hours ordinarily worked on that day.

Part-time employees' regular working hours should not be amended purely to attract the benefits of the one day's leave on full pay without debit.

Departmental Options

There are a number of Christmas closure arrangements options –

- (i) The use of recreation leave (if no credit exists, future credits)
- (ii) The use of TOIL balances (not less than a full day);
- (iii) The use of accrued hours including banked rostered days off (not less than a full day or a rostered day off) available under relevant departmental hours of work arrangements and relevant industrial awards.

◆ Title 2010/2011 Christmas/New Year Compulsory Closure

◆ Date 16 August 2010

◆ Circular No. C2-10

Senior Executives and Senior Officers

Senior Executives and Senior Officers participating in the compulsory closure have an entitlement to the concessional day of Wednesday 29 December 2010.

In addition, Senior Executives and Senior Officers have an entitlement to Thursday 30 December 2010 and Friday 31 December 2010 off without debit to their paid accrued leave entitlements, unless determined otherwise by a chief executive for individual officers in exceptional circumstances (e.g. for operational reasons). This is in line with the Directives titled Senior Executives – Employment Conditions and Senior Officers – Employment Conditions, which provide that the hours of duty are those determined by the chief executive ensuring the good health and well-being of Senior Executives and Senior Officers and appropriate work-life balance.

Where a chief executive determines that an individual Senior Executive or Senior Officer will not receive paid absence on Thursday 30 December 2010 and Friday 31 December 2010 without debit to their paid accrued leave entitlements, the Senior Executive or Senior Officer will be required to apply for recreation leave on Thursday 30 December 2010 and Friday 31 December 2010.

Where limited staffing arrangements are needed to be implemented in some areas of departments to meet essential government and public needs, chief executives can require Senior Executives and Senior Officers to be available either at their usual workplace or somewhere else via mobile phone or email, in which case they would not be entitled to leave without debit or required to apply for recreation leave on Thursday 30 December 2010 and Friday 31 December 2010.

Senior Executives and Senior Officers who are required to work during the Christmas or New Year period are to be allowed one working day on full pay without debit to any leave account. This day may be taken at any time convenient to the chief executive, within the ensuing year.

Please ensure when distributing this information within your agency that you nominate your own contact officer to respond to enquiries from staff within your agency.

RAY CLARKE
A/Executive Director

The Division of Public Sector Industrial and Employee Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Justice and Attorney-General. Departmental enquiries about this circular should be directed to Nick Gillespie on telephone 07 322 52449.

- General enquiries about public sector industrial and employee relations matters should be directed to telephone 07 3224 5490.
- Written enquiries should be addressed to:
The Executive Director
Public Sector Industrial and Employee Relations
Department of Justice and Attorney-General
GPO Box 69
BRISBANE Q 4001

Copies of all current circulars issued by Public Sector Industrial and Employee Relations are available from the department's web site at www.justice.qld.gov.au

Public Sector Industrial and Employee Relations

Level 25, 50 Ann Street Brisbane QLD 4000

Telephone 322 45490

Facsimile 32295943

Circular No. C4-10

Date 12 October 2010

Holidays Amendment Act 2010 – Christmas/New Year Public Holidays

On 14 September 2010 the Attorney-General and Minister for Industrial Relations, Cameron Dick introduced legislation into parliament which proposed amendments to the *Holidays Act 1983*. The proposed amendments were to ensure that workers across Queensland required to work at Christmas and over the New Year period received applicable public holiday penalty rates.

On 7 October 2010 the *Holidays Amendment Act 2010* was passed to provide for the observance of two public holidays for Christmas Day on 25 and 28 December 2010, and for two public holidays for New Year's Day on 1 and 3 January 2011.

The actual penalty rates to be paid to those employees required to work on the aforementioned dates will depend on the applicable industrial instruments.

The changes will have no impact on most Monday-to-Friday employees, as they will still receive the benefits of the public holidays which fall on Tuesday 28 December 2010 and Monday 3 January 2011.

Please refer to the Department of Justice and Attorney-General website (<http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations/public-holidays/public-holiday-dates-for-2008-2013>) for a listing of Public Holidays gazetted in accordance with the provisions of the *Holidays Act 1983*.

Paul Casey
Executive Director

The Division of Public Sector Industrial and Employee Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Justice and Attorney-General. Enquiries about this circular should be directed to Patrick Steele on telephone 07 300 64119.

- General enquiries about public sector industrial and employee relations matters should be directed to telephone 07 3239 0402.
- Written enquiries should be addressed to:
The Executive Director
Public Sector Industrial and Employee Relations
Department Justice and Attorney-General
GPO Box 69
BRISBANE QLD 4001

Copies of all current circulars issued by Public Sector Industrial and Employee Relations are available from the department's web site at <http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations/queensland-government-employees>

◆ Title Holidays Amendment Act 2010 – Christmas/New Year Public Holidays

◆ Date 12 October 2010

◆ Circular No. C4-10

PSIER Information Sheet

Business Case – Exclusion from Overtime Directive

Directive 19/01 “*Hours and Overtime*” of December 2001 contained a new provision allowing the Director-General of the department responsible for industrial relations to exclude classes of employees from the “Salary Limitations” for compensation for overtime. Directive 19/01 was replaced by Directive 5/05 in August 2005 and contained similar wording in relation to overtime exclusions:

“Except where the Director General of the department responsible for industrial relations excludes certain classes of employees in exceptional circumstances.

Applications to exclude employees from the overtime salary limit are to be supported by persuasive evidence and will be considered on a case by case basis.”

Consequently classes of employees in excess of classification level AO5-5 such as classification levels AO6, AO7, AO8 (or equivalent) may be excluded from the limitation on payment of overtime. This means that classes of excluded employees may be paid in accordance with overtime provisions in an applicable industrial award, industrial agreement or certified agreement.

Background

In accordance with Directive 5/05, the exclusion mechanism will only apply to “public service employees” as defined in section 9 of the *Public Service Act 1996*. The mechanism does not apply to employees at classification levels in excess of AO8 (or equivalent).

Application Requirements

The exclusion will be by way of application to the Director-General of the Department of Employment and Industrial Relations and must be:

- for an identified class of employees;
- due to exceptional circumstances;
- supported by persuasive evidence; and
- decided on a case-by-case basis.

Content of Applications

The application for exclusion must be signed by the chief executive of the agency and needs to show:

- a business case for the need for the exclusion; and
- that the interests of the employees have been considered.

The business case for the need for the agency for the exclusion needs to be supported by evidence. To assist in the consideration of the business case, the application also needs to indicate if:

- there is agreement by the employees concerned;
- there is agreement by the relevant union;
- the work unit is suitably staffed and resourced, with reasonable work targets;
- suitable operational alternatives, rostering arrangements or flexible work practices have been considered; and
- there are any industrial, environmental or safety restrictions on the hours worked.

In regard to the interests of employees, an employer may require employees to work reasonable overtime. However, the application needs to demonstrate that consideration has been given to the interests of employees. This includes:

- impacts on the employee's social and community life, family responsibilities or carer responsibilities;
- safeguards to ensure that unreasonable hours are not worked;
- safeguards for occupational health and safety factors including fatigue; and
- any imposition of unreasonable requirements that would result in indirect discrimination.

The application may include a proposal for monitoring and reviewing arrangements in regard to:

- control of risk, safe systems of work and monitoring health;
- instruction and supervision; and
- consultation with and feedback from the employees and their supervisors.

Exclusions must be for a stated period of time, with any extension subject to suitable results from a review.

Submitting an Application

Applications for the exclusion of classes of employees should be in writing addressed to the Deputy Director-General of the Department of Justice and Attorney-General. The application should be signed by the chief executive of the agency and needs to address the requirements outlined above. Evidence to support the business case and the consideration of the interests of employees needs to be included. It is advisable to include the name and phone number of a contact officer who can provide further information if this is needed.

From: Bruce Grady
Sent: Wednesday, 16 November 2011 11:35
To: Glenn Carthew
Subject: RE: 111116 Implementation Plan . EMQ.doc
OK

Regards

Bruce Grady
Assistant Director-General
Emergency Management Queensland

bruce.grady@dcs.qld.gov.au

telephone: (07) 3635 3485
mobile: contrary to the public interest
fax: (07) 3247 8505

From: Glenn Carthew
Sent: Wednesday, 16 November 2011 11:32
To: Bruce Grady; Peta Robertson
Subject: 111116 Implementation Plan . EMQ.doc

<< File: 111116 Implementation Plan . EMQ.doc >>

Bruce

I have attached an implementation plan for the Hours of Work Arrangements for EMQ. I have been advised that the Union will lodge a dispute this afternoon at 4.00 if they do not receive a copy of the Hours arrangements. Spoke directly to Michael Thomas regarding this and his comments were that as the hours arrangements have been agreed there should be no issue with the union being advised and provided a copy

I intend to send a copy of the Implementation Plan to Michael together with a copy of the proposed Hours of Work Arrangements before midday. He will then have an understanding of the timelines and implementation phases in getting the hours into place and staff trained.

Please advise if you have concerns regarding this.

Regards

Glenn Carthew

From: Peta Robertson
Sent: Tuesday, 4 January 2011 16:54
To: Michael Hawkins; Ken Hawkins; Glenn Carthew
Subject: Re: Critical Incident Entitlements and Conditions Directive

Agree, because of current operations, this may need to wait.

Regards

Peta Robertson
Executive Officer
Emergency Management Queensland

Phone: 07 3247 8512
Mobile: Contrary to the public interest

peta.robertson@dcs.qld.gov.au

----- Original Message -----

From: Michael Hawkins
Sent: Tuesday, January 04, 2011 04:52 PM
To: Peta Robertson; Ken Hawkins; Glenn Carthew
Subject: RE: Critical Incident Entitlements and Conditions Directive

Sorry - I should have explained that. My view is that we can now make arrangements to consult the QPSU about our proposed changes to Schedule 3, although we might need to finalise our approach to the Watch Desk officer issues before we do that?

Regards

Michael H

-----Original Message-----

From: Peta Robertson
Sent: Tuesday, 4 January 2011 16:49
To: Michael Hawkins; Ken Hawkins; Glenn Carthew
Subject: RE: Critical Incident Entitlements and Conditions Directive

What does this mean in terms of the next step that EMQ can take regarding the Schedule 3?

Kind regards

Peta

Peta Robertson | Executive Officer | Emergency Management Queensland, Department of Community Safety | Mail: GPO Box 1425 Brisbane Q 4001 | Phone: 07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: Contrary to the public interest | Email:

Peta.Robertson@dcs.qld.gov.au |

-----Original Message-----

From: Michael Hawkins
Sent: Tuesday, 4 January 2011 4:18 PM
To: Peta Robertson; Ken Hawkins; Glenn Carthew
Subject: FW: Critical Incident Entitlements and Conditions Directive

FYI - please see message below (better late than never).

Regards

Michael Hawkins
Director, Employee Relations
Department of Community Safety
Ph: 07 3635 3064
Mob: Contrary to the public interest
michael.hawkins@dcs.qld.gov.au

Please note new telephone number

-----Original Message-----

From: Grant Wallace [mailto:Grant.Wallace@justice.qld.gov.au]
Sent: Tuesday, 4 January 2011 16:08
To: Michael Hawkins
Cc: Ray Clarke; Michael B. Anderson; Noel Cavanough
Subject: Re: Critical Incident Entitlements and Conditions Directive

Hi Michael,

I just wanted to inform you that PSIER have been advised that the Attorney-General has approved the proposed amendments to the Critical Incident Entitlements and Conditions Directive. As such, PSIER will endeavour to have the amended Directive gazetted this coming Friday. The Directive will have the retrospective operative date of 20 December 2010 and will be given the Directive number 24/10.

I hope this information assists.

Cheers

Grant Wallace
A/Senior Consultant
Public Sector Industrial and Employee Relations | Department of Justice and Attorney-General
t: (07) 322 45485 | f: (07) 322 95943 | e:
grant.wallace@justice.qld.gov.au | w: www.psier.qld.gov.au

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QFES RTI FINAL RELEASE

SDCC rostering principles

1. Determine staff resources
2. Calculate what each staff has worked to date
3. Project roster from today until Sunday 9 February 2014
4. Allocate available staff to roster considering the following:
 - a. What are the staffing needs? Marry the needs against the resources available.
 - b. Particularly for staff being rostered in the next few days, look at what they have worked so far his week. If they have already worked every day this week, do not roster them to work more than five or six days straight.
 - c. For staff rostered to start Saturday or Sunday, it might be recommended that they finish their shift Thursday afternoon and then rest until they are due to start on the weekend.
 - d. Factor in rest and meal breaks
 - e. Ensure that staff have **at least** a 10-hour break between shifts
 - f. Always be cognisant of fatigue issues
 - g. Reinforce that staff are to work no more than 12 hours
 - h. Assign a single point of truth for the authorising of overtime
 - i. Minimise overtime to avoid employee fatigue
5. The Critical Incident Directive takes precedence:

“overtime” for employees working flexitime under the Queensland Public Service Award – State 2003 means all authorised work in excess of 36.25 hours per week, 7.25 hours per day or outside the spread of 6:00am to 6:00pm Monday-Friday.

Department of Community Safety



Queensland
Government



Department of **Community Safety**

Hours of Work Arrangements & Time Sheet Presentation

EMQ

Department of Community Safety

Hours of Work Arrangements

- MoG changes and need for new arrangements
- Give effect to Flexible Workplace Strategy
- State-wide streamlining of timesheets
- Alignment with PS timesheet
- Operative **TBA**

Hours of Work Arrangements Application

- *Queensland Public Service Award – State 2003*
- Excludes:
 - Some ICS
 - Casual Employees
 - Employees exempted from keeping time sheets

Hours of Work Arrangements

Ordinary Hours

- 7 ¼ hours per day
- Ordinary spread of hours 6 am – 10 pm
- Ordinary working hours agreed by employee and employer
- An average of 72.5 hours per fortnight
- Over 2 x 10-day fortnights Mon – Sun in a 4-week cycle

Hours of Work Arrangements Accrued Time

- Max of 22 hours (36 ¼ with prior approval)
- 4 week cycle
- Access to at least 1 full accrued day off per month
- Debit time up to 2 days (family or other emergent)

Hours of Work Arrangements

Overtime/TOIL

- In excess of 9 ½ hours within the daily spread of ordinary working hours (6 am – 10 pm)
- Must have prior manager's approval
- Cannot exceed 12 hours per day
- AO 5 cut off

Hours of Work Arrangements

No Banked Time

- Banked time removed
- Any existing balances are still an entitlement
- Recommendation is document transfer of existing entitlement (convert to TOIL)

Hours of Work Arrangements Managers' Obligations

- Normal operating hours of the work unit (consultation with employees)
- Train employees
- Check the attendance records and, if in order, sign them to indicate endorsement
- Ensure application for absences
- Operational convenience and appropriate staffing levels
- Ensure fair treatment (EEO and anti-discrimination)
- Employees do not unnecessarily forfeit accrued hours
- Store attendance records

Hours of Work Arrangements

Employees' Obligations

- Maintaining and completing accurate attendance records and forwarding them to their immediate supervisor within a reasonable time at the end of each cycle
- Meet work obligations and client service standards
- Obtain prior manager's approval to access accrued time
- Co-operate with management regarding local arrangements
- Consider EEO and anti-discrimination issues when applying and using the provisions these arrangements.

Time Sheet

- Simple and easy
- State-wide standardisation
- Same as DCS PS timesheets
- Give effect to new Hours of Work Arrangements

COUNTER DISASTER AND RESCUE SERVICES HOURS OF WORK PROVISIONS

PART 1 – PRELIMINARY

1.1 TITLE

This Agreement shall be known as the Hours of Work Provisions for certain employees of Emergency Services Division, Department of Emergency Services.

1.2 ARRANGEMENT

SUBJECT

CLAUSE NO.

Part 1 – Preliminary

Title	1.1
Arrangement	1.2
Application	1.3
Date of Operation	1.4
Principles	1.5
Grievances	1.6
Definitions	1.7
Review of Hours of Work Provisions	1.8

Part 2 – General Hours Of Work

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1.3 APPLICATION

This agreement is taken to form part of the *Department of Emergency Services Enterprise Partnership Agreement 1997* by virtue of Clause 4.4.1 of such Agreement.

Should there be any inconsistency between this Agreement and:

- (i) the provisions of the *Public Service Award – State*; and
- (ii) Directives and other rulings issued by the Minister for Training and Industrial Relations

the provisions of this Agreement shall prevail to the extent of any inconsistency.

These provisions shall apply to all employees of Emergency Services Division, excluding the following classes of employees:

- Employees engaged in Aviation Services as 'operational' employees;
- Employees engaged at the classification level of Senior Officer 2 (SO2) and above; and
- Casual employees engaged by Emergency Services Division.

Notwithstanding the above, Part 4 of this Agreement may apply to employees of other Divisions of the Department of Emergency Services where such employees are required to be part of State Counter Disaster (SCD) Arrangements.

1.4 DATE OF OPERATION

These provisions will replace existing hours of work and related provisions and shall apply from 1 March 1999. This agreement will remain in force until 31 December 1999 or such later time until either party terminates the agreement by providing the other party with thirty days written notice.

1.5 PRINCIPLES

- (a) The management of hours worked (including accrued TOIL) shall be a local matter with the responsibility resting with managers and employees at the lowest appropriate level;
- (b) Employees should perform reasonable hours of work, but should not be expected to perform unreasonable or excessive hours of work. The performance of reasonable hours is a management issue to monitor in consultation with employees;
- (c) Hours of work must be flexible to meet customer requirements;

- (d) The operating hours for each work unit will be determined in consultation with employees, recognising the principles of fairness, equity and flexibility, Workplace Health & Safety and quality of service;
- (e) Hours of work must be simple to administer;
- (f) Hours of work performed must focus on the task of the work unit;
- (g) Hours of work must be performed with due recognition to the domestic, personal and social needs of employees;
- (h) Expectations of management in relation to hours of work must be communicated to employees; and
- (i) Management tools such as Performance Appraisals, organisational goals and objectives and positions descriptions should be used to determine optimum workloads of employees in order to avoid excessive hours of work.

1.6 GRIEVANCES

Any employee aggrieved by a decision of a manager in relation to these hours of work provisions may lodge a grievance in accordance with Clause 7.7 of the *Department of Emergency Services Enterprise Partnership Agreement 1997*.

1.7 DEFINITIONS

- (1) “*Required by their Manager to perform work*” (Clause 2.9 {1} and {4} and Clause 2.7 {2}) refers to those situations where a Manager specifically authorises and directs an employee to work a set number of hours on a public holiday, Saturday or Sunday to complete a special or significant task.
- (2) “*Manager*” refers to any managerial position with the Emergency Services Division of the Department of Emergency Services including the positions of Assistant Director, Director and Executive Director.
- (3) “*TOIL*” refers to time off in lieu of paid overtime.
- (4) “*General Employees*” – refers to those employees who are not classified as “administrative employees” or “DMU operational employees”.
- (5) “*Administrative Employees*” – refers to those employees categorised as such by the Director of the Work Unit whose primary task is to provide administrative support to a work unit.

-
- (6) “*DMU Operational Employees*” - refers to those employees employed in the Disaster Management Unit who are classified as such by the Director DMU, subject to the provisions of this Agreement.

1.8 REVIEW OF HOURS OF WORK PROVISIONS

A review of the effectiveness of the Hours of Work provisions will be undertaken in December 1999 and will be finalised by mid January 2000.

PART 2 – GENERAL HOURS OF WORK

2.1 SPREAD OF HOURS

(1) General Employees

For general employees the ordinary hours of work shall be:

- (a) 72.5 hours per fortnight;
- (b) worked between 7am and 9pm, Monday to Sunday inclusive; and
- (c) a maximum of 9.5 hours in any one day excluding meal breaks.

(2) Administrative Employees

For administrative employees the ordinary hours of work shall be:

- (a) 72.5 hours per fortnight;
- (b) worked between 7am-6pm, Monday to Friday; and
- (c) a maximum of 9.5 hours in any one day excluding meal breaks.

(3) DMU 'Operational Employees'

For DMU 'Operational Employees' the ordinary hours of work shall be:

- (a) 72.5 hours per fortnight;
- (b) worked between 6am-12midnight Monday to Sunday; and
- (c) a maximum of 12 hours in any one day excluding meal breaks.

2.2 CATEGORY OF EMPLOYEES

(1) All Work Unit Directors shall make a recommendation to the Executive Director, Emergency Services Division as to which category (General/Administrative/DMU Operational) employees' within their work unit are classified as.

(2) Where an employee disagrees with the Director's recommendation, the employee may refer the matter to the Emergency Services Division Local Consultative Committee for their consideration. The Local Consultative Committee will make a recommendation to the Executive Director, whose decision shall be final.

2.3 STARTING AND FINISHING TIMES

Starting and finishing times shall be on the hour or at 15 minute intervals.

2.4 MEAL BREAKS

Employees shall be entitled to an unpaid meal break of not less than 30 minutes between the third and sixth hour of duty. Where the engagement of employment is greater than 10 ordinary hours, employees shall be entitled to an additional unpaid meal break of not less than 30 minutes.

2.5 TOIL

- (1) All employees shall have access to at least one full day off over a 4 week period.
- (2) An employee's TOIL carry over shall not exceed 58 hours at the end of each 4 week period (unless specifically prescribed in these arrangements). TOIL in excess of 58 hours at the end of each 4 week period will be forfeited.
- (3) The minimum accrual period for TOIL is 15 minutes.
- (4) TOIL accrues on a time for time basis.
- (5) Employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these hours of work provisions up to a maximum of 36.25 hours on cessation of employment with the Division.

2.6 SICK LEAVE

Sick leave taken will be deducted from an employee's sick leave balance on the basis of an ordinary working day (7.25 hours) or the actual hours where an employee is sick for less than an ordinary working day.

2.7 PUBLIC HOLIDAYS

- (1) Employees are to be credited with 7.25 hours for a public holiday except when the public holiday falls on a Saturday or Sunday.
- (2) Where employees are required by their manager to perform work on a gazetted public holiday they will be paid double time and a half (time and a half in addition to ordinary time) for such work with a minimum of four hours payment.

2.8 FATIGUE LEAVE

Employees shall be provided with, and shall avail themselves of, a minimum of ten consecutive hours off duty between the finish of duty on one day and the commencement of duty on the next rostered day. If this break is not able to be taken, the employee is to be paid at double rates for that period until released from duty. The employee will then be provided with a 10 hour

consecutive break from duty without loss of pay for ordinary working time occurring during such absence (ordinary working time in this instance shall equal 7 hours 15 minutes). Provided that this clause does not apply to employees engaged in "Emergency Work" as defined in Part 3.

2.9 OVERTIME/PENALTY RATES

- (1) Where employees are required by their manager to perform work on a weekday, Saturday or Sunday outside the ordinary hours of work as defined in Clause 2.1 for the category, this time shall accrue as TOIL, provided that employees who paid at the rate of AO5 PP4 or below may receive:
 - (a) time and a half for the first 3 hours, and double time thereafter, for work performed on a weekday or a Saturday;
 - (b) double time for work performed on a Sunday;
- (2) Where employees elect, of their own accord, to perform work on a public holiday, weekend or outside ordinary hours of work, such time will not be recognised for any purpose.
- (3) Where employees elect to and by mutual agreement with their manager, perform work on a public holiday, weekend or outside the ordinary hours prescribed in Clause 2.1, such time will be recognised as ordinary hours of work but overtime or penalty rates will not be payable.
- (4) Where employees are required by their manager to perform work on a Saturday and Sunday within the ordinary hours of work as defined in Clause 2.1 and provided such employees are not paid in excess of AO5PP4, they will receive:
 - (a) half time in addition to normal time for work performed on Saturday;
 - (b) single time in addition to normal time for work performed on a Sunday;
 - (c) provided that employees at the AO6 level with an existing entitlement to penalty rates for work performed on Saturdays and Sundays as at the date of commencement of these provisions will maintain that entitlement with the payment being in accordance with (a) and (b) above. Such entitlement will cease if employees are appointed to a level above AO6.

2.10 ON-CALL

- (1) Employees required to be on-call (as designated by the Director or delegate of the work unit) shall be paid an on-call allowance in accordance with the *Public Service Award – State (Schedule G)* notwithstanding that any overtime may be accrued as TOIL.

PART 3 – EMERGENCY OPERATIONS

3.1 APPLICATION

This part applies to employees engaged in emergency operations as defined.

3.2 DEFINITION

“Emergency Operations” – Operations which require the activation of staff as a result of an emergency or protracted emergency in a community (but which does not result in State Counter Disaster Arrangements). The determination of Emergency Operations is a matter for the Director of each work unit to determine in consultation with staff.

3.3 RATIONALE

This part recognises that emergencies may arise at any time and often require great flexibility and time commitment on the part of staff in dealing with them. It aims to balance the need to deal effectively with the emergency against the personal needs of staff.

3.4 SPREAD OF HOURS

- (1) The hours of work performed during emergency operations contributes to the employee's 72.5 hours per fortnight.
- (2) Hours may be worked between the hours of Midnight to Midnight, Monday to Sunday inclusive as required by the emergency.
- (3) The daily hours worked should not exceed 12 hours in any 24 hour period, excluding meal breaks.

3.5 FATIGUE LEAVE

Where employees, at the end of an emergency, have exceeded a total of 12 hours work in the previous 24 hours, they must avail themselves of a minimum of 10 hours break between the finish of duty on the emergency operation and the commencement of duty on ordinary hours of work. If the employer directs employees to work and the break can not be taken, the employees are to be paid at double rates until a 10 hour break is taken.

3.6 TOIL

No limit shall apply to the amount of TOIL which can be accrued during emergency operations but where such TOIL results in the 58 hour maximum for general conditions being exceeded, the excess should be taken as soon as practicable as determined with the local work unit.

3.7 INCONSISTENCY WITH GENERAL PROVISIONS

Where these provisions for emergency operations are inconsistent with the general hours provisions, these provisions shall apply to the extent of an inconsistency.

QFES RTI FINAL RELEASE

PART 4 – STATE COUNTER DISASTER ARRANGMENTS PROVISIONS

4.1 APPLICATION

Where there is an inconsistency between these provisions and the provisions in Part 2 – the provisions of this Part will prevail during periods of State Counter Disaster Arrangements.

4.2 DEFINITION

“State Counter Disaster Arrangements Operations” refers to those situations where the Executive Director, Emergency Services Division, declares at the commencement of the operation that State Counter Disaster Arrangements are required. Another declaration will be made at the conclusion of the operation to formalise the return to ordinary working conditions. These Arrangements shall include the deployment or redeployment of staff to or from the field prior to or after the formal declarations have been made.

4.3 HOURS OF WORK

- (1) The maximum ordinary hours of duty during these operations shall be seven and a quarter (7.25) per day, Monday to Friday.
- (2) The Executive Director or Director may choose to initiate the staffing of two shifts per day within the State Disaster Coordination Centre. Where these shifts are to cover 24 hours, the day shift shall be from 7.30am to 8.00pm and the night shift shall be from 7.30pm to 8.00am or as otherwise directed by the Executive Director or Director to meet operational demands. At affected locations other than the State Disaster Coordination Centre, the hours of work will be as directed in order to meet operational requirements.
- (3) Meal Breaks – employees working twelve and a half hour shifts shall be allowed two paid meal breaks of 30 minutes.
- (4) Employees shall be entitled to rest pauses of a total of thirty minutes, which shall be taken at such times as suits operational requirements.
- (5) Employees engaged in State Counter Disaster Arrangements shall not accrue TOIL.

4.4 OVERTIME

- (1) Any overtime worked must be authorised and directly related to the State Counter Disaster Arrangements.
- (2) Any time worked outside of 7.25 hours per day shall be paid at the rate of time and a half for the first three hours and double time thereafter.
- (3) All time worked by an employee between Midnight Friday and Midnight Saturday shall be considered overtime and shall be paid at the rate of time and a half. Any time worked by an employee above 10.25 hours on a Saturday will be paid at double time.
- (4) All time worked by an employee between Midnight Saturday and Midnight Sunday shall be considered overtime and shall be paid at the rate of double time.
- (5) All time worked by an employee on a public holiday shall be paid at the rate of double time and a half.
- (6) Overtime relating to State Counter Disaster Arrangements worked by an employee at a salary level greater than AO5 PP4 will be calculated at the AO5 PP4 rate of salary in accordance with the *Department of Emergency Services Enterprise Partnership Agreement 1997*.

4.5 ON-CALL

Employees required by the Executive Director or Director or delegate to be on-call as a result of State Counter Disaster Arrangements shall be paid an on-call allowance in accordance with the *Public Service Award – State (Schedule G)*.

4.6 TRANSPORT

Employees will be provided with transport, or refunded the cost of such transport, to and from work when working twelve and a half (12.5) hour shifts.

4.7 MEAL PROVISIONS

Where employees are required to work between the hours of 6pm and 8pm, they shall be entitled to a meal allowance (unless a meal is provided) at the rate provided for in Directive 10/97 or any amendment thereto or as per any delegated legislation which replaces that Directive.

4.8 COMMENCEMENT OF STATE COUNTER DISASTER ARRANGMENTS

Employees who are at work at the time of the announcement of State Counter Disaster Arrangements, and who are directed to go home from work prior to 10.00am in order to either deploy to the field or return as rostered to the State Disaster Coordination Centre, shall be credited with two hours time or the actual hours worked for that shift, whichever is the greater.

If they are directed to return home after 10.00am they shall be credited with the actual time worked.

4.9 CONCLUSION OF STATE COUNTER DISASTER ARRANGMENTS

If employees are part way through working a twelve and a half (12.5) hour shift when State Counter Disaster Arrangements are cancelled, they shall be credited with 4 hours or the actual hours worked for that shift, whichever is the greater.

ENDORSED

.....
JACK NOYE
Executive Director
Emergency Services Division

SIGNED

.....
MICHAEL KINNANE
Director-General
Department of Emergency Services

SIGNED

.....
GORDON RENNIE
State Secretary
SPSFQ

From: John R Martin (QFRS)

Sent: Thursday, 10 December 2009 11:32

To: Ken Hawkins

Cc: Michael Hawkins; Glenn Carthew

Subject: EMQ industrial arrangements

An outline of discussion on 4 December 2009 is as follows:

Amendment to the schedule 3 Queensland Public Service Award – State 2003 (QPAS) to include all of the following EMQ operations:

1. EMQ HQ
2. Helicopter Rescue
3. Regional Operations
4. Watch Desk Officers

1. In the case of EMQ HQ as per QPAS except for activation where Admin & General employees can be required to work extended spread of hours.

2. Helicopter as per 2009 Core Agreement

3. In the case of Regional Operations, the conditions of employment that would differ from the QPAS are as follows:

- Notional 38 Hour Week to worked as required (any hours Monday to Sunday)
- Capacity for aggregated hours to be determined on a regional basis
- Expectation that TOIL may or may not be taken
- 6 weeks leave in consideration lost TOIL (1 week) & irregular hours (1 week)
- Critical Incident Directive to have application (no other activation eg from Chief Officer)

4. Watch Desk Officers as per current arrangement.

Is this in accord with your understandings?

Regards,

John Martin

Principal Advisor, Industrial Relations

Department of Community Safety

p 07 3247 8162 (94162)

e jrmartin@emergency.qld.gov.au

From: John R Martin (QFRS)
Sent: Monday, 18 January 2010 12:21
To: Glenn Carthew
Subject: FW: EMQ industrial arrangements
as per request for agenda item

From: John R Martin (QFRS)
Sent: Thursday, 10 December 2009 11:32
To: Ken Hawkins
Cc: Michael Hawkins; Glenn Carthew
Subject: EMQ industrial arrangements

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3. In the case of Regional Operations, the conditions of employment that would differ from the QPAS are as follows:
 - Notional 38 Hour Week to worked as required (any hours Monday to Sunday)
 - Capacity for aggregated hours to be determined on a regional basis
 - Expectation that TOIL may or may not be taken
 - 6 weeks leave in consideration lost TOIL (1 week) & irregular hours (1 week)
 - Critical Incident Directive to have application (no other activation eg from Chief Officer)
4. Watch Desk Officers as per current arrangement.

Is this in accord with your understandings?

Regards,

John Martin

Principal Advisor, Industrial Relations
Department of Community Safety
p 07 3247 8162 (94162)
e jmartin@emergency.qld.gov.au

On-Call & Recall Conditions and Entitlements Summary

State Government Departments Certified Agreement 2006 & Queensland Public Service Award – State 2003

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
On-Call Provide advice only (from home)	An employee on-call being requested to provide advice, without returning to work or the need to log on to a computer, etc.	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • A maximum payment of 2 hours – <i>Schedule 4.6.3(d) of QPS Award.</i>
Entitlement:		<ul style="list-style-type: none"> • Up to 2 hours x 150% - <i>6.4.1 of QPS Award.</i> 	<p>Saturday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 150% - <i>6.4.2(a) of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 200% - <i>6.4.2(b) of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Up to 2 hours x 250% - <i>clause 7.7 of QPS Award.</i> <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Up to 2 hours x 300% - <i>section 15(4)(b) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • Up to 2 hours x 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
Recalled Required to return to work	An employee on-call being recalled to perform duty and required to return to the workplace to do so.	<ul style="list-style-type: none"> • Minimum payment of two hours – <i>Schedule 4.6.3(b) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(b) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of two hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>Schedule 4.6.3(c) of QPS Award.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> • Inclusive of travelling time – <i>Schedule 4.6.3(c) of QPS Award.</i>
Entitlement:		<ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.1 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.1 of QPS Award.</i> 	<p>Saturday:</p> <ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.2 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.2 of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • All Time – Double time (200%) – <i>6.4.2 of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • 250%. <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • First 3 Hours – 300%. • Thereafter – 400% – <i>section 15(4)(a)(ii) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

Situation	Description	Entitlement *			
		Monday to Friday	Saturday & Sunday	Public Holidays ON an Ordinary Working Day	Public Holidays NOT on Ordinary Working Day
Recalled Work performed at home	An employee on-call being recalled to perform duty and doing so from home by logging on to a computer, etc.	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour – <i>clause 2.2(b) of SGDC Agreement.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of one hour if outside ordinary hours of work – <i>clause 2.2(b) of SGDC Agreement.</i> • Minimum payment of four hours if within ordinary hours of work – <i>clause 7.7 of PS Award.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i> 	<ul style="list-style-type: none"> • Minimum payment of four hours – <i>clause 7.7 of PS Award.</i> • Provided that should the employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply – <i>clause 2.2(b) of SGDC Agreement.</i> • Records to be kept by employee, verified by employer – <i>clause 2.2(b) of SGDC Agreement.</i>
Entitlement:		<ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) – <i>6.4.1 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.1 of QPS Award.</i> • Minimum payment of 1 hour. 	<p>Saturday:</p> <ul style="list-style-type: none"> • First 3 Hours – Time and a half (150%) - <i>6.4.2 of QPS Award.</i> • Thereafter – Double time (200%) – <i>6.4.2 of QPS Award.</i> <p>Sunday:</p> <ul style="list-style-type: none"> • All Time – Double time (200%) – <i>6.4.2 of QPS Award.</i> 	<p>Within Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Minimum of 4 hours – <i>7.7 of the QPS Award.</i> • 250%. <p>Outside Ordinary Hours of Work:</p> <ul style="list-style-type: none"> • Minimum payment of 1 hour. • First 3 hours – 300%. • Thereafter – 400% – <i>section 15(4)(a)(ii) of IR Act.</i> 	<p>Easter Saturday:</p> <ul style="list-style-type: none"> • Minimum payment of 4 hours – <i>7.7 of the QPS Award.</i> • 250% - <i>section 15(4)(a)(ii) of IR Act.</i>

* Entitlements provided for in the table are for those officers below the overtime payment limit, ie: AO5(4). TOIL at time for time applies to those officers above the overtime payment limit up to an AO8(4) or equivalent level. In some situations, officers below the overtime payment limit can elect to take TOIL in lieu of payment.

Overview and Explanation of On-Call and Recall Entitlements

On-call is the industrial term applied when an employee is required to be available, outside his/her normal hours of work to respond, (normally to a telephone call from the workplace), to requests for advice and/or remedial action.

If the employee is required to return to their place of work to provide advice/assistance on a matter then this is termed a **recall**.

The provisions and conditions relating to on-call and recall arrangements for public servants are contained in the *Queensland Public Service Award - State 2003* and the *State Government Departments Certified Agreement 2006*.

On-Call:

When an employee is placed **on-call**, (termed **instructed** in the Award), a graded allowance is paid for each occasion the employee is placed on-call. In the first instance, these allowances are derived from an Award salary rate [PO3(4)] with the prevailing CA rate applied. This mechanism allows for the on-call allowance rates to be indexed by future CA increases. The current rates¹ for on-call allowances are as follows:

- Where the employee is on-call throughout the whole of a rostered day off or statutory holiday – 95% of the hourly rate in such instances [**\$33.87**];
- Where the employee is on-call during the night only of a rostered day off or statutory holiday – 60% of the hourly rate in such instances [**\$21.39**];
- Where the employee is on-call any other night – 47.5% of the hourly rate per night [**\$16.93**].

Note: The on-call allowance is paid irrespective of whether or not the employee actually performs any duties during the on-call period and the allowance is paid per night, (not per hour).

Overtime:

An important item to note is that when duties are performed during an occasion of on-call, the time spent while attracting compensation for the overtime worked, does not attract payment if the employee's salary is greater than the AO5(4) classification level. Overtime performed by such employees will be compensated by equivalent time for time, ie: TOIL. Employees whose classification is **less than** the AO5(4) classification level are entitled to overtime payments only.²

Overtime payable or claimed as TOIL is in addition to the payment of the applicable on-call allowance.

The taking of accrued TOIL is to be mutually agreed between the employee and supervisor.

Miscellaneous Provisions:

When an employee is recalled to work during an off duty period, the employee will either be provided with transport to and from the employee's home, or be refunded the cost of such transport, (eg: bus, cab fares) - **clause 6.4.8 of the QPS Award**.

Where practicable, an employee shall not be required to be continuously on-call for a period in excess of six (6) weeks - **S4.6.3(g) of the QPS Award**.

¹ Rates applying from the 1 August, 2009.

² Minister for Industrial Relations *Directive No 5/05 – Hours and Overtime*.

The fatigue leave provisions of the QPS Award, (clause 6.4.9), apply when an employee has worked in excess of two (2) hours, inclusive of travelling time, on one or more recalls - **S4.6.3(h) of the QPS Award.**

Abbreviations:

SGDC Agreement = State Government Departments Certified Agreement 2006

QPS Award = Queensland Public Service Award

IR Act = Industrial Relations Act 1999 (Qld)

Scenarios:

Some scenarios of on-call entitlements in practice:

Scenario One:

An employee who is on-call is required to log onto a work computer system from home at 8:00pm and logs off at 8:25pm – the employee will be entitled to one hour's wages at overtime rates. Continuing this scenario, the employee is required to log onto a work computer system from home a second time at 8:30pm and logs off at 8:55pm – the employee is not entitled to any further payment.

Scenario Two:

An employee who is on-call is required to log onto a work computer from home at 8:00pm and logs off at 8:40pm – the employee is entitled to one hour's wage at overtime rates. Continuing this scenario, the employee is required to log onto a work computer from home a second time at 8:45pm and logs off at 9:30pm – the employee will be entitled to a further one hour's wages at overtime rates.

Scenario Three:

An employee who is on-call is required to log onto a work computer system from home for a single time from 8:00pm and logs off at 9:30pm – the employee will be entitled to one and a half hour's wages at overtime rates.

Thus the principle is that if an employee who is on-call is required to log onto a work computer system from home for a second time within the original one hour, but extends past the one hour mark, then a further one hour minimum will apply. If a single log on goes past one hour, then the actual time worked shall be paid for.

100618E Hawkins EMQ Hours of Work etc.

On 18 June 2010 I attended a meeting with Bruce Grady, Peta Robinson, Michael Hawkins, Glenn Carthew and Ken Hawkins concerning a brief that had been approved by the Director General.

Bruce stated that TOIL, more pay or employing more employees was not the answer to the workload and management issues raised. The answer was to redesign the work performed by Duty Officers in particular.

Providing there was the capacity and capability (and this may vary from region to region) it was proposed to transfer duties from Duty Officers in the regions to Watch Desk Officers (WDOs) as this was what had been intended with the creation of the WDO positions. Duty managers were also in place at a state Level to provide advice and guidance where an issue exceeds the capacity of the WDOs.

The duties to be transferred to WDOs from Duty Officers includes

- Answering 132 500 class;
- KIT referrals
- Some incident management/response
- Some distribution of warnings
- Some SES activations

It was proposed to issue training regarding conditions of employment based on the ready reckoner developed by Ken Hawkins.

It was agreed to provide a further brief to the DG that includes correspondence to the QPSU outlining the proposed schedule to the Public Service Award. That correspondence would then be followed by a period of consultation.

It was also agreed to provide Bruce with some speakers notes for an auditorium session with EMQ employees the following Monday (21 June 2010).

Regards,

210610N EMQ staff meeting re Hours of Work (Dot points for Bruce)

- Hours of Work arrangements have been developed for Department and EMQ have been specifically removed from that process
- Important to understand that EMQ (and its predecessors) has always had separate Hours of Work arrangements.
- We have been developing specific proposals for EMQ that build upon the existing conditions and comprehend changes to operations and a series of reviews currently underway.
- The DG has approved some forward strategies that impact upon the Hours of Work arrangements for EMQ.
- The strategies also will involve job redesign and potential shift changes to better manage work flows.
- The DG will be writing to the Queensland Public Sector Union enclosing a copy of the proposed Hours of Work arrangements and seeking further discussion.
- A process of consultation will also occur with EMQ staff before any changes are implemented.

Executive Briefing Note

Requested by: Proactive

Critical Urgent General Ref:

CSD EMQ QAS QCS QFRS SPD

Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management within Emergency Management Queensland (EMQ) Date: 4/08/10

1. Background

- On 15 June 2010 you endorsed a course of action to deal with a range of management and industrial issues currently facing EMQ. These actions include the re-negotiation of hours of work provisions.
- A conflict between the long term treatment of certain overtime entitlements as prescribed in the existing EMQ hours of work arrangements and the provisions of Ministerial Directive 5/05 (Hours and Overtime) has been identified.

2. Issues

- The majority of EMQ employees are the subject of an unregistered Hours of Work arrangement currently entitled Counter Disaster and Rescue Services Hours of Work Provisions (CDRS Hours of Work).
- Part of the process you endorsed was to include the provisions from the unregistered arrangements into Schedule 3 of the Queensland Public Service Award – State 2003 (PSA).
- These arrangements were originally known as the Emergency Services Division Hours of Work Provisions and formed part of the Department of Emergency Services Enterprise Partnership Agreement 1997 (DESEPA) by virtue of Clause 4.4.1 of such Agreement
- The arrangements have been in place since 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland (SPSFQ).
- Part 4 of the CDRS Hours of Work includes enhanced overtime provisions that are to apply when the Executive Director, Emergency Services Division (now Chief Officer, EMQ) declares that State Counter Disaster Arrangements are required in relation to a specific event.
- In these circumstances, the CDRS Hours of Work provides that for those employees engaged in work relating to the event, work performed in excess of 7.25 hours per day is to be paid at overtime rates and that in such circumstances, those employees in receipt of a salary in excess of classification level AO5(4) up to AO8(4) level are paid for overtime at the rate of classification level AO5 (4).
- Directive 5/05 (Hours and Overtime) and its predecessor Directive 19/01, effective 24/12/2001, exclude employees in receipt of wages in excess of AO5(4) from receipt of overtime payments.

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Action Officer: Ken Hawkins

Area: EMQ

Telephone: 94489

- The provisions of Directive 5/05 prevail over any industrial instrument by virtue of section 687 of the *Industrial Relations Act 1999*.
- On this basis, the long-standing practice of payment of overtime to EMQ employees in receipt of wages in excess of AO5 (4) in circumstances of the operation of State Counter Disaster Arrangements, as negotiated and agreed on in good faith in 1999, is now in conflict with the provisions of Directive 5/05.
- While the continuation of overtime payments to EMQ employees in excess of AO5 (4) would be in contravention of Directive 5/05, it is considered that the successful re-negotiation of the EMQ hours of work arrangements would be seriously hampered if it involved the removal of the long-standing practice of payment of overtime to employees above classification level AO5 in circumstances relating to the operation of State Counter Disaster Arrangements.
- Two options (use of Critical Incident Directive and Exemption from Directive 5/05) are considered to provide potential solutions to resolve this matter.
- **Option 1** - The instigation of the Critical Incident Entitlements and Conditions Directive 3/08 (CID) as from 27/12/07 does provide a range of enhanced entitlements (including overtime payment at substantive level for officers at AO5(4) level up to AO8(4) level) to public service employees in declared critical incident situations. However, the significant pre-requisites for a declared critical incident under this Directive are such that some situations that are currently covered within the pre-requisites for the declaration of State Counter Disaster Arrangements within the CDRS Hours of Work do not satisfy CID standards.
- Application of the CID in circumstances that currently activate the State Counter Disaster Arrangements within the CDRS Hours of Work is considered a viable solution to the current situation. However, the payment of overtime at substantive level allowable under CID would be above that provided for in the current CDRS Hours of Work.
- The following factors make Option 1 viable :
 - The Critical Incident Directive provides a sound legal basis for extended overtime provisions.
 - Data from SCDA activations since 1/1/09 indicate minimal increased costs could be expected. (If CID conditions were applied to all SCDA activations in the period, additional cost of approx \$20K would have been incurred).
 - Approval would remain within the control of this agency.
 - Staff have requested appropriate remuneration for extended hours.
 - Outcome would be a positive step for attraction and retention strategies.
- **Option 2** - Directive 5/05 provides for the relevant Chief Executive (now Director-General of the Department of Justice and Attorney General) to exclude certain classes of employees from the specified overtime salary limits in exceptional circumstances. However, any exemption granted on this basis would be for a limited time only and would require a defined class of employees to be identified in the submission. Current CDRS Hours of Work arrangements allow the Chief Officer, EMQ to identify the employees to be covered by any declaration based on the operational requirements of the specific event.
- A Business Case is required in order to seek an exemption from Directive 5/05. Such a Business Case has been drafted for your consideration.
- In the event that an exemption was granted in terms of Directive 5/05, the proposed instrument for maintaining the existing EMQ conditions is a Schedule to the PSA. The creation of such a schedule will by necessity involve negotiation with the relevant industrial organisation and/or proceedings before the QIRC. It is by no means certain that this process would not require

some discussion about the level of overtime payment and initial responses from affected staff would indicate some dissatisfaction with the current arrangements i.e. overtime payment at the level of AO5 (4).

- Discussions with staff would indicate that the retention of payment of overtime in circumstances of activation [are](#) essential for the ongoing industrial harmony within EMQ.
- [The effluxion of time and the continued payment of overtime to classification levels AO6, AO7 and AO8 in certain circumstances would make removal of such a condition difficult.](#)
- [Amendment to the PSA \(as would be required\) is unlikely to occur without the consent of the relevant union or likely to be rendered contrary to the No Extra Claims provisions \(clause 2.4\) of the State Government Departments Certified Agreement 2009.](#)
- Within the existing regulatory regime it would appear that only options 1 and 2 provide for an outcome that would maintain the retention of the payment of overtime.
- [It is also the assessment of advisors and senior managers within EMQ and the Employee Relations Unit that retention of overtime will be necessary for the continued role played by EMQ.](#)

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3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Director, Employee Relations Unit.

5. Total Cost of Project and Funding Source

- Some additional costs are likely but this will be managed within existing budget allocations.

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you discuss options 1 and 2 with the [DG-JAG Director General of the Department of Justice and Attorney general](#) and [present the attached business case.](#)

Bruce Grady
ACTING CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

Jim McGowan
DIRECTOR-GENERAL

/ /

/ /

Noted / Approved / Not Approved

Comments:

100804E Hawkins EMQ brief and business case

Michael,

Following our discussions this morning, I have made some amendment to the brief and business case (track changes).

I have also asked Phil Nickerson for assistance with the presentation of the business case.

Regards,

QFES RTI FINAL RELEASE

BUSINESS CASE

EXCLUSION OF CERTAIN EMPLOYEES

OF

**EMERGENCY MANAGEMENT QUEENSLAND
DEPARTMENT OF COMMUNITY SAFETY**

FROM

**THE OVERTIME SALARY LIMIT PRESCRIBED
IN
MINISTERIAL DIRECTIVE 5/05**

Objective:

- This proposal seeks to gain the approval of the Director-General, Department of Justice and Attorney-General to exclude certain classes of employees of Emergency Management Queensland (EMQ), Department of Community Safety from the overtime salary limit prescribed in Ministerial Directive 5/05 in certain specified circumstances.
- This primary purpose for seeking this approval is to provide the industrial basis under which the existing overtime provisions prescribed in the Hours of Work arrangements currently applied to EMQ employees can be maintained.
- The class of employees to be covered by the approval is all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 (presently 55 in total)
- [Since 1997, certain employees of EMQ have been subject to industrial arrangement that provide for overtime for employees at classification levels AO6, AO7 and AO8 under specified circumstances.](#)
- The specified circumstances under which the approval is to apply are those situations that are determined by the Chief Officer, EMQ to be an "EMQ Operational Activation".
- The period of any EMQ Operational Activation will be determined by the Chief Officer, EMQ and only those employees authorised to work in support of the activation will be eligible for the application of the overtime exemption.
- [EMQ seeks to maintain the industrial harmony and goodwill that currently exists. The goodwill of staff has been invaluable in EMQ's capacity to respond to disasters and other incidents in recent history.](#)

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Background:

- Emergency Management Queensland (EMQ) is a division of the Department of Community Safety. The division plays a key role in the coordination of Queensland emergency and disaster management arrangements and disaster mitigation programs. EMQ also provides the core staffing for the Queensland Disaster Management System and manages the State Emergency Service (SES).
- [Disaster management and mitigation has become an increasingly crucial role of Government because of:](#)
 - o [growing community expectations about Government responses to disasters and other incidents; and](#)
 - o [apparently a greater occurrences of incidents that would require Government response.](#)
- For the purposes of this proposal, EMQ employees can be grouped into four broad categories:
 - o Senior Officers and above;
 - o EMQ Helicopter Rescue Operational staff;
 - o Watch Desk Officers; and
 - o Other employees based at Head Office in Brisbane and at regional locations throughout the state.

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- Employment conditions for EMQ Helicopter Rescue Pilots and Crew are the subject of a schedule to the proposed *State Government Departments Certified Agreement 2009* (2009 Core Agreement). The overtime provisions for this class of employees are considered to be adequately prescribed in the existing schedule.
- Watch Desk Officers are rotational shift workers at OO6 level and their overtime provisions are also considered to be adequately covered under current provisions within the *Queensland Public Service Award – State 2003* (PSA).
- All other EMQ employees (excluding those at Senior Officer level and above) are the subject of an unregistered Hours of Work arrangement currently entitled Counter Disaster and Rescue Services Hours of Work Provisions (CDRS Hours of Work).
- These arrangements were originally known as the Emergency Services Division Hours of Work Provisions and formed part of the Department of Emergency Services Enterprise Partnership Agreement 1997 (DESEPA) by virtue of Clause 4.4.1 of such Agreement
- Clause 4.4.1 of the 1997 DESEPA required the updating of existing hours of work provisions to meet identified aims which included such things as the consideration of seasonal, internal and external customer requirements, expansion of ordinary hours in recognition of after “normal hours” work requirements and to compensate all employees for “disruption of Natural Disaster Relief Arrangements”.
- The updated arrangements have been in place since 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland (SPSFQ).
- Part 4 of the CDRS Hours of Work includes enhanced overtime provisions that are to apply when the Executive Director, Emergency Services Division (now Chief Officer, EMQ) declares that State Counter Disaster Arrangements are required.
- Part 4 of the CDRS Hours of Work provides that following a declaration of State Counter Disaster Arrangements, all work performed in excess of 7.25 hours per day is to be paid at overtime rates and that in such circumstances, employees in receipt of a salary in excess of classification level AO5(4) up to AO8(4) level are paid for overtime at the rate of classification level AO5 (4).
- The current CDRS Hours of Work includes a statement, continued on from the original 1999 agreement, that the agreement prevails to the extent of any inconsistency with Directives and other rulings issued by the Minister for Training and Industrial Relations.
- Directive 5/05 (Hours and Overtime) and its predecessors, Directive 19/01 (effective 24/12/2001) and Determination 14, excludes employees in receipt of wages in excess of AO5(4) from overtime payments.
- The provisions of Directive 5/05 prevail over any industrial instrument by virtue of section 687 of the *Industrial Relations Act 1999*.
- On this basis, the payment of overtime to EMQ employees in receipt of wages in excess of AO5(4) in circumstances of the operation of State Counter Disaster Arrangements is in conflict with the provisions of Directive 5/05.
- [Notwithstanding the apparent contradiction of the policy position adopted by Directive 5/05, employees and management of EMQ have become accustomed to the payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances.](#)

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- There are genuine concerns that the removal of the capacity to pay overtime to classification levels AO6, AO7 and AO8 in these circumstances will lead to substantial operational difficulties for EMQ.
- The goodwill of staff has been invaluable in EMQ's capacity to respond to disasters and other incidents and the removal of the ability to pay overtime to classification levels AO6, AO7 and AO8 in specified circumstances will seriously erode that goodwill.
- The workload associated with disaster management and mitigation is such that use of TOIL is impractical.

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Current Situation:

- EMQ's role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work by staff at all levels.
- In addition, EMQ has recently been the subject of three reviews into its operations: the McHugh Report, the Disaster Management Review and a Workplace Health and Safety review of EMQ Helicopter Rescue.
- In response to the changing work demands of EMQ, a program of work has been initiated to review management practices, investigate and identify the reallocation of work and to develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.
- A significant part of this program is the proposed replacement of the existing CDRS Hours of Work arrangements with specific provisions in Schedule 3 (Agency Specific Provisions) to the *Queensland Public Service Award – State 2003* (PSA).
- Provisions in schedule 3 of the PSA are considered to be more robust and enforceable than an unregistered agreement that relies upon a superseded certified agreement for its existence.
- Any amendment of the PSA will require negotiations with the Queensland Public Sector Union (QPSU) representing the relevant employees of EMQ. Given the sentiment of employees of EMQ, it is unlikely that the QPSU would be disposed towards such an amendment unless it involved retention of the payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances.
- Also given the nature of No Extra Claims Clause (Clause 2.4) contained in the *State Government Departments Certified Agreement 2009* (the Core Agreement), it is unlikely that there would be any possibility to amend the PSA without the consent of the QPSU.
- Clause 2.4 of the Core Agreement (which also binds EMQ) contains the following provision is sub-clause (1):

This Agreement is in full and final settlement of all parties' claims for its duration. It is a term of this Agreement that no party will pursue any extra claims relating to wages or conditions of employment whether dealt with in this Agreement or not. (Emphasis added).
- The removal of a condition of employment (i.e. payment of overtime as opposed to TOIL) that has existed since 1999 constitutes an extra claim on the part of the employer (EMQ) and as such would be prevent an application to amend an award without consent (see *Ergon Energy v ETU* [2006] QIC 181QGIG533).

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- While the continuation of overtime payments to EMQ employees in excess of AO5(4) would be in contravention of Directive 5/05, it is considered that the successful re-negotiation of the EMQ hours of work arrangements would be [seriously hampered/unrealistic](#) if it involved the removal of this long-standing practice as negotiated and agreed on in good faith in 1999.

Categories of Work:

- The type of work done by the EMQ employees addressed in this proposal falls into three categories:
 - Routine
 - EMQ Operational Activation (as declared by the Chief Officer, EMQ)
 - CID Activation (as declared by the Chief Officer, EMQ and also by the Director-General, Justice and Attorney-General)
- Routine work relates to the daily activities performed by EMQ employees within agreed hours of work and with the usual overtime salary limits of Directive 5/05.
- EMQ Operational Activation is the contemporary term proposed to replace the State Counter Disaster Arrangements provisions in the current CDRS Hours of Work. Situations of this type could be generally defined as an event that requires the activation of staff as a result of an emergency or protracted event in a community that does not meet the pre-requisites to be assessed as an event under the Critical Incident Directive. Characteristics of an EMQ Operational Activation include:
 - Local event
 - Single agency response
 - Extended hours required to be worked by staff in preparing for, managing or recovering from an event
 - Work necessary to secure life and property
 - Immediate action necessary
- CID Activations are made in accordance with the provisions of Directive 3/08. Characteristics of a CID Activation include:
 - The occurrence of an event under the Disaster Management Act
 - Extended hours worked by staff in preparing for, managing or recovering from an event
 - Significant threat to life and property
 - Multi-agency response necessary
 - Activation of the State Disaster Co-ordination Centre
 - Multiple locations and/or extensive area of event
 - Multiple LGDMG activations
 - National Disaster Relief and Recovery Arrangements activated
 - Immediate response necessary

- The instigation of the Critical Incident Entitlements and Conditions Directive 3/08 (CID) as from 27/12/07 does provide a range of improved entitlements to public service employees in declared critical incident situations. However, the significant pre-requisites for a declared critical incident under this Directive are such that some situations that are currently covered within the pre-requisites for the declaration of State Counter Disaster Arrangements within the existing CDRS Hours of Work do not satisfy CID standards.

Activations History:

The following table shows information on the overtime performed by EMQ staff at classifications level AO6 to AO8 during activations since 1/1/09:

Event	Activation Type		Period of Activation	Number of Staff by Classification Level	Overtime Costs
	EMQ	CID			
TC Neville	x		21/1/09 to 25/1/09	40	?? hrs and/or xx \$
			<i>Data being collated (when?)</i>		

Issues:

- The limited core staff levels of EMQ requires that at times of operational activations, extended hours must be worked by staff at all classification levels to meet urgent service demands a those times.
- The nature of routine EMQ work (e.g. meetings with local government and community groups during the day and with volunteers on weekends and at night) already places demands on staff over extended periods of time.
- The management of TOIL accruals is already a challenge for EMQ, particularly in regional areas, where demands on the limited staff levels are high with expectations that staff will be accessible to their clients at all times.
- Leave management in general is an ongoing challenge with the peak operational period (cyclone season) from October to March limiting the time that leave can generally be taken to 7 months of the year.
- EMQ employees have indicated a strong preference to paid overtime as opposed to TOIL (where a choice is available) and this arrangement is also the preferred approach for EMQ, the outcome providing a reasonable balance between maximising staff availability levels for operational purposes and allowing staff

adequate recreation time through access to usual leave accruals at convenient times.

Class of Employees:

- The exclusion that is being sought will apply to all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 but only in situations where the Chief Officer, EMQ declares an activation and then only to those staff within the class of employees who are approved to participate in the activation. The following table show the positions within this class which at this time are most likely to be engaged in operational activities..

Position Title	Class	Number of Posns	Position Title	Class	Number of Posns
Executive Manager	AO8	6	Area Director	AO6	20
Executive Officer	AO8	1	Senior Program Officer	AO6	12
Principal Program Officer	AO7	10	Regional Training & Equipment Officer	AO6	2

Agreement with staff:

- This proposal seeks to continue a practice agreed with employees and their union in 1998. [It would be reasonable to suggest that employee expectations are such that agreement to rationalise and update conditions of employment would be contingent upon retention of the payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances.](#)
- The QPSU has been informed of the Agency’s intention to seek approval for this exemption from the overtime limit and that this approach forms part of the soon to commence negotiation phase for a revised hours of work agreement for EMQ employees.

Workload Management:

- While this proposal seeks to continue existing entitlements in operational situations, the process of revising the hours of work agreement for EMQ employees includes a review of various work practices aiming to reduce the out of hours workload for EMQ staff, particularly those within the class of employees identified previously.
- [The review of work practices will involve the transfer of certain duties from regional staff to WDOs who are employed on shift arrangements. It is the intention of this job redesign to remove routine functions from regional personnel and refocusing regional staff on disaster management and mitigation in their specific locations.](#)
- In addition, improved practices in roster management during operational activities is focussed on better managing fatigue within a high demand operational workload.

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Options:

The following options have been considered:

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- Eliminate EMQ Operational Activations and include operations of this type as a Critical Incident Directive activation:

Advantages:

- No exemption from overtime limit required
- Simple process requiring approval of Chief Officer, EMQ only
- (For employees) Increased compensation as overtime paid at substantive level
- Consistency in the application of overtime to EMQ employees at classification levels AO6, AO7 and AO8 in all circumstances (CID and other circumstances)
- Continuation of existing and long-standing conditions of employment (greater likelihood of successful negotiations)
- Is a more permanent solution (does not require on-going approval)

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Disadvantages:

- Assessment criteria currently used in determining a Critical Incident event would be less restrictive..
- Increased costs as overtime would be paid at substantive level and not capped at AO5(4) level

- Revert to standard PS overtime provisions:

Advantages:

- Consistency
- (For employer) Decreased overtime costs

Disadvantages:

- Proper and enforceable industrial arrangements are unlikely to be renegotiated
- (For employees) Seen as unwarranted reduction in current compensation levels
- Damage to existing relationships and goodwill likely to result in:
 - Strong potential for the change to lead to industrial action by disgruntled employees
 - Staff retention challenges likely to increase turnover
 - Inability for EMQ to maintain its current functions

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- Maintain status quo through approval of exemption from overtime limit approval:

Advantages:

- Existing conditions "legitimised"
- No additional expense

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Disadvantages:

- Approval can only be for limited period only with requests for extension required

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Proposal:

- ~~Having considered all of the available options, it appears that the most logical way forward is to seek an exemption from the overtime limit prescribed in Directive 5/05 in circumstances where the Chief Officer, EMQ declares an EMQ Operational Activation. Two viable alternatives exists:~~
 - ~~Exemption from Directive 5/05 to enable existing provisions to apply; and~~
 - ~~Adoption of the CID for all circumstances where payment of overtime to classification levels AO6, AO7 and AO8 may be required.~~
- Directive 5/05 provides for the relevant Chief Executive (now Director-General of the Department of Justice and Attorney General) to exclude certain classes of employees from the specified overtime salary limits in exceptional circumstances
- Approval is sought for exemption from the overtime limit for all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 who are authorised to work in support of situations that are determined by the Chief Officer, EMQ to be an "EMQ Operational Activation". ~~The approval to be for an initial period of 2 years and reviewed at that time.~~

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Jim McGowan
Director-General
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100809E Hawkins EMQ Duty Officers duties

Today we met with EMQ concerning the proposal to shift duties from Duty officers to WDOs.

The problem that has developed is a culture where Duty Officers in the regions have encouraged calls at any time. In order to remedy the current situation it will be necessary to develop the capacity of WDOs and ensure that calls to Duty Officers outside normal hours are the exception rather than the rule.

It was agreed:

There needs to be a confidential conversation with Regional Directors;

A risk assessment undertaken following the discussion;

Flag the intention with staff and the union; and

Develop some model rosters.

Regards,

QFES RTI FINAL RELEASE

100826E Hawkins WDOs

It is long held principle within public sector employment that employees "acting up" take all of the conditions associated with the higher position (good and bad). This principal was reinforced by Commissioner Bechly in *Bruce Wilkinson v Queensland Fire and Rescue Authority*

The concept of acting down is not so well contemplated by the regulatory regime. Usually, someone being moved to a lower position would be in relation to disciplinary action or redeployment and would be permanent rather than temporary. In cases of redeployment I would expect the Officer to maintain a personal classification in the event that they were required to perform a role at a lower classification level.

It is my view that once you have reached the dizzy heights of AO6, you will never see paid overtime again unless something (bad) mentioned above happens to you or happen to work in EMQ during an activation (the nature of which is currently unspecified). Directive 5/05 uses the language employees "in receipt of" wages higher than the top of AO5. My view is that the intention of the Directive is quite clear: to exclude those employees in all cases and the fact that the Officer is doing work that is considered at a lower level, albeit outside the ordinary spread of hours.

The other question you raise is with respect to the ability to have employees relieve as shift workers. Two separate provisions (award and directive) need to be complied with in this regard. Firstly is the definition of shift work within the award and secondly the minimum time that an employee is required to perform higher duties before being entitled to payment.

In the case of the award, there does not appear to be any impediment to an employee being a shift worker on a temporary basis. Therefore it would appear that a day worker can become a shift workers for a shift, week, month or whatever period of time you so desire in terms of the award.

The second issue of Directive 2/05 is more problematic. As you rightly point out Directive 2/05 requires that a Public Service Office undertakes more than 3 shifts before they are entitled to payment for higher duties. The Higher Duties Directive therefore would not enable an Officer at a classification with a maximum salary of less than OO6 to be paid at OO6 level (and take the conditions that go with it e.g. shift penalty) unless they do at least 3 shifts.

The non-application of Directive 2/05 begs the question, what does apply in the case of an employee at a lower level acting up in the position of a shift worker?

Being a student of history you are undoubtedly fascinated by the removal of the provisions that were contained in Section 14 (4) of the *Industrial Conciliation and Arbitration Act 1961*. The two or more classes of work maxim was considered contrary to the Structural Efficiency Principle enunciated by the 1989 State and National Wage Cases and was subsequently omitted from the *Industrial Relations Act 1990*. Such discourse does not take us any closer to an answer, however fascinating it may be.

The short answer is if an employee cannot "act up" for a period of less than three shifts and they are required to work outside their ordinary hours the answer must be overtime at their substantive rate. And, you guessed it, for employees above AO5 that means TOIL; therefore such an employee gets to work a night shift just so they can have some time off. I think you may have difficulty attracting employees to this proposition.

By the way, on contemplating these vexing questions, I came t the conclusion that WDOs would lose their 5th weeks annual leave if they ceased to be continuous shift workers as defined by the award (no longer 24/7). I would consider this to be a travesty as you would be requiring employees to become permanent night shift workers (rather than rotating shift workers) and taking a weeks' leave away from them as well. If their status as continuous shift workers can somehow be protected that may go some way to overcoming objections to the proposed shift change.

I trust that this has assisted but you had come to these conclusions by yourself.

Regards,

QFES RTI FINAL RELEASE

100831E Hawkins EMQ Hours

Today (31 August 2010) I met with EMQ to discuss recent developments with the QPSU and JAG with respect to the Hours of Work arrangements.

It was agreed that Michael Hawkins and Bruce Grady would meet with Michael Thomas (hopefully this week ending 3 September 2010). At that meeting it was intended to discuss:

- Hours of Work Arrangements; and
- Proposed structural changes in EMQ.

A draft letter has been prepared for signature of the DG suggested amendment to the Critical Incident Directive. Feed back regarding the letter should be directed to me.

Following the course of action outlined above, it is proposed to formally write to the QPSU seeking consent to amendment to the Public Service Award to include the EMQ Hours of Work arrangements (copy tabled by Ken).

Regards,

JRM

QFES RTI FINAL RELEASE

Proposed amendment to Critical Incident Directive

In Schedule A:

Clause 2 at the end of the first paragraph:

“or EMQ activation”

Clause 2 a new paragraph “c) where the Director General, Department of Community Safety declares an EMQ activation.”

Clause 4.1 a new paragraph “c) the date determined for the commencement of an EMQ activation”.

A new clause “5.13 “EMQ Activation” is where the Director General Department of Community Safety declares an emergency situation exists and that situation is of such significance that it requires employees of Emergency Management Queensland and, if required, other Divisions of the Department of Community Safety to work extended hours and/or temporary shift work to meet operational demands in preparing for and responding to the situation.”

100928E CID Steele amendment

Today (28 September 2010) we met to discuss the proposed amendment to the critical incident directive.

Your department flagged potential amendments to allow for an extension to the activation of a critical incident for a period of 45 days and thereafter if so determined by the relevant Chief Executive.

We also agreed on some wording for you to take to your hierarchy in order to affect EMQ amendments using the CID. I have enclosed an electronic copy of the proposed amendments.

Regards,

QFES RTI FINAL RELEASE

Proposed Hours of Work Changes – Working Draft (17 February 2011)

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees [engaged in Emergency Management Queensland \(EMQ\)](#), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees [engaged in Emergency Management Queensland \(EMQ\)](#).

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Chief Officer, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Chief Officer, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Chief Officer, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Chief officer, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(f) On Call

Employees instructed to be on call by the Chief Officer, EMQ or delegate, shall be paid an on-call allowance in accordance with [Schedule 4 Section 6 Clause 5.14.4](#) of this Award and the [State Government Departments Certified Agreement 2009](#). Where practical, the Chief Officer, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

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(g) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Chief Officer, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Chief Officer, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day; or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Chief Officer (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

110217E Hawkins PSIER amendments

Ken,

We have met with PSIER with respect to the proposed schedule 3 amendment.

As a result of that meeting I have made certain changes to the last document you provided (30 September 2010) and they are marked in track changes.

- The first page 1 (3.4.2) changes the structure of the first sentence in an attempt to avoid a split infinitive.
- The second on page 2 (f) on call updates the reference to on call in the award.
- The third on page 3 (3.4.4) removes reference to employees of other departments. Given this schedule applies to employees of DCS it is doubtful that it can apply to employees of other departments and in any case the CID would take of such situations.

Do these suggestions cause you any difficulty.

I am also trying to arrange a meeting with the QPSU for next Wednesday.

Regards,

110218E Hawkins PSIER amendments

Ken,

3.4.2 The 30 minute break in the 12 hour shift – we had this discussion with PSIER and came to the conclusion that a number of other employees (e.g. Firefighters) work lengthy shifts with only receiving one meal break. It must be understood that this entitlement is in conjunction with rest pauses. This might be a matter the QPSU raises but we believe that when emergency situations get going ½ hour lunch is the least of anyone's worries.

3.4.2 (c) I am not inclined to replace the word "where" with the word "if". In my experience, "where" is the customary word used in legal terminology for such a conjunction.

3.4.2 (c) I am not sure it is necessary to confine consideration of family responsibility to the employee however if it is necessary to make such an amendment I will.

3.4.3 – we can flag further discussion regarding other employees. If I was the QPSU (which I guess I am in a way) I would be suggesting that there might be justification for separate industrial instrument for EMQ. The further this goes the differences will become greater than the similarities to the standard QPSA conditions (just a thought).

3.4.4 – all of what you say may be true – I guess the question remains do we have the capacity to provide for conditions for employees other than DCS employees in a schedule specific to DCS? There are also a number of other employees who will be the subject of disparate conditions of employment in these circumstances (e.g. Police).

I am happy to discuss all or any of this schedule with Bruce but I understand Michael and Glenn had this conversation at an earlier meeting this month.

Regards,

110221E Hawkins EMQ Hours

Michael/Glenn

I had a meeting scheduled with Ken Hawkins this afternoon to go through the EMQ Hours of Work Arrangements and his subsequent comments. Ken is not in today so the meeting can not go ahead.

Of all the matters that Ken has raised the only one that I see as being of concern is that of employee from other Departments. You would recall that we included in the draft a line that certain conditions applied to employees of DCS and other agencies. Our friends from JAG questioned the capacity to cover such employees. We had thought the best course of action was to remove the reference to other Departments, however Ken sees this a problematic. I was able to speak to Bruce Grady this morning whilst waiting for coffee and Bruce also had this view.

My advice is to table a document that includes the reference to employees of other Departments at the meeting tomorrow. I suspect that the QPSU might raise this as an issue but in the event that they don't we go back to JAG and say we want to consult other agencies to include this provision. I am happy to attempt to square this off with Rob Gillespie if you think the idea has merit.

Please let me know your views and I will draft a document for the QPSU's consideration accordingly.

Regards,

110221E Robertson

Good Afternoon All,

Earlier today Peta asked for a comparison of the existing CDRS arrangement and the proposed schedule III amendment.

The attached has been prepared. Please accept it on an errors and omissions basis.

Regards,

QFES RTI FINAL RELEASE

Proposed Hours of Work Changes – Working Draft (22 February 2011)

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

Employees working an afternoon shift in accordance with shift provisions provided for in the Public Service Award – State 2003, will be paid 15% per shift for all ordinary time worked in addition to 9.5 hours. Shift allowances will be paid only in instances where an officer's work commitments do not allow the work to be performed during the day.

(e)(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 42-9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

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S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day; or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

110222E Hawkins EMQ QPSU meeting

Michael,

Yesterday (22 February 2011) I attended a meeting with the QPSU to discuss EMQ hours of work arrangements. Also in attendance were yourself, Bruce Grady, Peta Robertson, Mark Dole and Michael Thomas of the QPSU.

A draft amendment to schedule 3 of the Queensland Public Service Award – State was tabled for consideration by the QPSU. Another document attempted to compare the existing (1997) arrangements.

It was also explained that the Critical Incident Directive was amended to allow for payment of overtime to EMQ employees above AO5 level during activations.

Michael Thomas said that he needed time to understand the definitions of operational and non-operational personnel from the 1997 agreement.

Bruce Grady explained that the hours of work arrangements were not the answer to workload issues that had been raised. He advised that a solution to workload issues should be announced in the next few days.

The QPSU undertook to consider the document.

DCS undertook to provide a dot point explanation of the proposed hours arrangements.

Regards,

Comparison of CDRS HoW and proposed schedule 3

COUNTER DISASTER AND RESCUE SERVICES HOURS OF WORK PROVISIONS	PROPOSED SCHEDULE 3 – WORKING DRAFT (Provision in proposed schedule in bold)	CHANGES EFFECTED
PART 1 – PRELIMINARY		
<p>1.3 APPLICATION This agreement is taken to form part of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i> by virtue of Clause 4.4.1 of such Agreement. Should there be any inconsistency between this Agreement and: (i) the provisions of the <i>Public Service Award – State</i>; and (ii) Directives and other rulings issued by the Minister for Training and Industrial Relations the provisions of this Agreement shall prevail to the extent of any inconsistency. These provisions shall apply to all employees of Emergency Services Division, excluding the following classes of employees: • Employees engaged in Aviation Services as 'operational' employees;• Employees engaged at the classification level of Senior Officer 2 (SO2) and above; and • Casual employees engaged by Emergency Services Division. Notwithstanding the above, Part 4 of this Agreement may apply to employees of other Divisions of the Department of Emergency Services where such employees are required to be part of State Counter Disaster (SCD) Arrangements.</p>	<p>The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.</p> <p>3.4.2</p>	<p>Inconsequential change. Much of the preamble to the CDRS arrangements was superfluous.</p>
<p>1.4 DATE OF OPERATION These provisions will replace existing hours of work and related provisions and shall apply from 1 March 1999. This agreement will remain in force until 31 December 1999 or such later time until either party terminates the agreement by providing the other party with thirty days written notice.</p>	<p>N/A</p>	<p>The schedule 3 amendment would take effect from the time at which the QIRC amends the award.</p>
<p>1.5 PRINCIPLES (a) The management of hours worked (including accrued TOIL) shall be a local matter with the responsibility resting with managers and employees at the lowest appropriate level; (b) Employees should perform reasonable hours of work, but should not be expected to perform unreasonable or excessive hours of work. The performance of reasonable hours is a management issue to monitor in consultation with employees; (c) Hours of work must be flexible to meet customer requirements; (d) The operating hours for each work unit will be determined in consultation with employees, recognising the principles of fairness, equity and flexibility, Workplace Health & Safety and quality of service; (e) Hours of work must be simple to administer; (f) Hours of work performed must focus on the task of the work unit; (g) Hours of work must be performed with due recognition to the domestic, personal and social needs of employees; (h) Expectations of management in relation to hours of work must be communicated to employees; and (i) Management tools such as Performance Appraisals, organisational goals and objectives and positions descriptions should be used to determine optimum workloads of employees in order to avoid excessive hours of work.</p>	<p>(a) Principles</p> <p>These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:</p> <ul style="list-style-type: none"> • Maximise work/life balance; • Ensure operational coverage; • Ease traffic congestion; and • Ensure meaningful work is provided. <p>The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.</p> <p>Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL</p> <p>3.4.2 (a)</p>	<p>Greater emphasis on work/life balance as a consideration.</p>
<p>1.6 GRIEVANCES Any employee aggrieved by a decision of a manager in relation to these hours of work provisions may lodge a grievance in accordance with Clause 7.7 of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>N/A</p>	<p>Award Grievance Procedure would have application</p>

<p>1.7 DEFINITIONS</p> <p>(1) "Required by their Manager to perform work" (Clause 2.9 {1} and {4} and Clause 2.7 {2}) refers to those situations where a Manager specifically authorises and directs an employee to work a set number of hours on a public holiday, Saturday or Sunday to complete a special or significant task.</p> <p>(2) "Manager" refers to any managerial position with the Emergency Services Division of the Department of Emergency Services including the positions of Assistant Director, Director and Executive Director.</p> <p>(3) "TOIL" refers to time off in lieu of paid overtime.</p> <p>(4) "General Employees" – refers to those employees who are not classified as "administrative employees" or "DMU operational employees".</p> <p>(5) "Administrative Employees" – refers to those employees categorised as such by the Director of the Work Unit whose primary task is to provide administrative support to a work unit.</p> <p>(6) "DMU Operational Employees" - refers to those employees employed in the Disaster Management Unit who are classified as such by the Director DMU, subject to the provisions of this Agreement.</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations (Critical Incident and EMQ activations)
<p>1.8 REVIEW OF HOURS OF WORK PROVISIONS</p> <p>A review of the effectiveness of the Hours of Work provisions will be undertaken in December 1999 and will be finalised by mid January 2000</p>	N/A	No provision has been included in the draft. NB the QPSU has requested a similar review provision in negotiations for 12 hour shifts for DCS security personnel
<p>PART 2 – GENERAL HOURS OF WORK</p>		
<p>2.1 SPREAD OF HOURS</p> <p>(1) General Employees For general employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am and 9pm, Monday to Sunday inclusive; and (c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(2) Administrative Employees For administrative employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am-6pm, Monday to Friday; and (c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(3) DMU 'Operational Employees' For DMU 'Operational Employees' the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 6am-12midnight Monday to Sunday; and (c) a maximum of 12 hours in any one day excluding meal breaks.</p>	<p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.</p> <p>Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.</p> <p>In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles</p> <p>A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.</p> <p>3.4.2 (b)</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun)</p> <p>Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun</p> <p>Operational 6 am to 12 M'night Mon to Sun)</p> <p>SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>2.2 CATEGORY OF EMPLOYEES</p> <p>(1) All Work Unit Directors shall make a recommendation to the Executive Director, Emergency Services Division as to which category (General/Administrative/DMU Operational) employees' within their work unit are classified as.</p> <p>(2) Where an employee disagrees with the Director's recommendation, the employee may refer the matter to the Emergency Services Division</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.

Local Consultative Committee for their consideration. The Local Consultative Committee will make a recommendation to the Executive Director, whose decision shall be final.		
2.3 STARTING AND FINISHING TIMES Starting and finishing times shall be on the hour or at 15 minute intervals.	An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals. 3.4.2 (c)	Recording hours of work in 15 minute intervals might be best included in the schedule
2.4 MEAL BREAKS Employees shall be entitled to an unpaid meal break of not less than 30 minutes between the third and sixth hour of duty. Where the engagement of employment is greater than 10 ordinary hours, employees shall be entitled to an additional unpaid meal break of not less than 30 minutes.	Employees are entitled to meal break(s) as follows:- ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day. Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages. 3.4.4 (c)	No change
2.5 TOIL (1) All employees shall have access to at least one full day off over a 4 week period. (2) An employee's TOIL carry over shall not exceed 58 hours at the end of each 4 week period (unless specifically prescribed in these arrangements). TOIL in excess of 58 hours at the end of each 4 week period will be forfeited. (3) The minimum accrual period for TOIL is 15 minutes. (4) TOIL accrues on a time for time basis. (5) Employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these hours of work provisions up to a maximum of 36.25 hours on cessation of employment with the Division.	A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate. 3.4.2 (e)	It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours
2.6 SICK LEAVE Sick leave taken will be deducted from an employee's sick leave balance on the basis of an ordinary working day (7.25 hours) or the actual hours where an employee is sick for less than an ordinary working day.	N/A	Standard award provisions will provide for outcome of 7.25 hours
2.7 PUBLIC HOLIDAYS (1) Employees are to be credited with 7.25 hours for a public holiday except when the public holiday falls on a Saturday or Sunday. (2) Where employees are required by their manager to perform work on a gazetted public holiday they will be paid double time and a half (time and a half in addition to ordinary time) for such work with a minimum of four hours payment.	N/A	Standard award provisions will provide for outcome of 7.25 hours
2.8 FATIGUE LEAVE Employees shall be provided with, and shall avail themselves of, a minimum of ten consecutive hours off duty between the finish of duty on one day and the commencement of duty on the next rostered day. If this break is not able to be taken, the employee is to be paid at double rates for that period until released from duty. The employee will then be provided with a 10 hour consecutive break from duty without loss of pay for ordinary working time occurring during such absence (ordinary working time in this instance shall equal 7 hours 15 minutes). Provided that this clause does not apply to employees engaged in "Emergency	Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the	No change – emphasis that an employee must be directed

Work” as defined in Part 3.	conclusion of an operational activation until return to normal duties.	
<p>2.9 OVERTIME/PENALTY RATES</p> <p>(1) Where employees are required by their manager to perform work on a weekday, Saturday or Sunday outside the ordinary hours of work as defined in Clause 2.1 for the category, this time shall accrue as TOIL, provided that employees who paid at the rate of AO5 PP4 or below may receive:</p> <p>(a) time and a half for the first 3 hours, and double time thereafter, for work performed on a weekday or a Saturday;</p> <p>(b) double time for work performed on a Sunday;</p> <p>(2) Where employees elect, of their own accord, to perform work on a public holiday, weekend or outside ordinary hours of work, such time will not be recognised for any purpose.</p> <p>(3) Where employees elect to and by mutual agreement with their manager, perform work on a public holiday, weekend or outside the ordinary hours prescribed in Clause 2.1, such time will be recognised as ordinary hours of work but overtime or penalty rates will not be payable.</p> <p>(4) Where employees are required by their manager to perform work on a Saturday and Sunday within the ordinary hours of work as defined in Clause 2.1 and provided such employees are not paid in excess of AO5PP4, they will receive:</p> <p>(a) half time in addition to normal time for work performed on Saturday;</p> <p>(b) single time in addition to normal time for work performed on a Sunday;</p> <p>(c) provided that employees at the AO6 level with an existing entitlement to penalty rates for work performed on Saturdays and Sundays as at the date of commencement of these provisions will maintain that entitlement with the payment being in accordance with (a) and (b) above. Such entitlement will cease if employees are appointed to a level above AO6.</p>	<p>3.4.4 (f)</p> <p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p> <p>3.4.4 (b)</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>
<p>2.10 ON-CALL</p> <p>(1) Employees required to be on-call (as designated by the Director or delegate of the work unit) shall be paid an on-call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i> notwithstanding that any overtime may be accrued as TOIL.</p>	<p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p> <p>3.4.2 (f)</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
PART 3 – EMERGENCY OPERATIONS		
<p>3.1 APPLICATION</p> <p>This part applies to employees engaged in emergency operations as defined</p>		
<p>3.2 DEFINITION</p> <p>“<i>Emergency Operations</i>” – Operations which require the activation of staff as a result of an emergency or protracted emergency in a community (but which does not result in State Counter Disaster Arrangements). The determination of Emergency Operations is a matter for the Director of each work unit to determine in consultation with staff</p>	N/A	<p>A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.</p>
<p>3.3 RATIONALE</p> <p>This part recognises that emergencies may arise at any time and often require great flexibility and time commitment on the part of staff in dealing with them. It aims to balance the need to deal effectively with the emergency against the personal needs of staff.</p>	N/A	
<p>3.4 SPREAD OF HOURS</p> <p>(1) The hours of work performed during emergency operations</p>	<p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p>

<p>contributes to the employee's 72.5 hours per fortnight. (2) Hours may be worked between the hours of Midnight to Midnight, Monday to Sunday inclusive as required by the emergency. (3) The daily hours worked should not exceed 12 hours in any 24 hour period, excluding meal breaks.</p>	<p>3.4.4 (a)</p>	<p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri) Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>3.5 FATIGUE LEAVE Where employees, at the end of an emergency, have exceeded a total of 12 hours work in the previous 24 hours, they must avail themselves of a minimum of 10 hours break between the finish of duty on the emergency operation and the commencement of duty on ordinary hours of work. If the employer directs employees to work and the break can not be taken, the employees are to be paid at double rates until a 10 hour break is taken.</p>	<p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p> <p>3.4.4 (f)</p>	<p>No change – emphasis that an employee must be directed This appears to have been duplicated in the CDRS ARRANGEMENTS</p>
<p>3.6 TOIL No limit shall apply to the amount of TOIL which can be accrued during emergency operations but where such TOIL results in the 58 hour maximum for general conditions being exceeded, the excess should be taken as soon as practicable as determined with the local work unit.</p>	<p>Overtime is any authorised work which is preformed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.</p> <p>Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director-General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.</p> <p>Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative Directives as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.</p> <p>Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any</p>	<p>It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours</p>

	<p>time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.</p> <p>On the approval of the Assistant Director-General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.</p> <p>3.4.2 (e)</p>	
<p>3.7 INCONSISTENCY WITH GENERAL PROVISIONS Where these provisions for emergency operations are inconsistent with the general hours provisions, these provisions shall apply to the extent of an inconsistency.</p>	N/A	
<p>PART 4 – STATE COUNTER DISASTER ARRANGMENTS PROVISIONS</p>		
<p>4.1 APPLICATION Where there is an inconsistency between these provisions and the provisions in Part 2 – the provisions of this Part will prevail during periods of State Counter Disaster Arrangements.</p>	N/A	
<p>4.2 DEFINITION “State Counter Disaster Arrangements Operations” refers to those situations where the Executive Director, Emergency Services Division, declares at the commencement of the operation that State Counter Disaster Arrangements are required. Another declaration will be made at the conclusion of the operation to formalise the return to ordinary working conditions. These Arrangements shall include the deployment or redeployment of staff to or from the field prior to or after the formal declarations have been made.</p>	N/A	Antiquated terminology
<p>4.3 HOURS OF WORK (1) The maximum ordinary hours of duty during these operations shall be seven and a quarter (7.25) per day, Monday to Friday. (2) The Executive Director or Director may choose to initiate the staffing of two shifts per day within the State Disaster Coordination Centre. Where these shifts are to cover 24 hours, the day shift shall be from 7.30am to 8.00pm and the night shift shall be from 7.30pm to 8.00am or as otherwise directed by the Executive Director or Director to meet operational demands. At affected locations other than the State Disaster Coordination Centre, the hours of work will be as directed in order to meet operational requirements. (3) Meal Breaks – employees working twelve and a half hour shifts shall be allowed two paid meal breaks of 30 minutes. (4) Employees shall be entitled to rest pauses of a total of thirty minutes, which shall be taken at such times as suits operational requirements. (5) Employees engaged in State Counter Disaster Arrangements shall not accrue TOIL.</p>	<p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p> <p>3.4.4 (a)</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M’night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M’day to M’night Mon to Sun M’day to M’night Mon to Fri</p>
<p>4.4 OVERTIME (1) Any overtime worked must be authorised and directly related to the State Counter Disaster Arrangements. (2) Any time worked outside of 7.25 hours per day shall be paid at the rate of time and a half for the first three hours and double time thereafter. (3) All time worked by an employee between Midnight Friday and Midnight Saturday shall be considered overtime and shall be paid at the rate of time and a half. Any time worked by an employee above 10.25 hours on a Saturday will be paid at double time.</p>	<p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>

<p>(4) All time worked by an employee between Midnight Saturday and Midnight Sunday shall be considered overtime and shall be paid at the rate of double time.</p> <p>(5) All time worked by an employee on a public holiday shall be paid at the rate of double time and a half.</p> <p>(6) Overtime relating to State Counter Disaster Arrangements worked by an employee at a salary level greater than AO5 PP4 will be calculated at the AO5 PP4 rate of salary in accordance with the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>employer may direct the employee when it is to be taken.</p> <p>3.4.4 (b)</p>	
<p>4.5 ON-CALL Employees required by the Executive Director or Director or delegate to be on call as a result of State Counter Disaster Arrangements shall be paid an on call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i>.</p>	<p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p> <p>3.4.2 (f)</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
<p>4.6 TRANSPORT Employees will be provided with transport, or refunded the cost of such transport, to and from work when working twelve and a half (12.5) hour shifts.</p>	<p>Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause 3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i>.</p> <p>3.4.4 (e)</p>	<p>Not quite the same issue</p>
<p>4.7 MEAL PROVISIONS Where employees are required to work between the hours of 6pm and 8pm, they shall be entitled to a meal allowance (unless a meal is provided) at the rate provided for in Directive 10/97 or any amendment thereto or as per any delegated legislation which replaces that Directive</p>	<p>N/A</p>	<p>Directive will have application</p>
<p>4.8 COMMENCEMENT OF STATE COUNTER DISASTER ARRANGMENTS Employees who are at work at the time of the announcement of State Counter Disaster Arrangements, and who are directed to go home from work prior to 10.00am in order to either deploy to the field or return as rostered to the State Disaster Coordination Centre, shall be credited with two hours time or the actual hours worked for that shift, whichever is the greater. If they are directed to return home after 10.00am they shall be credited with the actual time worked.</p>	<p>N/A</p>	<p>Antiquated terminology</p>
<p>4.9 CONCLUSION OF STATE COUNTER DISASTER ARRANGMENTS If employees are part way through working a twelve and a half (12.5) hour shift when State Counter Disaster Arrangements are cancelled, they shall be credited with 4 hours or the actual hours worked for that shift, whichever is the greater.</p>	<p>N/A</p>	<p>Antiquated terminology</p>

Comparison of CDRS Hours of Work and proposed variation to Public Service Award Schedule 3

COUNTER DISASTER AND RESCUE SERVICES HOURS OF WORK PROVISIONS	PROPOSED SCHEDULE 3 – WORKING DRAFT (Provision in proposed schedule in bold)	CHANGES EFFECTED
PART 1 – PRELIMINARY		
<p>1.3 APPLICATION This agreement is taken to form part of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i> by virtue of Clause 4.4.1 of such Agreement. Should there be any inconsistency between this Agreement and: (i) the provisions of the <i>Public Service Award – State</i>; and (ii) Directives and other rulings issued by the Minister for Training and Industrial Relations the provisions of this Agreement shall prevail to the extent of any inconsistency. These provisions shall apply to all employees of Emergency Services Division, excluding the following classes of employees: • Employees engaged in Aviation Services as 'operational' employees; • Employees engaged at the classification level of Senior Officer 2 (SO2) and above; and • Casual employees engaged by Emergency Services Division. Notwithstanding the above, Part 4 of this Agreement may apply to employees of other Divisions of the Department of Emergency Services where such employees are required to be part of State Counter Disaster (SCD) Arrangements.</p>	<p>3.4.2 Emergency Management Queensland Employees The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.</p> <p>3.4.3 Watch Desk Officers, Emergency Management Queensland The following conditions apply to Watch Desk Officers (as appointed by the Chief Officer, Emergency Management Queensland) engaged in Emergency Management Queensland.</p> <p>(a) General Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.</p> <p>3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Chief Officer, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety who are directed to assist in operational activations of EMQ.</p> <p>“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i>.</p>	<p>Inconsequential change. Much of the preamble to the CDRS arrangements was superfluous.</p>
<p>1.4 DATE OF OPERATION These provisions will replace existing hours of work and related provisions and shall apply from 1 March 1999. This agreement will remain in force until 31 December 1999 or such later time until either party terminates the agreement by providing the other party with thirty days written notice.</p>	<p>N/A</p>	<p>The schedule 3 amendment would take effect from the time at which the QIRC amends the award.</p>
<p>1.5 PRINCIPLES (a) The management of hours worked (including accrued TOIL) shall be a local matter with the responsibility resting with managers and employees at the lowest appropriate level; (b) Employees should perform reasonable hours of work, but should not be expected to perform unreasonable or excessive hours of work. The performance of reasonable hours is a management issue to monitor in consultation with employees; (c) Hours of work must be flexible to meet customer requirements;</p>	<p>3.4.2 (a) Principles - Emergency Management Queensland Employees These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:</p> <ul style="list-style-type: none"> • Maximise work/life balance; 	<p>Greater emphasis on work/life balance as a consideration.</p>

<p>(d) The operating hours for each work unit will be determined in consultation with employees, recognising the principles of fairness, equity and flexibility, Workplace Health & Safety and quality of service;</p> <p>(e) Hours of work must be simple to administer;</p> <p>(f) Hours of work performed must focus on the task of the work unit;</p> <p>(g) Hours of work must be performed with due recognition to the domestic, personal and social needs of employees;</p> <p>(h) Expectations of management in relation to hours of work must be communicated to employees; and</p> <p>(i) Management tools such as Performance Appraisals, organisational goals and objectives and positions descriptions should be used to determine optimum workloads of employees in order to avoid excessive hours of work.</p>	<ul style="list-style-type: none"> • Ensure operational coverage; • Ease traffic congestion; and • Ensure meaningful work is provided. <p>The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.</p> <p>Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL</p>	
<p>1.6 GRIEVANCES Any employee aggrieved by a decision of a manager in relation to these hours of work provisions may lodge a grievance in accordance with Clause 7.7 of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	N/A	Award, Agreement and Directive Grievance Procedure would have application
<p>1.7 DEFINITIONS (1) "Required by their Manager to perform work" (Clause 2.9 {1} and {4} and Clause 2.7 {2}) refers to those situations where a Manager specifically authorises and directs an employee to work a set number of hours on a public holiday, Saturday or Sunday to complete a special or significant task. (2) "Manager" refers to any managerial position with the Emergency Services Division of the Department of Emergency Services including the positions of Assistant Director, Director and Executive Director. (3) "TOIL" refers to time off in lieu of paid overtime. (4) "General Employees" – refers to those employees who are not classified as "administrative employees" or "DMU operational employees". (5) "Administrative Employees" – refers to those employees categorised as such by the Director of the Work Unit whose primary task is to provide administrative support to a work unit. (6) "DMU Operational Employees" - refers to those employees employed in the Disaster Management Unit who are classified as such by the Director DMU, subject to the provisions of this Agreement.</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations (Critical Incident and EMQ activations)
<p>1.8 REVIEW OF HOURS OF WORK PROVISIONS A review of the effectiveness of the Hours of Work provisions will be undertaken in December 1999 and will be finalised by mid January 2000</p>	N/A	No provision has been included in the draft. NB: the QPSU has requested a similar review provision in negotiations for 12 hour shifts for DCS security personnel
<p>PART 2 – GENERAL HOURS OF WORK</p>		
<p>2.1 SPREAD OF HOURS (1) General Employees For general employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am and 9pm, Monday to Sunday inclusive; and (c) a maximum of 9.5 hours in any one day excluding meal breaks. (2) Administrative Employees For administrative employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am-6pm, Monday to Friday; and (c) a maximum of 9.5 hours in any one day excluding meal breaks. (3) DMU 'Operational Employees'</p>	<p>3.4.2 (b) Hours of Work – Emergency Management Queensland Employees</p> <p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.</p> <p>Employees and managers will negotiate agreement on ordinary</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p>

<p>For DMU 'Operational Employees' the ordinary hours of work shall be:</p> <p>(a) 72.5 hours per fortnight;</p> <p>(b) worked between 6am-12midnight Monday to Sunday; and</p> <p>(c) a maximum of 12 hours in any one day excluding meal breaks.</p>	<p>working hours in order to meet operational requirements and the employee's work/life balance.</p> <p>In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles</p> <p>A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.</p> <p>3.4.3 (b) Hours of Work – Watch Desk Officers</p> <p>The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.</p> <p>Changes to these hours may occur from time to time due to organisational requirements.</p> <p>All other hours of work conditions shall be in accordance with clause 6.5 of this Award.</p> <p>3.4.4 (a) Hours of Work – Critical Incident and EMQ Activations, EMQ</p> <p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>Emergency Op M'day to M'night Mon to Sun</p> <p>CID/EMQ activation M'day to M'night Mon to Fri</p>
	<p>3.4.2 (g) Attendance Records - Emergency Management Queensland Employees</p> <p>All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave</p> <p>A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.</p> <p>A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.</p>	

<p>2.2 CATEGORY OF EMPLOYEES (1) All Work Unit Directors shall make a recommendation to the Executive Director, Emergency Services Division as to which category (General/Administrative/DMU Operational) employees' within their work unit are classified as. (2) Where an employee disagrees with the Director's recommendation, the employee may refer the matter to the Emergency Services Division Local Consultative Committee for their consideration. The Local Consultative Committee will make a recommendation to the Executive Director, whose decision shall be final.</p>	<p>N/A</p>	<p>A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.</p> <p>The proposed Schedule 3 provides for specific arrangements for:</p> <ul style="list-style-type: none"> • All employees of EMQ, (excluding Watch Desk Officers and Operational Employees of EMQ); • Watch Desk Officers; and • In times of Critical Incident and EMQ activations
<p>2.3 STARTING AND FINISHING TIMES Starting and finishing times shall be on the hour or at 15 minute intervals.</p>	<p>3.4.2 (c) Accrued Time – Emergency Management Queensland Employees</p> <p>An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.</p> <p>An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.</p> <p>Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.</p> <p>In accordance with Clause 6.1.6 of the <i>Queensland Public Service Award – State 2003</i>, employees are to have access to at least one full accrued day off per month</p> <p>Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.</p> <p>The Chief Officer, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative <i>Directives</i> as issued from time to time.</p>	<p>Recording hours of work in 15 minute intervals might be best included in the schedule</p>
<p>2.4 MEAL BREAKS Employees shall be entitled to an unpaid meal break of not less than 30 minutes between the third and sixth hour of duty. Where the engagement of employment is greater than 10 ordinary hours, employees shall be entitled to an additional unpaid meal break of not less than 30 minutes.</p>	<p>3.4.4 (c) Meal Breaks - Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>Employees are entitled to meal break(s) as follows:-</p> <ul style="list-style-type: none"> ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day. 	<p>For purpose of clarity, it may help to include details of meal breaks for All employees of EMQ, (excluding Watch Desk Officers and Operational Employees of EMQ)?</p>

	<p>Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.</p> <p>3.4.3 (b) Hours of Work – Watch Desk Officers The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.</p> <p>Changes to these hours may occur from time to time due to organisational requirements.</p> <p>All other hours of work conditions shall be in accordance with clause 6.5 of this Award.</p>	
<p>2.5 TOIL (1) All employees shall have access to at least one full day off over a 4 week period. (2) An employee's TOIL carry over shall not exceed 58 hours at the end of each 4 week period (unless specifically prescribed in these arrangements). TOIL in excess of 58 hours at the end of each 4 week period will be forfeited. (3) The minimum accrual period for TOIL is 15 minutes. (4) TOIL accrues on a time for time basis. (5) Employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these hours of work provisions up to a maximum of 36.25 hours on cessation of employment with the Division.</p>	<p>3.4.2 (e) – Emergency Management Queensland Employees</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p>	<p>It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours</p>
<p>2.6 SICK LEAVE Sick leave taken will be deducted from an employee's sick leave balance on the basis of an ordinary working day (7.25 hours) or the actual hours where an employee is sick for less than an ordinary working day.</p>	<p>N/A</p>	<p>Standard award provisions will provide for outcome of 7.25 hours</p>
<p>2.7 PUBLIC HOLIDAYS (1) Employees are to be credited with 7.25 hours for a public holiday except when the public holiday falls on a Saturday or Sunday. (2) Where employees are required by their manager to perform work on a gazetted public holiday they will be paid double time and a half (time and a half in addition to ordinary time) for such work with a minimum of four hours payment.</p>	<p>3.4.2 (d) Work Performed on Weekends and Public Holidays – Emergency Management Queensland Employees</p> <p>Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.</p> <p>3.4.3 (c) Watch Desk Officers - Work Performed on Weekends and Public Holidays</p> <p>Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.</p>	

<p>2.8 FATIGUE LEAVE Employees shall be provided with, and shall avail themselves of, a minimum of ten consecutive hours off duty between the finish of duty on one day and the commencement of duty on the next rostered day. If this break is not able to be taken, the employee is to be paid at double rates for that period until released from duty. The employee will then be provided with a 10 hour consecutive break from duty without loss of pay for ordinary working time occurring during such absence (ordinary working time in this instance shall equal 7 hours 15 minutes). Provided that this clause does not apply to employees engaged in "Emergency Work" as defined in Part 3.</p>	<p>3.4.4 (f) Fatigue Management - Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p>	<p>No change – emphasis that an employee must be directed</p> <p>For purpose of clarity, should we include specific reference to Fatigue Breaks under the general provisions relating to All employees of EMQ, (excluding Watch Desk Officers and Operational Employees of EMQ?</p>
<p>2.9 OVERTIME/PENALTY RATES</p> <p>(1) Where employees are required by their manager to perform work on a weekday, Saturday or Sunday outside the ordinary hours of work as defined in Clause 2.1 for the category, this time shall accrue as TOIL, provided that employees who paid at the rate of AO5 PP4 or below may receive:</p> <p>(a) time and a half for the first 3 hours, and double time thereafter, for work performed on a weekday or a Saturday; (b) double time for work performed on a Sunday;</p> <p>(2) Where employees elect, of their own accord, to perform work on a public holiday, weekend or outside ordinary hours of work, such time will not be recognised for any purpose.</p> <p>(3) Where employees elect to and by mutual agreement with their manager, perform work on a public holiday, weekend or outside the ordinary hours prescribed in Clause 2.1, such time will be recognised as ordinary hours of work but overtime or penalty rates will not be payable.</p> <p>(4) Where employees are required by their manager to perform work on a Saturday and Sunday within the ordinary hours of work as defined in Clause 2.1 and provided such employees are not paid in excess of AO5PP4, they will receive:</p> <p>(a) half time in addition to normal time for work performed on Saturday; (b) single time in addition to normal time for work performed on a Sunday; (c) provided that employees at the AO6 level with an existing entitlement to penalty rates for work performed on Saturdays and Sundays as at the date of commencement of these provisions will maintain that entitlement with the payment being in accordance with (a) and (b) above. Such entitlement will cease if employees are appointed to a level above AO6.</p>	<p>3.4.2 (e) Overtime – Emergency Management Queensland Employees</p> <p>Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.</p> <p>Employees shall work reasonable overtime whenever necessary in the opinion of the Chief Officer, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.</p> <p>Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative Directives as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.</p> <p>Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Chief Officer, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.</p> <p>On the approval of the Chief officer, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>

	<p>cessation of employment with EMQ.</p> <p>3.4.3 (d) Overtime - Watch Desk Officers</p> <p>All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.</p> <p>3.4.4 (b) Overtime – Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p>	
<p>2.10 ON-CALL (1) Employees required to be on-call (as designated by the Director or delegate of the work unit) shall be paid an on-call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i> notwithstanding that any overtime may be accrued as TOIL.</p>	<p>3.4.2 (f) On Call - Emergency Management Queensland Employees</p> <p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p>	No effect to condition, however there is an additional requirement to limit the application of on-call to individuals
PART 3 – EMERGENCY OPERATIONS		
<p>3.1 APPLICATION This part applies to employees engaged in emergency operations as defined</p>		
<p>3.2 DEFINITION “Emergency Operations” – Operations which require the activation of staff as a result of an emergency or protracted emergency in a community (but which does not result in State Counter Disaster Arrangements). The determination of Emergency Operations is a matter for the Director of each work unit to determine in consultation with staff</p>	<p>3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Chief Officer, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety who are directed to assist in operational activations of EMQ.</p> <p>“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i>.</p>	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.
3.3 RATIONALE	N/A	

<p>This part recognises that emergencies may arise at any time and often require great flexibility and time commitment on the part of staff in dealing with them. It aims to balance the need to deal effectively with the emergency against the personal needs of staff.</p>		
<p>3.4 SPREAD OF HOURS (1) The hours of work performed during emergency operations contributes to the employee's 72.5 hours per fortnight. (2) Hours may be worked between the hours of Midnight to Midnight, Monday to Sunday inclusive as required by the emergency. (3) The daily hours worked should not exceed 12 hours in any 24 hour period, excluding meal breaks.</p>	<p>3.4.4 (a) Hours of Work – Critical Incident and EMQ Activations, EMQ</p> <p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>3.5 FATIGUE LEAVE Where employees, at the end of an emergency, have exceeded a total of 12 hours work in the previous 24 hours, they must avail themselves of a minimum of 10 hours break between the finish of duty on the emergency operation and the commencement of duty on ordinary hours of work. If the employer directs employees to work and the break can not be taken, the employees are to be paid at double rates until a 10 hour break is taken.</p>	<p>3.4.4 (f) Fatigue Management - Critical Incident and EMQ Activations, EMQ</p> <p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p>	<p>No change – emphasis that an employee must be directed</p> <p>This appears to have been duplicated in the CDRS ARRANGEMENTS</p>
<p>3.6 TOIL No limit shall apply to the amount of TOIL which can be accrued during emergency operations but where such TOIL results in the 58 hour maximum for general conditions being exceeded, the excess should be taken as soon as practicable as determined with the local work unit.</p>	<p>3.4.4 (b) Overtime – Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p> <p>3.4.2 (e) Overtime – Emergency Management Queensland Employees</p>	<p>It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours</p>

	<p>Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.</p> <p>Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director-General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.</p> <p>Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative Directives as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.</p> <p>Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.</p> <p>On the approval of the Assistant Director-General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.</p>	
<p>3.7 INCONSISTENCY WITH GENERAL PROVISIONS Where these provisions for emergency operations are inconsistent with the general hours provisions, these provisions shall apply to the extent of an inconsistency.</p>	N/A	
<p>PART 4 – STATE COUNTER DISASTER ARRANGMENTS PROVISIONS</p>		
<p>4.1 APPLICATION Where there is an inconsistency between these provisions and the provisions in Part 2 – the provisions of this Part will prevail during periods of State Counter Disaster Arrangements.</p>	N/A	
<p>4.2 DEFINITION “State Counter Disaster Arrangements Operations” refers to those situations where the Executive Director, Emergency Services Division, declares at the commencement of the operation that State Counter Disaster Arrangements are required. Another declaration will be made at the conclusion of the operation to formalise the return to ordinary working conditions. These Arrangements shall include the deployment or</p>	N/A	Antiquated terminology

<p>redeployment of staff to or from the field prior to or after the formal declarations have been made.</p>		
<p>4.3 HOURS OF WORK (1) The maximum ordinary hours of duty during these operations shall be seven and a quarter (7.25) per day, Monday to Friday. (2) The Executive Director or Director may choose to initiate the staffing of two shifts per day within the State Disaster Coordination Centre. Where these shifts are to cover 24 hours, the day shift shall be from 7.30am to 8.00pm and the night shift shall be from 7.30pm to 8.00am or as otherwise directed by the Executive Director or Director to meet operational demands. At affected locations other than the State Disaster Coordination Centre, the hours of work will be as directed in order to meet operational requirements. (3) Meal Breaks – employees working twelve and a half hour shifts shall be allowed two paid meal breaks of 30 minutes. (4) Employees shall be entitled to rest pauses of a total of thirty minutes, which shall be taken at such times as suits operational requirements. (5) Employees engaged in State Counter Disaster Arrangements shall not accrue TOIL.</p>	<p>3.4.4 (a) Hours of Work - Critical Incident and EMQ Activations, EMQ The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op M'day to M'night Mon to Sun CID/EMQ activation M'day to M'night Mon to Fri</p>
<p>4.4 OVERTIME (1) Any overtime worked must be authorised and directly related to the State Counter Disaster Arrangements. (2) Any time worked outside of 7.25 hours per day shall be paid at the rate of time and a half for the first three hours and double time thereafter. (3) All time worked by an employee between Midnight Friday and Midnight Saturday shall be considered overtime and shall be paid at the rate of time and a half. Any time worked by an employee above 10.25 hours on a Saturday will be paid at double time. (4) All time worked by an employee between Midnight Saturday and Midnight Sunday shall be considered overtime and shall be paid at the rate of double time. (5) All time worked by an employee on a public holiday shall be paid at the rate of double time and a half. (6) Overtime relating to State Counter Disaster Arrangements worked by an employee at a salary level greater than AO5 PP4 will be calculated at the AO5 PP4 rate of salary in accordance with the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>3.4.4 (b) – Overtime - Critical Incident and EMQ Activations, EMQ Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions. At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis. Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5 The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>
<p>4.5 ON-CALL Employees required by the Executive Director or Director or delegate to be on call as a result of State Counter Disaster Arrangements shall be paid an on call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i>.</p>	<p>3.4.2 (f) On Call - Emergency management Queensland Employees Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
<p>4.6 TRANSPORT Employees will be provided with transport, or refunded the cost of such transport, to and from work when working twelve and a half (12.5) hour shifts.</p>	<p>3.4.4 (e) – Travelling Time - Critical Incident and EMQ Activations, EMQ Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above.</p>	<p>Not quite the same issue</p>

	Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i> .	
4.7 MEAL PROVISIONS Where employees are required to work between the hours of 6pm and 8pm, they shall be entitled to a meal allowance (unless a meal is provided) at the rate provided for in Directive 10/97 or any amendment thereto or as per any delegated legislation which replaces that Directive	N/A	Directive will have application
4.8 COMMENCEMENT OF STATE COUNTER DISASTER ARRANGMENTS Employees who are at work at the time of the announcement of State Counter Disaster Arrangements, and who are directed to go home from work prior to 10.00am in order to either deploy to the field or return as rostered to the State Disaster Coordination Centre, shall be credited with two hours time or the actual hours worked for that shift, whichever is the greater. If they are directed to return home after 10.00am they shall be credited with the actual time worked.	N/A	Antiquated terminology
4.9 CONCLUSION OF STATE COUNTER DISASTER ARRANGMENTS If employees are part way through working a twelve and a half (12.5) hour shift when State Counter Disaster Arrangements are cancelled, they shall be credited with 4 hours or the actual hours worked for that shift, whichever is the greater.	N/A	Antiquated terminology

Comparison of CDRS HoW and proposed schedule 3

COUNTER DISASTER AND RESCUE SERVICES HOURS OF WORK PROVISIONS	PROPOSED SCHEDULE 3 – WORKING DRAFT (Provision in proposed schedule in bold)	CHANGES EFFECTED
PART 1 – PRELIMINARY		
<p>1.3 APPLICATION This agreement is taken to form part of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i> by virtue of Clause 4.4.1 of such Agreement. Should there be any inconsistency between this Agreement and: (i) the provisions of the <i>Public Service Award – State</i>; and (ii) Directives and other rulings issued by the Minister for Training and Industrial Relations the provisions of this Agreement shall prevail to the extent of any inconsistency. These provisions shall apply to all employees of Emergency Services Division, excluding the following classes of employees: • Employees engaged in Aviation Services as 'operational' employees;• Employees engaged at the classification level of Senior Officer 2 (SO2) and above; and • Casual employees engaged by Emergency Services Division. Notwithstanding the above, Part 4 of this Agreement may apply to employees of other Divisions of the Department of Emergency Services where such employees are required to be part of State Counter Disaster (SCD) Arrangements.</p>	<p>The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.</p> <p>3.4.2</p>	<p>Inconsequential change. Much of the preamble to the CDRS arrangements was superfluous.</p>
<p>1.4 DATE OF OPERATION These provisions will replace existing hours of work and related provisions and shall apply from 1 March 1999. This agreement will remain in force until 31 December 1999 or such later time until either party terminates the agreement by providing the other party with thirty days written notice.</p>	<p>N/A</p>	<p>The schedule 3 amendment would take effect from the time at which the QIRC amends the award.</p>
<p>1.5 PRINCIPLES (a) The management of hours worked (including accrued TOIL) shall be a local matter with the responsibility resting with managers and employees at the lowest appropriate level; (b) Employees should perform reasonable hours of work, but should not be expected to perform unreasonable or excessive hours of work. The performance of reasonable hours is a management issue to monitor in consultation with employees; (c) Hours of work must be flexible to meet customer requirements; (d) The operating hours for each work unit will be determined in consultation with employees, recognising the principles of fairness, equity and flexibility, Workplace Health & Safety and quality of service; (e) Hours of work must be simple to administer; (f) Hours of work performed must focus on the task of the work unit; (g) Hours of work must be performed with due recognition to the domestic, personal and social needs of employees; (h) Expectations of management in relation to hours of work must be communicated to employees; and (i) Management tools such as Performance Appraisals, organisational goals and objectives and positions descriptions should be used to determine optimum workloads of employees in order to avoid excessive hours of work.</p>	<p>(a) Principles</p> <p>These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:</p> <ul style="list-style-type: none"> • Maximise work/life balance; • Ensure operational coverage; • Ease traffic congestion; and • Ensure meaningful work is provided. <p>The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.</p> <p>Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL</p> <p>3.4.2 (a)</p>	<p>Greater emphasis on work/life balance as a consideration.</p>
<p>1.6 GRIEVANCES Any employee aggrieved by a decision of a manager in relation to these hours of work provisions may lodge a grievance in accordance with Clause 7.7 of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>N/A</p>	<p>Award Grievance Procedure would have application</p>

<p>1.7 DEFINITIONS</p> <p>(1) "Required by their Manager to perform work" (Clause 2.9 {1} and {4} and Clause 2.7 {2}) refers to those situations where a Manager specifically authorises and directs an employee to work a set number of hours on a public holiday, Saturday or Sunday to complete a special or significant task.</p> <p>(2) "Manager" refers to any managerial position with the Emergency Services Division of the Department of Emergency Services including the positions of Assistant Director, Director and Executive Director.</p> <p>(3) "TOIL" refers to time off in lieu of paid overtime.</p> <p>(4) "General Employees" – refers to those employees who are not classified as "administrative employees" or "DMU operational employees".</p> <p>(5) "Administrative Employees" – refers to those employees categorised as such by the Director of the Work Unit whose primary task is to provide administrative support to a work unit.</p> <p>(6) "DMU Operational Employees" - refers to those employees employed in the Disaster Management Unit who are classified as such by the Director DMU, subject to the provisions of this Agreement.</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations (Critical Incident and EMQ activations)
<p>1.8 REVIEW OF HOURS OF WORK PROVISIONS</p> <p>A review of the effectiveness of the Hours of Work provisions will be undertaken in December 1999 and will be finalised by mid January 2000</p>	N/A	No provision has been included in the draft. NB the QPSU has requested a similar review provision in negotiations for 12 hour shifts for DCS security personnel
<p>PART 2 – GENERAL HOURS OF WORK</p>		
<p>2.1 SPREAD OF HOURS</p> <p>(1) General Employees For general employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am and 9pm, Monday to Sunday inclusive; and (c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(2) Administrative Employees For administrative employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am-6pm, Monday to Friday; and (c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(3) DMU 'Operational Employees' For DMU 'Operational Employees' the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 6am-12midnight Monday to Sunday; and (c) a maximum of 12 hours in any one day excluding meal breaks.</p>	<p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.</p> <p>Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.</p> <p>In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles</p> <p>A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.</p> <p>3.4.2 (b)</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun)</p> <p>Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun</p> <p>Operational 6 am to 12 M'night Mon to Sun)</p> <p>SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>2.2 CATEGORY OF EMPLOYEES</p> <p>(1) All Work Unit Directors shall make a recommendation to the Executive Director, Emergency Services Division as to which category (General/Administrative/DMU Operational) employees' within their work unit are classified as.</p> <p>(2) Where an employee disagrees with the Director's recommendation, the employee may refer the matter to the Emergency Services Division</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.

Local Consultative Committee for their consideration. The Local Consultative Committee will make a recommendation to the Executive Director, whose decision shall be final.		
2.3 STARTING AND FINISHING TIMES Starting and finishing times shall be on the hour or at 15 minute intervals.	An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals. 3.4.2 (c)	Recording hours of work in 15 minute intervals might be best included in the schedule
2.4 MEAL BREAKS Employees shall be entitled to an unpaid meal break of not less than 30 minutes between the third and sixth hour of duty. Where the engagement of employment is greater than 10 ordinary hours, employees shall be entitled to an additional unpaid meal break of not less than 30 minutes.	Employees are entitled to meal break(s) as follows:- ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day. Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages. 3.4.4 (c)	No change
2.5 TOIL (1) All employees shall have access to at least one full day off over a 4 week period. (2) An employee's TOIL carry over shall not exceed 58 hours at the end of each 4 week period (unless specifically prescribed in these arrangements). TOIL in excess of 58 hours at the end of each 4 week period will be forfeited. (3) The minimum accrual period for TOIL is 15 minutes. (4) TOIL accrues on a time for time basis. (5) Employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these hours of work provisions up to a maximum of 36.25 hours on cessation of employment with the Division.	A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate. 3.4.2 (e)	It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours
2.6 SICK LEAVE Sick leave taken will be deducted from an employee's sick leave balance on the basis of an ordinary working day (7.25 hours) or the actual hours where an employee is sick for less than an ordinary working day.	N/A	Standard award provisions will provide for outcome of 7.25 hours
2.7 PUBLIC HOLIDAYS (1) Employees are to be credited with 7.25 hours for a public holiday except when the public holiday falls on a Saturday or Sunday. (2) Where employees are required by their manager to perform work on a gazetted public holiday they will be paid double time and a half (time and a half in addition to ordinary time) for such work with a minimum of four hours payment.	N/A	Standard award provisions will provide for outcome of 7.25 hours
2.8 FATIGUE LEAVE Employees shall be provided with, and shall avail themselves of, a minimum of ten consecutive hours off duty between the finish of duty on one day and the commencement of duty on the next rostered day. If this break is not able to be taken, the employee is to be paid at double rates for that period until released from duty. The employee will then be provided with a 10 hour consecutive break from duty without loss of pay for ordinary working time occurring during such absence (ordinary working time in this instance shall equal 7 hours 15 minutes). Provided that this clause does not apply to employees engaged in "Emergency	Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the	No change – emphasis that an employee must be directed

Work” as defined in Part 3.	conclusion of an operational activation until return to normal duties.	
<p>2.9 OVERTIME/PENALTY RATES</p> <p>(1) Where employees are required by their manager to perform work on a weekday, Saturday or Sunday outside the ordinary hours of work as defined in Clause 2.1 for the category, this time shall accrue as TOIL, provided that employees who paid at the rate of AO5 PP4 or below may receive:</p> <p>(a) time and a half for the first 3 hours, and double time thereafter, for work performed on a weekday or a Saturday;</p> <p>(b) double time for work performed on a Sunday;</p> <p>(2) Where employees elect, of their own accord, to perform work on a public holiday, weekend or outside ordinary hours of work, such time will not be recognised for any purpose.</p> <p>(3) Where employees elect to and by mutual agreement with their manager, perform work on a public holiday, weekend or outside the ordinary hours prescribed in Clause 2.1, such time will be recognised as ordinary hours of work but overtime or penalty rates will not be payable.</p> <p>(4) Where employees are required by their manager to perform work on a Saturday and Sunday within the ordinary hours of work as defined in Clause 2.1 and provided such employees are not paid in excess of AO5PP4, they will receive:</p> <p>(a) half time in addition to normal time for work performed on Saturday;</p> <p>(b) single time in addition to normal time for work performed on a Sunday;</p> <p>(c) provided that employees at the AO6 level with an existing entitlement to penalty rates for work performed on Saturdays and Sundays as at the date of commencement of these provisions will maintain that entitlement with the payment being in accordance with (a) and (b) above. Such entitlement will cease if employees are appointed to a level above AO6.</p>	<p>3.4.4 (f)</p> <p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p> <p>3.4.4 (b)</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>
<p>2.10 ON-CALL</p> <p>(1) Employees required to be on-call (as designated by the Director or delegate of the work unit) shall be paid an on-call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i> notwithstanding that any overtime may be accrued as TOIL.</p>	<p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p> <p>3.4.2 (f)</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
PART 3 – EMERGENCY OPERATIONS		
<p>3.1 APPLICATION</p> <p>This part applies to employees engaged in emergency operations as defined</p>		
<p>3.2 DEFINITION</p> <p>“<i>Emergency Operations</i>” – Operations which require the activation of staff as a result of an emergency or protracted emergency in a community (but which does not result in State Counter Disaster Arrangements). The determination of Emergency Operations is a matter for the Director of each work unit to determine in consultation with staff</p>	N/A	<p>A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.</p>
<p>3.3 RATIONALE</p> <p>This part recognises that emergencies may arise at any time and often require great flexibility and time commitment on the part of staff in dealing with them. It aims to balance the need to deal effectively with the emergency against the personal needs of staff.</p>	N/A	
<p>3.4 SPREAD OF HOURS</p> <p>(1) The hours of work performed during emergency operations</p>	<p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p>

<p>contributes to the employee's 72.5 hours per fortnight. (2) Hours may be worked between the hours of Midnight to Midnight, Monday to Sunday inclusive as required by the emergency. (3) The daily hours worked should not exceed 12 hours in any 24 hour period, excluding meal breaks.</p>	<p>3.4.4 (a)</p>	<p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri) Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>3.5 FATIGUE LEAVE Where employees, at the end of an emergency, have exceeded a total of 12 hours work in the previous 24 hours, they must avail themselves of a minimum of 10 hours break between the finish of duty on the emergency operation and the commencement of duty on ordinary hours of work. If the employer directs employees to work and the break can not be taken, the employees are to be paid at double rates until a 10 hour break is taken.</p>	<p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p> <p>3.4.4 (f)</p>	<p>No change – emphasis that an employee must be directed This appears to have been duplicated in the CDRS ARRANGEMENTS</p>
<p>3.6 TOIL No limit shall apply to the amount of TOIL which can be accrued during emergency operations but where such TOIL results in the 58 hour maximum for general conditions being exceeded, the excess should be taken as soon as practicable as determined with the local work unit.</p>	<p>Overtime is any authorised work which is preformed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.</p> <p>Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director-General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.</p> <p>Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative Directives as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.</p> <p>Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any</p>	<p>It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours</p>

	<p>time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.</p> <p>On the approval of the Assistant Director-General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.</p> <p>3.4.2 (e)</p>	
<p>3.7 INCONSISTENCY WITH GENERAL PROVISIONS Where these provisions for emergency operations are inconsistent with the general hours provisions, these provisions shall apply to the extent of an inconsistency.</p>	N/A	
<p>PART 4 – STATE COUNTER DISASTER ARRANGMENTS PROVISIONS</p>		
<p>4.1 APPLICATION Where there is an inconsistency between these provisions and the provisions in Part 2 – the provisions of this Part will prevail during periods of State Counter Disaster Arrangements.</p>	N/A	
<p>4.2 DEFINITION “State Counter Disaster Arrangements Operations” refers to those situations where the Executive Director, Emergency Services Division, declares at the commencement of the operation that State Counter Disaster Arrangements are required. Another declaration will be made at the conclusion of the operation to formalise the return to ordinary working conditions. These Arrangements shall include the deployment or redeployment of staff to or from the field prior to or after the formal declarations have been made.</p>	N/A	Antiquated terminology
<p>4.3 HOURS OF WORK (1) The maximum ordinary hours of duty during these operations shall be seven and a quarter (7.25) per day, Monday to Friday. (2) The Executive Director or Director may choose to initiate the staffing of two shifts per day within the State Disaster Coordination Centre. Where these shifts are to cover 24 hours, the day shift shall be from 7.30am to 8.00pm and the night shift shall be from 7.30pm to 8.00am or as otherwise directed by the Executive Director or Director to meet operational demands. At affected locations other than the State Disaster Coordination Centre, the hours of work will be as directed in order to meet operational requirements. (3) Meal Breaks – employees working twelve and a half hour shifts shall be allowed two paid meal breaks of 30 minutes. (4) Employees shall be entitled to rest pauses of a total of thirty minutes, which shall be taken at such times as suits operational requirements. (5) Employees engaged in State Counter Disaster Arrangements shall not accrue TOIL.</p>	<p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p> <p>3.4.4 (a)</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M’night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M’day to M’night Mon to Sun M’day to M’night Mon to Fri</p>
<p>4.4 OVERTIME (1) Any overtime worked must be authorised and directly related to the State Counter Disaster Arrangements. (2) Any time worked outside of 7.25 hours per day shall be paid at the rate of time and a half for the first three hours and double time thereafter. (3) All time worked by an employee between Midnight Friday and Midnight Saturday shall be considered overtime and shall be paid at the rate of time and a half. Any time worked by an employee above 10.25 hours on a Saturday will be paid at double time.</p>	<p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>

<p>(4) All time worked by an employee between Midnight Saturday and Midnight Sunday shall be considered overtime and shall be paid at the rate of double time.</p> <p>(5) All time worked by an employee on a public holiday shall be paid at the rate of double time and a half.</p> <p>(6) Overtime relating to State Counter Disaster Arrangements worked by an employee at a salary level greater than AO5 PP4 will be calculated at the AO5 PP4 rate of salary in accordance with the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>employer may direct the employee when it is to be taken.</p> <p>3.4.4 (b)</p>	
<p>4.5 ON-CALL Employees required by the Executive Director or Director or delegate to be on call as a result of State Counter Disaster Arrangements shall be paid an on call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i>.</p>	<p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p> <p>3.4.2 (f)</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
<p>4.6 TRANSPORT Employees will be provided with transport, or refunded the cost of such transport, to and from work when working twelve and a half (12.5) hour shifts.</p>	<p>Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause 3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i>.</p> <p>3.4.4 (e)</p>	<p>Not quite the same issue</p>
<p>4.7 MEAL PROVISIONS Where employees are required to work between the hours of 6pm and 8pm, they shall be entitled to a meal allowance (unless a meal is provided) at the rate provided for in Directive 10/97 or any amendment thereto or as per any delegated legislation which replaces that Directive</p>	<p>N/A</p>	<p>Directive will have application</p>
<p>4.8 COMMENCEMENT OF STATE COUNTER DISASTER ARRANGEMENTS Employees who are at work at the time of the announcement of State Counter Disaster Arrangements, and who are directed to go home from work prior to 10.00am in order to either deploy to the field or return as rostered to the State Disaster Coordination Centre, shall be credited with two hours time or the actual hours worked for that shift, whichever is the greater. If they are directed to return home after 10.00am they shall be credited with the actual time worked.</p>	<p>N/A</p>	<p>Antiquated terminology</p>
<p>4.9 CONCLUSION OF STATE COUNTER DISASTER ARRANGEMENTS If employees are part way through working a twelve and a half (12.5) hour shift when State Counter Disaster Arrangements are cancelled, they shall be credited with 4 hours or the actual hours worked for that shift, whichever is the greater.</p>	<p>N/A</p>	<p>Antiquated terminology</p>

Department of Community Safety



Queensland
Government



EMQ Hours of Work

Employee Information Sessions

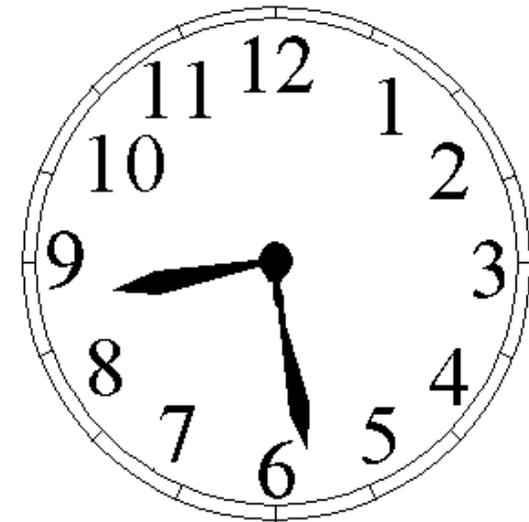
Introduction



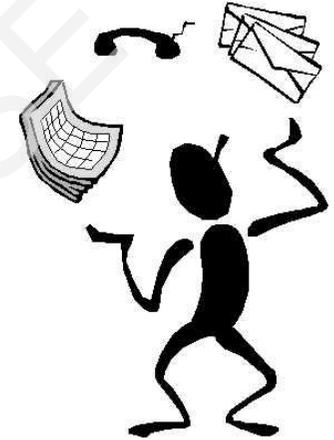
- 1997 agreement (still) in place
- Proposed schedule to QPSA
- Flexible employment strategy
- Rationalisation of conditions

Hours of Work

- 5 differing arrangements in 97 agreement
- 72.5 hours/fortnight
- Monday to Sunday
- 6am to 10 pm



Accrued Time



- “flexi-time”
- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 ¼ with prior approval
- At least on day per month (minimum entitlement)

Overtime/Public Holidays etc.

- In excess of 12 hours per day
- OT limit (>AO5) applies in “normal” circumstances



On Call Allowance



- As per award:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 12 hour 5 minute shifts



CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management



The proposed schedule

A draft set of hours of work (the proposed schedule) has been developed by the Department of Community Safety for public service employee working in EMQ. The draft is a proposed amendment to the *Queensland Public Service Award – State 2003*, being the relevant award for public service employee working in EMQ.

A process of consultation has commenced with the Queensland Public Sector Union, being the relevant union, with respect to the proposed schedule.

EMQ have been operating under the Counter Disaster and Rescue Services Hours of Work Provisions (the 1997 agreement) for the purpose of providing employees with appropriate hours of work arrangements.

These arrangements were developed in the context of additional hours that are sometimes (frequently of late) required from EMQ personnel.

Recently, the Department of Community Safety developed new hours of work arrangements for public servants but EMQ was deliberately left out of this process to enable a re-draft of the existing arrangements. The proposed schedule places greater emphasis on flexible work patterns.

A step that was needed to be taken to allow for the continuation of payment of overtime to employees above the level of AO5 during EMQ activations it was necessary to amend the Critical Incident Ministerial Directive.

Under the following headings is a brief explanation of all of the provisions in the proposed schedule:

Principles

Principles provide a preamble to the schedule that guides managers and employees as to how the proposed hours of work should be applied. The proposed principles place more emphasis on the employees' work/life balance than those contained in the 1997 agreement.

Hours of Work

The 1997 agreement provided for five separate hours of work for EMQ employees. Those hours of work were for:

- general employees;
- administrative employees;
- operational employees;
- State Counter Disaster Arrangements (SCDA); and
- Emergency Operations.

Over time, the definitions of general, administrative and operational employees have become blurred to the extent that it is difficult to distinguish between the various groups of employees.

The proposed schedule seeks to rationalise all of the hours of work for EMQ employees to provide for only two sets of hours of work – those that apply in “ordinary” circumstances and those that apply in the case of a critical incident or EMQ activation.

The proposed schedule includes the following hours for “normal” operations:

- 72.5 hours/fortnight
- Monday to Sunday
- 6am to 10 pm

Accrued Time

The 1997 agreement does not allow for accrued time. This means that EMQ public service employees are not currently entitled to accrue hours and take time off in the same way as other public service employees.

Work Performed on Weekends and Public Holidays

The schedule proposes that penalty rates are to be applied for ordinary hours (up to 12 hours) on Saturday (time and one half); Sunday (double time) and Public Holidays (double time and one half).

Overtime

The schedule proposes to pay overtime after 12 hours during “normal” operations

On Call

The schedule refers to the award provisions for on call, the current rates for which are as follows:

- Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
- Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
- All other nights - \$17.62

Attendance records

The schedule requires employee to keep an accurate record of time worked.

Watch Desk Officers

The existing provisions for WDOs (including 12 hour 5 minute shifts) are included in the schedule.

Critical Incidents and EMQ Activations

In the case of critical incidents or EMQ activations, the following conditions will have application:

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit (ABOVE AO5)
- meal breaks & rest pauses
- Travelling time
- Fatigue management

QFES RTI FINAL RELEASE

EMQ Proposed Hours of Work Changes	QPSU Suggested Changes	ERU Recommended Response
<p>Clause 3.4.2 (b)</p> <p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed <u>12 hours per day</u> to be worked within the ordinary spread of hours.</p>	<p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. <i>(Comment: why does it have to be this late? Finishing this late elsewhere would attract 15% loading. Are there other benefits EMQ pers get in return for this.)</i> Ordinary hours of work exclusive of meal times shall not exceed <u>9.5 hours per day</u> to be worked within the ordinary spread of hours.</p>	<ul style="list-style-type: none"> • The ordinary hours of work are provided as 12 hours as this is what is provided for in existing arrangements for operational employees. The wide spread of hours enables employees to carry out their training work and attend meetings with volunteers which in some cases require them to travel and work up until 10:00pm. The extended cover of ordinary hours is reflective of the different employees and work requirements within EMQ. • The ERU recommends that EMQ employees will not be entitled to any shift loading for work they undertake up until 10pm. In the large majority of circumstances employees work regular 9:00am to 5:00pm day shifts, however it is important to retain the 12 hours per day, and 6:00am to 10:00pm ordinary working hours to cover those employees who do work either early starts or late finishes. The intention of the proposed hours of work changes is to enable employee's greater flexibility with their hours and working conditions in consultation with their supervisors.
<p>Clause 3.4.2 (c) Accrued Time</p> <p>An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.</p>	<p>An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited</p>	<ul style="list-style-type: none"> • ERU has no concern with consenting to this proposed amendment.

	<p><u>however managers have a responsibility to manage work-units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit.</u> (Comment: mirrors managerial responsibilities in Departmental Hours of Work document)</p>	
<p>Clause 3.4.2 (c) Accrued Time</p> <p>The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative Directives as issued from time to time.</p>	<p>Clause 3.4.2 (c) Accrued Time</p> <p>The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory <u>as part of a formal performance management process.</u> Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative Directives as issued from time to time.</p>	<ul style="list-style-type: none"> ERU sees no concern in agreeing to this proposed addition and thinks it a reasonable change.
<p>Clause 3.4.2 (d) Work performed on weekends and public holidays</p> <p>Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of <u>12 hours</u> per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.</p>	<p>Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of <u>9.5 hours</u> per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award. (Comment: what happens after 12 hours, do they revert to overtime, i.e. time and a half for the first 3 hours)</p>	<ul style="list-style-type: none"> The ERU recommends advising that anything over 12 hours will attract overtime payment at the relevant rates as prescribed by the Award, as will anything outside of 6:00am to 10:00pm. The ERU recommends not agreeing to the proposed change from 12 hours to 9.5 for reasons detailed above in the hours of work section.
<p>Clause 3.4.2 (e) Overtime</p> <p>Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds <u>12 hours</u> or is authorised work performed outside the ordinary spread of hours</p>	<p>Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds <u>9.5 hours</u> or is authorised work performed outside the ordinary spread of hours</p>	<ul style="list-style-type: none"> The ERU recommends not agreeing to this for the reasons detailed above in respect to the hours of work clause.
<p>Clause 3.4.2 (e) Overtime</p>		

<p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p>	<p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate. <i>(Comment: Please cite authority for writing off TOIL I have checked determination 14 under the PSM&E Regulations which was extant at the time the CD&RS hours of work were established and every Directive since and can find no authority for this)</i></p>	<ul style="list-style-type: none"> The ERU recommends that this section of the clause be omitted from the proposed hours of work document. As it stands currently, they are in contravention of the <i>Hours and Overtime Directive</i> No. 5/05 which provides that TOIL not taken within the 12 month period from the day on which the overtime was worked will lapse.
<p>Clause 3.4.2 (e) Overtime</p> <p>On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.</p>	<p>On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ. <i>(Comment: Again, I do not think there is any authority for this and it is therefore in breach of the Directive)</i></p>	<ul style="list-style-type: none"> The ERU recommends that this section of the clause be omitted from the proposed hours of work document. There is no authority for this. It is however recommended that EMQ produce a Business Rule which directs managers to not approve the carry over of TOIL in excess of 36.25 hours at the end of a work cycle, except in extreme circumstances such as during Critical Events.
<p>Clause 3.4.2 (f) On Call</p> <p>Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in</p>	<p>Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in</p>	<ul style="list-style-type: none"> The ERU would recommend advising the QPSU that it is the intention of EMQ to consult with employees prior to the implementation of the new Hours of Work provisions. In accordance with clause 5.14.4 (j) of the <i>Queensland Public Service Award 2003</i> endorsement by the majority of

<p>excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p>	<p>excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods. <i>(Comment: Does this extend the coverage of the employees that can be on-call? If so, we probably need to get the agreement of a majority of new staff affected)</i></p>	<p>affected employees would be needed.</p>
<p>Clause 3.4.3 Watch Desk Officers</p>	<p>Entire Section: <i>Comment: Still seeking feedback from watch desk officers</i></p>	<ul style="list-style-type: none"> • No response required at this point in time.
<p>Clause 3.4.4 Critical Incident and EMQ Activations</p> <p>The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.</p>	<p>The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ. <i>(Comment: Won't you need to go much wider in consultation if you are going to cover the field this broadly?)</i></p>	<ul style="list-style-type: none"> • The ERU recommends that the words “and other Government Agencies” be omitted from this clause to limit the field of operation to the Department of Community Safety employees. This is in line with advice received from Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General.
<p>Clause 3.4.4 (c) Meal Breaks</p>	<p>Employees are entitled to meal break(s) as follows:-</p>	<ul style="list-style-type: none"> • The ERU sees no concern in agreeing to the proposed addition of the third entitlement for a

<p>Employees are entitled to meal break(s) as follows:-</p> <ul style="list-style-type: none"> ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than <u>12.5 hours</u> in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works <u>12.5 hours</u> or more in any one day. 	<ul style="list-style-type: none"> ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than <u>9.5 hours</u> in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works <u>between 9.5 and 12.5 hours</u> or more in any one day. ▪ <u>A further meal break of 30 mins duration in each and every 8 hour period for an employee who works beyond 12.5 hours.</u> 	<p>further meal break of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours. The ERU sees it to be a reasonable entitlement.</p> <ul style="list-style-type: none"> • With respect to the proposed changes to the first two points, this issue has been expanded upon above in the hours of work section and this proposed change should not be agreed to for the reasons specified already.
<p>Clause 3.4.4 (f) Fatigue Management</p> <p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p>	<p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p> <p><i>(Comment: Just noting that the overtime cut-off does not apply here)</i></p>	<ul style="list-style-type: none"> • No response required at this point in time.

EMQ RESPONSE TO QPSU SUGGESTED CHANGES

Clause 3.4.2 (b) Hours of Work

- Spread of hours 6:00am – 10:00pm

The QPSU has questioned why the spread of hours are so long. The EMQ response to this is that this ensures that all EMQ employees are covered for the hours which they are currently required to work. This spread of hours enables employees to carry out their training work and attend meetings with volunteers which in some cases require them to travel and work up until 10:00pm. The extended cover of ordinary hours is reflective of the different employees and work requirements within EMQ.

- 12 ordinary hours per day

The QPSU has questioned why the ordinary hours of work exclusive of mealtimes shall be 12 hours maximum per day. The reason for this is that in existing arrangements operational employees have the capacity to work up to 12 hours. This will also ensure that all required work hours are covered, in particular for employees required to undertake training where travel may be required and the hours for that day come up to 12 hours.

A possibility is to insert a clause into the document to the effect that no employee will be compelled to work more than 9.5 hours per day, however employees will have the capacity to work up to 12 hours. Where an employee is compelled to work more than 12 hours per day, they will be compensated with either the accrual of TOIL or overtime.

- Will employees receive a shift penalty

The QPSU has enquired as to whether EMQ employees will be compensated with a shift loading for the spread of hours. It should be conveyed to the QPSU that EMQ employees will not be entitled to any shift loading for work they undertake up until 10pm. In the large majority of circumstances employees work regular 9:00am to 5:00pm day shifts, however it is important to retain the 12 hours per day, and 6:00am to 10:00pm ordinary working hours to cover those employees who do work either early starts or late finishes.

It should also be reiterated to the QPSU that the intention of the proposed hours of work changes is to enable employee's greater flexibility with their hours and working conditions in consultation with their supervisors.

Clause 3.4.2 (c) Accrued Time

The QPSU has requested amending the clause to include that managers have a responsibility to manage work-units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit. EMQ sees no concern in adopting this proposed addition as it mirrors what is in the existing Hours of Work provisions.

In addition, the QPSU has requested amending the clause to include that any direction to an employee to work standard hours where that employee's time management is unsatisfactory must be done as part of a formal performance management process. EMQ sees no concern in agreeing to this proposed addition and thinks it a reasonable change.

Clause 3.4.2 (d) Work Performed on Weekends and Public Holidays

The QPSU has asked what is to happen after an employee works 12 hours on a Saturday, Sunday or Public Holiday. EMQ proposes to advise that anything over this will attract overtime payment at the relevant rates as prescribed by the Award, as will anything outside of 6:00am to 10:00pm.

It is also advised that the suggested change of 12 hours to 9.5 hours should not be agreed to for the reasons detailed above in respect to the hours of work clause.

Clause 3.4.2 (e) Overtime

The QPSU is seeking for EMQ employees to be entitled to overtime on any authorised work performed in excess of 9.5 hours rather than 12 hours. EMQ proposes to not agree to this for the reasons detailed above in respect to the hours of work clause.

With respect to the two paragraphs relating to the forfeiture of any TOIL in excess of 36.25 hours at the end of a work cycle, and the pay out of TOIL up to a maximum of 36.25 hours, EMQ proposes that these be omitted from the proposed hours of work document. The section relating to the forfeiture of TOIL is in contravention of the *Hours and Overtime Directive No. 5/05* which provides that TOIL not taken within the 12 month period from the day on which the overtime was worked will lapse. The section relating to the pay out of TOIL also has no head of power, and therefore should be omitted.

Clause 3.4.2 (f) On-Call

The QPSU advises that in relation to this clause, endorsement would be needed from the majority of employees if it proposes to extend the coverage of employees who can be on-call. EMQ would agree with this, that if the on-call arrangements are to be implemented, then endorsement by the majority of affected employees would be needed in accordance with clause 5.14.4 (j) of the *Public Service Award 2003*.

Clause 3.4.4 Critical Incident and EMQ Activations

The QPSU raised the question whether there would need to be wide consultation with other Government Agencies if we are going to include the application of the arrangements to their employees. EMQ recommends that the words "and other Government Agencies" be omitted from this clause and limit the field of operation to the Department of Community Safety and not other Government Agencies. This is in line with advice received from Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General.

Clause 3.4.4 (c) Meal Breaks

The QPSU has proposed that a further provision be added into this clause which entitles an employee with a further meal break of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours. EMQ sees no concern in agreeing to this proposed amendment and sees it to be a reasonable entitlement.

The QPSU also proposed changes in the first 2 dot points to reduce the hours from 12.5 to 9.5. This issue has been expanded upon above in the hours of work section and this proposed change should not be agreed to for the reasons specified already.

QFES RTI FINAL RELEASE

**Executive Briefing Note**

Requested by: Employee Relations

Critical **Urgent** **General**

Ref: 11/02980

CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Bruce Grady, Assistant Director-General, Emergency Management Queensland (EMQ)

Subject: Proposed Hours of Work Arrangements for Emergency Management Queensland (EMQ)

Date: 24/03/2011

1. Background

- Emergency Management Queensland (EMQ) developed new proposed Hours of Work provisions to replace the existing "Counter Disaster and Rescue Services Hours of Work Provisions".
- This document was put to the Queensland Public Service Union (QPSU) to which we have now received a response detailing various proposed changes and commentary.

2. Issues

- The Employee Relations Unit (ERU) has reviewed the proposed changes made by the QPSU. Detailed within this EBN and the attached table are the EMQ proposed changes, suggestions made by the QPSU, and the ERU recommendations in response.
- Clause 3.4.2 (b) Hours of Work: The QPSU has questioned why the spread of hours (6:00am to 10:00pm) are so long, why the ordinary hours of work per day are 12 hours (as opposed to their suggested 9.5), and whether EMQ employees shall receive a 15% shift loading in compensation for this.
- The ERU recommends responding that the ordinary hours of work are provided as 12 hours as this is what is provided for in existing arrangements for operational employees. The wide spread of hours enables employees to carry out their training work and attend meetings with volunteers which in some cases require them to travel and work up until 10:00pm. The extended cover of ordinary hours is reflective of the different employees and work requirements within EMQ.
- The ERU recommends that EMQ employees will not be entitled to any shift loading for work they undertake up until 10pm. In the large majority of circumstances employees work regular 9:00am to 5:00pm day shifts, however it is important to retain the 12 hours per day, and 6:00am to 10:00pm ordinary working hours to cover those employees who do work either early starts or late finishes.
- It should also be reiterated to the QPSU that the intention of the proposed hours of work changes is to enable employee's greater flexibility with their hours and working conditions in consultation with their supervisors.
- Clause 3.4.2 (c) Accrued Time: The QPSU has proposed amending the clause to include that managers have a responsibility to manage work-units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit.

- The ERU sees no concern in adopting this proposed addition as it mirrors what is in the Hours of Work Arrangement that applies to other Public Service employees within the Department of Community Safety.
- In addition, the QPSU has proposed amending the clause to include that any direction to an employee to work standard hours where that employee's time management is unsatisfactory must be done as part of a formal performance management process.
- The ERU sees no concern in agreeing to this proposed addition and thinks it a reasonable change.
- Clause 3.4.2 (d) Work Performed on Weekends and Public Holidays: The QPSU has requested clarification of what is to happen after an employee works 12 hours on a Saturday, Sunday or Public Holiday. They have also proposed changing the 12 hours to 9.5 in this clause.
- The ERU recommends advising that anything over 12 hours will attract overtime payment at the relevant rates as prescribed by the Award, as will anything outside of 6:00am to 10:00pm. The ERU recommends not agreeing to the proposed change from 12 hours to 9.5 for reasons detailed above in the hours of work section.
- Clause 3.4.2 (e) Overtime: The QPSU is seeking for EMQ employees to be entitled to overtime on any authorised work performed in excess of 9.5 hours rather than 12 hours.
- The ERU recommends not agreeing to this for the reasons detailed above in respect to the hours of work clause.
- The QPSU also seeks clarification of the authority that EMQ has to insert the clause which provides for TOIL in excess of 36.25 hours to be forfeited at the end of a work cycle, and also the clause which entitles an employee be paid out their TOIL up to a maximum of 36.25 hours on cessation of employment with EMQ.
- The ERU recommends that these sections of the clause be omitted from the proposed hours of work document. As they stand currently, they are in contravention of the *Hours and Overtime Directive* No. 5/05 which provides that TOIL not taken within the 12 month period from the day on which the overtime was worked will lapse.
- It is however recommended that EMQ produce a Business Rule which directs managers to not approve the carry over of TOIL in excess of 36.25 hours at the end of a work cycle, except in extreme circumstances such as during Critical Events.
- Clause 3.4.2 (f) On-Call: The QPSU advises that in relation to this clause, endorsement would be needed from the majority of employees if it proposes to extend the coverage of employees who can be on-call.
- The ERU would recommend advising the QPSU that it is the intention of EMQ to consult with employees prior to the implementation of the new Hours of Work provisions. In accordance with clause 5.14.4 (j) of the *Queensland Public Service Award 2003* endorsement by the majority of affected employees would be needed.
- Clause 3.4.4 Critical Incident and EMQ Activations: The QPSU raised the question whether there would need to be wide consultation with other Government Agencies if we are going to include the application of the arrangements to their employees.
- The ERU recommends that the words "and other Government Agencies" be omitted from this clause to limit the field of operation to the Department of Community Safety employees. This is in line with advice received from Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General.

- Clause 3.4.4 (c) Meal Breaks: The QPSU has proposed that a further provision be added into this clause which entitles an employee with a further meal break of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours.
 - The ERU sees no concern in agreeing to this proposed amendment and sees it to be a reasonable entitlement.
 - The QPSU also proposed changes in the first 2 dot points to reduce the hours from 12.5 to 9.5 hours in relation to meal entitlements.
 - This issue has been expanded upon above in the hours of work section and this proposed change should not be agreed to for the reasons specified already.
- 3. Is this in accordance with Government election commitments?**
- N/A
- 4. Consultation**
- Consultation has been undertaken with Ken Hawkins of EMQ.
- 5. Total Cost of Project and Funding Source**
- N/A
- 6. Has this matter been considered by a DCS Executive Committee?**
- N/A
- 7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?**
- No
- 8. Recommendation**
- That you note this brief; and
 - That you approve the proposed strategy to negotiate with the QPSU in accordance with the recommendations made in this brief.

Michael Hawkins
DIRECTOR
EMPLOYEE RELATIONS

/ /

Bruce Grady
ASSISTANT DIRECTOR-GENERAL
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Noted / Approved / Not Approved

Comments:

**Executive Briefing Note**

Requested by: Employee Relations

Critical **Urgent** **General**

Ref: 11/02980

CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Bruce Grady, Assistant Director-General, Emergency Management Queensland (EMQ)

Subject: Proposed Hours of Work Arrangements for Emergency Management Queensland (EMQ)

Date: 24/03/2011

1. Background

- Emergency Management Queensland (EMQ) developed new proposed Hours of Work provisions to replace the existing "Counter Disaster and Rescue Services Hours of Work Provisions".
- This document was put to the Queensland Public Service Union (QPSU) to which we have now received a response detailing various proposed changes and commentary.

2. Issues

- The Employee Relations Unit (ERU) has reviewed the proposed changes made by the QPSU. Detailed within this EBN and the attached table are the EMQ proposed changes, suggestions made by the QPSU, and the ERU recommendations in response.
- Clause 3.4.2 (b) Hours of Work: The QPSU has questioned why the spread of hours (6:00am to 10:00pm) are so long, why the ordinary hours of work per day are 12 hours (as opposed to their suggested 9.5), and whether EMQ employees shall receive a 15% shift loading in compensation for this.
- The ERU recommends responding that the ordinary hours of work are provided as 12 hours as this is what is provided for in existing arrangements for operational employees. The wide spread of hours enables employees to carry out their training work and attend meetings with volunteers which in some cases require them to travel and work up until 10:00pm. The extended cover of ordinary hours is reflective of the different employees and work requirements within EMQ.
- The ERU recommends that EMQ employees will not be entitled to any shift loading for work they undertake up until 10pm. In the large majority of circumstances employees work regular 9:00am to 5:00pm day shifts, however it is important to retain the 12 hours per day, and 6:00am to 10:00pm ordinary working hours to cover those employees who do work either early starts or late finishes.
- It should also be reiterated to the QPSU that the intention of the proposed hours of work changes is to enable employee's greater flexibility with their hours and working conditions in consultation with their supervisors.
- Clause 3.4.2 (c) Accrued Time: The QPSU has proposed amending the clause to include that managers have a responsibility to manage work-units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit.

- The ERU sees no concern in adopting this proposed addition as it mirrors what is in the Hours of Work Arrangement that applies to other Public Service employees within the Department of Community Safety.
- In addition, the QPSU has proposed amending the clause to include that any direction to an employee to work standard hours where that employee's time management is unsatisfactory must be done as part of a formal performance management process.
- The ERU sees no concern in agreeing to this proposed addition and thinks it a reasonable change.
- Clause 3.4.2 (d) Work Performed on Weekends and Public Holidays: The QPSU has requested clarification of what is to happen after an employee works 12 hours on a Saturday, Sunday or Public Holiday. They have also proposed changing the 12 hours to 9.5 in this clause.
- The ERU recommends advising that anything over 12 hours will attract overtime payment at the relevant rates as prescribed by the Award, as will anything outside of 6:00am to 10:00pm. The ERU recommends not agreeing to the proposed change from 12 hours to 9.5 for reasons detailed above in the hours of work section.
- It should be noted however that the proposed hours of work arrangements utilises Clause 6.5.3 of the Award all ordinary time worked between midnight on Friday and midnight on Saturday
- Clause 3.4.2 (e) Overtime: The QPSU is seeking for EMQ employees to be entitled to overtime on any authorised work performed in excess of 9.5 hours rather than 12 hours.
- The ERU recommends not agreeing to this for the reasons detailed above in respect to the hours of work clause.
- The QPSU also seeks clarification of the authority that EMQ has to insert the clause which provides for TOIL in excess of 36.25 hours to be forfeited at the end of a work cycle, and also the clause which entitles an employee be paid out their TOIL up to a maximum of 36.25 hours on cessation of employment with EMQ.
- The ERU recommends that these sections of the clause be omitted from the proposed hours of work document. As they stand currently, they are in contravention of the *Hours and Overtime Directive* No. 5/05 which provides that TOIL not taken within the 12 month period from the day on which the overtime was worked will lapse.
- It is however recommended that EMQ produce a Business Rule which directs managers to only approve the carry over of TOIL in excess of 36.25 hours at the end of a work cycle in extreme circumstances such as during Critical Events. The Business Rule should require Managers to actively manage officers TOIL balances.
- Clause 3.4.2 (f) On-Call: The QPSU advises that in relation to this clause, endorsement would be needed from the majority of employees if it proposes to extend the coverage of employees who can be on-call.
- The ERU would recommend advising the QPSU that it is the intention of EMQ to consult with employees prior to the implementation of the new Hours of Work provisions. In accordance with clause 5.14.4 (j) of the *Queensland Public Service Award 2003* endorsement by the majority of affected employees would be needed.
- Clause 3.4.4 Critical Incident and EMQ Activations: The QPSU raised the question whether there would need to be wide consultation with other Government Agencies if we are going to include the application of the arrangements to their employees.
- The ERU recommends that the words "and other Government Agencies" be omitted from this clause to limit the field of operation to the Department of Community Safety employees. This is

in line with advice received from Public Sector Industrial and Employee Relations, Department of Justice and Attorney-General.

- **Clause 3.4.4 (c) Meal Breaks:** The QPSU has proposed that a further provision be added into this clause which entitles an employee with a further meal break of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours.
- The ERU sees no concern in agreeing to this proposed amendment and sees it to be a reasonable entitlement.
- The QPSU also proposed changes in the first 2 dot points to reduce the hours from 12.5 to 9.5 hours in relation to meal entitlements.
- This issue has been expanded upon above in the hours of work section and this proposed change should not be agreed to for the reasons specified already.

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with Ken Hawkins of EMQ.

5. Total Cost of Project and Funding Source

- N/A

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you note this brief; and
- That you approve the proposed strategy to negotiate with the QPSU in accordance with the recommendations made in this brief.

Glenn Carthew
A/DIRECTOR
EMPLOYEE RELATIONS

/ /

Bruce Grady
ASSISTANT DIRECTOR-GENERAL
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Noted / Approved / Not Approved

Comments:

From: Michael S. Thomas [Michael.Thomas@qpsu.org.au]

Sent: Friday, 15 July 2011 1:22 PM

To: Glenn Carthew

Subject: Re: Hours of Work

Thanks Glenn, that looks reasonable at first instance, I will go back to delegates and members to get their views.
Sent from my Blackberry

Michael Thomas
Director Industrial Services
AMACSU

From: Glenn Carthew <Glenn.Carthew@dcs.qld.gov.au>

To: Michael S. Thomas

Sent: Fri Jul 15 12:57:37 2011

Subject: RE: Hours of Work

Michael,

Have presented your arguments to EMQ. They have conceded to most.

Clause 3.4.2 (b)-Hours of Work

EMQ wants to retain the 12 hour spread as it provides officers with the opportunity to work flexibly and meet commitments for training and SES meetings. This arrangement is currently in place. It does not mean that officers will be required to undertake 12 hr days in fact the majority do work 9.00 to 5.00.

Clause 3.4.2 (c) Accrued Time

You sought an amendment that included managers having the responsibility to manage work units to ensure that eligible employees do not unnecessarily forfeit accrued hours in excess of the carryover limit and an amendment to include that any direction to an employee to work standard hours where that employee's time management is unsatisfactory must be done as part of a formal performance management process.

EMQ has agreed to these amendments.

Clause 3.4.2 (d) Weekend and Public Holidays

You sought information on what is to happen after an employee works 12 hours on a Saturday, Sunday or Public Holiday.

EMQ

(i) Anything over 12 hours will attract overtime payment at the relevant rates

(ii) Anytime worked outside 6.00am - 10.00pm will attract overtime at the relevant rates.

(iii) All ordinary time worked between midnight Friday and midnight Saturday not being overtime will be paid for at one and a half times the ordinary rate and all ordinary time worked between midnight Saturday and Midnight Sunday to be paid at the rate of double time. (6.5.3 of Award)

Clause 3.4.2 (e) Overtime

You sought an entitlement to overtime on any authorised work performed in excess of 9.5 hours.

Also the removal of the clause on TOIL as it breaches the directive

EMQ

(i) Where an employee is directed to work beyond 9.5 hours in any one day will be paid the appropriate overtime or accrue TOIL

(ii) Removal of the clause on TOIL

(iii) Business Rule for Managers to ensure they take a proactive approach to manage officers TOIL balances.

Clause 3.4.2 (f) On-call

Advise was provided to EMQ that any extension of on-call arrangements would need to be through the award provision seeking endorsement by the majority of affected employees. It is the intention of EMQ to consult with employees prior to the implementation of the new Hours of Work provisions.

Clause 3.4.4 Critical Incidents and EMQ Activations

EMQ will remove the words "and other Government Agencies" from the clause however will inform seconded employees through information kits and offers to other departmental employees of the arrangements in place should they come to EMQ.

Clause 3.4.4 (c) Meal Breaks.

EMQ has agreed to additional meal breaks of 30 minutes duration in each and every 8 hour period for an employee who works beyond 12.5 hours.

EMQ were also seeking the view of the QPSU in relation to combining the Accrued time and TOIL into one bank of hours that could be managed by managers. I have advised EMQ of the concerns of approaching accrued time and TOIL as one bank but do feel obliged to seek your view. EMQ are adamant that through proper management TOIL balances will not reach the state of having to be paid out at the conclusion of twelve months or lapse.

Happy to discuss

regards

Glenn Carthew

A/Director

Employee Relations Unit

Human Resources Branch

Corporate Support Division

Telephone: 3635 3064 Mob Contrary to the public interest

glenn.carthew@dcs.qld.gov.au

From: Michael S. Thomas [mailto:Michael.Thomas@qpsu.org.au]

Sent: Friday, 8 July 2011 11:25 AM

To: Glenn Carthew

Subject: RE: Hours of Work

Thanks

I understand that element of it, but it doesn't explain why you can do 12 hours straight before being entitled to overtime when it is 9.5 hours in the rest of the sector. I would think 12 hours straight without any penalties is anything but "ordinary"

regards

Michael Thomas
Director Industrial Services
Tel: (07) 3017 6117
Fax: (07) 3017 6217
Mob: Contrary to the public interest

email: mst@gpsu.org.au

Please note: The QPSU and ASU (C&S) have amalgamated to form AMACSU – a new stronger union as of 1 July 2011. My QPSU email address will still deliver to me, all other details remain the same. For expert industrial assistance please phone 1800 177 244.

"A union is a group of workers coming together to have the power to change something they cannot change alone"

Authorised by Alex Scott, Lvl 1, 27 Peel Street, South Brisbane.

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From: Glenn Carthew [mailto:Glenn.Carthew@dcs.qld.gov.au]
Sent: Friday, 8 July 2011 11:23 AM
To: Michael S. Thomas
Subject: RE: Hours of Work

From my understanding there is still the issue of meetings and the flexibility of starting late and finishing late for interaction with SES. While there is the transformation to a more policy driven function there is still a reasonable amount of liaison between local councils, SES and EMQ outside of the normal spread. That is not for all as the majority of time for people will be 9.00 to 5.00 the spread enables employees greater flexibility with their hours and conditions with their supervisors.

I have elaborated in the brief that we make concessions to a number of your amendments.

regards

Glenn Carthew
A/Director
Employee Relations Unit
Human Resources Branch
Corporate Support Division
Telephone: 3635 3064 Mob: Contrary to the public interest
glenn.carthew@dcs.qld.gov.au

From: Michael S. Thomas [mailto:Michael.Thomas@gpsu.org.au]
Sent: Friday, 8 July 2011 11:12 AM
To: Glenn Carthew
Subject: RE: Hours of Work

Thanks, I'll hold off for a few days on the off chance EMQ actually does something. What's there view on spread of hours, 12 hours seems ludicrous and unjustifiable given EMQs change of role to more of a policy rather than event management focus.

regards

Michael Thomas
Director Industrial Services
Tel: (07) 3017 6117
Fax: (07) 3017 6217
Mob: Contrary to the public interest

email: mst@gpsu.org.au

Please note: The QPSU and ASU (C&S) have amalgamated to form AMACSU – a new stronger union as of 1 July 2011. My QPSU email address will still deliver to me, all other details remain the same. For expert industrial assistance please phone 1800 177 244.

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From: Glenn Carthew [mailto:Glenn.Carthew@dcs.qld.gov.au]

Sent: Friday, 8 July 2011 11:09 AM

To: Michael S. Thomas

Subject: Hours of Work

Michael,

I have just completed a brief to the Assistant Director General for EMQ advising that the issue of TOIL as it currently is and the proposal within the new hours of work arrangements is to be removed immediately as it contravenes the Directive.

There are other matters that relate to the ordinary spread of hours that you and I will need to discuss however at this point I can offer that there is advice from ER to EMQ that to continue with the TOIL provisions are for all intents and purposes illegal and must be removed.

I have been upstairs twice now to discuss this with Bruce Grady, ADG but he is not there. This brief will be up there this afternoon.

regards

Glenn Carthew

A/Director

Employee Relations Unit

Human Resources Branch

Corporate Support Division

Telephone: 3635 3064 Mob: [REDACTED]

glenn.carthew@dcs.qld.gov.au

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All reasonable precautions will be taken to respect the privacy of individuals in accordance with the Information Privacy Act 2009 (QI

QFES RTI FINAL RELEASE

110928E Grady Hours of Work Implementation Plan

Bruce,

On Tuesday, Christiane Strong and I met with Peta Robertson concerning the Hours of Work arrangements for EMQ. Peta explained that you wanted an Implementation Plan prior to any documentation being forwarded to the union.

We are currently working on such an implementation plan that would include information packages for employees, information sessions for employees and a new time sheet.

I have also had a look at the wording that had been suggested to be sent to the union. A new paragraph (e) had been suggested but I found its content a little confusing and inconsistent with other apparent changes to the document. I spoke to Michael Thomas of Together Queensland to obtain his recollection of the agreed position.

Michael was able to tell me that he understood the agreed position to be as follows:

- 9.5 hours was the limit of ordinary hours per day (this seems to have been included in the Overtime clause but not Hours of Work clause); and
- A shift that became an "afternoon shift" as defined in accordance with the Public Service Award would attract a penalty of 15%.

I was wondering whether Michael's recollection coincided with your own. That being the case, I would suggest the following wording to be included as a new paragraph (e):

Shift Penalties

An employee directed to work hours:

- during the ordinary spread of hours that is provided for in paragraph (b) of this schedule; and
- that would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

We are meeting again on Monday to further progress the implementation plan. Upon completion of the plan, we should then be in a position to progress this matter.

I will be contact following the meeting, but it would be appreciated if you could advise whether your recollection of the agreed potion is in accordance with that of Michael Thomas' recollection.

Regards,

Proposed Hours of Work Changes – Working Draft (22 February 2011)

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

Employees working an afternoon shift in accordance with shift provisions provided for in the Public Service Award – State 2003, will be paid 15% per shift for all ordinary time worked in addition to 9.5 hours. Shift allowances will be paid only in instances where an officer's work commitments do not allow the work to be performed during the day.

(e)(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 42-9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

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S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

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Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day; or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Proposed Hours of Work Changes – Working Draft (22 February 2011)

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

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(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

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Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

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Section 4 - Department of Community Safety

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On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

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(b) Hours of Work

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(c) Work Performed on Weekends and Public Holidays

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(a) Hours of Work

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(b) Overtime

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- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

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From: Bruce Grady
Sent: Wednesday, 16 November 2011 11:35
To: Glenn Carthew
Subject: RE: 111116 Implementation Plan . EMQ.doc
OK

Regards

Bruce Grady
Assistant Director-General
Emergency Management Queensland

bruce.grady@dcs.qld.gov.au

telephone: (07) 3635 3485
mobile: contrary to the public interest
fax: (07) 3247 8505

From: Glenn Carthew
Sent: Wednesday, 16 November 2011 11:32
To: Bruce Grady; Peta Robertson
Subject: 111116 Implementation Plan . EMQ.doc

<< File: 111116 Implementation Plan . EMQ.doc >>

Bruce

I have attached an implementation plan for the Hours of Work Arrangements for EMQ. I have been advised that the Union will lodge a dispute this afternoon at 4.00 if they do not receive a copy of the Hours arrangements. Spoke directly to Michael Thomas regarding this and his comments were that as the hours arrangements have been agreed there should be no issue with the union being advised and provided a copy

I intend to send a copy of the Implementation Plan to Michael together with a copy of the proposed Hours of Work Arrangements before midday. He will then have an understanding of the timelines and implementation phases in getting the hours into place and staff trained.

Please advise if you have concerns regarding this.

Regards

Glenn Carthew

EMQ- IMPLEMENTATION PLAN FOR NEW HOURS OF WORK ARRANGEMENTS

- Provide union with copy of the proposed Hours of Work on 16 November 2011
- Union and EMQ already have an in principle agreement with proposed Arrangements.

	Action	Responsible Officer	Timeframe
Develop Time Sheet	<ul style="list-style-type: none"> ▪ ICS to assist in the development of a timesheet for EMQ new hours of work arrangements (exclusive of Critical Incidents). ▪ Propose amending current Public Service Timesheet to reduce time lag. 		28 November 2011
Prepare Hours of Work Presentation.	<ul style="list-style-type: none"> ▪ Deliver presentation to employees. ▪ Provide handouts for : <ul style="list-style-type: none"> (i) Staff and (ii) Supervisors ▪ Tape presentation and provide on Desportal ▪ Utilise tanberg for presentation to Regions ▪ Provide contact points for all EMQ staff with ER on issues 	ER Team	28 November 2011
Vote	<ul style="list-style-type: none"> ▪ Combined Union and Management ballot on Hours of Work 	EMQ/ER Team	29/30 November 2011
DG Approval	<ul style="list-style-type: none"> ▪ Prepare brief to DG on the proposed arrangements and result of vote 	ER Team	December
Schedule 3 -Award	<ul style="list-style-type: none"> ▪ Arrange for Award Variation – Schedule 3 	PSIER/Union and DCS	December
Implement hours arrangements	<ul style="list-style-type: none"> ▪ Provide information and contacts for transitional information 	ER Team	1 December 2011 19 December 2011

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	Action	Responsible Officer	Timeframe
Develop Time Sheet	<ul style="list-style-type: none"> ☒ Seek assistance from EMQ — Ms Mack ☒ Seek approval for Ms Mack to undertake the amendment to the current Critical Incident Time sheet. ☒ Testing of Timesheet ☒ Presentation of timesheet rules in accordance with the Hours of Work Provisions. (Part of the overall presentation on the implementation of the new Hours of Work. 	ERU	21 November to 25 November
Prepare Hours of Work Presentation.	<ul style="list-style-type: none"> ☒ Deliver presentation to employees. ☒ Provide handouts for: <ul style="list-style-type: none"> (iii) Staff and (iv) Supervisors ☒ Tape presentation and provide on Desportal ☒ Utilise tanberg for presentation to Regions ☒ Provide contact points for all EMQ staff with ER on issues for explanation 	ER Team	28 November 2011
Vote	<ul style="list-style-type: none"> ☐ Combined Union and Management ballot on Hours of Work 	EMQ/ER Team	29/30 November 2011
DG Approval	<ul style="list-style-type: none"> ☐ Prepare brief to DG on the proposed arrangements and result of vote 	ER Team	December
Schedule 3 Award	<ul style="list-style-type: none"> ☐ Arrange for Award Variation — Schedule 3 	PSIER/Union and	December

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		DCS	
Implement hours arrangements	<input type="checkbox"/> Provide information and contacts for transitional information	ER Team	1 December 2011

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Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day;
or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Proposed Hours of Work Changes –

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
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(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

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Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

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(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

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The application of -TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

~~Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.~~

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(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

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S3.4.3 Watch Desk Officers, Emergency Management Queensland

Commented [MST1]: No, only for those above AO5/4

Commented [MST2]: No, the maximum only applies to accrued time, not TOIL, it would all have to be paid out if not used. They can't write it off.

Commented [MST3]: Just refer to the Directive and leave it at that, otherwise you'd have to re-write the whole thing and there is no need.

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
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(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

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Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

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The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

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3.4.3 Watch Desk Officers, Emergency Management Queensland

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(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

Critical Incidents and or EMQ Activations may require 24/7 activation. In such cases all entitlements and conditions as stipulated within Directive 24/10 ‘Critical Incident Entitlements and Conditions’ shall apply. The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee’s wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or

- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day;
or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Hours of Work Arrangements for Emergency Management Queensland

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

Critical Incidents and or EMQ Activations may require 24/7 activation. In such cases all entitlements and conditions as stipulated within Directive 24/10 ‘Critical Incident Entitlements and Conditions’ for employees working on the incident or activation shall apply

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee’s wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or

- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day;
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Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

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A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

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Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

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(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day; or

- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

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Department of Community Safety



Queensland
Government



EMQ Hours of Work

Employee Information Sessions

Emergency Management



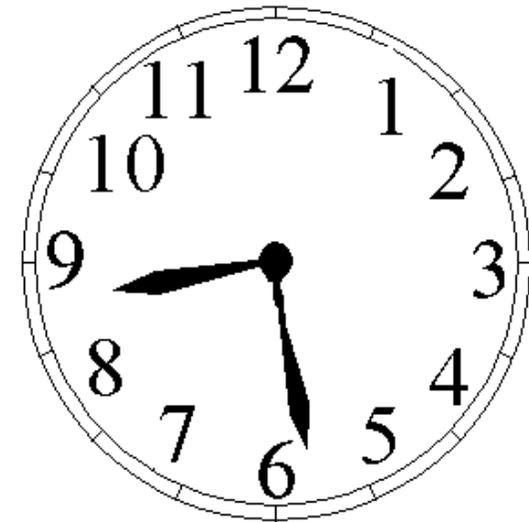
Introduction



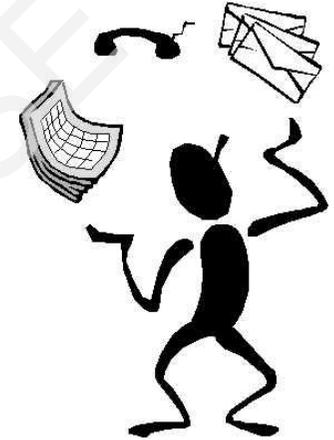
- 1997 agreement (still) in place
- Proposed schedule to QPSA
- Flexible employment strategy
- Rationalisation of conditions

Hours of Work

- 5 differing arrangements in 97 agreement
- 72.5 hours/fortnight
- Monday to Sunday
- 6am to 10 pm



Accrued Time



- “flexi-time”
- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 ¼ with prior approval
- At least on day per month (minimum entitlement)

Overtime/Public Holidays etc.

- In excess of 12 hours per day
- OT limit (>AO5) applies in “normal” circumstances



On Call Allowance



- As per award:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

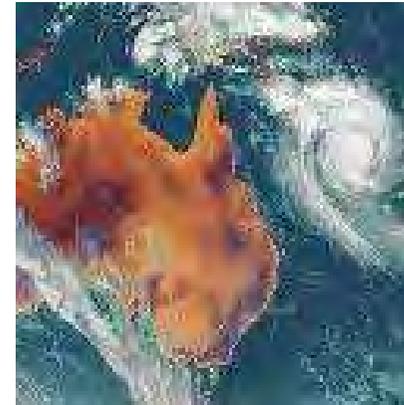
WDOs

- Codify existing arrangements
- 12 hour 5 minute shifts



CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management



Department of Community Safety



Department of **Community Safety**

Hours of Work Arrangements & Time Sheet Presentation

EMQ

Department of Community Safety

Hours of Work Arrangements

- MoG changes and need for new arrangements
- Give effect to Flexible Workplace Strategy
- State-wide streamlining of timesheets
- Alignment with PS timesheet
- Operative **TBA**

Hours of Work Arrangements Application

- *Queensland Public Service Award – State 2003*
- Excludes:
 - Some ICS
 - Casual Employees
 - Employees exempted from keeping time sheets

Hours of Work Arrangements

Ordinary Hours

- 7 ¼ hours per day
- Ordinary spread of hours 6 am – 10 pm
- Ordinary working hours agreed by employee and employer
- An average of 72.5 hours per fortnight
- Over 2 x 10-day fortnights Mon – Sun in a 4-week cycle

Hours of Work Arrangements Accrued Time

- Max of 22 hours (36 ¼ with prior approval)
- 4 week cycle
- Access to at least 1 full accrued day off per month
- Debit time up to 2 days (family or other emergent)

Hours of Work Arrangements Overtime/TOIL

- In excess of 9 ½ hours within the daily spread of ordinary working hours (6 am – 10 pm)
- Must have prior manager's approval
- Cannot exceed 12 hours per day
- AO 5 cut off

Hours of Work Arrangements

No Banked Time

- Banked time removed
- Any existing balances are still an entitlement
- Recommendation is document transfer of existing entitlement (convert to TOIL)

Hours of Work Arrangements Managers' Obligations

- Normal operating hours of the work unit (consultation with employees)
- Train employees
- Check the attendance records and, if in order, sign them to indicate endorsement
- Ensure application for absences
- Operational convenience and appropriate staffing levels
- Ensure fair treatment (EEO and anti-discrimination)
- Employees do not unnecessarily forfeit accrued hours
- Store attendance records

Hours of Work Arrangements

Employees' Obligations

- Maintaining and completing accurate attendance records and forwarding them to their immediate supervisor within a reasonable time at the end of each cycle
- Meet work obligations and client service standards
- Obtain prior manager's approval to access accrued time
- Co-operate with management regarding local arrangements
- Consider EEO and anti-discrimination issues when applying and using the provisions these arrangements.

Time Sheet

- Simple and easy
- State-wide standardisation
- Same as DCS PS timesheets
- Give effect to new Hours of Work Arrangements

Department of Community Safety



EMQ Hours of Work

Employee Information Sessions

Emergency Management



Introduction



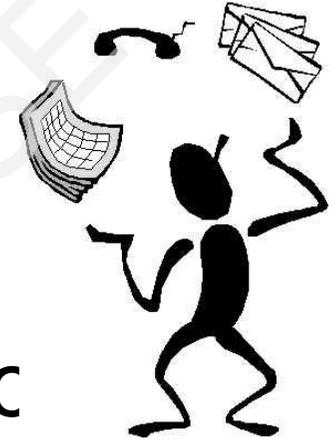
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Hours of Work

Ordinary Hours

- Spread of Hours 6.00am – 10.00pm
- Ordinary hours agreed to by manager and employee
- Average of 72.5 hours per fortnight
- 2 X 10 day fortnights over a four week cycle

Accrued Time



- Agreement between manager to acc and take time off
- 22 hours at end of work cycle – 36 ¼ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month (minimum entitlement)

Work Performed on Weekend and Public Holidays/ Shift Penalties

- Ordinary hours worked on Saturday, Sunday and Public Holidays attract appropriate penalty rates as prescribed in the Award.
 - Midnight Friday to midnight Saturday one and half times the ordinary rate
 - Midnight Saturday to midnight Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours. Public Service Award – clause 6.5.3 and 7.7
- Shift Penalties.
 - Afternoon shift – on or after 12.00 noon and at or before 6.00 pm.
 - Award clause 6.5.2 – Allowance of 15%



Overtime/Public Holidays etc.

- Outside the spread of hours, i.e. 6.00am to 10.00 or in excess of 9.5 hours per day
- OT limit (= and >AO5) applies in “normal” circumstances
 - Calculated to nearest $\frac{1}{4}$ of an hour
 - (= and >AO5) can be paid for authorised overtime or elect TOIL (Time for Time basis)

On Call Allowance

- As per award:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Department of Community Safety



EMQ Hours of Work

Employee Information Sessions

Emergency Management



Introduction



- 1997 agreement (still) in place
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Hours of Work

- For employees working in EMQ
 - Excludes:
 - Watch Desk Officers
 - Operational personnel in Helicopter Rescue.
- Removes distinction Average of 72.5 hours per fortnight
- 2 X 10-day fortnights over a four-week cycle

Hours of Work

Ordinary Hours

- Spread of Hours 6.00am – 10.00pm
- Ordinary hours agreed to by manager and employee
- Average of 72.5 hours per fortnight
- 2 X 10-day fortnights over a four-week cycle

Accrued Time

- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 ¼ with prior approval.
 - Any time in excess of authorised carryover at the end of the four-week cycle is forfeited.
- At least one day per month (minimum entitlement)

Banked Time

- Banked time removed
- Existing balances remain
- Manager to sign off on existing balances

Work Performed on Weekend and Public Holidays / and Shift Penalties

- Ordinary hours worked on Saturday, Sunday and Public Holidays attract appropriate penalty rates as prescribed in the Award.
 - Saturday: one and half times the ordinary rate
 - Sunday: double time
 - Public Holidays: paid at the rate of double time and a half with a minimum of 4 hours.
- Shift Penalties.
 - Afternoon shift – on or after 12.00 noon and at or before 6.00 pm.
 - Allowance of 15%

Overtime.

- Outside the spread of hours, i.e. 6.00am to 10.00pm or in excess of 9.5 hours per day
- OT limit (= and >AO5) applies in “normal” circumstances
 - Calculated to nearest $\frac{1}{4}$ of an hour
 - (= and >AO5) can be paid for authorised overtime or elect TOIL (Time for Time basis)

On Call Allowance

- As per award:
 - Rostered day off, accrued day off, Public Holiday (whole day) - \$35.25
 - Rostered day off, accrued day off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Timesheet

- Electronic –
 - State-wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions

QUESTIONS RTI FINAL RELEASE



HOURS OF WORK ARRANGEMENTS MANAGERS' GUIDE

INTRODUCTION

The new Hours of Work Arrangements for Emergency Management Queensland incorporate

- The new Hours of Work arrangements for all employees (excluding Watch Desk Operators and operational employees working with Helicopter Rescue)
- Separate section for Hours of Work for Watch Desk Operators and
- Critical Incident and EMQ Activation conditions.

The arrangements have been developed through consultation between management and the Queensland Public Sector Union 'Together' and are designed to meet the work life balance needs of officers while providing flexibility with work patterns within the environment of emergency response to the communities of Queensland.

The following guide should be read in conjunction with the Schedule 3 'Hours of Work Arrangements for Emergency Management Queensland'.

HOURS OF WORK ARRANGEMENTS - DEFINITIONS

- **Accrued time**
 - Time worked in excess of 7.25 hours in a day
 - Calculated in 15 minute intervals
 - Carry over 22 hours accrued time from one work cycle to the next
 - Manager can approve an employee carry over 36.25 hours accrued time from one work cycle to the next.
 - Can accrue providing approved by employee's manager
 - Any accrued time in excess of authorised carryover at the end of the work cycle is forfeited.
- **Accrued time off**
 - Time accrued can be taken as part days or full days with prior approval of the Manager.
 - Employee to have access to at least one full accrued day off a month
- **Attendance Records**
 - Approved time sheet to accurately record start and finish times, meal breaks and periods of leave.
 - Hard copy of the attendance record to be signed by the employee each fortnight and forwarded to the manager for checking and endorsement.
 - A hard copy of the attendance record time to be stored in local area of (6) years.

- **On –call**
 - When officers are rostered after hours to be available for call back or to perform work either away from work via remote access or with advise.
- **Ordinary hours of work**
 - Averaged at 72.5 hours per fortnight (exclusive of meal times) worked over 2 (10) day fortnights Monday to Sunday.

Example

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8 hours		9.5 hours	6 hours		6 hours	
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	8.5 hours	8.75 hours	7.30 hours	6.00 hours	8 hours	4.25 hours

- **Ordinary hours worked on Weekend and Public Holidays**
 - Work on the weekends is time utilised for ordinary hours but is paid at appropriate rates.
 - Penalty rates apply during weekend work up to a maximum of 12 hours per day.
 - Saturday = 1 and ½ times the normal rate
 - Sunday = 2 time the ordinary rate.
 - Public holiday = 2 time and ½ the ordinary rate.
- **Overtime**
 - Overtime made up of paid overtime or TOIL (Time off in Lieu)
 - Is authorised work outside the spread of ordinary hours or
 - Working hours that exceeds 9.5 hours in any one day.
 - Overtime must be approved to receive paid overtime or TOIL
 - Officers at the classification level of <= AO5 is entitled to paid overtime or can elect TOIL.
 - Officers at AO6=> can only receive TOIL
 - TOIL accumulates for 12 months
 - TOIL should be taken within the twelve months and where it cannot be taken will be paid out at the end of the 12 months.
 - E.g. An officer at the AO4 classification works from 7.00 to 13.00. Takes lunch till 14.00 and then works till 19.00. Total time worked through the day is 11 hours. If that officer has had approval to work beyond the 9.5 hours then they would be able to claim 1 and ½ hours overtime as paid overtime or TOIL.
 - If the officer claims the 1 and ½ hours paid they would receive 2 and ¼ hours payment. (1 and ½ hours X Time and ½). If the officer were to elect TOIL instead of paid overtime the officer would receive 1 and ½ hours TOIL, i.e. time for time.
 - If the officer did not seek approval for overtime then the time worked is not compensated.
 - If the officer who worked overtime is at the AO6 classification level they would only receive TOIL for approved overtime.

- **Spread of hours**
 - The spread of hours in which ordinary work can be performed is 6.00am to 10.00pm Monday to Sunday

- **Shift penalties**
 - Shift – means the commencement of work on or after 12 noon and at or before 6.00pm
 - Provision of additional pay of 15% per shift for all ordinary time worked in addition to salary.
 - Shift penalties will not apply on Saturdays, Sundays or Public Holidays.

- **TOIL – Time off in Lieu**
 - Overtime compensated for by time, not pay.
 - TOIL accumulated is on a time for time basis.
 - TOIL applies to officers at the AO6 level and above
 - Officers between AO2 and AO5 can elect TOIL rather than paid overtime when directed to/ and approved to work overtime.
 - TOIL conditions are specified in Directive 5/05 '*Hours and Overtime*'

- **Work cycle**
 - Work cycle is four weeks
 - Work cycle made up of 2 x 10 day fortnights, Monday to Sunday
 - Average of 72.5 hours to be worked over fortnight exclusive of meal times.

HOURS OF WORK ARRANGEMENTS - GUIDE

The new hours of work arrangements has been identified as providing flexible work practices that meet the needs of staff and ensures EMQ objectives in service delivery are met.

The spread of hours is from 6.00am to 10.00pm. Officers are required to work on average 72.5 hours per fortnight over a 10 day fortnight, Monday to Sunday. Standard hours for any one day are 7.25 hours; however, as the fortnightly hours are averaged, officers in conjunction with their manager can organise their work days to meet work objectives while maintaining a good work life balance. As an example, should an officer have training to do with SES Volunteers on a night of the week, they can discuss with their managers and get approval to commence work at 17.00 hours and work through to 22.00 hours. This spread of hours has been designed to allow officers, with afternoon and or night commitments, and who have managerial approval, to reorganise their work to meet service delivery requirements.

The table in the definitions section above provides an example of how hours could be worked on any one fortnight. Hours worked that are over and above the standard 7.25 hours are called accrued time and will need to be approved by the Manager of the section/unit.

Managers have the right to set the operating hours of the work unit. A Manager may consider that the range of hours for the work unit is 8.00am to 6.00 pm. Officers can then work their standard 7.25 hours within that spread of hours. Any hours worked over and above standard hours is referred to as accrued hours. Employees are entitled to accrue sufficient time to allow them to have at least one full accrued day off per month, i.e. accrue 7.25 hours.

Accrued Time (i.e. time worked over the standard 7.25 hours per day) can build up over the work cycle of four weeks however at the conclusion of the four week cycle any time in excess of 22 hours is to be forfeited. In those instances where there has not been an opportunity to take the accrued time off Managers can extend the 22 hours to 36.25 hours carry over from one work cycle to the next.

Time accumulated is called accrued time and an employee can accrue any number of hours over the work cycle. Employees have the opportunity, with their Managers approval to organise their day to meet client and organisational needs. Employees can work within these hours to meet their obligation of working 72 and ½ hours per fortnight or 36 and ¼ hours per week. 36 and ¼ hours per week is the standard number of hours that officers are obligated to work 72 and ½ hours commitment to a working day. This spread provides flexibility for Public Service Officers are required to work, on average, 7 and ¼ hours a day. The spread of hours in which these Through the use of the Public Service Award The hours of work The new

Managers Responsibilities:

1. Managers should consult with employees of the work unit when determining the operating hours of the unit and should consider the issues of Work Health and Safety, and equity.
2. Operating hours should take into consideration the domestic and personal needs of the employees
3. Management should ensure they communicate their expectations in regards the hours of work arrangements with employees.
4. Management should avoid excessive work loads for employees and utilise organisational objectives, performance appraisal and position descriptions in determining optimum workloads of employees.

Managers and Accrued Time

5. Managers are to approve officers accruing and taking accrued time off. Managers should be aware that employees are entitled to accrue enough time over a work cycle (four weeks) that will allow them to take, at the least, one full day off a month.
6. Managers are responsible for managing employees time to ensure that employees do not work excessive hours whereby employees lose significant amounts of accrued time at the end of a work cycle.



HOURS OF WORK ARRANGEMENTS EMPLOYEE GUIDE

INTRODUCTION

The new Hours of Work Arrangements for Emergency Management Queensland incorporate

- The new Hours of Work arrangements for all employees (excluding Watch Desk Operators and operational employees working with Helicopter Rescue)
- Separate section for Hours of Work for Watch Desk Operators and
- Critical Incident and EMQ Activation conditions.

The arrangements have been developed through consultation between management and the Queensland Public Sector Union 'Together' and are designed to meet the work life balance needs of officers while providing flexibility with work patterns within the environment of emergency response to the communities of Queensland.

The following guide should be read in conjunction with the Schedule 3 'Hours of Work Arrangements for Emergency Management Queensland'.

HOURS OF WORK ARRANGEMENTS - DEFINITIONS

- **Accrued time**
 - Time worked in excess of 7.25 hours in a day
 - Calculated in 15 minute intervals
 - Carry over 22 hours accrued time from one work cycle to the next
 - Manager can approve an employee carry over 36.25 hours accrued time from one work cycle to the next.
 - Can accrue providing approved by employee's manager
 - Any accrued time in excess of authorised carryover at the end of the work cycle is forfeited.
- **Accrued time off**
 - Time accrued can be taken as part days or full days with prior approval of the Manager.
 - Employee to have access to at least one full accrued day off a month
- **Attendance Records**
 - Approved time sheet to accurately record start and finish times, meal breaks and periods of leave.
 - Hard copy of the attendance record to be signed by the employee each fortnight and forwarded to the manager for checking and endorsement.
 - A hard copy of the attendance record time to be stored in local area of (6) years.

- **On –call**
 - When officers are rostered after hours to be available for call back or to perform work either away from work via remote access or with advise.
- **Ordinary hours of work**
 - Averaged at 72.5 hours per fortnight (exclusive of meal times) worked over 2 (10) day fortnights Monday to Sunday.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8 hours		9.5 hours	6 hours		6 hours	
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	8.5 hours	8.75 hours	7.30 hours	6.00 hours	8 hours	4.25 hours

- **Ordinary hours worked on Weekend and Public Holidays**
 - If required to work on the weekends officers can use the time as part of ordinary hours.
 - Penalty rates apply during weekend work up to a maximum of 12 hours per day.
 - Saturday = 1 and ½ times the normal rate
 - Sunday = 2 time the ordinary rate.
 - Public holiday = 2 time and ½ the ordinary rate.
- **Overtime**
 - Overtime made up of paid overtime or TOIL (Time off in Lieu)
 - Is authorised work outside the spread of ordinary hours or
 - Working hours that exceeds 9.5 hours in any one day.
 - Overtime must be approved to receive paid overtime or TOIL
 - Officers at the classification level of <= AO5 are entitled to paid overtime or can elect TOIL.
 - Officers at AO6=> can only receive TOIL
 - TOIL accumulates for 12 months
 - TOIL should be taken within the twelve months and where it cannot be taken will be paid out at the end of the 12 months.
 - E.g. An officer at the AO4 classification works from 7.00 to 13.00. Takes lunch till 14.00 and then works till 19.00. Total time worked through the day is 11 hours. If that officer has had approval to work beyond the 9.5 hours then they would be able to claim 1 and ½ hours overtime as paid overtime or TOIL.
 - If the officer claims the 1 and ½ hours paid they would receive 2 and ¼ hours payment. (1 and ½ hours X Time and ½). If the officer were to elect TOIL instead of paid overtime the officer would receive 1 and ½ hours TOIL, i.e. time for time.
 - If the officer did not seek approval for overtime then the time worked is not compensated
 - If the officer who worked overtime is at the AO6 classification level they would only receive TOIL for approved overtime.

- **Spread of hours**
 - The spread of hours in which ordinary work can be performed is 6.00am to 10.00pm Monday to Sunday

- **Shift penalties**
- TOIL – Time off in Lieu
- Work cycle

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HOURS OF WORK ARRANGEMENTS - GUIDE

The new hours of work arrangements provide officers with the opportunity to work flexible hours to ensure their work commitments are met.

The spread of hours is from 6.00am to 10.00pm. This means that officers can work their normal 7.25 hours within this spread. As an example, should an officer have training to do with SES Volunteers on a night of the week, they can discuss with their managers that they may like to commence work at 17.00 hours and work through to 22.00 hours. Employees have the opportunity, with their Managers approval to organise their day to meet client and organisational needs. Employees can work within these hours to meet their obligation of working 72 and ½ hours per fortnight or 36 and ¼ hours per week. 36 and ¼ hours per week is the standard number of hours that officers are obligated to work i.e. 7 and ¼ hours commitment to a working day.

Department of Community Safety



EMQ Hours of Work

Employee Information Sessions

Emergency Management



Introduction



- 1997 agreement (still) in place
- Proposed schedule to QPSA
- Flexible employment strategy
- Rationalisation of conditions
 - 5 differing arrangements in 97 agreement

Hours of Work

- For employees working in EMQ
 - Excludes:
 - Watch Desk Officers
 - Operational personnel in Helicopter Rescue.
- Removes employee distinctions in the CDRS Hours arrangements.

Hours of Work Definitions

- **Accrued Time**
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
- **TOIL**
 - Time Off In Lieu (of over time).
 - Outside the spread of hours (6.00am to 10.00pm)
OR
 - Time worked over 9.5 hours in any one day.
 - Overtime calculated on a time for time basis.

Hours of Work

Ordinary Hours

- Spread of Hours 6.00am – 10.00pm
- Ordinary hours agreed to by manager and employee
- Average of 72.5 hours per fortnight
- 2 X 10 day fortnights over a four week cycle

Accrued Time

- Accrued Time
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month accessed (minimum entitlement)

Work Performed on Weekend and Public Holidays

- Ordinary hours up to a maximum of 12 hours worked on:
 - Saturday,
 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
 - Saturday one and half times the ordinary rate
 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.

Shift Penalties

- Shift Penalties.
 - In the event that the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid. Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
 - An afternoon shift allowance of 15% will apply for all ordinary time worked in addition to normal salary.
 - E.g. \$200 (ordinary daily rate) X 15% = \$230

Overtime.

- Overtime (OT) applies in circumstances where hours are worked:
 - Outside the spread of hours 6.00am to 10.00pm or
 - in excess of 9.5 hours per day
- OT is calculated to nearest $\frac{1}{4}$ of an hour.
- Approved OT can be paid or can be provided as TOIL (Time off in Lieu of Overtime)
 - AO6 classification and above receive TOIL for OT
 - AO2 to AO5 can be paid overtime or can elect TOIL
- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on-call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
2. How do I access accrued time / TOIL?
3. What happens if I can't take my TOIL within 12 months?
4. What happens if I work outside the spread of hours (6.00am to 10.00pm) or more than 9.30 hours per day?

Department of Community Safety



EMQ Hours of Work

Employee Information Sessions

Emergency Management



Introduction



- 1997 agreement (still) in place
- Proposed schedule to QPSA
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 - 5 differing arrangements in 97 agreement

Hours of Work

- For employees working in EMQ
 - Excludes:
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 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
- **TOIL**
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 - Outside the spread of hours (6.00am to 10.00pm)
OR
 - Time worked over 9.5 hours in any one day.
 - Overtime calculated on a time for time basis.

Hours of Work

Ordinary Hours

- Spread of Hours 6.00am – 10.00pm
- Ordinary hours agreed to by manager and employee
- Average of 72.5 hours per fortnight
- 2 X 10 day fortnights over a four week cycle

Accrued Time

- Accrued Time
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
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- Ordinary hours up to a maximum of 12 hours worked on:
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 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
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 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.

Shift Penalties

- Shift Penalties.
 - In the event that the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid. Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
 - An afternoon shift allowance of 15% will apply for all ordinary time worked in addition to normal salary.
 - E.g. \$200 (ordinary daily rate) X 15% = \$230

Overtime.

- Overtime (OT) applies in circumstances where hours are worked:
 - Outside the spread of hours 6.00am to 10.00pm or
 - in excess of 9.5 hours per day
- OT is calculated to nearest $\frac{1}{4}$ of an hour.
- Approved OT can be paid or can be provided as TOIL (Time off in Lieu of Overtime)
 - **A06** classification and above **receive TOIL for OT**
 - **A02 to A05** can be **paid overtime or can elect TOIL**
- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on - call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
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- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
2. How do I access accrued time / TOIL?
3. What happens if I can't take my TOIL within 12 months?
4. What happens if I work outside the spread of hours (6.00am to 10.00pm) or more than 9.30 hours per day?

Hours of Work

Implementation date: 19 December 2011.

Ballot: To be provided to all EMQ officers who will be using the new Hours Arrangements.

Return Date: 19 December 2011

Hours of Work

Contact Names and Numbers

- Glenn Carthew
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- Callum MacSween
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 - callum.macsween@dcs.qld.gov.au

Department of Community Safety



Queensland
Government



EMQ Hours of Work

Employee Information Sessions

Hours of Work

Ordinary Hours

- Ordinary Spread of Hours 6.00am – 10.00pm
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight
- 2 X 10 day fortnights, Monday to Sunday over a four week cycle

Hours of Work

Ordinary Hours

- Ordinary Hours occurs Monday through to Sunday
 - Any classification can work ordinary hours on Saturday and Sunday up to a maximum of 12 hours for the day with the remaining time as overtime- (penalties)
 - There has to be a legitimate reason for working on the weekend.
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight

Hours of Work

Definitions and New Concepts

- Accrued Time
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
 - Accrued time can be taken during the work cycle with agreement with the Manager
 - Accrued Time is ordinary hours that accumulate over and above the 72.5 hours a fortnight.
- Accrued time is not overtime.

Accrued Time

- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month accessed (minimum entitlement)

Hours of Work

Definitions and New Concepts

- Overtime/TOIL
 - Time Off In Lieu (of over time).
 - Outside the ordinary spread of hours (6.00am to 10.00pm) OR
 - Time worked over 9.5 hours in any one day.
 - Overtime can be paid if an officer is at the AO5 classification level or lower OR if the AO5 classification or lower officer elects, the overtime can be taken as TOIL.
 - AO6 level to AO8 level officers can only take overtime as TOIL
 - TOIL is provided on a time for time basis (*Directive 5/05 Hours and Overtime*)

Work Performed on Weekend and Public Holidays

- Ordinary hours up to a maximum of 12 hours worked on:
 - Saturday,
 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
 - Saturday one and half times the ordinary rate
 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.

Shift Penalties

- Shift Penalties.
 - An employee who is directed:
 - To work where the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid.
 - Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
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- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on - call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Do not have to return to work to get paid on-call
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is paid OT unless election made to have TOIL
 - TOIL lapses after 6 months
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Manager's Responsibilities

- Ensure that fatigue breaks are taken.
 - 10 hours between cessation of overtime and commencement of work.
- Make sure that requests for working on weekends and overtime are reasonable.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
2. How do I access accrued time / TOIL?
3. What happens if I can't take my TOIL within 12 months?
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Hours of Work

Implementation date: 19 December 2011.

Ballot: To be provided to all EMQ officers who will be using the new Hours Arrangements.

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- Callum MacSween
- 3635 3663
 - callum.macsween@dcs.qld.gov.au

	Action	Responsible Officer	Timeframe
Develop Time Sheet	<ul style="list-style-type: none"> ▪ Seek assistance from EMQ – Ms Mack ▪ Seek approval for Ms Mack to undertake the amendment to the current Critical Incident Time sheet. ▪ Testing of Timesheet ▪ Presentation of timesheet rules in accordance with the Hours of Work Provisions. (Part of the overall presentation on the implementation of the new Hours of Work. 	ERU	21 November to 25 November
Prepare Hours of Work Presentation.	<ul style="list-style-type: none"> ▪ Deliver presentation to employees. ▪ Provide handouts for : <ul style="list-style-type: none"> (i) Staff and (ii) Supervisors ▪ Tape presentation and provide on Desportal ▪ Utilise tanberg for presentation to Regions ▪ Provide contact points for all EMQ staff with ER on issues for explanation 	ER Team	28 November 2011
Vote	<ul style="list-style-type: none"> ▪ Combined Union and Management ballot on Hours of Work 	EMQ/ER Team	29/30 November 2011
DG Approval	<ul style="list-style-type: none"> ▪ Prepare brief to DG on the proposed arrangements and 	ER Team	December

	result of vote		
Schedule 3 -Award	<ul style="list-style-type: none"> ▪ Arrange for Award Variation – Schedule 3 	PSIER/Union and DCS	December
Implement hours arrangements	<ul style="list-style-type: none"> ▪ Provide information and contacts for transitional information 	ER Team	1 December 2011

Application to take Accrued Time

Name:

Position:

Date of Leave:

Balance Available:

Balance after time taken :

Signature Date:

Supervisor: APPROVED NOT APPROVED

Signature: Date: / /



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Name:

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HOURS OF WORK ARRANGEMENTS MANAGERS GUIDE

INTRODUCTION

The new Hours of Work Arrangements for Emergency Management Queensland incorporate

- The new Hours of Work arrangements for all employees (excluding Watch Desk Operators and operational employees working with Helicopter Rescue)
- Separate section for Hours of Work for Watch Desk Operators and
- Critical Incident and EMQ Activation conditions.

The arrangements have been developed through consultation between management and the Queensland Public Sector Union 'Together' and are designed to meet the work life balance needs of officers while providing flexibility with work patterns within the environment of emergency response to the communities of Queensland.

The following guide should be read in conjunction with the Schedule 3 'Hours of Work Arrangements for Emergency Management Queensland'.

HOURS OF WORK ARRANGEMENTS - DEFINITIONS

- **Accrued time**
 - Time worked in excess of 7.25 hours in a day
 - Calculated in 15 minute intervals
 - Carry over 22 hours accrued time from one work cycle to the next
 - Manager can approve an employee carry over 36.25 hours accrued time from one work cycle to the next.
 - Can accrue providing approved by employee's manager
 - Any accrued time in excess of authorised carryover at the end of the work cycle is forfeited.
- **Accrued time off**
 - Time accrued can be taken as part days or full days with prior approval of the Manager.
 - Employee to have access to at least one full accrued day off a month
- **Attendance Records**
 - Approved time sheet to accurately record start and finish times, meal breaks and periods of leave.
 - Hard copy of the attendance record to be signed by the employee each fortnight and forwarded to the manager for checking and endorsement.
 - A hard copy of the attendance record time to be stored in local area of (6) years.

- **On –call**
 - When officers are instructed to be available outside of ordinary hours for a to perform work when required.
 - An allowance is paid:
 - \$35.25 for a whole day of a rostered day off, Accrued day off or Public holiday,
 - \$22.26 when on-call during the night only of a rostered day off, accrued day off or public holiday,
 - \$17.62 for all other nights.
 - If recalled to work an officers receives overtime rates with a minimum of two hours.

- **Operating hours**
 - The hours that the Manager, in consultation with the work unit, determines for the unit.

- **Ordinary hours of work**
 - Averaged at 72.5 hours per fortnight (exclusive of meal times) worked over 2 (10) day fortnights Monday to Sunday.

Example

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8 hours		9.5 hours	6 hours		6 hours	
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	8.5 hours	8.75 hours	7.30 hours	6.00 hours	8 hours	4.25 hours

- **Ordinary hours worked on Weekend and Public Holidays**
 - Work on the weekends is time utilised for ordinary hours but is paid at appropriate rates.
 - Penalty rates apply during weekend work up to a maximum of 12 hours per day.
 - Saturday = 1 and ½ times the normal rate
 - Sunday = 2 time the ordinary rate.
 - Public holiday = 2 time and ½ the ordinary rate.

- **Overtime**
 - Overtime made up of paid overtime or TOIL (Time off in Lieu)
 - Is authorised work outside the spread of ordinary hours or
 - Working hours that exceeds 9.5 hours in any one day.
 - Overtime must be approved to receive paid overtime or TOIL
 - Officers at the classification level of <= AO5 is entitled to paid overtime or can elect TOIL.
 - Officers at AO6=> can only receive TOIL
 - TOIL accumulates for 12 months
 - TOIL should be taken within the twelve months and where it cannot be taken will be paid out at the end of the 12 months.

 - E.g. An officer at the AO4 classification works from 7.00 to 13.00. Takes lunch till 14.00 and then works till 19.00. Total time

worked through the day is 11 hours. If that officer has had approval to work beyond the 9.5 hours then they would be able to claim 1 and ½ hours overtime as paid overtime or TOIL.

- If the officer claims the overtime as paid they receive 2 and ¼ hours payment. If the officer were to elect TOIL instead of paid overtime the officer would receive 1 and ½ hours TOIL, i.e. time for time.
 - If the officer did not seek approval for overtime then the time worked is not compensated.
 - If the officer who worked overtime is at the AO6 classification level they would only receive TOIL for approved overtime.
- **Spread of hours**
 - The spread of hours in which ordinary work can be performed is 6.00am to 10.00pm Monday to Sunday
 - **Shift penalties**
 - Shift – means the commencement of work on or after 12 noon and at or before 6.00pm
 - Provision of additional pay of 15% per shift for all ordinary time worked in addition to salary.
 - Shift penalties will not apply on Saturdays, Sundays or Public Holidays.
 - **TOIL – Time off in Lieu**
 - Overtime compensated for by time, not pay.
 - TOIL accumulated is on a time for time basis.
 - TOIL applies to officers at the AO6 level and above
 - Officers between AO2 and AO5 can elect TOIL rather than paid overtime when directed to/ and approved to work overtime.
 - TOIL conditions are specified in Directive 5/05 '*Hours and Overtime*'
 - **Work cycle**
 - Work cycle is four weeks
 - Work cycle made up of 2 x 10 day fortnights, Monday to Sunday
 - Average of 72.5 hours to be worked over fortnight exclusive of meal times.

HOURS OF WORK ARRANGEMENTS - GUIDE

The new hours of work arrangements has been identified as providing flexible work practices that meet the needs of staff and ensures EMQ objectives in service delivery are met.

The spread of hours is from 6.00am to 10.00pm. Officers are required to work on average 72.5 hours per fortnight over a 10 day fortnight, Monday to Sunday. Standard hours for any one day are 7.25 hours; however, as the fortnightly hours are averaged, officers in conjunction with their manager can organise their work days to meet work objectives while maintaining a work life balance. As an example, should an officer have training to do with SES Volunteers on a night of the week, they can discuss the training with their manager and get approval to commence work at 14.45.00 hours and work through to 22.00 hours. This spread of hours has been designed to allow officers, with afternoon and or night commitments, and who have managerial approval, to reorganise their work to meet service delivery requirements.

The table in the definitions section above provides an example of how hours could be worked on any one fortnight.

Managers have the right to set the operating hours of their work unit. A Manager may consider that the range of hours for the work unit is 8.00am to 6.00 pm. Officers can then work their standard 7.25 hours within that spread of hours. Any hours worked over and above standard hours is referred to as accrued hours/ accrued time. Accruing time and taking accrued time is to be discussed and approved by the Manager of the section/unit. Employees are entitled to accrue sufficient time to allow them to have at least one full accrued day off per month, i.e. accrue 7.25 hours.

Accrued Time (i.e. time worked over the standard 7.25 hours per day) can build up over the work cycle of four weeks however at the conclusion of the four week cycle any time in excess of 22 hours is to be forfeited. In those instances where there has not been an opportunity to take the accrued time off, Managers can approve an extension of the 22 hours to 36.25 hours carry over from one work cycle to the next.

In the event that an employee ceases employment with Government they should discuss with their Manager the taking of their accrued time before ceasing work.

There is a difference between Accrued Time and TOIL. Accrued time is the time worked beyond the standard 7.25 hours in a day up to 9.50 hours. TOIL, or Time Off in Lieu (of overtime) refers to hours worked beyond the 9.50 hours in any one day or outside the spread of hours of 6.00 am to 10.00 pm in any one day.

TOIL accrues over twelve months and employees should make application to their Manager to take the TOIL. TOIL lapses after twelve months.

The taking of the TOIL by an employee will be by mutual agreement with their Manager. In all cases the taking of TOIL will be subject to organisational convenience. In the event that no agreement can be reached as to when to take the TOIL the Manager may direct the employee when it is to be taken.

- Classification AO6 (4) who have TOIL accrued for the twelve months will be paid out at the end of the twelve months where:
 - An employee has taken reasonable steps to avoid excessive TOIL balances, and
 - The employee has been refused an application to take such leave.

The new Hours of Work also provide employees with a shift allowance where the employee has been directed by their Manager to work hours that would constitute an afternoon shift as defined by the *Queensland Public Service Award – State 2003* section 6.1. An afternoon shift is defined as a shift commencing on or after 12 noon and at or before 6.00pm.

An employee who has been directed to attend training at night by their Manager is entitled to receive a shift allowance of 15% for all ordinary time worked. An employee who has organised their daily workload to incorporate training at night will not be entitled to shift

Overtime occurs as a result of an employee gaining approval from their Manager to work outside the spread of hours, i.e. 6.00am to 10.00pm or if they work more than 9.50 hours in any one day.

The important issue with overtime is that for employees who are classified as AO5(4) and below receive payment or can elect to receive TOIL on a time for time basis. Where an employee is at the level of AO6 and above they only receive TOIL.

An on-call allowance is paid to employees who have been directed by the Assistant Director General of EMQ or their delegate to be on-call (that is outside the normal work hours and available to take calls and or return to work to undertake work).

Rates for being on-call are prescribed in the *Public Service Award State 2003* and are based on a percentage of a Professional Officer classification level 3 paypoint 4 under the Classification and Remuneration Stream. In the event that an employee is called whilst on on-call they will receive payment at overtime rates. The rate of overtime and the amount of time that is paid for is based on the Award provisions and the State Government Department Certified Agreement 2009 : Wages Section 2.2

An employee, while on call, who is recalled to perform duties without the need to leave the employee's place of residence, will be paid for time worked with a minimum payment of one hour for each time the employee performs such duties. Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply. Provided further that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

Attendance Records are a legislative requirement under the Industrial Relations Act 1999 and employees must comply. Employees should accurately record starting and finishing times, meal breaks and periods of leave.

At the end of each fortnight employees should print off a hard copy of their timesheet sign and pass to their supervisor for checking and endorsement.

It is a requirement that attendance records be kept for a period of 6 years within the local area.

CRITICAL INCIDENTS AND EMQ ACTIVATION

The Critical Incident Directive 24/10 applies in those situations when a critical incident or activation is invoked. There is a copy of the Directive in your packs and the major points to note are:

- The Directive's conditions will only apply to those employees identified as performing work essential to the resolution of the critical incident or Emergency Management Activation.
- Overtime means all authorised work in excess of 7.25 hours per day.
- Overtime either paid or provided in TOIL to all classification levels up to AO8 (4)
- Unused TOIL after six months from the end of the critical incident or EMQ activation will be paid out (Employees must make a reasonable attempt to take the TOIL.
- Where an employee is required, under the Directive to assume to responsibilities of a higher level position, they will be remunerated at the higher level. (No minimum period before higher duties is payable.)
- Domestic Travelling and Relieving Expenses Directive expenses are paid and also supplemented when no 3 star accommodation is available for officers working away from home. An additional \$47.05 hard ship allowance is paid per night.

MANAGERS RESPONSIBILITIES

The success of the Hours of Work Arrangements relies on Managers providing the necessary supervision over the components of the Hours arrangements to ensure employees are working and complying with the arrangements.

Managers should become aware of the Directives and Award provisions applicable to Public Service employees. The Award, State Government Department Certified Agreement 2009 and Directives are available on the following websites:

Externally from the Department of Justice

<http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations>

On Desportal go to the <http://desportal/content/HR/index.jsp> at the top of the page. Click on HR and it will take you to a list of tabs - go to :



This provides a list of those industrial instruments that are applicable to the conditions of employment for public service officers. There is a list of the specific sections that have been identified in the new Hours of Work Arrangements in your pack.

Work Unit Hours of Work

Managers have the right to set the hours of work, within the spread of hours, in their work unit. The spread of hours of the new Hours of Work is 6.00 am to 10.00 pm. When organising the hours that suit your needs within the unit and to meet your work objectives you should always:

1. Consult with employees of the work unit when determining the operating hours of the unit and should consider the issues of Work Health and Safety, and equity.
2. Take into consideration the domestic and personal needs of the employees.

It is the responsibility of Managers to ensure that employees have a clear understanding of what the Manager wants in relation to the Hours of work in the work unit and you should:

3. Ensure you communicate your expectations in regards the hours of work arrangements with employees.
4. You should avoid excessive work loads for employees and utilise organisational objectives, performance appraisal and position descriptions in determining optimum workloads of employees.

Week end work

Under the new Hours of Work Arrangements work can occur over a week end and over a public holiday. The arrangements provide for ordinary hours to be worked up to a maximum of 12 hours per day. This provides a greater diversity in providing services to the community and clients of EMQ. Even though the hours worked on Saturday, Sunday and a public holiday are ordinary hours they attract penalties.

So an employee working on a Saturday can utilise the time for ordinary working hours and also be provided with penalty rates: Section 6.5.3 of the *Public Service Award – State 2003*.

- (a) All ordinary time worked between midnight on Friday and midnight on Saturday not being overtime shall be paid for at one and a-half (1.5) times the ordinary rate and between midnight Saturday and midnight Sunday shall be paid for at the rate of double time.

When ordinary hours are performed on a public holiday the rates are in accordance with Section 7.7 of the *Public Service Award State – 2003*.

All work done by any employee on the public holidays is paid for at the rate of double time and a-half with a minimum of 4 hours.

Labour Day is paid at Double time and a half with a minimum of 4 hours.

When considering the Hours of Work for the Unit be cognizant that the spread of hours is enough to allow your work to be achieved and also that employees have a right to accrue time under the arrangements (See below)

Accrued Time

The concept of Accrued Time is new to EMQ Hours of Work Arrangements. It is not the same as TOIL. Time can be accrued if an employee works beyond their 7.25 hours in any one day. The limit of the accrued time is 9.5 hours. That is that an employee can realistically, if approved work up to 9.5 hours in a day. This would give them an accrued time balance of 2 and a ¼ hours in their accrued balance. The idea of accrued time is to allow employees the opportunity to work longer during the periods when the workload is heaviest and then accrue the time to be taken at a later date with approval from the Manager.

As the Hours of Work arrangements provide for an averaging of hours over the fortnight of 72.5 hours (2 X 36.25) there is the capacity for employees to work less than the standard 7.25 hours in the day. When this occurs they will be debited an amount of hours that will be needed to reach the 7.25 hours for the day.

As an example: Employee A works Monday and works from 8.00am to 16.30 pm with a half an hour break for lunch. They have worked 8 hours and have accrued 45 minutes. On Tuesday employee A works from 8.00 am to 15.30 pm with a half an hour for lunch. On the Tuesday employee A has only worked 7.00 hours. As a consequence the accrued time that has been gained on Monday would be reduced by 15 minutes to ensure that the 7.25 hours standard had been worked. This leaves then an accrued balance of 30 minutes.

Managers must keep in mind that to take a very restrictive approach to accrual of time could generate its own problems within the work unit. The idea is to be flexible in allowing employees to accrue time but be mindful that employees should not allow the accrual of excessive hours as this will mean that employees are working too long during the fortnight and the employee will want to take some or all of that time off which could leave a gap in resourcing.

The carryover of accrued hours from one work cycle (4 weeks) to the next work cycle is 22 hours. That equates to three days. In the event that there has been a workload issue that has created excessive accrued hours for employees, that they could not use during the work cycle then there is the opportunity to allow 36.25 hours to be carried from one work cycle to the next. In between the work cycles, every week, employees can accrue any number of hours that can be utilised, but any hours over 22 at the end of the work cycle will be forfeit.

Managers must be aware that employees are entitled to accrue enough time during a work cycle to be able to access at least one accrued day off a month.

Principle of applying Accrued Time

1. Managers are responsible for managing employees time to ensure that employees do not work excessive hours whereby employees lose significant amounts of accrued time at the end of a work cycle.

This is fundamental and reminds managers that they should check employees accrued times regularly.

A form has been developed to allow you to keep track of the Accrued times being taken by employees. The form is an *Application to take Accrued Time* (This is in your pack) The form allows you to control who takes Accrued time and when. Quite often employees asking for Accrued time can just occur and if no notes are taken of whom and when there could be a resource issue that hasn't been considered. The use of the form should alleviate those types of problems.

An employees 'Timesheet' will also show when an officer has accrued the time and when an officer has taken accrued time.

TOIL/PAID OVERTIME

Overtime occurs when an employee is authorised to work:

- outside the spread of hours i.e. 6.00am to 10.00pm or
- works more than 9.5 hours in any one day.

All overtime has to be authorised. Should an employee seek a sign off for time where they have worked for their own convenience then this is not overtime and should not be approved. There may be instances where an employee seeks retrospective overtime authorisation and approval will depend upon the reason why overtime had to be done.

Under the *Hours and Overtime Directive 5/05* (copy in your packs) there are different levels of employee classifications that have different entitlements.

- AO2 to AO 5 (4) have the capacity to be paid for any overtime authorised to be worked or elect to have TOIL (Time off in lieu). The paid overtime is in accordance with the Public Service Award provisions specifically section 6.4.
- AO6 classification level officers do not get paid overtime but receive TOIL on a time for time basis.

In accordance with the Directive 5/05 Hours and Overtime an officer up to the level of AO6 can have their accumulated TOIL balance paid out after twelve months. Classifications higher than this will lose that entitlement.

An application has been developed which requires the employee at any level to seek Overtime and that the Overtime will be TOIL. This form can be utilised for all levels: AO2 to AO5 in the instance where they are seeking to have approved overtime elected as TOIL. This will automatically apply to AO6 classification level officers and above. The form also requires employees wanting to take TOIL to seek approval from you. This will aid in keeping records of approvals and TOIL taken. The Timesheet also provides this capability and will show the TOIL balances taken and available for officers seeking approved TOIL. (The Form is in your packs)

Authorised overtime on week days is paid at time and ½ for the first three hours and double time thereafter.

Authorised Overtime on weekends:

Once the 12 hour ordinary hours maximum is reached on the weekends any time over this period must be approved for overtime payment or TOIL. In the event that overtime is approved then the rates would be:

- Saturday double time (as the three hours at time and ½ has finished) and
- Sunday double time.
- There is no additional payment for authorised overtime on the weekends.

Again in the event that an employee works beyond those 12 hours on the weekend the time must be approved for payment to be made.

Again paid overtime is available to AO5 classification levels and below. AO6 classification level to AO8 can accrue TOIL. All other levels cannot claim paid overtime or TOIL.

SHIFT ALLOWANCE

An allowance of 15% of the employee's ordinary hours is only paid when an employee is directed to work hours that constitute an afternoon shift.

An afternoon shift is defined in the Public Service Award – State 2003 at Section 6.1.1 and stipulates that where an employee commences their ordinary hours between 12.00 noon and 6.00pm they will be undertaking an afternoon shift.

There will be instances where the employee organises work around his schedule to include training in the afternoon and if that is the case then no shift allowance is payable. There may be some issue around what is classified as a direction to commence work in the afternoon as to whether a shift allowance is to be paid.

Managers should be mindful of the requirement to undertake work in the afternoon and evening as against officers wanting to change work patterns to work later in an attempt to receive the shift allowance.

LEAVE

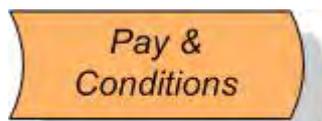
Managers are responsible for ensuring all leave is noted on timesheets and applications are completed and passed to the responsible officer for dissemination to Queensland Shared Services.

Timesheets will identify when leave is required and Managers should ensure that leave applications are done as soon as possible after the leave has been taken, in instances of Sick, Carers leave and when employees apply for Recreation/ Long Service Leave or Special Leave.

UTILISING DESPORTAL/HR

For Forms for Leave and applying for Overtime claims and shift allowances please refer to DESportal:

<http://desportal/content/HR/index.jsp>. Under the tab



there is a link to HR Forms and templates



Should you require assistance in any of the matters raised in the new Hours of Work Arrangements please discuss with your regional Senior HR Consultant as the first point of contact.

Should you wish to contact the Employee Relations Unit on the Hours of Work Arrangements please contact:

Contacts:

Glenn Carthew, Manager Employee Relations, Queensland Fire and Rescue, Emergency Management Queensland and Public Service:

Email: glenn.carthew@dcs.qld.gov.au

Telephone: 3635 3503

Callum MacSween, Employee Relations Advisor, Queensland Fire and Rescue, Emergency Management Queensland and Public Service:

Email: callum.macsween@dcs.qld.gov.au

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Managers have the right to set the operating hours of their work unit. A Manager may consider that the range of hours for the work unit is 8.00am to 6.00 pm. Officers can then work their standard 7.25 hours within that spread of hours. Any hours worked over and above standard hours is referred to as accrued hours/ accrued time. Accruing time and taking accrued time is to be discussed and approved by the Manager of the section/unit. Employees are entitled to accrue sufficient time to allow them to have at least one full accrued day off per month, i.e. accrue 7.25 hours.

Accrued Time (i.e. time worked over the standard 7.25 hours per day) can build up over the work cycle of four weeks however at the conclusion of the four week cycle any time in excess of 22 hours is to be forfeited. In those instances where there has not been an opportunity to take the accrued time off, Managers can approve an extension of the 22 hours to 36.25 hours carry over from one work cycle to the next.

In the event that an employee ceases employment with Government they should discuss with their Manager the taking of their accrued time before ceasing work.

There is a difference between Accrued Time and TOIL. Accrued time is the time worked beyond the standard 7.25 hours in a day up to 9.50 hours. TOIL, or Time Off in Lieu (of overtime) refers to hours worked beyond the 9.50 hours in any one day or outside the spread of hours of 6.00 am to 10.00 pm in any one day.

TOIL accrues over twelve months and employees should make application to their Manager to take the TOIL. TOIL lapses after twelve months.

The taking of the TOIL by an employee will be by mutual agreement with their Manager. In all cases the taking of TOIL will be subject to organisational convenience. In the event that no agreement can be reached as to when to take the TOIL the Manager may direct the employee when it is to be taken.

- Up to the AO6 (4) level TOIL accrued for the twelve months will be paid out where:

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

The new Hours of Work also provide employees with a shift allowance where the employee has been directed by their Manager to work hours that would constitute an afternoon shift as defined by the *Queensland Public Service Award – State 2003* section 6.1. An afternoon shift is defined as a shift commencing on or after 12 noon and at or before 6.00pm.

An employee who has been directed to attend training at night by their Manager is entitled to receive a shift allowance of 15% for all ordinary time worked. An employee who has organised their daily workload to incorporate training at night will not be entitled to shift

Overtime occurs as a result of an employee gaining approval from their Manager to work outside the spread of hours, i.e. 6.00am to 10.00pm or if they work more than 9.50 hours in any one day.

The important issue with overtime is that for employees who are classified as AO5(4) and below receive payment or can elect to receive TOIL on a time for time basis. Where an employee is at the level of AO6 and above they only receive TOIL.

An on-call allowance is paid to employees who have been directed by the Assistant Director General of EMQ or their delegate to be on-call (that is outside the normal work hours and available to take calls and or return to work to undertake work).

Rates for being on-call are prescribed in the *Public Service Award State 2003* and are based on a percentage of a Professional Officer classification level 3 paypoint 4 under the Classification and Remuneration Stream. In the event that an employee is called whilst on on-call they will receive payment at overtime rates. The rate of overtime and the amount of time that is paid for is based on the Award provisions and the State Government Department Certified Agreement 2009 : Wages Section 2.2

An employee, while on call, who is recalled to perform duties without the need to leave the employee's place of residence, will be paid for time worked with a minimum payment of one hour for each time the employee performs such duties. Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply. Provided further that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

Attendance Records are a legislative requirement under the Industrial Relations Act 1999 and employees must comply. Employees should accurately record starting and finishing times, meal breaks and periods of leave.

At the end of each fortnight employees should print off a hard copy of their timesheet sign and pass to their supervisor for checking and endorsement.

It is a requirement that attendance records be kept for a period of 6 years within the local area.

CRITICAL INCIDENTS AND EMQ ACTIVATION

The Critical Incident Directive 24/10 applies in those situations when a critical incident or activation is invoked. There is a copy of the Directive in your packs and the major points to note are:

- The Directive's conditions will only apply to those employees identified as performing work essential to the resolution of the critical incident or Emergency Management Activation.
- Overtime means all authorised work in excess of 7.25 hours per day.
- Overtime either paid or provided in TOIL to all classification levels up to AO8 (4)
- Unused TOIL after six months from the end of the critical incident or EMQ activation will be paid out (Employees must make a reasonable attempt to take the TOIL.
- Where an employee is required, under the Directive to assume to responsibilities of a higher level position, they will be remunerated at the higher level. (No minimum period before higher duties is payable.)
- Domestic Travelling and Relieving Expenses Directive expenses are paid and also supplemented when no 3 star accommodation is available for officers working away from home. An additional \$47.05 hard ship allowance is paid per night.

Contacts:

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New EMQ TIMESHEET GUIDE

INTRODUCTION

In conjunction with new Hours of Work arrangements, Emergency Management Queensland (EMQ) has also introduced a new EMQ timesheet. Similar to the current timesheet for Department of Community Safety public servants, this new EMQ timesheet simplifies and consolidates a number of timesheets used across the state into one, easy-to-use timesheet.

The new timesheet applies to all EMQ employees except watch desk and helicopter operational rescue staff.

NEW TIMESHEET FEATURES

Designed to accommodate the special requirements of EMQ's new Hours of Work Arrangements, the new timesheet features the following characteristics

- Default 7 hr 15 min per day and 72.5 hours per 10-day fortnight
- Drop-down menu to enter times in 24-hour format and 15-minutes intervals
- Print function: by clicking the Print button in the top right-hand corner, it will automatically print a work cycle (4 weeks) to your default printer
- Automatically calculates accrued time
- Automatically carries forward accrued time from one work cycle to the next
- Reminds you to complete and attach leave forms
- Highlights when worked hours are outside the spread of hours (i.e., 6 am to 10 pm)
- Highlights when worked more than 9 hrs 30 minutes
- Allows you to enter either paid overtime or TOIL
- Prevents staff classified at or above AO6 to enter paid overtime
- Automatically applies special provisions for critical incidents

SETTING UP YOUR TIMESHEET

The following is a step-by-step guide to setting up your new timesheet.

Downloading and saving your timesheet

1. To download the timesheet, go to the following on Desportal <http://desportal/content/HR/General/Timesheets/index.jsp>
2. Click “EMQ Electronic Timesheets” and choose the “Save” option. We recommend you save the timesheet to your desktop for easy access.

Creating your timesheet

1. When you open the Excel file, click “Enable macros”. This will allow all the features of the timesheet to work correctly. You will also need to click “Enable macros” every time you open the timesheet to ensure the features are applied correctly.
2. At first, the timesheet will open to an Instructions page. We encourage you to read this, as it will help you to complete the timesheet. However, the following might also be of use. To start your timesheet, click the “A” tab at the bottom of the sheet.

Getting started

To ensure your timesheet starts with the correct information, it is important that you entry the ‘start up’ information correctly. The start up information needed is highlighted in orange boxes and includes the following:

1. **Start date:** The default date is 01/01/3001. Please change this to the Monday of the week you are starting this new time sheet in DD/MM/YYYY format—e.g., 19/12/2011.
2. **Classification:** Enter your classification as AO2, AO5, AO8, etc. Ensure you use capitals and an O (oh) and not the number zero. You do not need to put in your pay point level.
3. **Carryover B/F’ward:** If you have accrued time, enter it here—e.g., 5 hours 30 minutes is 5.30.
4. Scroll down to the bottom of the screen and enter your name, employee ID number, unit/organisation name and your supervisor’s name.

FILLING IN YOUR TIMESHEET

2 Week Period Beginning		12/12/2011
		12/12/11
Fortnight	Mon	
Beginning	Hr/mins	
Classification Level	A02	
Start (am)	9.00	
Finish	12.00	
Start (am)		
Finish		
Hrs Worked	3.00	
Start (pm)	12.30	
Finish	16.45	
Start (pm)		
Finish		
Hrs Worked	4.15	

Beginning with “Start (am)”, click on the box for the corresponding day and choose the start time from the drop-down menu—e.g., 9.00 and press enter. Continue filling in each start and finish time throughout the day. If you work more than 7.25 hours and less than 9.5 hours, it will automatically calculate this time as accrued time. If you work outside the normal spread of hours (i.e., 6 am to 10 pm) or more than 9.5 hours and have approval to work overtime, enter the start and finish times for the overtime in the “Paid Overtime Only” columns (for employees AO5 and below).

Meal breaks

2 Week Period Beginning		12/12/2011
		12/12/11
Fortnight	Mon	
Beginning	Hr /mins	
Classification Level	A04	
Start (am)	9.00	
Finish	12.00	
Start (am)		
Finish		
Hrs Worked	3.00	
Start (pm)	12.30	
Finish	17.00	
Start (pm)	18.00	
Finish	20.00	
Hrs Worked	6.30	

You do not need to enter 'rest periods' in the morning or the afternoon. If you have a meal break, then enter the start and finish times before and after the meal break. The following shows an example for a meal break from 5-6 pm.

Meal break: 5-6 pm

Critical incident

Fortnight	Mon	Tue
Beginning	Hr/mins	Hr/mins
Classification Level	A02	A02
Start (am)	9.00	6.00
Finish	12.00	12.00
Start (am)		
Finish		
Hrs Worked	3.00	6.00
Start (pm)	12.30	12.30
Finish	16.45	18.00
Start (pm)		
Finish		
Hrs Worked	4.15	5.30
Start (Paid Overtime Only)		
Finish (Paid Overtime Only)		
Start (Paid Overtime Only)		
Finish (Paid Overtime Only)		
Overtime Hrs Worked	0.00	0.00
Start (Unapproved Hours)		
Finish (Unapproved Hours)		
Unapproved Hours Worked	0.00	0.00
Daily Hrs Worked	7.15	11.30
Adjust to Time in Lieu		-2.00
TIME IN LIEU (of OT) BANKED	0.00	2.15
Recreational Leave		
Sick Leave		
Special and Other Leave		
Public Holiday		
TOIL Overtime Taken		
Subtotal	7.15	7.15
Carryover B/F'ward	0.00	0.00
Less hours paid Overtime	0.00	0.00
Total Hours	7.15	7.15
Ordinary Working Hours/Minis	7.15	7.15
Daily Carryover	0.00	0.00
Acc'd Time Leave Approval		
Accrued Time Leave Taken	0.00	0.00
Disaster Activation	<input type="checkbox"/> All Fortnight	<input checked="" type="checkbox"/>

When a critical incident is invoked, tick the "Disaster Activation" box. You can choose to tick this box daily or "All Fortnight" if applicable. This will automatically apply critical incident provisions such as revising the spread of hours (6 am to 6 pm) and applying TOIL or paid OT for hours worked outside the spread of hours or more than 7.25 hours.

If, for example, a critical incident is invoked during the day whilst you are working, you can manually adjust the Time in Lieu using either positive or negative numbers to reflect accurately your Time in Lieu entitlements. See example left. In this instance, the critical incident was invoked at 4 pm; therefore, the employee is entitled to 2 hours accrued time and 2.15 hours TOIL. Make the necessary adjustments by clicking on the "Adjust to Time in Lieu" cell and choose -2.00.

Recording leave

For recreational leave (annual leave), sick leave, special and other leave (e.g. bereavement leave) and public holidays, enter the applicable hours (usually 7.15) in the corresponding column and day.

Recreational Leave	
Sick Leave	
Special and Other Leave	
Public Holiday	7.15

FREQUENTLY ASKED QUESTIONS

Why can't I fill in future dates? You can fill in future dates (e.g., annual leave), but the hours won't be processed until the actual day.

What happens if I'm not rostered on a weekday? Leave that day blank. Even though it will show a negative 7.15 hours in the "Daily Carryover" column, this will be adjusted automatically at the end of the fortnight provided you work 72.5 hours per fortnight.

Do I need to submit my timesheet to payroll? No, you do not need to submit your timesheet to payroll. These timesheets are for internal audit purposes only.

I've worked overtime. How do I enter this? How do I claim for paid overtime if I don't need to submit my timesheet to payroll? Enter your hours worked up to 9.5 hours or until 10 pm as per normal, then enter the overtime hours in the "Paid Overtime Only" columns. For approved paid overtime, you will need to complete and submit a separate overtime claim form.

What if I change classification? Enter that classification on the day you change classification. The timesheet will automatically apply this new classification to subsequent days.

How do I record sick leave, annual leave and public holidays? Enter this leave in the corresponding column. Don't forget to complete and submit the appropriate leave forms.

What do I do with the hardcopy printout of the timesheet? Submit your hardcopy timesheet to your supervisor for verification and endorsement.

How long are timesheets retained for? Timesheets are retained for six (6) years for audit purposes.

What happens if I make a mistake? You can correct a mistake retrospectively. The timesheet will automatically make the necessary adjustments to subsequent entries.

An error has occurred. What do I do now? Check that you have used 24-hour time (e.g., 09.00) and 15-minute intervals (e.g., 00, 15, 30 & 45). Ensure you press "Enter" when filling in the timesheet rather than using the arrow keys. Contact your HR representative if you need further assistance.

I'm rostered to work on the weekend. Where do I enter my hours and how do I claim my penalty entitlements? Enter your hours as per normal in the Saturday and Sunday columns. You will need to complete the necessary documentation to claim your penalty rates.

SES training was supposed to finish at 10 pm but it didn't finish until 11? What do I do? Once you have obtained approval for the overtime, enter your normal hours until 10 pm then enter 1 hour overtime in the "Paid Overtime Only" column. Don't forget to complete and submit a separate overtime claim form.

Good afternoon

Please find attached the Ballot Paper in relation the new Hours of Work for EMQ.

Once you have cast your ballot, place ballot paper in an envelop and print your name on the front of the envelop. Then place envelope in ballot boxes, locations below.

Ballots are to be cast before **12.00 noon Monday 19 December 2011**. They will be couriered that afternoon to Kedron for counting on Tuesday 20 December 2011.

If you do not have access to any of the locations below please post your ballot paper to Glenn Carthew, Manager, Employee Relations Unit, Department of Community Safety, GPO Box 1425, Brisbane, Qld, 4001. To make your ballot count you will need to post by **12.00 noon Friday 16 December 2011**.

If you have any queries please discuss with your local Regional Human Resource Consultant.

Location of Ballot Boxes

Kedron Park Complex – Office of Glenn Carthew, Manager, Employee Relations Unit
– QFRS/EMQ/PS, Level 1, Block C
Brisbane Region – Cindy Caulfield, Level 2, 61 Mary Street
North Coast Region – Brian McCormack
South East Region – Karen O’Leary
South West Region – Laurie Bill
Central Region – Margaret Vertigan
Northern Region – Julie Marty
Far Northern Region – Gail Fisher

Regards

Glenn Carthew
Manager Employee Relations | Employee Relations Unit
Human Resources Branch | Department of Community Safety
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 698 - reprint of award

QUEENSLAND PUBLIC SERVICE AWARD - STATE 2003

Following the Declaration of the General Ruling for Overtime Meal Allowance (matter numbers B/2010/34 and B/2010/38), the Queensland Public Service Award - State 2003 is hereby reprinted, pursuant to s. 698 of the *Industrial Relations Act 1999*.

I hereby certify that the Award contained herein is a true and correct copy of the Queensland Public Service Award - State 2003 as at 1 January 2011.

Dated 1 March 2011.

[L.S.] G.D. Savill
Industrial Registrar

QUEENSLAND PUBLIC SERVICE AWARD - STATE 2003

PART 1 - APPLICATION AND OPERATION

1.1 Title

This Award is known as the Queensland Public Service Award - State 2003.

1.2 Arrangement

Subject Matter Clause No.

PART 1 - APPLICATION AND OPERATION

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1.3 Definitions

The conditions and entitlements for locality allowances paid to employees are prescribed in a Directive relating to Locality Allowances, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

5.14.A On call allowances

- (a) Nursing staff employed under this Award instructed to be on call outside ordinary or rostered working hours shall be compensated in accordance with Schedule 4, Section 3.
- (b) Where an employee is instructed to be available on call outside ordinary or rostered working hours, the employee will be paid, in addition to their ordinary rate of pay an allowance based upon the hourly rate of the classification of Professional Officer level 3, paypoint 4 in accordance with the following scale:
 - (i) Where the employee is on call throughout the whole of a rostered day off, an accrued day off or a public holiday - 95% of the hourly rate in respect of such instances;
 - (ii) Where an employee is on call during the night only of a rostered day off, an accrued day off or public holiday - 60% of the hourly rate per night; and
 - (iii) Where an employee is on call on any other night - 47.5% of the hourly rate per night.For the purpose of calculating the hourly rate, the divisor shall be based upon a 38 hour week and calculated to the nearest 5c.

For the purpose of this provision, a "night" shall be deemed to consist of those hours falling between 5.00 p.m. and 8.00 a.m. or mainly between such hours. "Rostered day off" includes the 2 days in 7 not part of ordinary working hours, e.g. Saturday and Sunday for employees whose ordinary working days are Monday to Friday.

- (c) *Monday to Friday* - in the event of an employee on call being recalled to perform duty, such employee shall be paid for the time worked at the prescribed overtime rate, such time to be calculated as from home and back to home with a minimum payment of 2 hours.
- (d) *Saturday, Sunday and public holidays* - an employee performing overtime work on recall on Saturday, Sunday or a public holiday may be paid for such overtime at the appropriate overtime rate with a minimum of 2 hours inclusive of travelling time, in respect of overtime worked on a Saturday or Sunday and 4 hours in respect of overtime worked on a public holiday, or at the employee's option be granted time off at a mutually convenient time, equivalent to the number of hours worked. Such time to be calculated as from home and back to home:

Provided that an employee who works overtime on a public holiday and who is granted equivalent time off shall be paid at half the ordinary rate for the time so worked with a minimum of 4 hours:

Provided further that accrued time off in lieu shall be taken in periods mutually agreed between the Chief Executive Officer and the employee.

- (e) Employees on call who undertake duties without the need to leave the employee's place of residence shall be entitled to the following:
 - (i) Where providing advice, referring callers to other staff or organisations, taking details of complaints/incidents for resolution during ordinary hours or directing other staff to attend an incident (normally no greater than 10 minutes for each occurrence) - payment at the prescribed overtime rate for the actual time worked up to a maximum of 2 hours on any one day, provided that where at least 4 calls in this category are taken between 10.00 p.m. and 6.00 a.m., such calls shall be deemed to constitute a minimum of one hour's work;
 - (ii) Where undertaking normal duties (e.g. correcting/resolving faults via internet, making and receiving phone calls in order to manage an incident other than provided for in (i) above) - payment at the prescribed overtime rate for actual time worked with a minimum payment of one hour for each time the employee performs such duties:

Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply.

Provided that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

- (f) Any overtime payable shall be in addition to the on call allowance.
- (g) Where an employee is recalled to perform work during an off duty period such employee shall be provided with transport to and from the employee's home, or be refunded the cost of such transport.

- (h) Where practicable the Chief Executive shall not require an employee to be continuously available on call for a period in excess of 6 weeks.
- (i) The provisions of clause 6.4.9 shall apply when an employee has actually worked in excess of 2 hours inclusive of travelling time on one or more of such recalls.
- (j) On call arrangements will be implemented by agreement between the Chief Executive, the majority of affected employees, and the relevant Union. Agreement to implement on call arrangements shall not be unreasonably refused.

5.14.5 Uniforms and laundry allowance

Where uniforms are required by the Chief Executive to be worn by an employee, the employee shall be supplied sufficient and suitable uniforms of good quality as approved by the Chief Executive. Uniforms shall be replaced on a fair wear and tear basis:

Provided that a Chief Executive who does not supply uniforms to an employee shall pay to the employee an allowance of \$217.54 per annum or a *pro rata* equivalent in the first year of service and an allowance of \$107.71 per annum or a *pro rata* equivalent in respect to replacement uniforms during subsequent years:

Provided further that an employee required to wear a uniform shall be entitled to have such uniform laundered without charge to the employee or receive an allowance of \$5.93 per fortnight.

5.14.6 Quarters allowance

The classes of Officers listed below shall be allowed either free quarters or paid the following allowance in lieu of quarters.

	Per fortnight \$
Boat hands	10.05
Coxswains	10.05
Shipping information employees	10.05

5.14.7 First aid allowance

An employee holding a certificate in first aid issued by the Queensland Ambulance Service or equivalent qualification who is appointed in writing by the Chief Executive as a first aid attendant/officer shall be paid an allowance of \$26.30 per fortnight in addition to the ordinary rate of pay. This allowance shall be treated as part of the ordinary fortnightly salary for the purposes of annual leave (but not loading on leave), sick leave, long service leave and all other paid leave.

5.14.8 Cash handling allowance

An employee appointed to level 1 or level 2 of the administrative stream who occupies a cashier-type position and is personally responsible for any shortages that may occur, shall be paid an allowance as set out hereunder:

Full-time employee - Average daily cash received and/or disbursed Part-time employee - Actual daily cash received and/or disbursed	Full-time employee - Allowance payable per fortnight	Part-time employee - Allowance payable per day
Less than \$500	Nil	Nil
\$500 and up to and including \$2,499.99	\$21.90	\$2.19
\$2,500 and up to and including \$2,999.99	\$29.60	\$2.96
\$3,000 and up to and including \$3,499.99	\$35.00	\$3.50
\$3,500 and up to and including \$3,999.99	\$40.60	\$4.06
\$4,000 and up to and including \$4,499.99	\$45.00	\$4.50
\$4,500 and over	\$50.40	\$5.04

Provided that such allowances shall not be payable on approved paid or unpaid leave, excluding single day absences on

paid sick leave, when absent from the position for whole day/s. In addition, such allowances shall not be payable for public holidays falling on an ordinary working day except where the allowance is payable for those working days immediately prior to and after such public holiday.

5.14.9 *Payment of allowances*

In accordance with clause 5.14, payment of all allowances shall be made to the employee concerned on the appropriate pay day within 6 weeks following application by the employee.

PART 6 - HOURS OF WORK, BREAKS, OVERTIME, SHIFT WORK, WEEKEND WORK

6.1 Hours of work

6.1.1 *Definitions*

- (a) "Afternoon Shift" - means any shift commencing on or after 12 noon and at or before 6.00 p.m.
- (b) "Continuous Shift Work" - means work done by Employees where the hours of work are regularly rotated in accordance with a shift roster covering a 24 hour per day operation over a 7 day week.
- (c) "Day Shift" - means any shift commencing after 6.00am and before 10.00 a.m.
- (d) "Day Work" - means work performed other than upon a Shift Work basis.
- (e) "Majority of Shift" - means the major proportion of ordinary hours worked in any shift where the starting and finishing times occur on different days.
- (f) "Night Shift" - means any shift commencing after 6.00 p.m. and at or before 12 midnight.
- (g) "Shift Work" (other than Continuous Shift Work) - means work regularly rotated in accordance with a roster which prescribes 2 or more shifts (day, afternoon or night) per day, but does not cover a 24 hour per day operation over a 7 day week.

6.1.2 *Day Work*

- (a) The ordinary hours of duty for employees under this Award are 36.25 hours per week, except where provided otherwise in Schedule 3 or Schedule 4, and except where provided in a Directive relating to Field Staff as issued from time to time by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*:

Provided that administrative officers engaged solely on telephonist duties, the ordinary weekly hours of duty shall be 32.5 hours per week.

- (b) The ordinary spread of hours for employees whose ordinary weekly hours of duty are 32.5 hours or 36.25 hours shall be 6.00 a.m. to 6.00 p.m. Monday to Friday, except where provided otherwise in Schedule 3 or Schedule 4.
- (c) Employees identified as field staff are subject to a Directive relating to field staff as issued from time-to-time by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*.
- (d) Employees whose ordinary weekly hours of duty are 36.25 hours will be subject to organisational hours of work arrangements put in place in accordance with clause 6.1.6.
- (e) The provisions of clause 6.1.2 will not apply to employees subject to arrangements outlined in Schedule 3 and Schedule 4 where such provisions are inconsistent with the arrangements.

6.1.3 *38 hour week arrangements - Schedule 4, Section 1 Employees*

- (a) Subject to clause 6.1.4 'Implementation of 38 hour week', and subject to the exceptions hereinafter provided, the ordinary hours of employees listed in Schedule 4 will be an average of 38 hours per week, to be worked on one of the following bases:
 - (i) 38 hours within a work cycle not exceeding 7 consecutive days; or
 - (ii) 76 hours within a work cycle not exceeding 14 consecutive days; or
 - (iii) 114 hours within a work cycle not exceeding 21 consecutive days; or
 - (iv) 152 hours within a work cycle not exceeding 28 consecutive days.

- (b) The ordinary starting and finishing times of various groups of employees or individual employees may be staggered, provided there is agreement between the employer and the majority of employees concerned.
- (c) Employees are required to observe the nominated starting and finishing times for the work day, including designated breaks to maximise available working time. Preparation for starting and finishing work including personal clean up will be in the employee's time.

6.1.4 Implementation of the 38 hour week

- (a) The 38 hour week shall be implemented on one of the following bases, most suitable to each location, after consultation with, and giving reasonable consideration to the wishes of the employees concerned:
 - (i) by employees working less than 8 ordinary hours each day; or
 - (ii) by employees working less than 8 ordinary hours on one or more days in each work cycle; or
 - (iii) by fixing one or more work days on which all employees will be off during a particular work cycle; or
 - (iv) 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 work cycle.

The employer is to allow access to at least one rostered day off in any work cycle, except where the employer and employee otherwise agree.

- (b) Subject to Schedule 3 and Schedule 4, employees may agree that the ordinary hours of work are to exceed 8 hours on any day, thus enabling more than one day to be taken off during a particular work cycle.
- (c) Notwithstanding any other provision in clause 6.1.4 where the arrangement of ordinary hours of work provides for a rostered day off, the employer and the majority of employees concerned may agree to accrue up to a maximum of 5 rostered days off.

Where such agreement has been reached, the accrued rostered days off shall be taken within 12 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.

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

6.1.5 38 hour week - procedures for discussions

- (a) The employer and all Employees concerned in each establishment shall consult over the most appropriate means of implementing and working a 38 hour week.
- (b) The objective of such consultation shall be to reach agreement on the method of implementing and working the 38 hour week in accordance with clause 6.1.5(d).
- (c) The outcome of such consultation shall be recorded in writing.
- (d) Notwithstanding the consultative procedures outlined above, and notwithstanding any lack of agreement by the Employees, the employer shall have the right to make the final determination as to the method by which the 38 hour week is implemented or worked from time to time.
- (e) After implementation of the 38 hour week, upon giving 7 days notice or such shorter notice as may be mutually agreed upon, the method of working the 38 hour week may be altered, from time to time, following negotiations between the employer and Employees concerned, utilising the provisions of clause 6.1.5.

6.1.6 Organisational Hours of Work Arrangements

- (a) These provisions provide a framework within which hours of work arrangements and related conditions are to be implemented with the express purpose of providing all relevant employees with access to an accrued full day/s off within a work cycle. Provided that nothing will limit the ability of a Chief Executive and an employee to agree to access accrued time in part-days off.
- (b) Chief executives of all Queensland Government agencies subject to this Award will ensure that flexible hours of work arrangements are implemented at the organisational level and are tailored to meet the operational and client service needs of the organisation. Such organisational arrangements will:
 - (i) apply to those employees whose ordinary hours of duty are 36.25 hours per week; and
 - (ii) include a provision specifying that while working hours arrangements should meet the operational and client service needs of the Agency, this does not limit the entitlement for employees to be able to access an accrued day(s) off within a work cycle.

(c) Organisational hours of work arrangements are to be implemented in accordance with the provisions of Schedule 5.

6.2 Meal breaks

6.2.1 Unless otherwise specified above, all Employees who work in excess of 5 hours on any day shall be allowed not less than 30 minutes for an unpaid meal break between the 3rd and 6th hours of duty:

Provided that where it is mutually agreed between the employer and the employee, that in order to maintain the continuity of work, the hours of duty may be inclusive of meal times and no deduction shall be made from the employee's wages.

6.2.2 Employees authorised to work overtime shall receive the conditions and entitlements for overtime meal allowances as prescribed in a Directive relating to Overtime Meal Allowances, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*:

Provided that a meal of reasonable quality and adequate quantity may be supplied in lieu of the abovementioned meal monies.

6.3 Rest pauses

Employees are entitled to rest pause(s) subject to the following:

(a) a total of 10 minutes for an employee who works for more than 3 hours but less than 6 ordinary hours in any day; or

(b) a total of 20 minutes for an employee who works for at least 6 ordinary hours in any day.

6.3.2 Subject to clause 6.3.3, Employees are entitled to a rest pause of 10 minutes' duration in the employer's time in the first and second half of the working day. Such rest pauses shall be taken at such times as will not interfere with the continuity of work where such continuity is necessary:

Provided that Employees who are required to leave their work places to partake of rest pauses in crib huts or lunch rooms and those who are "on site" in lieu of morning and afternoon rest pauses shall, at the employer's discretion, have one rest pause of 20 minutes' duration in the first part of the working day.

6.3.3 Where an employee is engaged on a 38 hour week, the employer may determine that the rest pauses provided in clause 6.3.1 may be combined into one 20 minute rest pause, to be taken in the first part of the ordinary working day, with such 20 minute rest pause and meal break arranged in such a way that the ordinary working day is broken into approximately 3 equal working periods.

6.4 Overtime

6.4.1 Subject to Directives on "Hours and Overtime" and "Field Staff" as issued and amended by the Minister for Industrial Relations under section 34 of the *Public Service Act 1996*, and subject to clause 6.1.6 and Schedule 5, all authorised overtime worked by employees in excess of their ordinary daily hours of duty or outside their ordinary spread of hours are paid for at the rate of time and a-half for the first 3 hours in any one day and double time for all time worked thereafter.

6.4.2 Provided that all authorised overtime worked on:

(a) Saturday is paid at the rate of time and a-half for the first 3 hours and double time thereafter within a minimum payment as for 2 hours.

(b) Sunday is paid at the rate of double time with a minimum payment as for 2 hours:

Provided further that such minimum payments shall not apply where such overtime is performed immediately preceding and/or following ordinary hours.

6.4.3 Notwithstanding the provisions of clause 6.4, Employees working Shift Work, as defined, in accordance with a shift roster covering 2 or more shifts per day, are paid for all overtime at the rate of double time.

6.4.4 Employees shall work reasonable overtime, whenever necessary in the opinion of the Chief Executive, but 24 hours' notice shall be given, where practicable, to an employee required to work overtime.

6.4.5 Overtime is calculated to the nearest quarter of an hour in the total amount of time in respect to which overtime is claimed by the employee.

6.4.6 An employee temporarily filling and discharging the full duties of an office at a higher classification level for which overtime payments are applicable is subject to the provisions of clause 6.4.1 and shall be paid for authorised overtime at the minimum rate applicable to that higher classification level.

6.4.7 Subject to clause 6.4.1 an employee (other than an employee on call) having been recalled to perform duty shall be paid for the time worked, with a minimum payment of 2 hours for each call out at the prescribed overtime rate, provided that such minimum payment shall not apply where the overtime is performed immediately preceding and/or is continuous with ordinary hours of duty:

Provided further that, should an employee be called out again within that 2 hour period, no further minimum payment shall apply to that work which shall be separately paid for at the prescribed overtime rates.

The provisions of clause 6.4.9 shall apply when an employee has actually worked in excess of 2 hours inclusive of travelling time on one or more of such recalls.

6.4.8 *Transport costs on recall*

Where an employee is recalled to perform work during an off duty period the employee shall be provided with transport to and from the employee's home, or be refunded the cost of such transport.

6.4.9 *Fatigue leave*

(a) An employee who works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day so that 10 consecutive hours off duty has not occurred, shall be released after completion of such overtime until 10 consecutive hours off duty occur, without loss of pay for ordinary working time occurring during such absence. If, on the instructions of the Chief Executive, such an employee resumes or continues work without having had 10 consecutive hours off duty, the employee shall be paid double rates until released from duty for such period, and shall then be entitled to be absent until 10 consecutive hours off duty has occurred, without loss of pay for ordinary working time occurring during such absence.

(b) The provisions of clause 6.4.9 shall apply to Shift Workers who rotate from one shift to another as if 8 hours were substituted for 10 hours when overtime is worked:

- (i) for the purposes of changing shift rosters; or
- (ii) when a Shift Worker does not report for duty; or
- (iii) where a shift is worked by arrangement between the Employees themselves.

(c) Clause 6.4.9 does not apply to Employees:

- (i) who reside or remain on or about their place of work and are required to perform duties on an intermittent basis outside their ordinary hours of duty;
- (ii) subject to extended hours of duty arrangements (other than Shift Work arrangements) prescribed in Schedule 3 and Schedule 4.

6.4.10 The provisions of clause 6.4 shall not apply to employees covered by clause S3.5.1 in Section 5, clause S3.7.3 in Section 7, clause S3.8.2 in Section 8, and clause S3.10.3 in Section 10 of Schedule 3.

6.5 *Shift work*

6.5.1 *Shift work arrangements*

(a) Subject to any agency or occupational arrangements included in Schedule 3 and Schedule 4 and clause 2.2, Shift Work may be introduced to meet operational requirements. Such Shift Work shall be worked in accordance with a roster mutually agreed between the Chief Executive and the majority of Employees directly affected and are worked on one of the following bases:

- (i) a work cycle not exceeding 7 consecutive days; or
- (ii) a work cycle not exceeding 14 consecutive days; or
- (iii) a work cycle not exceeding 21 consecutive days; or
- (iv) a work cycle not exceeding 28 consecutive days:

Provided that having regard to operational requirements rostered shifts may be mutually exchanged between Employees, provided such exchange occurs within the same pay period.

(b) A roster setting out the employee's days of duty and starting and finishing times on such days shall be displayed in a place conveniently accessible to Employees at least one work cycle in advance.

- (c) Notwithstanding clauses 6.5.1(a) and (b), a Shift Worker shall not perform more than 2 consecutive shifts.
- (d) Changes within a roster shall be by agreement between the employer and the employee concerned, but failing agreement, 24 hours notice of any change in the roster shall be given or double time be paid for the employee's next shift.

6.5.2 Shift allowance

- (a) Employees working afternoon or Night Shifts are paid an allowance of 15% per shift for all ordinary time worked in addition to their ordinary salary.
- (b) Provided that in respect to the calculations of payments as prescribed by clause 6.5.2, they shall be made upon the Majority of Shift basis in respect of ordinary hours worked where the starting and finishing times occur on different days over the period Monday to Friday, both days inclusive.

These allowances shall not apply to work performed between midnight Friday and midnight Sunday or on public holidays.

6.5.3 Extra payment for weekend work

- (a) All ordinary time worked between midnight on Friday and midnight on Saturday not being overtime shall be paid for at one and a-half (1.5) times the ordinary rate and between midnight Saturday and midnight Sunday shall be paid for at the rate of double time.
- (b) Provided that in respect to Nursing staff all time worked between midnight Saturday and midnight Sunday shall be paid for at the rate of time and three-quarters.
- (c) The provisions of clause 6.5.3 do not apply in cases where Employees work a 38 week and are listed in Schedule 3 and Schedule 4 as being entitled to payment of time and three-quarters for all ordinary time worked on Sunday.
- (d) Provided further that in respect to the calculation of payments as prescribed by clause 6.5.3 such shall be made upon the Majority of Shift basis in respect of ordinary hours worked where the starting and finishing times occur on different days over the period Friday to Monday both days inclusive.

6.5.4 Meal breaks and rest pauses

(a) Meal breaks

All Employees working shifts shall be allowed not less than 30 minutes for a meal break, with such a break being taken at a time which maintains the continuity of work.

Subject to agency or occupational arrangements included in Schedule 3 and Schedule 4, during the day, afternoon or Night Shifts the hours of duty shall be inclusive of meal times with no deduction from the employee's salary.

Employees authorised to work overtime shall receive the conditions and entitlements for overtime meal allowances as prescribed in a Directive relating to Overtime Meal Allowances, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

Provided that a meal of reasonable quality and adequate quantity may be supplied in lieu of the abovementioned meal monies.

(b) Rest pauses

Employees engaged on Shift Work shall be entitled to rest pause(s) in accordance with clause 6.3.

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

7.1 Annual leave

The entitlements for annual leave are prescribed in a Directive relating to Recreation Leave, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

7.2 Loading on annual leave

7.2.1 A loading calculated as prescribed hereunder shall be paid to Employees on annual leave:

7.6.1 The provisions of the *Family Leave (Queensland Public Sector) Award - State 2004* (including carer's leave) apply.

7.6.2 An employee's entitlements to family leave include:

- (a) maternity leave;
- (b) spousal leave;
- (c) pre-natal leave;
- (d) pre-adoption leave; and
- (e) adoption leave.

These entitlements are contained in a Directive relating to Paid Parental Leave, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996*.

7.7 Public holidays

7.7.1 (a) All work done by any employee on the following public holidays is paid for at the rate of double time and a-half with a minimum of 4 hours.

the first day of January,
the twenty-sixth day of January,
Good Friday,
Easter Saturday (the day after Good Friday),
Easter Monday,
the twenty-fifth day of April (Anzac Day),
the Birthday of the Sovereign,
Christmas Day,
Boxing Day,
or any day appointed under the *Holidays Act 1983*, to be kept in place of any such holiday.

(b) *Labour day*

- (i) All Employees (other than casual Employees) covered by this Award are entitled to be paid a full day's wage for Labour Day (the first Monday in May or other day appointed under the *Holidays Act 1983* to be kept in place of that holiday), irrespective of the fact that no work may be performed on such day;
- (ii) Where an employee actually works on Labour Day, such employee shall be paid in addition, a payment for the time actually worked between the normal starting and finishing times at one and a-half times the ordinary rates prescribed for such work with a minimum of 4 hours;

(c) *Annual show*

All work done by Employees in a district specified from time to time by the Minister by notification published in the *Gazette* on the day appointed under the *Holidays Act 1983*, to be kept as a holiday in relation to the annual agricultural, horticultural or industrial show held at the principal city or town, as specified in such notification, of such district, shall be paid for at the rate of double time and a-half with a minimum of 4 hours. No employee shall be entitled to receive payment in accordance with clause 7.7.1(c) for work performed on such a day on more than one occasion in each calendar year.

(d) *Double time and a-half*

For the purposes of clause 7.7, where the rate of wages is a weekly rate, "double time and a-half" means one and one half day's wages in addition to the prescribed weekly rate, or *pro rata* if there is more or less than a day.

7.7.2 Subject to clause 7.7.1(b) and 7.7.5 an employee who performs work on any public holiday or any day appointed under the *Holidays Act 1983*, to be kept in place of any such holiday, shall at the employee's option receive time off equivalent to the number of hours worked, with a minimum of 4 hours in lieu of monetary compensation:

Provided that where an employee elects to take equivalent time off such employee shall in addition be paid at half the ordinary rate with a minimum of 4 hours.

7.7.3 *Substitution*

Substituted days for 38 hour week workers: Where Employees are listed in Schedule 4 as working subject to 38 hour week arrangements, and where there is agreement between the Chief Executive and the majority of Employees concerned and subject to statutory limitations, other ordinary working days may be substituted for the public holidays specified in the *Holidays Act 1983*:

Provided that where an employee is subsequently required to work on each substituted day, the employee shall be paid the rate applicable for the holiday that has been substituted.

7.7.4 Employees "rostered off" on public holidays who work in accordance with Shift Work or 5 out of 6 days provisions.

All Employees (other than casual Employees) working in accordance with the provisions of clauses 6.1 or 6.5, if rostered off on any public holiday shall be paid an additional day's wage, or by mutual agreement between the Chief Executive and the employee, shall be granted a day's holiday in lieu at a time to be mutually arranged between the Chief Executive and the employee concerned, or an extra day shall be taken with annual leave, for each such day on which the employee is rostered off:

Provided that for the purposes of clause 7.7.4 "rostered off" shall mean rostered off on a day of the week which normally forms part of the employee's ordinary hours:

Provided further that the "additional day's wage", "another day off" or "extra day" added to annual leave shall mean:

- for employees prescribed in Schedule 4, Section 1 and any employees designated as Field Staff in accordance with the Directive relating to Field Staff, issued by the Minister responsible for industrial relations in accordance with section 34 of the *Public Service Act 1996* whose ordinary hours are 38 hours per week, 7.6 hours at ordinary rates; and
- for all other Employees, 7.25 hours at ordinary rates.

7.7.5 All Employees shall be entitled to payment for rostered ordinary hours to be worked for each of the public holidays referred to in clause 7.7.1 above notwithstanding that no work is required to be performed.

7.7.6 Where a public holiday as prescribed by clause 7.7 falls upon a Saturday or Sunday and an employee as part of the employee's ordinary rostered hours is required to work upon such day, calculations of payment shall be made upon the Majority of Shift basis where the starting and finishing times of such ordinary hours occur on different days.

Employees who do not work Monday to Friday of each week

7.7.7 Employees who do not ordinarily work Monday to Friday of each week are entitled to public holidays as follows:

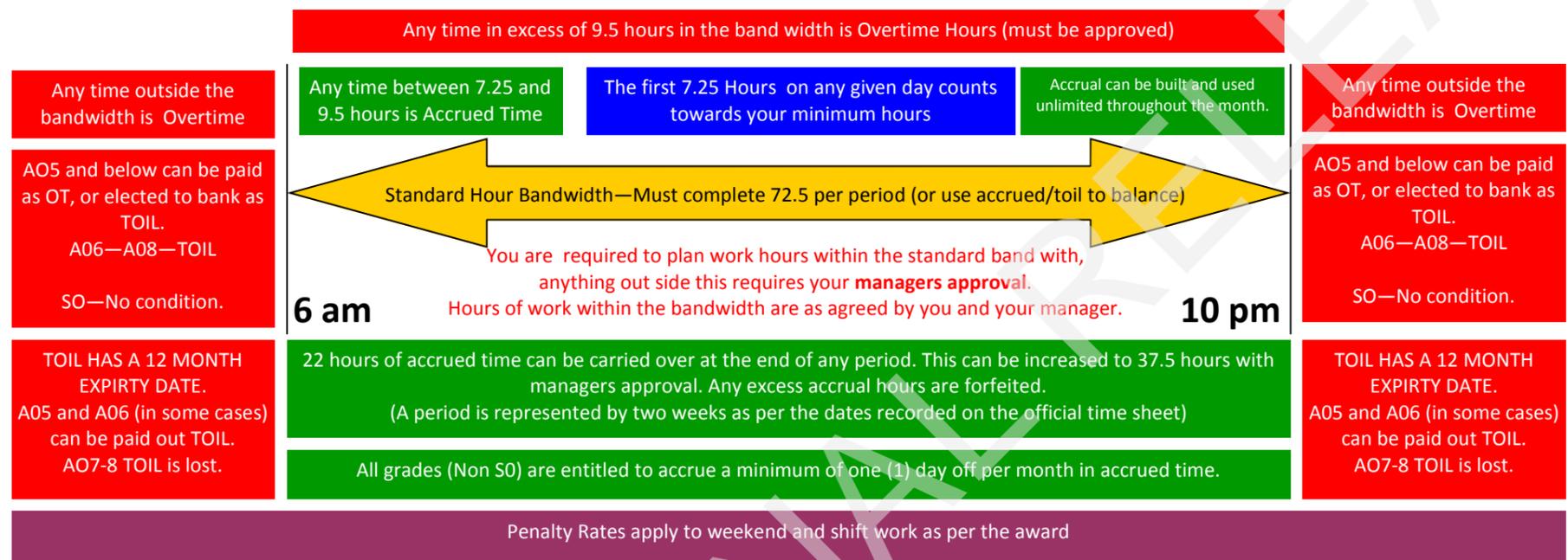
- (a) A full-time employee is entitled to either payment for each public holiday or a substituted day's leave.
- (b) Where a public holiday would have fallen on a Saturday or a Sunday but is substituted for another day all Employees who would ordinarily have worked on such Saturday or Sunday but who are not rostered to work on such day are entitled to payment for the public holiday or a substituted day's leave.
- (c) Where Christmas day falls on a Saturday or a Sunday and the public holiday is observed on another day, an employee required to work on Christmas day (i.e. 25 December) is to be paid at the rate of double time.
- (d) Nothing in clause 7.7.7 confers a right to any employee to payment for a public holiday as well as a substituted day in lieu.

7.7.8 "Concessional day" - means any day upon which an employee is permitted to be absent on full pay without debit to any leave account as a result of a compulsory closure of Government establishments over the Christmas/New Year period or such closure or restricted staffing as the employer determines.

7.8 Jury service

- (a) An employee, other than a casual employee, required to attend for jury service during their ordinary working hours shall be reimbursed by the employer an amount equal to the difference between the amount paid in respect of their attendance for such jury service and the ordinary pay the employee would have been paid if the employee was not absent on jury service.

A guide to the new EMQ Hours of Work Provisions....



An example of a work period, and the calculation of Accrued Time (Assumption is provided that approval has been given for all work undertaken, and one hour lunch taken)

Paid at Penalty rates if entitled							TOTAL HOURS WEEK 1 Base Hrs: 29.0 Overtime Hrs: 2.0 Accrued Hrs: 3.25	SUMMARY FOR THE PERIOD Base Hours: 70 Less base hours paid: -72.5 Sub Total: -2.5 Accrued Hours: 8.25 Therefore 8.25 - 2.5 hours = 5.25 hours Accrued Hours carry Forwarded: 5.75 Hours Paid / Banked in TOIL: 2.0
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		
Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 0.25	Base Hours: Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 0.75	Base Hours: Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: 2.0 Accrued Hrs: 2.25	Base Hours: Overtime Hrs: Accrued Hrs:		
09:00-17:30		08:00—18:30	09:00-17:00		05:00—17:00			
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		
	09:00-17:00	10:00-19:00	12:00-22:00	08:00-14:00	08:00-17:00	12:00-20:00		
Base Hours: Overtime Hrs: Accrued Hrs:	Base Hours: 7.0 Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 0.75	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 1.75	Base Hours: 5 Overtime Hrs: Accrued Hrs:	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 0.75	Base Hours: 7.25 Overtime Hrs: Accrued Hrs: 1.75		
							TOTAL HOURS WEEK 2 Base Hrs: 41.0 Overtime Hrs: 0 Accrued Hrs: 5.0	
Paid at Penalty rates if entitled								





HOURS OF WORK ARRANGEMENTS

INTRODUCTION

The new Hours of Work Arrangements for Emergency Management Queensland incorporate

- The new Hours of Work arrangements for all employees (excluding Watch Desk Operators and operational employees working with Helicopter Rescue)
- Separate section for Hours of Work for Watch Desk Operators and
- Critical Incident and EMQ Activation conditions.

The arrangements have been developed through consultation between management and the Queensland Public Sector Union 'Together' and are designed to meet the work life balance needs of officers while providing flexibility with work patterns within the environment of emergency response to the communities of Queensland.

The following guide should be read in conjunction with the Schedule 3 'Hours of Work Arrangements for Emergency Management Queensland'.

HOURS OF WORK ARRANGEMENTS - DEFINITIONS

- **Accrued time**
 - Time worked in excess of 7.25 hours in a day
 - Calculated in 15 minute intervals
 - Carry over 22 hours accrued time from one work cycle to the next
 - Manager can approve an employee carry over 36.25 hours accrued time from one work cycle to the next.
 - Can accrue providing approved by employee's manager
 - Any accrued time in excess of authorised carryover at the end of the work cycle is forfeited.
- **Accrued time off**
 - Time accrued can be taken as part days or full days with prior approval of the Manager.
 - Employee to have access to at least one full accrued day off a month
- **Attendance Records**
 - Approved time sheet to accurately record start and finish times, meal breaks and periods of leave.
 - Hard copy of the attendance record to be signed by the employee each fortnight and forwarded to the manager for checking and endorsement.
 - A hard copy of the attendance record time to be stored in local area of (6) years.

- **On –call**
 - When officers are instructed to be available outside of ordinary hours to perform work when required.
 - An allowance is paid:
 - \$35.25 for a whole day of a rostered day off, Accrued day off or Public holiday,
 - \$22.26 when on-call during the night only of a rostered day off, accrued day off or public holiday,
 - \$17.62 for all other nights.
 - If recalled to work an officer receives overtime rates with a minimum of two hours.

- **Operating hours**
 - The hours that the Manager, in consultation with the work unit, determines for the unit.

- **Ordinary hours of work**
 - Averaged at 72.5 hours per fortnight (exclusive of meal times) worked over 2 (10) day fortnights Monday to Sunday.

Example

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8 hours		9.5 hours	6 hours		6 hours	
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	8.5 hours	8.75 hours	7.30 hours	6.00 hours	8 hours	4.25 hours

- **Ordinary hours worked on Weekend and Public Holidays**
 - Work on the weekends is time utilised for ordinary hours but is paid at appropriate rates.
 - Penalty rates apply during weekend work up to a maximum of 12 hours per day.
 - Saturday = 1 and ½ times the normal rate
 - Sunday = 2 time the ordinary rate.
 - Public holiday = 2 time and ½ the ordinary rate.

- **Overtime**
 - Overtime made up of paid overtime or TOIL (Time off in Lieu)
 - Is authorised work outside the spread of ordinary hours or Working hours that exceeds 9.5 hours in any one day.
 - Overtime must be approved to receive paid overtime or TOIL
 - Officers at the classification level of <= AO5 is entitled to paid overtime or can elect TOIL.
 - Officers at AO6=> can only receive TOIL
 - TOIL accumulates for 12 months
 - TOIL should be taken within the twelve months and where it cannot be taken will be paid out at the end of the 12 months.

 - E.g. An officer at the AO4 classification works from 7.00 to 13.00. Takes lunch till 14.00 and then works till 19.00. Total time worked

through the day is 11 hours. If that officer has had approval to work beyond the 9.5 hours then they would be able to claim 1 and ½ hours overtime as paid overtime or TOIL.

- If the officer claims the overtime as paid they receive 2 and ¼ hours payment. If the officer were to elect TOIL instead of paid overtime the officer would receive 1 and ½ hours TOIL, i.e. time for time.
 - If the officer did not seek approval for overtime then the time worked is not compensated.
 - If the officer who worked overtime is at the AO6 classification level they would only receive TOIL for approved overtime.
- **Spread of hours**
 - The spread of hours in which ordinary work can be performed is 6.00am to 10.00pm Monday to Sunday
 - **Shift penalties**
 - Shift – means the commencement of work on or after 12 noon and at or before 6.00pm
 - Provision of additional pay of 15% per shift for all ordinary time worked in addition to salary.
 - Shift penalties will not apply on Saturdays, Sundays or Public Holidays.
 - **TOIL – Time off in Lieu**
 - Overtime compensated for by time, not pay.
 - TOIL accumulated is on a time for time basis.
 - TOIL applies to officers at the AO6 level and above
 - Officers between AO2 and AO5 can elect TOIL rather than paid overtime when directed to/ and approved to work overtime.
 - TOIL conditions are specified in Directive 5/05 'Hours and Overtime'
 - **Work cycle**
 - Work cycle is four weeks
 - Work cycle made up of 2 x 10 day fortnights, Monday to Sunday
 - Average of 72.5 hours to be worked over fortnight exclusive of meal times.

HOURS OF WORK ARRANGEMENTS - GUIDE

The new hours of work arrangements has been identified as providing flexible work practices that meet the needs of staff and ensures EMQ objectives in service delivery are met.

The spread of hours is from 6.00am to 10.00pm. Officers are required to work on average 72.5 hours per fortnight over a 10 day fortnight, Monday to Sunday. Standard hours for any one day are 7.25 hours; however, as the fortnightly hours are averaged, officers in conjunction with their manager can organise their work days to meet work objectives while maintaining a work life balance. As an example, should an officer have training to do with SES Volunteers on a night of the week, they can discuss the training with their manager and get approval to commence work at 14.45.00 hours and work through to 22.00 hours. This spread of hours has been designed to allow officers, with afternoon and or night commitments, and who have managerial approval, to reorganise their work to meet service delivery requirements.

The table in the definitions section above provides an example of how hours could be worked on any one fortnight.

Managers have the right to set the operating hours of their work unit. A Manager may consider that the range of hours for the work unit is 8.00am to 6.00 pm. Officers can then work their standard 7.25 hours within that spread of hours. Any hours worked over and above standard hours is referred to as accrued hours/ accrued time. Accruing time and taking accrued time is to be discussed and approved by the Manager of the section/unit. Employees are entitled to accrue sufficient time to allow them to have at least one full accrued day off per month, i.e. accrue 7.25 hours.

Accrued Time (i.e. time worked over the standard 7.25 hours per day) can build up over the work cycle of four weeks however at the conclusion of the four week cycle any time in excess of 22 hours is to be forfeited. In those instances where there has not been an opportunity to take the accrued time off, Managers can approve an extension of the 22 hours to 36.25 hours carry over from one work cycle to the next.

In the event that an employee ceases employment with Government they should discuss with their Manager the taking of their accrued time before ceasing work.

There is a difference between Accrued Time and TOIL. Accrued time is the time worked beyond the standard 7.25 hours in a day up to 9.50 hours. TOIL, or Time Off in Lieu (of overtime) refers to hours worked beyond the 9.50 hours in any one day or outside the spread of hours of 6.00 am to 10.00 pm in any one day.

TOIL accrues over twelve months and employees should make application to their Manager to take the TOIL. TOIL lapses after twelve months.

The taking of the TOIL by an employee will be by mutual agreement with their Manager. In all cases the taking of TOIL will be subject to organisational convenience. In the event that no agreement can be reached as to when to take the TOIL the Manager may direct the employee when it is to be taken.

- Classification AO6 (4) level who have accrued TOIL for the twelve months will be paid out where:
 - An employee has taken reasonable steps to avoid excessive TOIL balances, and
 - The employee has been refused an application to take such leave.

The new Hours of Work also provide employees with a shift allowance where the employee has been directed by their Manager to work hours that would constitute an afternoon shift as defined by the *Queensland Public Service Award – State 2003* section 6.1. An afternoon shift is defined as a shift commencing on or after 12 noon and at or before 6.00pm.

An employee who has been directed to attend training at night by their Manager is entitled to receive a shift allowance of 15% for all ordinary time worked. An employee who has organised their daily workload to incorporate training at night will not be entitled to shift

Overtime occurs as a result of an employee gaining approval from their Manager to work outside the spread of hours, i.e. 6.00am to 10.00pm or if they work more than 9.50 hours in any one day.

The important issue with overtime is that for employees who are classified as AO5(4) and below receive payment or can elect to receive TOIL on a time for time basis. Where an employee is at the level of AO6 and above they only receive TOIL.

An on-call allowance is paid to employees who have been directed by the Assistant Director General of EMQ or their delegate to be on-call (that is outside the normal work hours and available to take calls and or return to work to undertake work).

Rates for being on-call are prescribed in the *Public Service Award State 2003* and are based on a percentage of a Professional Officer classification level 3 paypoint 4 under the Classification and Remuneration Stream. In the event that an employee is called whilst on on-call they will receive payment at overtime rates. The rate of overtime and the amount of time that is paid for is based on the Award provisions and the State Government Department Certified Agreement 2009 : Wages Section 2.2

An employee, while on call, who is recalled to perform duties without the need to leave the employee's place of residence, will be paid for time worked with a minimum payment of one hour for each time the employee performs such duties. Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply. Provided further that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

Attendance Records are a legislative requirement under the Industrial Relations Act 1999 and employees must comply. Employees should accurately record starting and finishing times, meal breaks and periods of leave.

At the end of each fortnight employees should print off a hard copy of their timesheet sign and pass to their supervisor for checking and endorsement.

It is a requirement that attendance records be kept for a period of 6 years within the local area.

CRITICAL INCIDENTS AND EMQ ACTIVATION

The Critical Incident Directive 24/10 applies in those situations when a critical incident or activation is invoked. There is a copy of the Directive in your packs and the major points to note are:

- The Directive's conditions will only apply to those employees identified as performing work essential to the resolution of the critical incident or Emergency Management Activation.
- Overtime means all authorised work in excess of 7.25 hours per day.
- Overtime either paid or provided in TOIL to all classification levels up to AO8 (4)
- Unused TOIL after six months from the end of the critical incident or EMQ activation will be paid out (Employees must make a reasonable attempt to take the TOIL.
- Where an employee is required, under the Directive to assume to responsibilities of a higher level position, they will be remunerated at the higher level. (No minimum period before higher duties is payable.)
- Domestic Travelling and Relieving Expenses Directive expenses are paid and also supplemented when no 3 star accommodation is available for officers working away from home. An additional \$47.05 hard ship allowance is paid per night.

Contacts:

Glenn Carthew, Manager Employee Relations, Queensland Fire and Rescue, Emergency Management Queensland and Public Service:

Email: glenn.carthew@dcs.qld.gov.au

Telephone: 3635 3503

Callum MacSween, Employee Relations Advisor, Queensland Fire and Rescue, Emergency Management Queensland and Public Service:

Email: callum.macsween@dcs.qld.gov.au

Telephone: 3635 3663

Department of Community Safety



Queensland
Government



EMQ Hours of Work

Employee Information Sessions

Emergency Management



Hours of Work

Ordinary Hours

- Ordinary Spread of Hours 6.00am – 10.00pm
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight
- 2 X 10 day fortnights, Monday to Sunday over a four week cycle

Hours of Work

Ordinary Hours

- Ordinary Hours occurs Monday through to Sunday
 - Any classification can work ordinary hours on Saturday and Sunday up to a maximum of 12 hours for the day with the remaining time as overtime- (penalties)
 - There has to be a legitimate reason for working on the weekend.
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight

Hours of Work

Definitions and New Concepts

- Accrued Time
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
 - Accrued time can be taken during the work cycle with agreement with the Manager
 - Accrued Time is ordinary hours that accumulate over and above the 72.5 hours a fortnight.
- Accrued time is not overtime.

Accrued Time

- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month accessed (minimum entitlement)

Hours of Work

Definitions and New Concepts

- Overtime/TOIL
 - Time Off In Lieu (of over time).
 - Outside the ordinary spread of hours (6.00am to 10.00pm) OR
 - Time worked over 9.5 hours in any one day.
 - Overtime can be paid if an officer is at the AO5 classification level or lower OR if the AO5 classification or lower officer elects, the overtime can be taken as TOIL.
 - AO6 level to AO8 level officers can only take overtime as TOIL
 - TOIL is provided on a time for time basis (*Directive 5/05 Hours and Overtime*)

Work Performed on Weekend and Public Holidays

- Ordinary hours up to a maximum of 12 hours worked on:
 - Saturday,
 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
 - Saturday one and half times the ordinary rate
 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.

Shift Penalties

- Shift Penalties.
 - An employee who is directed:
 - To work where the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid.
 - Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
 - An afternoon shift allowance of 15% will apply for all ordinary time worked in addition to normal salary.
 - E.g. \$200 (ordinary daily rate) X 15% = \$230

Overtime.

- Overtime (OT) applies in circumstances where hours are worked:
 - Outside the spread of hours 6.00am to 10.00pm or
 - in excess of 9.5 hours per day
- OT is calculated to nearest $\frac{1}{4}$ of an hour.
- Approved OT can be paid or can be provided as TOIL (Time off in Lieu of Overtime)
 - **A06** classification and above **receive TOIL for OT**
 - **A02 to A05** can be **paid overtime or can elect TOIL**
- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on - call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Do not have to return to work to get paid on-call
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is paid OT unless election made to have TOIL
 - TOIL lapses after 6 months
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Manager's Responsibilities

- Ensure that fatigue breaks are taken.
 - 10 hours between cessation of overtime and commencement of work.
- Make sure that requests for working on weekends and overtime are reasonable.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
2. How do I access accrued time / TOIL?
3. What happens if I can't take my TOIL within 12 months?
4. What happens if I work outside the spread of hours (6.00am to 10.00pm) or more than 9.30 hours per day?

Hours of Work

Implementation date: 19 December 2011.

Ballot: To be provided to all EMQ officers who will be using the new Hours Arrangements.

Return Date: 19 December 2011

Hours of Work

Contact Names and Numbers

- Glenn Carthew
- 3635 3503
 - glenn.carthew@dcs.qld.gov.au

- Callum MacSween
- 3635 3663
 - callum.macsween@dcs.qld.gov.au

15% Shift Allowance*

*Shift must start between 1200 hours and 1800 hours

Name:

Position:

Date of shift:

Starting time:

Finishing time:

Signature Date:

Supervisor: APPROVED NOT APPROVED

Signature: Date: / /



15% Shift Allowance*

*Shift must start between 1200 hours and 1800 hours

Name:

Position:

Date of shift:

Starting time:

Finishing time:

Signature Date:

Supervisor: APPROVED NOT APPROVED

Signature: Date: / /

From: Peta Robertson
Sent: Thursday, 24 November 2011 08:42
To: Glenn Carthew
Subject: Can I have an update on EMQ Hours of Work progress?

Kind regards

Peta

**Peta Robertson | Executive Officer | Emergency Management Queensland, Department of Community Safety | Mail:
GPO Box 1425 Brisbane Q 4001 | Phone: 07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: 0407 131178 |
Email: Peta.Robertson@dcs.qld.gov.au |**

QFES RTI FINAL RELEASE

Implementation Plan

Proposed hours of work changes – EMQ

Purpose

- To implement a new hours of work schedule for Emergency Management Queensland (EMQ) employees.
- To implement a new e-timesheet for all EMQ employees for ordinary hours of work—i.e., excludes periods determined as critical incidents.
- To assist EMQ employees in the transition to the new schedule and a single e-timesheet.

Timeline milestones

- Determine instrument and documents	
- Planning	
- Documents	
o E-timesheet	
o Communication instruments	
- Testing	
- Go-live	

Communications

Stakeholders

- EMQ employees
- Union
- Implementation Team
- DG
- HR

Implementation team

- Sponsor
- ICT
- Planners and doers

Tools

- Email
- Desportal
- Info sessions
- Webinar
- Feedback

Key contacts

Risks and responses

- Lessons learnt from previous hours of work changes; e-timesheets
 - o Employee backlash: Why are the hours changing?
 - Response: Employee-focused, positive reasoning
 - o Size of file:
 - Response: same size.
 - o E-timesheet data issues: unable to handle non-ordinary hours
 - Response:
- Testing
- Employee trials and feedback prior to go live

Phase	Strategy	Task	Action officer	Deadline	Risks
Planning	Industrial instrument	Finalise industrial instrument content	John Martin / Glenn Carthew		
	E-timesheet	Determine adaptability of existing e-timesheet to meet new requirements	Raj Iyer		
	Rollout	Information & communications strategies	Christiane Strong		
Organising	Consultation	Stakeholder input			
	Testing	Field testing, feedback and revision of e-timesheet			
Leading	Stakeholder engagement	Information sessions			
	Go live				
Controlling	Monitor	Feedback, review, update			

From: Peta Robertson
Sent: Thursday, 1 December 2011 14:13
To: Glenn Carthew
Subject: EMQ Manager list for training

Attachments: EMQ Managers.xls
Glenn

Attached is the list of Managers in EMQ who will need to be brief on their responsibilities and requirements.

Kind regards

Peta

Peta Robertson | Executive Officer | Emergency Management Queensland, Department of Community Safety | Mail:
GPO Box 1425 Brisbane Q 4001 | Phone: 07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: Contrary to the public interest
Email: Peta.Robertson@dcs.qld.gov.au |

Case No.	Case Name	Case Type	Case Status	Case Date	Case Location	Case Agency	Case Officer	Case Notes
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QJES RTI FINAL RELEASE

Work Procedures – Emergency Management Queensland Time Attendance Sheet

General Notes:

- The new EMQ Timesheet has been configured in accordance with the Hours of Work Arrangements in effect from 19 December 2011 (click on the button above to view the document).
- Start and Finish times must equate to 15 minute blocks - **this is covered by HOURS OF WORK ARRANGEMENTS.**
- Classification Levels must be recorded in caps eg. AO5 (the second character in this instance is O not ZERO).
- If Higher Duties is performed, you are required to manually override the default Classification Level code at the day of commencement of the relief duties and again override the default Classification Level code on the day of recommencement of your substantive duties.
- Accrued Time Leave Approval field for toiled time taken, must be authorised and initialled by the supervisor/manager.
- All entries in **Time in Lieu** including carry forward of accrued time entered at the start of timesheet must be authorised and initialled by the supervisor/manager.

Instructions outlining what compulsory fields are required to be populated in the Public Service Time Attendance Sheet :

1. At the “Two-week Period Beginning Date” field of the Time Attendance Sheet (**Please ensure that this date is the commencement date of the Fortnightly Pay cycle, confer with your colleagues to verify this date if you are a new employee or using the Timesheet for the first time**), insert the relevant date using the date format dd/mm/yy – **There will be no further requirement for you to insert another date hereafter as the dates will correctly autofill automatically on your timesheets.**
2. Press the Tab key which will place the cursor in the “Balance at start” field of the Time in Lieu column. if you have unused TOIL from the previous work cycle then enter the balance here in hrs/mins **eg. 7.15 (Army time)**. New Employees leave this column blank. Proceed to Step 3. - **There will be no further requirement for you to insert a Carryover balance in any of the remaining Work Sheets as the carry over balance will correctly autofill automatically.**
3. Press the Tab key which will place the cursor in the Classification Level row of the first column (should be Monday Column) and enter your Classification Code (the code will automatically default throughout your timesheet, but can be changed at any time).
Remember, if for any reason your Classification Level changes, eg Higher Duties, Promotion etc you will need to change your Classification code relative to the appropriate dates.
4. Click with the mouse on “Ordinary Working Hours/Mins” field of the first column (should be Monday column) and insert your Standard Working day in hrs/mins. It is required that all Ordinary Hours fields except Weekends are populated. – **Part-Time employees are required to insert 0.00 in the Ordinary Working Hours/Mins field if they do not work on that day and New employees are required to insert 0.00 in this field for all Non Working days in the period/s that are prior to their actual commencement date.** The Ordinary Working Hours/Mins field holds a default value of 7.15, but may be changed by the user to reflect their actual working pattern.

5. Click with the mouse on the field beneath OFFICER: and insert your Name - Emp Id then press <Enter> key to proceed to enter the Work Unit name - **There will be no further requirement for you to insert your Name - Emp Id and Work Unit in the remaining Work Sheets as it will autofill automatically (unless you have a Work Unit change).**
6. Click with the mouse on the field beneath SUPERVISOR: and insert your Supervisor's/Manager's name - There will be no further requirement for you to insert your Supervisor/Manager's name in the remaining Work Sheets as it will autofill automatically – This name may be changed if you have a reporting change.
7. Return to the Start field of the Mon column (or relevant day column), you may now commence recording your working day details – **Use 24 Hour Clock format (Army time) when recording Start and Finish times.**

Balance at start' in 'Time off in Lieu (of overtime)' column is required to be manually updated for the first fortnight only, thereafter, it will automatically be populated from timesheet entries that will flow through to subsequent timesheets where applicable.

'Paid Overtime' column is automatically populated from timesheet entries..

The "Accrued Time Leave Taken" field will automatically be populated from timesheet entries and where necessary the "Acc'd Time Leave Approval" field is required to be authorised by the Supervisor/Manager – Initials will suffice.

Part-Time employees will be required to repeat Step 4 on each timesheet.

[Email feedback and suggestions to HRSolution@dcs.qld.gov.au](mailto:HRSolution@dcs.qld.gov.au)

Work Procedures – Emergency Management Queensland Time Attendance Sheet

General Notes:

- The new EMQ Timesheet has been configured in accordance with the Hours of Work Arrangements in effect from 19 December 2011 (click on the button above to view the document).
- Start and Finish times must equate to 15 minute blocks - **this is covered by HOURS OF WORK ARRANGEMENTS.**
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[Email feedback and suggestions to HRSolution@dcs.qld.gov.au](mailto:HRSolution@dcs.qld.gov.au)

FREQUENTLY ASKED QUESTIONS

PROPOSED HOURS OF WORK ARRANGEMENTS FOR EMQ

Q.1.

Can different teams have different operating hours and if someone works outside the operating hours is this overtime.

A.

The answer to the first question is YES. Managers and employees should negotiate the operating hours for their team that best suits the needs of the organisation and the employees. The nature of the work being undertaken and the objectives of the team will dictate to some degree the operating hours.

The second part of the answer is NO. Overtime only occurs outside the Spread of hours i.e. 6.00am to 10.00 pm or if an officer has worked more than 9 and ½ hours in any one day. Reimbursement for Overtime occurs only on approved overtime.

Q. 2.

Between 7.25 and 9.5 hours accrues time irrespective of whether working in operating hours or not.

A.

The accrual of Hours takes effect between 7.25 and 9.5 hours. An employee has a minimum entitlement to accrue enough time over a work cycle (4 weeks) to allow them to access one standard day work off a work cycle. The establishment of operating hours would need to take this into consideration. To accrue time officers should talk to their Managers.

Q.3.

Can operating hours be 6.00 am to 10.00pm.?

A.

Yes they can. However Managers would have to ensure that they had enough personnel to undertake the work as irrespective of the length of the operating hours, anytime worked over 9.5 hours is overtime and hours worked between 7.25 and 9.5 hours is accrued time. There would have to be personnel directed to commence work in the afternoon to cover the period up to 10.00pm without going into overtime which would then invoke the shift penalty.

Q.4.

Does EMQ agree that AD (Area Directors AO6) should not be expected to answer their phones outside operating hours.

A.

Calls should be directed to the duty officer rather than ADs.

How short can a shift be?

ADs that visit an SES group during the evening may get shift penalties if directed, but won't get compensated for visiting training on weekends. Seems a bit unfair.

The keen ADs who arrange to visit SES at night is not entitled to shift penalties, but the less-keen area directors who have been directed to do so is entitled to shift penalties. Aren't we then penalising good performance.

From: Michael Hawkins
Sent: Tuesday, 4 January 2011 16:18
To: Peta Robertson; Ken Hawkins; Glenn Carthew
Subject: FW: Critical Incident Entitlements and Conditions Directive

FYI - please see message below (better late than never).

Regards

Michael Hawkins
Director, Employee Relations
Department of Community Safety
Ph: 07 3635 3064
Mob: 0407 123 765
michael.hawkins@dcs.qld.gov.au

Please note new telephone number

-----Original Message-----

From: Grant Wallace [mailto:Grant.Wallace@justice.qld.gov.au]
Sent: Tuesday, 4 January 2011 16:08
To: Michael Hawkins
Cc: Ray Clarke; Michael B. Anderson; Noel Cavanough
Subject: Re: Critical Incident Entitlements and Conditions Directive

Hi Michael,

I just wanted to inform you that PSIER have been advised that the Attorney-General has approved the proposed amendments to the Critical Incident Entitlements and Conditions Directive. As such, PSIER will endeavour to have the amended Directive gazetted this coming Friday. The Directive will have the retrospective operative date of 20 December 2010 and will be given the Directive number 24/10.

I hope this information assists.

Cheers

Grant Wallace
A/Senior Consultant
Public Sector Industrial and Employee Relations | Department of Justice and Attorney-General
t: (07) 322 45485 | f: (07) 322 95943 | e:
grant.wallace@justice.qld.gov.au | w: www.psier.qld.gov.au

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QFES RTI FINAL RELEASE

From: Peta Robertson
Sent: Friday, 25 November 2011 14:09
To: Glenn Carthew
Subject: New Time Proposed: Hours of work
Hey Glenn

This should be for next Wednesday.

Peta

New Meeting Time Proposed:
Wednesday, 30 November 2011 15:00-16:30 (GMT+10:00) Brisbane.

QFES RTI FINAL RELEASE

From: Bruce Grady
Sent: Wednesday, 16 November 2011 11:35
To: Glenn Carthew
Subject: RE: 111116 Implementation Plan . EMQ.doc
OK

Regards

Bruce Grady
Assistant Director-General
Emergency Management Queensland

bruce.grady@dcs.qld.gov.au

telephone: (07) 3635 3485
mobile: 0428 777 871
fax: (07) 3247 8505

From: Glenn Carthew
Sent: Wednesday, 16 November 2011 11:32
To: Bruce Grady; Peta Robertson
Subject: 111116 Implementation Plan . EMQ.doc

<< File: 111116 Implementation Plan . EMQ.doc >>

Bruce

I have attached an implementation plan for the Hours of Work Arrangements for EMQ. I have been advised that the Union will lodge a dispute this afternoon at 4.00 if they do not receive a copy of the Hours arrangements. Spoke directly to Michael Thomas regarding this and his comments were that as the hours arrangements have been agreed there should be no issue with the union being advised and provided a copy

I intend to send a copy of the Implementation Plan to Michael together with a copy of the proposed Hours of Work Arrangements before midday. He will then have an understanding of the timelines and implementation phases in getting the hours into place and staff trained.

Please advise if you have concerns regarding this.

Regards

Glenn Carthew

From: Peta Robertson
Sent: Tuesday, 4 January 2011 16:54
To: Michael Hawkins; Ken Hawkins; Glenn Carthew
Subject: Re: Critical Incident Entitlements and Conditions Directive

Agree, because of current operations, this may need to wait.

Regards

Peta Robertson
Executive Officer
Emergency Management Queensland

Phone: 07 3247 8512
Mobile: 0407 131 178

peta.robertson@dcs.qld.gov.au

----- Original Message -----

From: Michael Hawkins
Sent: Tuesday, January 04, 2011 04:52 PM
To: Peta Robertson; Ken Hawkins; Glenn Carthew
Subject: RE: Critical Incident Entitlements and Conditions Directive

Sorry - I should have explained that. My view is that we can now make arrangements to consult the QPSU about our proposed changes to Schedule 3, although we might need to finalise our approach to the Watch Desk officer issues before we do that?

Regards

Michael H

-----Original Message-----

From: Peta Robertson
Sent: Tuesday, 4 January 2011 16:49
To: Michael Hawkins; Ken Hawkins; Glenn Carthew
Subject: RE: Critical Incident Entitlements and Conditions Directive

What does this mean in terms of the next step that EMQ can take regarding the Schedule 3?

Kind regards

Peta

Peta Robertson | Executive Officer | Emergency Management Queensland, Department of Community Safety | Mail: GPO Box 1425 Brisbane Q 4001 | Phone: 07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: 0407 131178 | Email:

Peta.Robertson@dcs.qld.gov.au |

-----Original Message-----

From: Michael Hawkins
Sent: Tuesday, 4 January 2011 4:18 PM
To: Peta Robertson; Ken Hawkins; Glenn Carthew
Subject: FW: Critical Incident Entitlements and Conditions Directive

FYI - please see message below (better late than never).

Regards

Michael Hawkins
Director, Employee Relations
Department of Community Safety
Ph: 07 3635 3064
Mob: 0407 123 765
michael.hawkins@dcs.qld.gov.au

Please note new telephone number

-----Original Message-----

From: Grant Wallace [mailto:Grant.Wallace@justice.qld.gov.au]
Sent: Tuesday, 4 January 2011 16:08
To: Michael Hawkins
Cc: Ray Clarke; Michael B. Anderson; Noel Cavanough
Subject: Re: Critical Incident Entitlements and Conditions Directive

Hi Michael,

I just wanted to inform you that PSIER have been advised that the Attorney-General has approved the proposed amendments to the Critical Incident Entitlements and Conditions Directive. As such, PSIER will endeavour to have the amended Directive gazetted this coming Friday. The Directive will have the retrospective operative date of 20 December 2010 and will be given the Directive number 24/10.

I hope this information assists.

Cheers

Grant Wallace
A/Senior Consultant
Public Sector Industrial and Employee Relations | Department of Justice and Attorney-General
t: (07) 322 45485 | f: (07) 322 95943 | e:
grant.wallace@justice.qld.gov.au | w: www.psier.qld.gov.au

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QFES RTI FINAL RELEASE

From: Peta Robertson
Sent: Thursday, 24 November 2011 11:35
To: Glenn Carthew
Cc: Shane Donovan
Subject: RE: EMQ Hours of Work Arrangements Implementation
Glenn

Thanks so much for the update. Can I see one of the information packs as soon as the PowerPoint is ready?

Thanks

Kind regards

Peta

**Peta Robertson | Executive Officer | Emergency Management Queensland,
Department of Community Safety | Mail: GPO Box 1425 Brisbane Q 4001 | Phone:
07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: 0407 131178 | Email:
Peta.Robertson@dcs.qld.gov.au |**

From: Glenn Carthew
Sent: Thursday, 24 November 2011 11:33
To: Peta Robertson
Cc: Shane Donovan
Subject: EMQ Hours of Work Arrangements Implementation

Peta,

Progress to date;

- Josh from ICS has taken the current public service timesheet, and information on the xcel codes underpinning it, and the specific requirements of the new EMQ arrangements. I expect a first iteration by cob today or first thing in the morning.
- Christiane has ordered the folders for the packs for staff and has prepared the following documents for the packs:
 - (i) Award provisions
 - (ii) Directives
 - (iii) EMQ Hours Presentation
 - (iv) (Timesheet) when available
- Callum has completed the presentation (Reviewing the presentation this afternoon for accuracy)
- The auditorium has been tentatively scheduled for Tuesday with ICS organising a link up to all regional EMQ offices.
- Email has been prepared ready for release to all EMQ staff advising of the auditorium presentation and the link up.

In relation to dot points for Bruce.

- Hours arrangements sanctioned by Union
- Preparation for the implementation of the new hours progressing with ICS assistance on the development of a timesheet that covers both new operating hours for EMQ and critical incident hours.
- EBN being prepared for DG advising of new arrangements and associated implementation plan. (EBN for DG by 25 November 2011).

regards

Glenn Carthew

Manager Employee Relations | Employee Relations Unit

Human Resources Branch | Department of Community Safety

Telephone 3635 3503 | Facsimile 3109 5037 | Mobile 0488 222 659

glenn.carthew@dcs.qld.gov.au

QFES RTI FINAL RELEASE

From: Peta Robertson
Sent: Thursday, 1 December 2011 08:22
To: Glenn Carthew
Subject: RE: EMQ Timesheet_Ver1 0 (4).xls

Attachments: EMQ Accrued time forms.doc; EMQ TOIL forms.doc

Hi Glenn

Here are forms to accrue and take TOIL and forms to take accrued time.

I am assuming that in most cases employees would not seek approval to accrue time? Is that correct.



EMQ Accrued time
forms.doc (43...



EMQ TOIL
forms.doc (43 KB)

Kind regards

Peta

**Peta Robertson | Executive Officer | Emergency Management Queensland,
Department of Community Safety | Mail: GPO Box 1425 Brisbane Q 4001 | Phone:
07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: 0407 131178 | Email:
Peta.Robertson@dcs.qld.gov.au |**

From: Glenn Carthew
Sent: Wednesday, 30 November 2011 15:15
To: Peta Robertson
Subject: EMQ Timesheet_Ver1 0 (4).xls

<< File: EMQ Timesheet_Ver1 0 (4).xls >>

Please play with it and advise of any flaws that you may encounter

From: Peta Robertson
Sent: Thursday, 1 December 2011 08:46
To: Glenn Carthew
Subject: RE: EMQ Timesheet_Ver1 0 (4).xls
Glenn

Time sheet feedback:

On the operational time sheet as a new requirement for NDRRA claims there will need to be a box which staff enter the details about what they were doing during the operation - i.e. SDCC staff, on deployment, working with Local Government, leading SES deployment etc. This just needs to be an area that the employee can write in.

As this time sheet contains a lot of information, can we have this coloured around leave, toil, overtime and accrued time?

I have tried to enter data but on tab A from 2/12/11 the timesheet does not automatically calculate

On 9/12 I tried to enter 2 hours of TOIL overtime taken but I got a message saying I didn't have enough TOIL - the form shows 2.15 of TOIL banked.

The 3rd last line is called "Daily Carryover" is this accrued time? If it is can we make that clear please?

I note on the first time sheet there is a 1.14 hour carry over, if this is accrued time shouldn't it carry over to the 2nd time sheet of the four week period?

As this time sheet is much more complex than anything we would normally use, there is going to need to be some really good instructions around this.

Kind regards

Peta

**Peta Robertson | Executive Officer | Emergency Management Queensland,
Department of Community Safety | Mail: GPO Box 1425 Brisbane Q 4001 | Phone:
07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: 0407 131178 | Email:
Peta.Robertson@dcs.qld.gov.au |**

From: Glenn Carthew
Sent: Wednesday, 30 November 2011 15:15
To: Peta Robertson
Subject: EMQ Timesheet_Ver1 0 (4).xls

<< File: EMQ Timesheet_Ver1 0 (4).xls >>

Please play with it and advise of any flaws that you may encounter

QFES RTI FINAL RELEASE

From: Peta Robertson
Sent: Tuesday, 22 November 2011 12:34
To: Jos Chan
Cc: Glenn Carthew
Subject: RE: RE: Timesheet
Hi Jos

Can you please include Glenn Carthew from IR in the discussion as the person will be working with Glenn

Kind regards

Peta

**Peta Robertson | Executive Officer | Emergency Management Queensland, Department of Community Safety | Mail:
GPO Box 1425 Brisbane Q 4001 | Phone: 07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: 0407 131178 |
Email: Peta.Robertson@dcs.qld.gov.au |**

From: Jos Chan
Sent: Tuesday, 22 November 2011 10:48
To: Peta Robertson
Cc: Janet Born
Subject: RE: RE: Timesheet

Good morning Peta

I have spoken to my manager Sherry Sarmiento yesterday.

We will book you to get the understanding of the scope for the EMQ timesheet and determine the best way forward.

Kind regards,

Jos

Jos Chan
A/Executive Manager
Spatial & Application Management
ICSystems, Department of Community Safety
JosX.Chan@dcs.qld.gov.au
Ph (07) 3635 3806; Mob 0409 476 081; Fax (07) 3247 8252
GPO Box 1425, Brisbane QLD 4001
Cnr Kedron Park & Park Roads, Kedron QLD 4031

From: Peta Robertson
Sent: Friday, 18 November 2011 17:51
To: Glenn Walker
Cc: Janet Born; Glenn Carthew
Subject: RE: RE: Timesheet
Wonderful, thanks so much for your assistance.

Kind regards

Peta

**Peta Robertson | Executive Officer | Emergency Management Queensland, Department of Community Safety | Mail:
GPO Box 1425 Brisbane Q 4001 | Phone: 07 3635 3512 x53512 | Fax: 07 3247 8505 | Mobile: 0407 131178 |
Email: Peta.Robertson@dcs.qld.gov.au |**

From: Glenn Walker
Sent: Friday, 18 November 2011 17:09
To: Peta Robertson
Cc: Janet Born
Subject: RE: Timesheet

Peta I have spoken to Janet who will have one of the team come and talk requirements on Monday.

GLENN WALKER

Executive Director &
Chief Information Officer
Information and Communication Systems
Corporate Support Division
Department of Community Safety

PHONE: 07 3635 3657 | **MOBILE:** 0418 198 749 | **VIDEO:** gwalker@video.dcs.qld.gov.au
POSTAL: GPO Box 1425, Brisbane, QLD 4001 | **EMAIL:** glenn.walker@dcs.qld.gov.au



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QFES RTI FINAL RELEASE

Hours of Work Arrangements for Emergency Management Queensland

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four-week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

Critical Incidents and or EMQ Activations may require 24/7 activation. In such cases all entitlements and conditions as stipulated within Directive 24/10 ‘Critical Incident Entitlements and Conditions’ for employees working on the incident or activation shall apply

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee’s wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or

- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day;
or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Department of Community Safety



Department of **Community Safety**

Hours of Work Arrangements & Time Sheet Presentation

EMQ

Department of Community Safety

Hours of Work Arrangements

- MoG changes and need for new arrangements
- Give effect to Flexible Workplace Strategy
- State-wide streamlining of timesheets
- Alignment with PS timesheet
- Operative **TBA**

Hours of Work Arrangements Application

- *Queensland Public Service Award – State 2003*
- Excludes:
 - Some ICS
 - Casual Employees
 - Employees exempted from keeping time sheets

Hours of Work Arrangements

Ordinary Hours

- 7 ¼ hours per day
- Ordinary spread of hours 6 am – 10 pm
- Ordinary working hours agreed by employee and employer
- An average of 72.5 hours per fortnight
- Over 2 x 10-day fortnights Mon – Sun in a 4-week cycle

Hours of Work Arrangements Accrued Time

- Max of 22 hours (36 $\frac{1}{4}$ with prior approval)
- 4 week cycle
- Access to at least 1 full accrued day off per month
- Debit time up to 2 days (family or other emergent)

Hours of Work Arrangements Overtime/TOIL

- In excess of 9 ½ hours within the daily spread of ordinary working hours (6 am – 10 pm)
- Must have prior manager's approval
- Cannot exceed 12 hours per day
- AO 5 cut off

Hours of Work Arrangements No Banked Time

- Banked time removed
- Any existing balances are still an entitlement
- Recommendation is document transfer of existing entitlement (convert to TOIL)

Hours of Work Arrangements Managers' Obligations

- Normal operating hours of the work unit (consultation with employees)
- Train employees
- Check the attendance records and, if in order, sign them to indicate endorsement
- Ensure application for absences
- Operational convenience and appropriate staffing levels
- Ensure fair treatment (EEO and anti-discrimination)
- Employees do not unnecessarily forfeit accrued hours
- Store attendance records

Hours of Work Arrangements

Employees' Obligations

- Maintaining and completing accurate attendance records and forwarding them to their immediate supervisor within a reasonable time at the end of each cycle
- Meet work obligations and client service standards
- Obtain prior manager's approval to access accrued time
- Co-operate with management regarding local arrangements
- Consider EEO and anti-discrimination issues when applying and using the provisions these arrangements.

Time Sheet

- Simple and easy
- State-wide standardisation
- Same as DCS PS timesheets
- Give effect to new Hours of Work Arrangements

COUNTER DISASTER AND RESCUE SERVICES HOURS OF WORK PROVISIONS

PART 1 – PRELIMINARY

1.1 TITLE

This Agreement shall be known as the Hours of Work Provisions for certain employees of Emergency Services Division, Department of Emergency Services.

1.2 ARRANGEMENT

SUBJECT

CLAUSE NO.

Part 1 – Preliminary

Title	1.1
Arrangement	1.2
Application	1.3
Date of Operation	1.4
Principles	1.5
Grievances	1.6
Definitions	1.7
Review of Hours of Work Provisions	1.8

Part 2 – General Hours Of Work

Spread of Hours	2.1
Category of Employees	2.2
Starting and Finishing Times	2.3
Meal Breaks	2.4
TOIL	2.5
Sick Leave	2.6
Public Holidays	2.7
Fatigue Leave	2.8
Overtime/Penalty Rates	2.9
On-Call Allowance	2.10

Part 3 - Emergency Operations

Application	3.1
Definition	3.2
Rationale	3.3
Spread of Hours	3.4
Fatigue Leave	3.5
TOIL	3.6
Inconsistency with General Provisions	3.7

Part 4 – State Counter Disaster Arrangements Provisions

Application	4.1
Definition	4.2
Hours of Work	4.3
Overtime	4.4
On-Call	4.5
Transport	4.6
Meal Provisions	4.7
Commencement of SCD Arrangements	4.8
Conclusion of SCD Arrangements	4.9

1.3 APPLICATION

This agreement is taken to form part of the *Department of Emergency Services Enterprise Partnership Agreement 1997* by virtue of Clause 4.4.1 of such Agreement.

Should there be any inconsistency between this Agreement and:

- (i) the provisions of the *Public Service Award – State*; and
- (ii) Directives and other rulings issued by the Minister for Training and Industrial Relations

the provisions of this Agreement shall prevail to the extent of any inconsistency.

These provisions shall apply to all employees of Emergency Services Division, excluding the following classes of employees:

- Employees engaged in Aviation Services as 'operational' employees;
- Employees engaged at the classification level of Senior Officer 2 (SO2) and above; and
- Casual employees engaged by Emergency Services Division.

Notwithstanding the above, Part 4 of this Agreement may apply to employees of other Divisions of the Department of Emergency Services where such employees are required to be part of State Counter Disaster (SCD) Arrangements.

1.4 DATE OF OPERATION

These provisions will replace existing hours of work and related provisions and shall apply from 1 March 1999. This agreement will remain in force until 31 December 1999 or such later time until either party terminates the agreement by providing the other party with thirty days written notice.

1.5 PRINCIPLES

- (a) The management of hours worked (including accrued TOIL) shall be a local matter with the responsibility resting with managers and employees at the lowest appropriate level;
- (b) Employees should perform reasonable hours of work, but should not be expected to perform unreasonable or excessive hours of work. The performance of reasonable hours is a management issue to monitor in consultation with employees;
- (c) Hours of work must be flexible to meet customer requirements;

- (d) The operating hours for each work unit will be determined in consultation with employees, recognising the principles of fairness, equity and flexibility, Workplace Health & Safety and quality of service;
- (e) Hours of work must be simple to administer;
- (f) Hours of work performed must focus on the task of the work unit;
- (g) Hours of work must be performed with due recognition to the domestic, personal and social needs of employees;
- (h) Expectations of management in relation to hours of work must be communicated to employees; and
- (i) Management tools such as Performance Appraisals, organisational goals and objectives and positions descriptions should be used to determine optimum workloads of employees in order to avoid excessive hours of work.

1.6 GRIEVANCES

Any employee aggrieved by a decision of a manager in relation to these hours of work provisions may lodge a grievance in accordance with Clause 7.7 of the *Department of Emergency Services Enterprise Partnership Agreement 1997*.

1.7 DEFINITIONS

- (1) “*Required by their Manager to perform work*” (Clause 2.9 {1} and {4} and Clause 2.7 {2}) refers to those situations where a Manager specifically authorises and directs an employee to work a set number of hours on a public holiday, Saturday or Sunday to complete a special or significant task.
- (2) “*Manager*” refers to any managerial position with the Emergency Services Division of the Department of Emergency Services including the positions of Assistant Director, Director and Executive Director.
- (3) “*TOIL*” refers to time off in lieu of paid overtime.
- (4) “*General Employees*” – refers to those employees who are not classified as “administrative employees” or “DMU operational employees”.
- (5) “*Administrative Employees*” – refers to those employees categorised as such by the Director of the Work Unit whose primary task is to provide administrative support to a work unit.

-
- (6) “*DMU Operational Employees*” - refers to those employees employed in the Disaster Management Unit who are classified as such by the Director DMU, subject to the provisions of this Agreement.

1.8 REVIEW OF HOURS OF WORK PROVISIONS

A review of the effectiveness of the Hours of Work provisions will be undertaken in December 1999 and will be finalised by mid January 2000.

PART 2 – GENERAL HOURS OF WORK

2.1 SPREAD OF HOURS

(1) General Employees

For general employees the ordinary hours of work shall be:

- (a) 72.5 hours per fortnight;
- (b) worked between 7am and 9pm, Monday to Sunday inclusive; and
- (c) a maximum of 9.5 hours in any one day excluding meal breaks.

(2) Administrative Employees

For administrative employees the ordinary hours of work shall be:

- (a) 72.5 hours per fortnight;
- (b) worked between 7am-6pm, Monday to Friday; and
- (c) a maximum of 9.5 hours in any one day excluding meal breaks.

(3) DMU 'Operational Employees'

For DMU 'Operational Employees' the ordinary hours of work shall be:

- (a) 72.5 hours per fortnight;
- (b) worked between 6am-12midnight Monday to Sunday; and
- (c) a maximum of 12 hours in any one day excluding meal breaks.

2.2 CATEGORY OF EMPLOYEES

(1) All Work Unit Directors shall make a recommendation to the Executive Director, Emergency Services Division as to which category (General/Administrative/DMU Operational) employees' within their work unit are classified as.

(2) Where an employee disagrees with the Director's recommendation, the employee may refer the matter to the Emergency Services Division Local Consultative Committee for their consideration. The Local Consultative Committee will make a recommendation to the Executive Director, whose decision shall be final.

2.3 STARTING AND FINISHING TIMES

Starting and finishing times shall be on the hour or at 15 minute intervals.

2.4 MEAL BREAKS

Employees shall be entitled to an unpaid meal break of not less than 30 minutes between the third and sixth hour of duty. Where the engagement of employment is greater than 10 ordinary hours, employees shall be entitled to an additional unpaid meal break of not less than 30 minutes.

2.5 TOIL

- (1) All employees shall have access to at least one full day off over a 4 week period.
- (2) An employee's TOIL carry over shall not exceed 58 hours at the end of each 4 week period (unless specifically prescribed in these arrangements). TOIL in excess of 58 hours at the end of each 4 week period will be forfeited.
- (3) The minimum accrual period for TOIL is 15 minutes.
- (4) TOIL accrues on a time for time basis.
- (5) Employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these hours of work provisions up to a maximum of 36.25 hours on cessation of employment with the Division.

2.6 SICK LEAVE

Sick leave taken will be deducted from an employee's sick leave balance on the basis of an ordinary working day (7.25 hours) or the actual hours where an employee is sick for less than an ordinary working day.

2.7 PUBLIC HOLIDAYS

- (1) Employees are to be credited with 7.25 hours for a public holiday except when the public holiday falls on a Saturday or Sunday.
- (2) Where employees are required by their manager to perform work on a gazetted public holiday they will be paid double time and a half (time and a half in addition to ordinary time) for such work with a minimum of four hours payment.

2.8 FATIGUE LEAVE

Employees shall be provided with, and shall avail themselves of, a minimum of ten consecutive hours off duty between the finish of duty on one day and the commencement of duty on the next rostered day. If this break is not able to be taken, the employee is to be paid at double rates for that period until released from duty. The employee will then be provided with a 10 hour

consecutive break from duty without loss of pay for ordinary working time occurring during such absence (ordinary working time in this instance shall equal 7 hours 15 minutes). Provided that this clause does not apply to employees engaged in "Emergency Work" as defined in Part 3.

2.9 OVERTIME/PENALTY RATES

- (1) Where employees are required by their manager to perform work on a weekday, Saturday or Sunday outside the ordinary hours of work as defined in Clause 2.1 for the category, this time shall accrue as TOIL, provided that employees who paid at the rate of AO5 PP4 or below may receive:
 - (a) time and a half for the first 3 hours, and double time thereafter, for work performed on a weekday or a Saturday;
 - (b) double time for work performed on a Sunday;
- (2) Where employees elect, of their own accord, to perform work on a public holiday, weekend or outside ordinary hours of work, such time will not be recognised for any purpose.
- (3) Where employees elect to and by mutual agreement with their manager, perform work on a public holiday, weekend or outside the ordinary hours prescribed in Clause 2.1, such time will be recognised as ordinary hours of work but overtime or penalty rates will not be payable.
- (4) Where employees are required by their manager to perform work on a Saturday and Sunday within the ordinary hours of work as defined in Clause 2.1 and provided such employees are not paid in excess of AO5PP4, they will receive:
 - (a) half time in addition to normal time for work performed on Saturday;
 - (b) single time in addition to normal time for work performed on a Sunday;
 - (c) provided that employees at the AO6 level with an existing entitlement to penalty rates for work performed on Saturdays and Sundays as at the date of commencement of these provisions will maintain that entitlement with the payment being in accordance with (a) and (b) above. Such entitlement will cease if employees are appointed to a level above AO6.

2.10 ON-CALL

- (1) Employees required to be on-call (as designated by the Director or delegate of the work unit) shall be paid an on-call allowance in accordance with the *Public Service Award – State (Schedule G)* notwithstanding that any overtime may be accrued as TOIL.

PART 3 – EMERGENCY OPERATIONS

3.1 APPLICATION

This part applies to employees engaged in emergency operations as defined.

3.2 DEFINITION

“Emergency Operations” – Operations which require the activation of staff as a result of an emergency or protracted emergency in a community (but which does not result in State Counter Disaster Arrangements). The determination of Emergency Operations is a matter for the Director of each work unit to determine in consultation with staff.

3.3 RATIONALE

This part recognises that emergencies may arise at any time and often require great flexibility and time commitment on the part of staff in dealing with them. It aims to balance the need to deal effectively with the emergency against the personal needs of staff.

3.4 SPREAD OF HOURS

- (1) The hours of work performed during emergency operations contributes to the employee's 72.5 hours per fortnight.
- (2) Hours may be worked between the hours of Midnight to Midnight, Monday to Sunday inclusive as required by the emergency.
- (3) The daily hours worked should not exceed 12 hours in any 24 hour period, excluding meal breaks.

3.5 FATIGUE LEAVE

Where employees, at the end of an emergency, have exceeded a total of 12 hours work in the previous 24 hours, they must avail themselves of a minimum of 10 hours break between the finish of duty on the emergency operation and the commencement of duty on ordinary hours of work. If the employer directs employees to work and the break can not be taken, the employees are to be paid at double rates until a 10 hour break is taken.

3.6 TOIL

No limit shall apply to the amount of TOIL which can be accrued during emergency operations but where such TOIL results in the 58 hour maximum for general conditions being exceeded, the excess should be taken as soon as practicable as determined with the local work unit.

3.7 INCONSISTENCY WITH GENERAL PROVISIONS

Where these provisions for emergency operations are inconsistent with the general hours provisions, these provisions shall apply to the extent of an inconsistency.

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PART 4 – STATE COUNTER DISASTER ARRANGMENTS PROVISIONS

4.1 APPLICATION

Where there is an inconsistency between these provisions and the provisions in Part 2 – the provisions of this Part will prevail during periods of State Counter Disaster Arrangements.

4.2 DEFINITION

“State Counter Disaster Arrangements Operations” refers to those situations where the Executive Director, Emergency Services Division, declares at the commencement of the operation that State Counter Disaster Arrangements are required. Another declaration will be made at the conclusion of the operation to formalise the return to ordinary working conditions. These Arrangements shall include the deployment or redeployment of staff to or from the field prior to or after the formal declarations have been made.

4.3 HOURS OF WORK

- (1) The maximum ordinary hours of duty during these operations shall be seven and a quarter (7.25) per day, Monday to Friday.
- (2) The Executive Director or Director may choose to initiate the staffing of two shifts per day within the State Disaster Coordination Centre. Where these shifts are to cover 24 hours, the day shift shall be from 7.30am to 8.00pm and the night shift shall be from 7.30pm to 8.00am or as otherwise directed by the Executive Director or Director to meet operational demands. At affected locations other than the State Disaster Coordination Centre, the hours of work will be as directed in order to meet operational requirements.
- (3) Meal Breaks – employees working twelve and a half hour shifts shall be allowed two paid meal breaks of 30 minutes.
- (4) Employees shall be entitled to rest pauses of a total of thirty minutes, which shall be taken at such times as suits operational requirements.
- (5) Employees engaged in State Counter Disaster Arrangements shall not accrue TOIL.

4.4 OVERTIME

- (1) Any overtime worked must be authorised and directly related to the State Counter Disaster Arrangements.
- (2) Any time worked outside of 7.25 hours per day shall be paid at the rate of time and a half for the first three hours and double time thereafter.
- (3) All time worked by an employee between Midnight Friday and Midnight Saturday shall be considered overtime and shall be paid at the rate of time and a half. Any time worked by an employee above 10.25 hours on a Saturday will be paid at double time.
- (4) All time worked by an employee between Midnight Saturday and Midnight Sunday shall be considered overtime and shall be paid at the rate of double time.
- (5) All time worked by an employee on a public holiday shall be paid at the rate of double time and a half.
- (6) Overtime relating to State Counter Disaster Arrangements worked by an employee at a salary level greater than AO5 PP4 will be calculated at the AO5 PP4 rate of salary in accordance with the *Department of Emergency Services Enterprise Partnership Agreement 1997*.

4.5 ON-CALL

Employees required by the Executive Director or Director or delegate to be on-call as a result of State Counter Disaster Arrangements shall be paid an on-call allowance in accordance with the *Public Service Award – State (Schedule G)*.

4.6 TRANSPORT

Employees will be provided with transport, or refunded the cost of such transport, to and from work when working twelve and a half (12.5) hour shifts.

4.7 MEAL PROVISIONS

Where employees are required to work between the hours of 6pm and 8pm, they shall be entitled to a meal allowance (unless a meal is provided) at the rate provided for in Directive 10/97 or any amendment thereto or as per any delegated legislation which replaces that Directive.

4.8 COMMENCEMENT OF STATE COUNTER DISASTER ARRANGMENTS

Employees who are at work at the time of the announcement of State Counter Disaster Arrangements, and who are directed to go home from work prior to 10.00am in order to either deploy to the field or return as rostered to the State Disaster Coordination Centre, shall be credited with two hours time or the actual hours worked for that shift, whichever is the greater.

If they are directed to return home after 10.00am they shall be credited with the actual time worked.

4.9 CONCLUSION OF STATE COUNTER DISASTER ARRANGMENTS

If employees are part way through working a twelve and a half (12.5) hour shift when State Counter Disaster Arrangements are cancelled, they shall be credited with 4 hours or the actual hours worked for that shift, whichever is the greater.

ENDORSED

.....
JACK NOYE
Executive Director
Emergency Services Division

SIGNED

.....
MICHAEL KINNANE
Director-General
Department of Emergency Services

SIGNED

.....
GORDON RENNIE
State Secretary
SPSFQ

100618E Hawkins EMQ Hours of Work etc.

On 18 June 2010 I attended a meeting with Bruce Grady, Peta Robinson, Michael Hawkins, Glenn Carthew and Ken Hawkins concerning a brief that had been approved by the Director General.

Bruce stated that TOIL, more pay or employing more employees was not the answer to the workload and management issues raised. The answer was to redesign the work performed by Duty Officers in particular.

Providing there was the capacity and capability (and this may vary from region to region) it was proposed to transfer duties from Duty Officers in the regions to Watch Desk Officers (WDOs) as this was what had been intended with the creation of the WDO positions. Duty managers were also in place at a state Level to provide advice and guidance where an issue exceeds the capacity of the WDOs.

The duties to be transferred to WDOs from Duty Officers includes

- Answering 132 500 class;
- KIT referrals
- Some incident management/response
- Some distribution of warnings
- Some SES activations

It was proposed to issue training regarding conditions of employment based on the ready reckoner developed by Ken Hawkins.

It was agreed to provide a further brief to the DG that includes correspondence to the QPSU outlining the proposed schedule to the Public Service Award. That correspondence would then be followed by a period of consultation.

It was also agreed to provide Bruce with some speakers notes for an auditorium session with EMQ employees the following Monday (21 June 2010).

Regards,

210610N EMQ staff meeting re Hours of Work (Dot points for Bruce)

- Hours of Work arrangements have been developed for Department and EMQ have been specifically removed from that process
- Important to understand that EMQ (and its predecessors) has always had separate Hours of Work arrangements.
- We have been developing specific proposals for EMQ that build upon the existing conditions and comprehend changes to operations and a series of reviews currently underway.
- The DG has approved some forward strategies that impact upon the Hours of Work arrangements for EMQ.
- The strategies also will involve job redesign and potential shift changes to better manage work flows.
- The DG will be writing to the Queensland Public Sector Union enclosing a copy of the proposed Hours of Work arrangements and seeking further discussion.
- A process of consultation will also occur with EMQ staff before any changes are implemented.

Executive Briefing Note

Requested by: Proactive

Critical

Urgent

General

Ref:

CSD

EMQ

QAS

QCS

QFRS

SPD

Briefing note for approval

Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management within Emergency Management Queensland (EMQ)

Date: 4/08/10

1. Background

- On 15 June 2010 you endorsed a course of action to deal with a range of management and industrial issues currently facing EMQ. These actions include the re-negotiation of hours of work provisions.
- A conflict between the long term treatment of certain overtime entitlements as prescribed in the existing EMQ hours of work arrangements and the provisions of Ministerial Directive 5/05 (Hours and Overtime) has been identified.

2. Issues

- The majority of EMQ employees are the subject of an unregistered Hours of Work arrangement currently entitled Counter Disaster and Rescue Services Hours of Work Provisions (CDRS Hours of Work).
- Part of the process you endorsed was to include the provisions from the unregistered arrangements into Schedule 3 of the *Queensland Public Service Award – State 2003 (PSA)*.
- These arrangements were originally known as the Emergency Services Division Hours of Work Provisions and formed part of the Department of Emergency Services Enterprise Partnership Agreement 1997 (DESEPA) by virtue of Clause 4.4.1 of such Agreement
- The arrangements have been in place since 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland (SPSFQ).
- Part 4 of the CDRS Hours of Work includes enhanced overtime provisions that are to apply when the Executive Director, Emergency Services Division (now Chief Officer, EMQ) declares that State Counter Disaster Arrangements are required in relation to a specific event.
- In these circumstances, the CDRS Hours of Work provides that for those employees engaged in work relating to the event, work performed in excess of 7.25 hours per day is to be paid at overtime rates and that in such circumstances, those employees in receipt of a salary in excess of classification level AO5(4) up to AO8(4) level are paid for overtime at the rate of classification level AO5 (4).
- Directive 5/05 (Hours and Overtime) and its predecessor Directive 19/01, effective 24/12/2001, exclude employees in receipt of wages in excess of AO5(4) from receipt of overtime payments.

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Action Officer: Ken Hawkins

Area: EMQ

Telephone: 94489

- The provisions of Directive 5/05 prevail over any industrial instrument by virtue of section 687 of the *Industrial Relations Act 1999*.
- On this basis, the long-standing practice of payment of overtime to EMQ employees in receipt of wages in excess of AO5 (4) in circumstances of the operation of State Counter Disaster Arrangements, as negotiated and agreed on in good faith in 1999, is now in conflict with the provisions of Directive 5/05.
- While the continuation of overtime payments to EMQ employees in excess of AO5 (4) would be in contravention of Directive 5/05, it is considered that the successful re-negotiation of the EMQ hours of work arrangements would be seriously hampered if it involved the removal of the long-standing practice of payment of overtime to employees above classification level AO5 in circumstances relating to the operation of State Counter Disaster Arrangements.
- Two options (use of Critical Incident Directive and Exemption from Directive 5/05) are considered to provide potential solutions to resolve this matter.
- **Option 1** - The instigation of the Critical Incident Entitlements and Conditions Directive 3/08 (CID) as from 27/12/07 does provide a range of enhanced entitlements (including overtime payment at substantive level for officers at AO5(4) level up to AO8(4) level) to public service employees in declared critical incident situations. However, the significant pre-requisites for a declared critical incident under this Directive are such that some situations that are currently covered within the pre-requisites for the declaration of State Counter Disaster Arrangements within the CDRS Hours of Work do not satisfy CID standards.
- Application of the CID in circumstances that currently activate the State Counter Disaster Arrangements within the CDRS Hours of Work is considered a viable solution to the current situation. However, the payment of overtime at substantive level allowable under CID would be above that provided for in the current CDRS Hours of Work.
- The following factors make Option 1 viable :
 - The Critical Incident Directive provides a sound legal basis for extended overtime provisions.
 - Data from SCDA activations since 1/1/09 indicate minimal increased costs could be expected. (If CID conditions were applied to all SCDA activations in the period, additional cost of approx \$20K would have been incurred).
 - Approval would remain within the control of this agency.
 - Staff have requested appropriate remuneration for extended hours.
 - Outcome would be a positive step for attraction and retention strategies.
- **Option 2** - Directive 5/05 provides for the relevant Chief Executive (now Director-General of the Department of Justice and Attorney General) to exclude certain classes of employees from the specified overtime salary limits in exceptional circumstances. However, any exemption granted on this basis would be for a limited time only and would require a defined class of employees to be identified in the submission. Current CDRS Hours of Work arrangements allow the Chief Officer, EMQ to identify the employees to be covered by any declaration based on the operational requirements of the specific event.
- A Business Case is required in order to seek an exemption from Directive 5/05. Such a Business Case has been drafted for your consideration.
- In the event that an exemption was granted in terms of Directive 5/05, the proposed instrument for maintaining the existing EMQ conditions is a Schedule to the PSA. The creation of such a schedule will by necessity involve negotiation with the relevant industrial organisation and/or proceedings before the QIRC. It is by no means certain that this process would not require

some discussion about the level of overtime payment and initial responses from affected staff would indicate some dissatisfaction with the current arrangements i.e. overtime payment at the level of AO5 (4).

- Discussions with staff would indicate that the retention of payment of overtime in circumstances of activation [are](#) essential for the ongoing industrial harmony within EMQ.
- [The effluxion of time and the continued payment of overtime to classification levels AO6, AO7 and AO8 in certain circumstances would make removal of such a condition difficult.](#)
- [Amendment to the PSA \(as would be required\) is unlikely to occur without the consent of the relevant union or likely to be rendered contrary to the No Extra Claims provisions \(clause 2.4\) of the State Government Departments Certified Agreement 2009.](#)
- Within the existing regulatory regime it would appear that only options 1 and 2 provide for an outcome that would maintain the retention of the payment of overtime.
- [It is also the assessment of advisors and senior managers within EMQ and the Employee Relations Unit that retention of overtime will be necessary for the continued role played by EMQ.](#)

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3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Director, Employee Relations Unit.

5. Total Cost of Project and Funding Source

- Some additional costs are likely but this will be managed within existing budget allocations.

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you discuss options 1 and 2 with the [DG-JAG Director General of the Department of Justice and Attorney general](#) and [present the attached business case.](#)

Bruce Grady
ACTING CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

Jim McGowan
DIRECTOR-GENERAL

/ /

/ /

Noted / Approved / Not Approved

Comments:

100804E Hawkins EMQ brief and business case

Michael,

Following our discussions this morning, I have made some amendment to the brief and business case (track changes).

I have also asked Phil Nickerson for assistance with the presentation of the business case.

Regards,

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BUSINESS CASE

EXCLUSION OF CERTAIN EMPLOYEES

OF

**EMERGENCY MANAGEMENT QUEENSLAND
DEPARTMENT OF COMMUNITY SAFETY**

FROM

**THE OVERTIME SALARY LIMIT PRESCRIBED
IN
MINISTERIAL DIRECTIVE 5/05**

Objective:

- This proposal seeks to gain the approval of the Director-General, Department of Justice and Attorney-General to exclude certain classes of employees of Emergency Management Queensland (EMQ), Department of Community Safety from the overtime salary limit prescribed in Ministerial Directive 5/05 in certain specified circumstances.
- This primary purpose for seeking this approval is to provide the industrial basis under which the existing overtime provisions prescribed in the Hours of Work arrangements currently applied to EMQ employees can be maintained.
- The class of employees to be covered by the approval is all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 (presently 55 in total)
- [Since 1997, certain employees of EMQ have been subject to industrial arrangement that provide for overtime for employees at classification levels AO6, AO7 and AO8 under specified circumstances.](#)
- The specified circumstances under which the approval is to apply are those situations that are determined by the Chief Officer, EMQ to be an "EMQ Operational Activation".
- The period of any EMQ Operational Activation will be determined by the Chief Officer, EMQ and only those employees authorised to work in support of the activation will be eligible for the application of the overtime exemption.
- [EMQ seeks to maintain the industrial harmony and goodwill that currently exists. The goodwill of staff has been invaluable in EMQ's capacity to respond to disasters and other incidents in recent history.](#)

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Background:

- Emergency Management Queensland (EMQ) is a division of the Department of Community Safety. The division plays a key role in the coordination of Queensland emergency and disaster management arrangements and disaster mitigation programs. EMQ also provides the core staffing for the Queensland Disaster Management System and manages the State Emergency Service (SES).
- [Disaster management and mitigation has become an increasingly crucial role of Government because of:](#)
 - o [growing community expectations about Government responses to disasters and other incidents; and](#)
 - o [apparently a greater occurrences of incidents that would require Government response.](#)
- For the purposes of this proposal, EMQ employees can be grouped into four broad categories:
 - o Senior Officers and above;
 - o EMQ Helicopter Rescue Operational staff;
 - o Watch Desk Officers; and
 - o Other employees based at Head Office in Brisbane and at regional locations throughout the state.

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- Employment conditions for EMQ Helicopter Rescue Pilots and Crew are the subject of a schedule to the proposed *State Government Departments Certified Agreement 2009* (2009 Core Agreement). The overtime provisions for this class of employees are considered to be adequately prescribed in the existing schedule.
- Watch Desk Officers are rotational shift workers at OO6 level and their overtime provisions are also considered to be adequately covered under current provisions within the *Queensland Public Service Award – State 2003* (PSA).
- All other EMQ employees (excluding those at Senior Officer level and above) are the subject of an unregistered Hours of Work arrangement currently entitled Counter Disaster and Rescue Services Hours of Work Provisions (CDRS Hours of Work).
- These arrangements were originally known as the Emergency Services Division Hours of Work Provisions and formed part of the Department of Emergency Services Enterprise Partnership Agreement 1997 (DESEPA) by virtue of Clause 4.4.1 of such Agreement
- Clause 4.4.1 of the 1997 DESEPA required the updating of existing hours of work provisions to meet identified aims which included such things as the consideration of seasonal, internal and external customer requirements, expansion of ordinary hours in recognition of after “normal hours” work requirements and to compensate all employees for “disruption of Natural Disaster Relief Arrangements”.
- The updated arrangements have been in place since 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland (SPSFQ).
- Part 4 of the CDRS Hours of Work includes enhanced overtime provisions that are to apply when the Executive Director, Emergency Services Division (now Chief Officer, EMQ) declares that State Counter Disaster Arrangements are required.
- Part 4 of the CDRS Hours of Work provides that following a declaration of State Counter Disaster Arrangements, all work performed in excess of 7.25 hours per day is to be paid at overtime rates and that in such circumstances, employees in receipt of a salary in excess of classification level AO5(4) up to AO8(4) level are paid for overtime at the rate of classification level AO5 (4).
- The current CDRS Hours of Work includes a statement, continued on from the original 1999 agreement, that the agreement prevails to the extent of any inconsistency with Directives and other rulings issued by the Minister for Training and Industrial Relations.
- Directive 5/05 (Hours and Overtime) and its predecessors, Directive 19/01 (effective 24/12/2001) and Determination 14, excludes employees in receipt of wages in excess of AO5(4) from overtime payments.
- The provisions of Directive 5/05 prevail over any industrial instrument by virtue of section 687 of the *Industrial Relations Act 1999*.
- On this basis, the payment of overtime to EMQ employees in receipt of wages in excess of AO5(4) in circumstances of the operation of State Counter Disaster Arrangements is in conflict with the provisions of Directive 5/05.
- [Notwithstanding the apparent contradiction of the policy position adopted by Directive 5/05, employees and management of EMQ have become accustomed to the payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances.](#)

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- There are genuine concerns that the removal of the capacity to pay overtime to classification levels AO6, AO7 and AO8 in these circumstances will lead to substantial operational difficulties for EMQ.
- The goodwill of staff has been invaluable in EMQ's capacity to respond to disasters and other incidents and the removal of the ability to pay overtime to classification levels AO6, AO7 and AO8 in specified circumstances will seriously erode that goodwill.
- The workload associated with disaster management and mitigation is such that use of TOIL is impractical.

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Current Situation:

- EMQ's role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work by staff at all levels.
- In addition, EMQ has recently been the subject of three reviews into its operations: the McHugh Report, the Disaster Management Review and a Workplace Health and Safety review of EMQ Helicopter Rescue.
- In response to the changing work demands of EMQ, a program of work has been initiated to review management practices, investigate and identify the reallocation of work and to develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.
- A significant part of this program is the proposed replacement of the existing CDRS Hours of Work arrangements with specific provisions in Schedule 3 (Agency Specific Provisions) to the *Queensland Public Service Award – State 2003* (PSA).

- Provisions in schedule 3 of the PSA are considered to be more robust and enforceable than an unregistered agreement that relies upon a superseded certified agreement for its existence.
- Any amendment of the PSA will require negotiations with the Queensland Public Sector Union (QPSU) representing the relevant employees of EMQ. Given the sentiment of employees of EMQ, it is unlikely that the QPSU would be disposed towards such an amendment unless it involved retention of the payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances.
- Also given the nature of No Extra Claims Clause (Clause 2.4) contained in the *State Government Departments Certified Agreement 2009* (the Core Agreement), it is unlikely that there would be any possibility to amend the PSA without the consent of the QPSU.
- Clause 2.4 of the Core Agreement (which also binds EMQ) contains the following provision is sub-clause (1):

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This Agreement is in full and final settlement of all parties' claims for its duration. It is a term of this Agreement that no party will pursue any extra claims relating to wages or conditions of employment whether dealt with in this Agreement or not. (Emphasis added).

- The removal of a condition of employment (i.e. payment of overtime as opposed to TOIL) that has existed since 1999 constitutes an extra claim on the part of the employer (EMQ) and as such would be prevent an application to amend an award without consent (see *Ergon Energy v ETU* [2006] QIC 181QGIG533).

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- While the continuation of overtime payments to EMQ employees in excess of AO5(4) would be in contravention of Directive 5/05, it is considered that the successful re-negotiation of the EMQ hours of work arrangements would be [seriously hampered/unrealistic](#) if it involved the removal of this long-standing practice as negotiated and agreed on in good faith in 1999.

Categories of Work:

- The type of work done by the EMQ employees addressed in this proposal falls into three categories:
 - Routine
 - EMQ Operational Activation (as declared by the Chief Officer, EMQ)
 - CID Activation (as declared by the Chief Officer, EMQ and also by the Director-General, Justice and Attorney-General)
- Routine work relates to the daily activities performed by EMQ employees within agreed hours of work and with the usual overtime salary limits of Directive 5/05.
- EMQ Operational Activation is the contemporary term proposed to replace the State Counter Disaster Arrangements provisions in the current CDRS Hours of Work. Situations of this type could be generally defined as an event that requires the activation of staff as a result of an emergency or protracted event in a community that does not meet the pre-requisites to be assessed as an event under the Critical Incident Directive. Characteristics of an EMQ Operational Activation include:
 - Local event
 - Single agency response
 - Extended hours required to be worked by staff in preparing for, managing or recovering from an event
 - Work necessary to secure life and property
 - Immediate action necessary
- CID Activations are made in accordance with the provisions of Directive 3/08. Characteristics of a CID Activation include:
 - The occurrence of an event under the Disaster Management Act
 - Extended hours worked by staff in preparing for, managing or recovering from an event
 - Significant threat to life and property
 - Multi-agency response necessary
 - Activation of the State Disaster Co-ordination Centre
 - Multiple locations and/or extensive area of event
 - Multiple LGDMG activations
 - National Disaster Relief and Recovery Arrangements activated
 - Immediate response necessary

- The instigation of the Critical Incident Entitlements and Conditions Directive 3/08 (CID) as from 27/12/07 does provide a range of improved entitlements to public service employees in declared critical incident situations. However, the significant pre-requisites for a declared critical incident under this Directive are such that some situations that are currently covered within the pre-requisites for the declaration of State Counter Disaster Arrangements within the existing CDRS Hours of Work do not satisfy CID standards.

Activations History:

The following table shows information on the overtime performed by EMQ staff at classifications level AO6 to AO8 during activations since 1/1/09:

Event	Activation Type		Period of Activation	Number of Staff by Classification Level	Overtime Costs
	EMQ	CID			
TC Neville	x		21/1/09 to 25/1/09	40	?? hrs and/or xx \$
			<i>Data being collated (when?)</i>		

Issues:

- The limited core staff levels of EMQ requires that at times of operational activations, extended hours must be worked by staff at all classification levels to meet urgent service demands at those times.
- The nature of routine EMQ work (e.g. meetings with local government and community groups during the day and with volunteers on weekends and at night) already places demands on staff over extended periods of time.
- The management of TOIL accruals is already a challenge for EMQ, particularly in regional areas, where demands on the limited staff levels are high with expectations that staff will be accessible to their clients at all times.
- Leave management in general is an ongoing challenge with the peak operational period (cyclone season) from October to March limiting the time that leave can generally be taken to 7 months of the year.
- EMQ employees have indicated a strong preference to paid overtime as opposed to TOIL (where a choice is available) and this arrangement is also the preferred approach for EMQ, the outcome providing a reasonable balance between maximising staff availability levels for operational purposes and allowing staff

adequate recreation time through access to usual leave accruals at convenient times.

Class of Employees:

- The exclusion that is being sought will apply to all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 but only in situations where the Chief Officer, EMQ declares an activation and then only to those staff within the class of employees who are approved to participate in the activation. The following table show the positions within this class which at this time are most likely to be engaged in operational activities..

Position Title	Class	Number of Posns	Position Title	Class	Number of Posns
Executive Manager	AO8	6	Area Director	AO6	20
Executive Officer	AO8	1	Senior Program Officer	AO6	12
Principal Program Officer	AO7	10	Regional Training & Equipment Officer	AO6	2

Agreement with staff:

- This proposal seeks to continue a practice agreed with employees and their union in 1998. [It would be reasonable to suggest that employee expectations are such that agreement to rationalise and update conditions of employment would be contingent upon retention of the payment of overtime to classification levels AO6, AO7 and AO8 in specified circumstances.](#)
- The QPSU has been informed of the Agency's intention to seek approval for this exemption from the overtime limit and that this approach forms part of the soon to commence negotiation phase for a revised hours of work agreement for EMQ employees.

Workload Management:

- While this proposal seeks to continue existing entitlements in operational situations, the process of revising the hours of work agreement for EMQ employees includes a review of various work practices aiming to reduce the out of hours workload for EMQ staff, particularly those within the class of employees identified previously.
- [The review of work practices will involve the transfer of certain duties from regional staff to WDOs who are employed on shift arrangements. It is the intention of this job redesign to remove routine functions from regional personnel and refocusing regional staff on disaster management and mitigation in their specific locations.](#)
- In addition, improved practices in roster management during operational activities is focussed on better managing fatigue within a high demand operational workload.

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Options:

The following options have been considered:

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- Eliminate EMQ Operational Activations and include operations of this type as a Critical Incident Directive activation:

Advantages:

- No exemption from overtime limit required
- Simple process requiring approval of Chief Officer, EMQ only
- (For employees) Increased compensation as overtime paid at substantive level
- Consistency in the application of overtime to EMQ employees at classification levels AO6, AO7 and AO8 in all circumstances (CID and other circumstances)
- Continuation of existing and long-standing conditions of employment (greater likelihood of successful negotiations)
- Is a more permanent solution (does not require on-going approval)

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Disadvantages:

- Assessment criteria currently used in determining a Critical Incident event would be less restrictive..
- Increased costs as overtime would be paid at substantive level and not capped at AO5(4) level

- Revert to standard PS overtime provisions:

Advantages:

- Consistency
- (For employer) Decreased overtime costs

Disadvantages:

- Proper and enforceable industrial arrangements are unlikely to be renegotiated
- (For employees) Seen as unwarranted reduction in current compensation levels
- Damage to existing relationships and goodwill likely to result in:
 - Strong potential for the change to lead to industrial action by disgruntled employees
 - Staff retention challenges likely to increase turnover
 - Inability for EMQ to maintain its current functions

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- Maintain status quo through approval of exemption from overtime limit approval:

Advantages:

- Existing conditions "legitimised"
- No additional expense

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Disadvantages:

- Approval can only be for limited period only with requests for extension required

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Proposal:

- ~~Having considered all of the available options, it appears that the most logical way forward is to seek an exemption from the overtime limit prescribed in Directive 5/05 in circumstances where the Chief Officer, EMQ declares an EMQ Operational Activation. Two viable alternatives exists:~~
 - Exemption from Directive 5/05 to enable existing provisions to apply; and
 - Adoption of the CID for all circumstances where payment of overtime to classification levels AO6, AO7 and AO8 may be required.
- Directive 5/05 provides for the relevant Chief Executive (now Director-General of the Department of Justice and Attorney General) to exclude certain classes of employees from the specified overtime salary limits in exceptional circumstances
- Approval is sought for exemption from the overtime limit for all officers performing duty in EMQ positions at classification levels AO6, AO7 and AO8 who are authorised to work in support of situations that are determined by the Chief Officer, EMQ to be an "EMQ Operational Activation". ~~The approval to be for an initial period of 2 years and reviewed at that time.~~

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Jim McGowan
Director-General

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100809E Hawkins EMQ Duty Officers duties

Today we met with EMQ concerning the proposal to shift duties from Duty officers to WDOs.

The problem that has developed is a culture where Duty Officers in the regions have encouraged calls at any time. In order to remedy the current situation it will be necessary to develop the capacity of WDOs and ensure that calls to Duty Officers outside normal hours are the exception rather than the rule.

It was agreed:

There needs to be a confidential conversation with Regional Directors;

A risk assessment undertaken following the discussion;

Flag the intention with staff and the union; and

Develop some model rosters.

Regards,

QFES RTI FINAL RELEASE

100826E Hawkins WDOs

It is long held principle within public sector employment that employees "acting up" take all of the conditions associated with the higher position (good and bad). This principal was reinforced by Commissioner Bechly in *Bruce Wilkinson v Queensland Fire and Rescue Authority*

The concept of acting down is not so well contemplated by the regulatory regime. Usually, someone being moved to a lower position would be in relation to disciplinary action or redeployment and would be permanent rather than temporary. In cases of redeployment I would expect the Officer to maintain a personal classification in the event that they were required to perform a role at a lower classification level.

It is my view that once you have reached the dizzy heights of AO6, you will never see paid overtime again unless something (bad) mentioned above happens to you or happen to work in EMQ during an activation (the nature of which is currently unspecified). Directive 5/05 uses the language employees "in receipt of" wages higher than the top of AO5. My view is that the intention of the Directive is quite clear: to exclude those employees in all cases and the fact that the Officer is doing work that is considered at a lower level, albeit outside the ordinary spread of hours.

The other question you raise is with respect to the ability to have employees relieve as shift workers. Two separate provisions (award and directive) need to be complied with in this regard. Firstly is the definition of shift work within the award and secondly the minimum time that an employee is required to perform higher duties before being entitled to payment.

In the case of the award, there does not appear to be any impediment to an employee being a shift worker on a temporary basis. Therefore it would appear that a day worker can become a shift workers for a shift, week, month or whatever period of time you so desire in terms of the award.

The second issue of Directive 2/05 is more problematic. As you rightly point out Directive 2/05 requires that a Public Service Office undertakes more than 3 shifts before they are entitled to payment for higher duties. The Higher Duties Directive therefore would not enable an Officer at a classification with a maximum salary of less than OO6 to be paid at OO6 level (and take the conditions that go with it e.g. shift penalty) unless they do at least 3 shifts.

The non-application of Directive 2/05 begs the question, what does apply in the case of an employee at a lower level acting up in the position of a shift worker?

Being a student of history you are undoubtedly fascinated by the removal of the provisions that were contained in Section 14 (4) of the *Industrial Conciliation and Arbitration Act 1961*. The two or more classes of work maxim was considered contrary to the Structural Efficiency Principle enunciated by the 1989 State and National Wage Cases and was subsequently omitted from the *Industrial Relations Act 1990*. Such discourse does not take us any closer to an answer, however fascinating it may be.

The short answer is if an employee cannot "act up" for a period of less than three shifts and they are required to work outside their ordinary hours the answer must be overtime at their substantive rate. And, you guessed it, for employees above AO5 that means TOIL; therefore such an employee gets to work a night shift just so they can have some time off. I think you may have difficulty attracting employees to this proposition.

By the way, on contemplating these vexing questions, I came t the conclusion that WDOs would lose their 5th weeks annual leave if they ceased to be continuous shift workers as defined by the award (no longer 24/7). I would consider this to be a travesty as you would be requiring employees to become permanent night shift workers (rather than rotating shift workers) and taking a weeks' leave away from them as well. If their status as continuous shift workers can somehow be protected that may go some way to overcoming objections to the proposed shift change.

I trust that this has assisted but you had come to these conclusions by yourself.

Regards,

QFES RTI FINAL RELEASE

100831E Hawkins EMQ Hours

Today (31 August 2010) I met with EMQ to discuss recent developments with the QPSU and JAG with respect to the Hours of Work arrangements.

It was agreed that Michael Hawkins and Bruce Grady would meet with Michael Thomas (hopefully this week ending 3 September 2010). At that meeting it was intended to discuss:

- Hours of Work Arrangements; and
- Proposed structural changes in EMQ.

A draft letter has been prepared for signature of the DG suggested amendment to the Critical Incident Directive. Feed back regarding the letter should be directed to me.

Following the course of action outlined above, it is proposed to formally write to the QPSU seeking consent to amendment to the Public Service Award to include the EMQ Hours of Work arrangements (copy tabled by Ken).

Regards,

JRM

Proposed amendment to Critical Incident Directive

In Schedule A:

Clause 2 at the end of the first paragraph:

“or EMQ activation”

Clause 2 a new paragraph “c) where the Director General, Department of Community Safety declares an EMQ activation.”

Clause 4.1 a new paragraph “c) the date determined for the commencement of an EMQ activation”.

A new clause “5.13 “EMQ Activation” is where the Director General Department of Community Safety declares an emergency situation exists and that situation is of such significance that it requires employees of Emergency Management Queensland and, if required, other Divisions of the Department of Community Safety to work extended hours and/or temporary shift work to meet operational demands in preparing for and responding to the situation.”

100928E CID Steele amendment

Today (28 September 2010) we met to discuss the proposed amendment to the critical incident directive.

Your department flagged potential amendments to allow for an extension to the activation of a critical incident for a period of 45 days and thereafter if so determined by the relevant Chief Executive.

We also agreed on some wording for you to take to your hierarchy in order to affect EMQ amendments using the CID. I have enclosed an electronic copy of the proposed amendments.

Regards,

QFES RTI FINAL RELEASE

Proposed Hours of Work Changes – Working Draft (17 February 2011)

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees [engaged in Emergency Management Queensland \(EMQ\)](#), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees [engaged in Emergency Management Queensland \(EMQ\)](#).

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Chief Officer, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Chief Officer, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Chief Officer, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Chief officer, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(f) On Call

Employees instructed to be on call by the Chief Officer, EMQ or delegate, shall be paid an on-call allowance in accordance with [Schedule 4 Section 6 Clause 5.14.4](#) of this Award and the [State Government Departments Certified Agreement 2009](#). Where practical, the Chief Officer, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

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(g) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Chief Officer, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Chief Officer, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day; or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Chief Officer (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

110217E Hawkins PSIER amendments

Ken,

We have met with PSIER with respect to the proposed schedule 3 amendment.

As a result of that meeting I have made certain changes to the last document you provided (30 September 2010) and they are marked in track changes.

- The first page 1 (3.4.2) changes the structure of the first sentence in an attempt to avoid a split infinitive.
- The second on page 2 (f) on call updates the reference to on call in the award.
- The third on page 3 (3.4.4) removes reference to employees of other departments. Given this schedule applies to employees of DCS it is doubtful that it can apply to employees of other departments and in any case the CID would take of such situations.

Do these suggestions cause you any difficulty.

I am also trying to arrange a meeting with the QPSU for next Wednesday.

Regards,

110218E Hawkins PSIER amendments

Ken,

3.4.2 The 30 minute break in the 12 hour shift – we had this discussion with PSIER and came to the conclusion that a number of other employees (e.g. Firefighters) work lengthy shifts with only receiving one meal break. It must be understood that this entitlement is in conjunction with rest pauses. This might be a matter the QPSU raises but we believe that when emergency situations get going ½ hour lunch is the least of anyone's worries.

3.4.2 (c) I am not inclined to replace the word "where" with the word "if". In my experience, "where" is the customary word used in legal terminology for such a conjunction.

3.4.2 (c) I am not sure it is necessary to confine consideration of family responsibility to the employee however if it is necessary to make such an amendment I will.

3.4.3 – we can flag further discussion regarding other employees. If I was the QPSU (which I guess I am in a way) I would be suggesting that there might be justification for separate industrial instrument for EMQ. The further this goes the differences will become greater than the similarities to the standard QPSA conditions (just a thought).

3.4.4 – all of what you say may be true – I guess the question remains do we have the capacity to provide for conditions for employees other than DCS employees in a schedule specific to DCS? There are also a number of other employees who will be the subject of disparate conditions of employment in these circumstances (e.g. Police).

I am happy to discuss all or any of this schedule with Bruce but I understand Michael and Glenn had this conversation at an earlier meeting this month.

Regards,

110221E Hawkins EMQ Hours

Michael/Glenn

I had a meeting scheduled with Ken Hawkins this afternoon to go through the EMQ Hours of Work Arrangements and his subsequent comments. Ken is not in today so the meeting can not go ahead.

Of all the matters that Ken has raised the only one that I see as being of concern is that of employee from other Departments. You would recall that we included in the draft a line that certain conditions applied to employees of DCS and other agencies. Our friends from JAG questioned the capacity to cover such employees. We had thought the best course of action was to remove the reference to other Departments, however Ken sees this a problematic. I was able to speak to Bruce Grady this morning whilst waiting for coffee and Bruce also had this view.

My advice is to table a document that includes the reference to employees of other Departments at the meeting tomorrow. I suspect that the QPSU might raise this as an issue but in the event that they don't we go back to JAG and say we want to consult other agencies to include this provision. I am happy to attempt to square this off with Rob Gillespie if you think the idea has merit.

Please let me know your views and I will draft a document for the QPSU's consideration accordingly.

Regards,

110221E Robertson

Good Afternoon All,

Earlier today Peta asked for a comparison of the existing CDRS arrangement and the proposed schedule III amendment.

The attached has been prepared. Please accept it on an errors and omissions basis.

Regards,

QFES RTI FINAL RELEASE

Proposed Hours of Work Changes – Working Draft (22 February 2011)

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

Employees working an afternoon shift in accordance with shift provisions provided for in the Public Service Award – State 2003, will be paid 15% per shift for all ordinary time worked in addition to 9.5 hours. Shift allowances will be paid only in instances where an officer's work commitments do not allow the work to be performed during the day.

(e)(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 42-9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.

On the approval of the Assistant Director General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

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S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

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Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or
- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day; or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

110222E Hawkins EMQ QPSU meeting

Michael,

Yesterday (22 February 2011) I attended a meeting with the QPSU to discuss EMQ hours of work arrangements. Also in attendance were yourself, Bruce Grady, Peta Robertson, Mark Dole and Michael Thomas of the QPSU.

A draft amendment to schedule 3 of the Queensland Public Service Award – State was tabled for consideration by the QPSU. Another document attempted to compare the existing (1997) arrangements.

It was also explained that the Critical Incident Directive was amended to allow for payment of overtime to EMQ employees above AO5 level during activations.

Michael Thomas said that he needed time to understand the definitions of operational and non-operational personnel from the 1997 agreement.

Bruce Grady explained that the hours of work arrangements were not the answer to workload issues that had been raised. He advised that a solution to workload issues should be announced in the next few days.

The QPSU undertook to consider the document.

DCS undertook to provide a dot point explanation of the proposed hours arrangements.

Regards,

Comparison of CDRS Hours of Work and proposed variation to Public Service Award Schedule 3

COUNTER DISASTER AND RESCUE SERVICES HOURS OF WORK PROVISIONS	PROPOSED SCHEDULE 3 – WORKING DRAFT (Provision in proposed schedule in bold)	CHANGES EFFECTED
PART 1 – PRELIMINARY		
<p>1.3 APPLICATION This agreement is taken to form part of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i> by virtue of Clause 4.4.1 of such Agreement. Should there be any inconsistency between this Agreement and: (i) the provisions of the <i>Public Service Award – State</i>; and (ii) Directives and other rulings issued by the Minister for Training and Industrial Relations the provisions of this Agreement shall prevail to the extent of any inconsistency. These provisions shall apply to all employees of Emergency Services Division, excluding the following classes of employees: • Employees engaged in Aviation Services as 'operational' employees; • Employees engaged at the classification level of Senior Officer 2 (SO2) and above; and • Casual employees engaged by Emergency Services Division. Notwithstanding the above, Part 4 of this Agreement may apply to employees of other Divisions of the Department of Emergency Services where such employees are required to be part of State Counter Disaster (SCD) Arrangements.</p>	<p>3.4.2 Emergency Management Queensland Employees The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.</p> <p>3.4.3 Watch Desk Officers, Emergency Management Queensland The following conditions apply to Watch Desk Officers (as appointed by the Chief Officer, Emergency Management Queensland) engaged in Emergency Management Queensland.</p> <p>(a) General Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.</p> <p>3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Chief Officer, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety who are directed to assist in operational activations of EMQ.</p> <p>“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i>.</p>	<p>Inconsequential change. Much of the preamble to the CDRS arrangements was superfluous.</p>
<p>1.4 DATE OF OPERATION These provisions will replace existing hours of work and related provisions and shall apply from 1 March 1999. This agreement will remain in force until 31 December 1999 or such later time until either party terminates the agreement by providing the other party with thirty days written notice.</p>	<p>N/A</p>	<p>The schedule 3 amendment would take effect from the time at which the QIRC amends the award.</p>
<p>1.5 PRINCIPLES (a) The management of hours worked (including accrued TOIL) shall be a local matter with the responsibility resting with managers and employees at the lowest appropriate level; (b) Employees should perform reasonable hours of work, but should not be expected to perform unreasonable or excessive hours of work. The performance of reasonable hours is a management issue to monitor in consultation with employees; (c) Hours of work must be flexible to meet customer requirements;</p>	<p>3.4.2 (a) Principles - Emergency Management Queensland Employees These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:</p> <ul style="list-style-type: none"> • Maximise work/life balance; 	<p>Greater emphasis on work/life balance as a consideration.</p>

<p>(d) The operating hours for each work unit will be determined in consultation with employees, recognising the principles of fairness, equity and flexibility, Workplace Health & Safety and quality of service;</p> <p>(e) Hours of work must be simple to administer;</p> <p>(f) Hours of work performed must focus on the task of the work unit;</p> <p>(g) Hours of work must be performed with due recognition to the domestic, personal and social needs of employees;</p> <p>(h) Expectations of management in relation to hours of work must be communicated to employees; and</p> <p>(i) Management tools such as Performance Appraisals, organisational goals and objectives and positions descriptions should be used to determine optimum workloads of employees in order to avoid excessive hours of work.</p>	<ul style="list-style-type: none"> • Ensure operational coverage; • Ease traffic congestion; and • Ensure meaningful work is provided. <p>The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.</p> <p>Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL</p>	
<p>1.6 GRIEVANCES Any employee aggrieved by a decision of a manager in relation to these hours of work provisions may lodge a grievance in accordance with Clause 7.7 of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	N/A	Award, Agreement and Directive Grievance Procedure would have application
<p>1.7 DEFINITIONS</p> <p>(1) "Required by their Manager to perform work" (Clause 2.9 {1} and {4} and Clause 2.7 {2}) refers to those situations where a Manager specifically authorises and directs an employee to work a set number of hours on a public holiday, Saturday or Sunday to complete a special or significant task.</p> <p>(2) "Manager" refers to any managerial position with the Emergency Services Division of the Department of Emergency Services including the positions of Assistant Director, Director and Executive Director.</p> <p>(3) "TOIL" refers to time off in lieu of paid overtime.</p> <p>(4) "General Employees" – refers to those employees who are not classified as "administrative employees" or "DMU operational employees".</p> <p>(5) "Administrative Employees" – refers to those employees categorised as such by the Director of the Work Unit whose primary task is to provide administrative support to a work unit.</p> <p>(6) "DMU Operational Employees" - refers to those employees employed in the Disaster Management Unit who are classified as such by the Director DMU, subject to the provisions of this Agreement.</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations (Critical Incident and EMQ activations)
<p>1.8 REVIEW OF HOURS OF WORK PROVISIONS A review of the effectiveness of the Hours of Work provisions will be undertaken in December 1999 and will be finalised by mid January 2000</p>	N/A	<p>No provision has been included in the draft.</p> <p>NB: the QPSU has requested a similar review provision in negotiations for 12 hour shifts for DCS security personnel</p>
<p>PART 2 – GENERAL HOURS OF WORK</p>		
<p>2.1 SPREAD OF HOURS</p> <p>(1) General Employees For general employees the ordinary hours of work shall be:</p> <p>(a) 72.5 hours per fortnight;</p> <p>(b) worked between 7am and 9pm, Monday to Sunday inclusive; and</p> <p>(c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(2) Administrative Employees For administrative employees the ordinary hours of work shall be:</p> <p>(a) 72.5 hours per fortnight;</p> <p>(b) worked between 7am-6pm, Monday to Friday; and</p> <p>(c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(3) DMU 'Operational Employees'</p>	<p>3.4.2 (b) Hours of Work – Emergency Management Queensland Employees</p> <p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.</p> <p>Employees and managers will negotiate agreement on ordinary</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun)</p> <p>Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun</p> <p>Operational 6 am to 12 M'night Mon to Sun)</p> <p>SCDA 7.30 am to 8 pm Mon to Fri)</p>

<p>For DMU 'Operational Employees' the ordinary hours of work shall be:</p> <p>(a) 72.5 hours per fortnight;</p> <p>(b) worked between 6am-12midnight Monday to Sunday; and</p> <p>(c) a maximum of 12 hours in any one day excluding meal breaks.</p>	<p>working hours in order to meet operational requirements and the employee's work/life balance.</p> <p>In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles</p> <p>A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.</p> <p>3.4.3 (b) Hours of Work – Watch Desk Officers</p> <p>The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.</p> <p>Changes to these hours may occur from time to time due to organisational requirements.</p> <p>All other hours of work conditions shall be in accordance with clause 6.5 of this Award.</p> <p>3.4.4 (a) Hours of Work – Critical Incident and EMQ Activations, EMQ</p> <p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>Emergency Op M'day to M'night Mon to Sun</p> <p>CID/EMQ activation M'day to M'night Mon to Fri</p>
	<p>3.4.2 (g) Attendance Records - Emergency Management Queensland Employees</p> <p>All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave</p> <p>A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.</p> <p>A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.</p>	

<p>2.2 CATEGORY OF EMPLOYEES (1) All Work Unit Directors shall make a recommendation to the Executive Director, Emergency Services Division as to which category (General/Administrative/DMU Operational) employees' within their work unit are classified as. (2) Where an employee disagrees with the Director's recommendation, the employee may refer the matter to the Emergency Services Division Local Consultative Committee for their consideration. The Local Consultative Committee will make a recommendation to the Executive Director, whose decision shall be final.</p>	<p>N/A</p>	<p>A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.</p> <p>The proposed Schedule 3 provides for specific arrangements for:</p> <ul style="list-style-type: none"> • All employees of EMQ, (excluding Watch Desk Officers and Operational Employees of EMQ); • Watch Desk Officers; and • In times of Critical Incident and EMQ activations
<p>2.3 STARTING AND FINISHING TIMES Starting and finishing times shall be on the hour or at 15 minute intervals.</p>	<p>3.4.2 (c) Accrued Time – Emergency Management Queensland Employees</p> <p>An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.</p> <p>An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.</p> <p>Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.</p> <p>In accordance with Clause 6.1.6 of the <i>Queensland Public Service Award – State 2003</i>, employees are to have access to at least one full accrued day off per month</p> <p>Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.</p> <p>The Chief Officer, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative <i>Directives</i> as issued from time to time.</p>	<p>Recording hours of work in 15 minute intervals might be best included in the schedule</p>
<p>2.4 MEAL BREAKS Employees shall be entitled to an unpaid meal break of not less than 30 minutes between the third and sixth hour of duty. Where the engagement of employment is greater than 10 ordinary hours, employees shall be entitled to an additional unpaid meal break of not less than 30 minutes.</p>	<p>3.4.4 (c) Meal Breaks - Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>Employees are entitled to meal break(s) as follows:-</p> <ul style="list-style-type: none"> ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day. 	<p>For purpose of clarity, it may help to include details of meal breaks for All employees of EMQ, (excluding Watch Desk Officers and Operational Employees of EMQ)?</p>

	<p>Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages.</p> <p>3.4.3 (b) Hours of Work – Watch Desk Officers The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.</p> <p>Changes to these hours may occur from time to time due to organisational requirements.</p> <p>All other hours of work conditions shall be in accordance with clause 6.5 of this Award.</p>	
<p>2.5 TOIL (1) All employees shall have access to at least one full day off over a 4 week period. (2) An employee's TOIL carry over shall not exceed 58 hours at the end of each 4 week period (unless specifically prescribed in these arrangements). TOIL in excess of 58 hours at the end of each 4 week period will be forfeited. (3) The minimum accrual period for TOIL is 15 minutes. (4) TOIL accrues on a time for time basis. (5) Employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these hours of work provisions up to a maximum of 36.25 hours on cessation of employment with the Division.</p>	<p>3.4.2 (e) – Emergency Management Queensland Employees</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p>	<p>It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours</p>
<p>2.6 SICK LEAVE Sick leave taken will be deducted from an employee's sick leave balance on the basis of an ordinary working day (7.25 hours) or the actual hours where an employee is sick for less than an ordinary working day.</p>	<p>N/A</p>	<p>Standard award provisions will provide for outcome of 7.25 hours</p>
<p>2.7 PUBLIC HOLIDAYS (1) Employees are to be credited with 7.25 hours for a public holiday except when the public holiday falls on a Saturday or Sunday. (2) Where employees are required by their manager to perform work on a gazetted public holiday they will be paid double time and a half (time and a half in addition to ordinary time) for such work with a minimum of four hours payment.</p>	<p>3.4.2 (d) Work Performed on Weekends and Public Holidays – Emergency Management Queensland Employees</p> <p>Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.</p> <p>3.4.3 (c) Watch Desk Officers - Work Performed on Weekends and Public Holidays</p> <p>Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.</p>	

<p>2.8 FATIGUE LEAVE Employees shall be provided with, and shall avail themselves of, a minimum of ten consecutive hours off duty between the finish of duty on one day and the commencement of duty on the next rostered day. If this break is not able to be taken, the employee is to be paid at double rates for that period until released from duty. The employee will then be provided with a 10 hour consecutive break from duty without loss of pay for ordinary working time occurring during such absence (ordinary working time in this instance shall equal 7 hours 15 minutes). Provided that this clause does not apply to employees engaged in "Emergency Work" as defined in Part 3.</p>	<p>3.4.4 (f) Fatigue Management - Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p>	<p>No change – emphasis that an employee must be directed</p> <p>For purpose of clarity, should we include specific reference to Fatigue Breaks under the general provisions relating to All employees of EMQ, (excluding Watch Desk Officers and Operational Employees of EMQ?</p>
<p>2.9 OVERTIME/PENALTY RATES</p> <p>(1) Where employees are required by their manager to perform work on a weekday, Saturday or Sunday outside the ordinary hours of work as defined in Clause 2.1 for the category, this time shall accrue as TOIL, provided that employees who paid at the rate of AO5 PP4 or below may receive:</p> <p>(a) time and a half for the first 3 hours, and double time thereafter, for work performed on a weekday or a Saturday;</p> <p>(b) double time for work performed on a Sunday;</p> <p>(2) Where employees elect, of their own accord, to perform work on a public holiday, weekend or outside ordinary hours of work, such time will not be recognised for any purpose.</p> <p>(3) Where employees elect to and by mutual agreement with their manager, perform work on a public holiday, weekend or outside the ordinary hours prescribed in Clause 2.1, such time will be recognised as ordinary hours of work but overtime or penalty rates will not be payable.</p> <p>(4) Where employees are required by their manager to perform work on a Saturday and Sunday within the ordinary hours of work as defined in Clause 2.1 and provided such employees are not paid in excess of AO5PP4, they will receive:</p> <p>(a) half time in addition to normal time for work performed on Saturday;</p> <p>(b) single time in addition to normal time for work performed on a Sunday;</p> <p>(c) provided that employees at the AO6 level with an existing entitlement to penalty rates for work performed on Saturdays and Sundays as at the date of commencement of these provisions will maintain that entitlement with the payment being in accordance with (a) and (b) above. Such entitlement will cease if employees are appointed to a level above AO6.</p>	<p>3.4.2 (e) Overtime – Emergency Management Queensland Employees</p> <p>Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.</p> <p>Employees shall work reasonable overtime whenever necessary in the opinion of the Chief Officer, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.</p> <p>Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative Directives as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.</p> <p>Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Chief Officer, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.</p> <p>On the approval of the Chief officer, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>

	<p>cessation of employment with EMQ.</p> <p>3.4.3 (d) Overtime - Watch Desk Officers</p> <p>All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.</p> <p>3.4.4 (b) Overtime – Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p>	
<p>2.10 ON-CALL</p> <p>(1) Employees required to be on-call (as designated by the Director or delegate of the work unit) shall be paid an on-call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i> notwithstanding that any overtime may be accrued as TOIL.</p>	<p>3.4.2 (f) On Call - Emergency Management Queensland Employees</p> <p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p>	No effect to condition, however there is an additional requirement to limit the application of on-call to individuals
PART 3 – EMERGENCY OPERATIONS		
<p>3.1 APPLICATION</p> <p>This part applies to employees engaged in emergency operations as defined</p>		
<p>3.2 DEFINITION</p> <p><i>“Emergency Operations”</i> – Operations which require the activation of staff as a result of an emergency or protracted emergency in a community (but which does not result in State Counter Disaster Arrangements). The determination of Emergency Operations is a matter for the Director of each work unit to determine in consultation with staff</p>	<p>3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Chief Officer, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety who are directed to assist in operational activations of EMQ.</p> <p>“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i>.</p>	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.
3.3 RATIONALE	N/A	

<p>This part recognises that emergencies may arise at any time and often require great flexibility and time commitment on the part of staff in dealing with them. It aims to balance the need to deal effectively with the emergency against the personal needs of staff.</p>		
<p>3.4 SPREAD OF HOURS (1) The hours of work performed during emergency operations contributes to the employee's 72.5 hours per fortnight. (2) Hours may be worked between the hours of Midnight to Midnight, Monday to Sunday inclusive as required by the emergency. (3) The daily hours worked should not exceed 12 hours in any 24 hour period, excluding meal breaks.</p>	<p>3.4.4 (a) Hours of Work – Critical Incident and EMQ Activations, EMQ</p> <p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>3.5 FATIGUE LEAVE Where employees, at the end of an emergency, have exceeded a total of 12 hours work in the previous 24 hours, they must avail themselves of a minimum of 10 hours break between the finish of duty on the emergency operation and the commencement of duty on ordinary hours of work. If the employer directs employees to work and the break can not be taken, the employees are to be paid at double rates until a 10 hour break is taken.</p>	<p>3.4.4 (f) Fatigue Management - Critical Incident and EMQ Activations, EMQ</p> <p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p>	<p>No change – emphasis that an employee must be directed</p> <p>This appears to have been duplicated in the CDRS ARRANGEMENTS</p>
<p>3.6 TOIL No limit shall apply to the amount of TOIL which can be accrued during emergency operations but where such TOIL results in the 58 hour maximum for general conditions being exceeded, the excess should be taken as soon as practicable as determined with the local work unit.</p>	<p>3.4.4 (b) Overtime – Critical Incident and EMQ Activations, Emergency Management Queensland</p> <p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p> <p>3.4.2 (e) Overtime – Emergency Management Queensland Employees</p>	<p>It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours</p>

	<p>Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.</p> <p>Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director-General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.</p> <p>Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative Directives as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.</p> <p>Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.</p> <p>On the approval of the Assistant Director-General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.</p>	
<p>3.7 INCONSISTENCY WITH GENERAL PROVISIONS Where these provisions for emergency operations are inconsistent with the general hours provisions, these provisions shall apply to the extent of an inconsistency.</p>	N/A	
<p>PART 4 – STATE COUNTER DISASTER ARRANGMENTS PROVISIONS</p>		
<p>4.1 APPLICATION Where there is an inconsistency between these provisions and the provisions in Part 2 – the provisions of this Part will prevail during periods of State Counter Disaster Arrangements.</p>	N/A	
<p>4.2 DEFINITION “State Counter Disaster Arrangements Operations” refers to those situations where the Executive Director, Emergency Services Division, declares at the commencement of the operation that State Counter Disaster Arrangements are required. Another declaration will be made at the conclusion of the operation to formalise the return to ordinary working conditions. These Arrangements shall include the deployment or</p>	N/A	Antiquated terminology

<p>redeployment of staff to or from the field prior to or after the formal declarations have been made.</p>		
<p>4.3 HOURS OF WORK (1) The maximum ordinary hours of duty during these operations shall be seven and a quarter (7.25) per day, Monday to Friday. (2) The Executive Director or Director may choose to initiate the staffing of two shifts per day within the State Disaster Coordination Centre. Where these shifts are to cover 24 hours, the day shift shall be from 7.30am to 8.00pm and the night shift shall be from 7.30pm to 8.00am or as otherwise directed by the Executive Director or Director to meet operational demands. At affected locations other than the State Disaster Coordination Centre, the hours of work will be as directed in order to meet operational requirements. (3) Meal Breaks – employees working twelve and a half hour shifts shall be allowed two paid meal breaks of 30 minutes. (4) Employees shall be entitled to rest pauses of a total of thirty minutes, which shall be taken at such times as suits operational requirements. (5) Employees engaged in State Counter Disaster Arrangements shall not accrue TOIL.</p>	<p>3.4.4 (a) Hours of Work - Critical Incident and EMQ Activations, EMQ The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op M'day to M'night Mon to Sun CID/EMQ activation M'day to M'night Mon to Fri</p>
<p>4.4 OVERTIME (1) Any overtime worked must be authorised and directly related to the State Counter Disaster Arrangements. (2) Any time worked outside of 7.25 hours per day shall be paid at the rate of time and a half for the first three hours and double time thereafter. (3) All time worked by an employee between Midnight Friday and Midnight Saturday shall be considered overtime and shall be paid at the rate of time and a half. Any time worked by an employee above 10.25 hours on a Saturday will be paid at double time. (4) All time worked by an employee between Midnight Saturday and Midnight Sunday shall be considered overtime and shall be paid at the rate of double time. (5) All time worked by an employee on a public holiday shall be paid at the rate of double time and a half. (6) Overtime relating to State Counter Disaster Arrangements worked by an employee at a salary level greater than AO5 PP4 will be calculated at the AO5 PP4 rate of salary in accordance with the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>3.4.4 (b) – Overtime - Critical Incident and EMQ Activations, EMQ Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions. At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis. Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5 The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>
<p>4.5 ON-CALL Employees required by the Executive Director or Director or delegate to be on call as a result of State Counter Disaster Arrangements shall be paid an on call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i>.</p>	<p>3.4.2 (f) On Call - Emergency management Queensland Employees Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
<p>4.6 TRANSPORT Employees will be provided with transport, or refunded the cost of such transport, to and from work when working twelve and a half (12.5) hour shifts.</p>	<p>3.4.4 (e) – Travelling Time - Critical Incident and EMQ Activations, EMQ Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above.</p>	<p>Not quite the same issue</p>

	Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i> .	
4.7 MEAL PROVISIONS Where employees are required to work between the hours of 6pm and 8pm, they shall be entitled to a meal allowance (unless a meal is provided) at the rate provided for in Directive 10/97 or any amendment thereto or as per any delegated legislation which replaces that Directive	N/A	Directive will have application
4.8 COMMENCEMENT OF STATE COUNTER DISASTER ARRANGMENTS Employees who are at work at the time of the announcement of State Counter Disaster Arrangements, and who are directed to go home from work prior to 10.00am in order to either deploy to the field or return as rostered to the State Disaster Coordination Centre, shall be credited with two hours time or the actual hours worked for that shift, whichever is the greater. If they are directed to return home after 10.00am they shall be credited with the actual time worked.	N/A	Antiquated terminology
4.9 CONCLUSION OF STATE COUNTER DISASTER ARRANGMENTS If employees are part way through working a twelve and a half (12.5) hour shift when State Counter Disaster Arrangements are cancelled, they shall be credited with 4 hours or the actual hours worked for that shift, whichever is the greater.	N/A	Antiquated terminology

Comparison of CDRS HoW and proposed schedule 3

COUNTER DISASTER AND RESCUE SERVICES HOURS OF WORK PROVISIONS	PROPOSED SCHEDULE 3 – WORKING DRAFT (Provision in proposed schedule in bold)	CHANGES EFFECTED
PART 1 – PRELIMINARY		
<p>1.3 APPLICATION This agreement is taken to form part of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i> by virtue of Clause 4.4.1 of such Agreement. Should there be any inconsistency between this Agreement and: (i) the provisions of the <i>Public Service Award – State</i>; and (ii) Directives and other rulings issued by the Minister for Training and Industrial Relations the provisions of this Agreement shall prevail to the extent of any inconsistency. These provisions shall apply to all employees of Emergency Services Division, excluding the following classes of employees: • Employees engaged in Aviation Services as 'operational' employees;• Employees engaged at the classification level of Senior Officer 2 (SO2) and above; and • Casual employees engaged by Emergency Services Division. Notwithstanding the above, Part 4 of this Agreement may apply to employees of other Divisions of the Department of Emergency Services where such employees are required to be part of State Counter Disaster (SCD) Arrangements.</p>	<p>The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.</p> <p>3.4.2</p>	<p>Inconsequential change. Much of the preamble to the CDRS arrangements was superfluous.</p>
<p>1.4 DATE OF OPERATION These provisions will replace existing hours of work and related provisions and shall apply from 1 March 1999. This agreement will remain in force until 31 December 1999 or such later time until either party terminates the agreement by providing the other party with thirty days written notice.</p>	<p>N/A</p>	<p>The schedule 3 amendment would take effect from the time at which the QIRC amends the award.</p>
<p>1.5 PRINCIPLES (a) The management of hours worked (including accrued TOIL) shall be a local matter with the responsibility resting with managers and employees at the lowest appropriate level; (b) Employees should perform reasonable hours of work, but should not be expected to perform unreasonable or excessive hours of work. The performance of reasonable hours is a management issue to monitor in consultation with employees; (c) Hours of work must be flexible to meet customer requirements; (d) The operating hours for each work unit will be determined in consultation with employees, recognising the principles of fairness, equity and flexibility, Workplace Health & Safety and quality of service; (e) Hours of work must be simple to administer; (f) Hours of work performed must focus on the task of the work unit; (g) Hours of work must be performed with due recognition to the domestic, personal and social needs of employees; (h) Expectations of management in relation to hours of work must be communicated to employees; and (i) Management tools such as Performance Appraisals, organisational goals and objectives and positions descriptions should be used to determine optimum workloads of employees in order to avoid excessive hours of work.</p>	<p>(a) Principles</p> <p>These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:</p> <ul style="list-style-type: none"> • Maximise work/life balance; • Ensure operational coverage; • Ease traffic congestion; and • Ensure meaningful work is provided. <p>The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.</p> <p>Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL</p> <p>3.4.2 (a)</p>	<p>Greater emphasis on work/life balance as a consideration.</p>
<p>1.6 GRIEVANCES Any employee aggrieved by a decision of a manager in relation to these hours of work provisions may lodge a grievance in accordance with Clause 7.7 of the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>N/A</p>	<p>Award Grievance Procedure would have application</p>

<p>1.7 DEFINITIONS</p> <p>(1) "Required by their Manager to perform work" (Clause 2.9 {1} and {4} and Clause 2.7 {2}) refers to those situations where a Manager specifically authorises and directs an employee to work a set number of hours on a public holiday, Saturday or Sunday to complete a special or significant task.</p> <p>(2) "Manager" refers to any managerial position with the Emergency Services Division of the Department of Emergency Services including the positions of Assistant Director, Director and Executive Director.</p> <p>(3) "TOIL" refers to time off in lieu of paid overtime.</p> <p>(4) "General Employees" – refers to those employees who are not classified as "administrative employees" or "DMU operational employees".</p> <p>(5) "Administrative Employees" – refers to those employees categorised as such by the Director of the Work Unit whose primary task is to provide administrative support to a work unit.</p> <p>(6) "DMU Operational Employees" - refers to those employees employed in the Disaster Management Unit who are classified as such by the Director DMU, subject to the provisions of this Agreement.</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations (Critical Incident and EMQ activations)
<p>1.8 REVIEW OF HOURS OF WORK PROVISIONS</p> <p>A review of the effectiveness of the Hours of Work provisions will be undertaken in December 1999 and will be finalised by mid January 2000</p>	N/A	No provision has been included in the draft. NB the QPSU has requested a similar review provision in negotiations for 12 hour shifts for DCS security personnel
<p>PART 2 – GENERAL HOURS OF WORK</p>		
<p>2.1 SPREAD OF HOURS</p> <p>(1) General Employees For general employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am and 9pm, Monday to Sunday inclusive; and (c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(2) Administrative Employees For administrative employees the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 7am-6pm, Monday to Friday; and (c) a maximum of 9.5 hours in any one day excluding meal breaks.</p> <p>(3) DMU 'Operational Employees' For DMU 'Operational Employees' the ordinary hours of work shall be: (a) 72.5 hours per fortnight; (b) worked between 6am-12midnight Monday to Sunday; and (c) a maximum of 12 hours in any one day excluding meal breaks.</p>	<p>Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 12 hours per day to be worked within the ordinary spread of hours.</p> <p>Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.</p> <p>In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles</p> <p>A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.</p> <p>3.4.2 (b)</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun)</p> <p>Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun</p> <p>Operational 6 am to 12 M'night Mon to Sun)</p> <p>SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>2.2 CATEGORY OF EMPLOYEES</p> <p>(1) All Work Unit Directors shall make a recommendation to the Executive Director, Emergency Services Division as to which category (General/Administrative/DMU Operational) employees' within their work unit are classified as.</p> <p>(2) Where an employee disagrees with the Director's recommendation, the employee may refer the matter to the Emergency Services Division</p>	N/A	A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.

Local Consultative Committee for their consideration. The Local Consultative Committee will make a recommendation to the Executive Director, whose decision shall be final.		
2.3 STARTING AND FINISHING TIMES Starting and finishing times shall be on the hour or at 15 minute intervals.	An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals. 3.4.2 (c)	Recording hours of work in 15 minute intervals might be best included in the schedule
2.4 MEAL BREAKS Employees shall be entitled to an unpaid meal break of not less than 30 minutes between the third and sixth hour of duty. Where the engagement of employment is greater than 10 ordinary hours, employees shall be entitled to an additional unpaid meal break of not less than 30 minutes.	Employees are entitled to meal break(s) as follows:- <ul style="list-style-type: none"> ▪ 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or ▪ 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day. Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee's wages. 3.4.4 (c)	No change
2.5 TOIL (1) All employees shall have access to at least one full day off over a 4 week period. (2) An employee's TOIL carry over shall not exceed 58 hours at the end of each 4 week period (unless specifically prescribed in these arrangements). TOIL in excess of 58 hours at the end of each 4 week period will be forfeited. (3) The minimum accrual period for TOIL is 15 minutes. (4) TOIL accrues on a time for time basis. (5) Employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these hours of work provisions up to a maximum of 36.25 hours on cessation of employment with the Division.	A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate. 3.4.2 (e)	It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours
2.6 SICK LEAVE Sick leave taken will be deducted from an employee's sick leave balance on the basis of an ordinary working day (7.25 hours) or the actual hours where an employee is sick for less than an ordinary working day.	N/A	Standard award provisions will provide for outcome of 7.25 hours
2.7 PUBLIC HOLIDAYS (1) Employees are to be credited with 7.25 hours for a public holiday except when the public holiday falls on a Saturday or Sunday. (2) Where employees are required by their manager to perform work on a gazetted public holiday they will be paid double time and a half (time and a half in addition to ordinary time) for such work with a minimum of four hours payment.	N/A	Standard award provisions will provide for outcome of 7.25 hours
2.8 FATIGUE LEAVE Employees shall be provided with, and shall avail themselves of, a minimum of ten consecutive hours off duty between the finish of duty on one day and the commencement of duty on the next rostered day. If this break is not able to be taken, the employee is to be paid at double rates for that period until released from duty. The employee will then be provided with a 10 hour consecutive break from duty without loss of pay for ordinary working time occurring during such absence (ordinary working time in this instance shall equal 7 hours 15 minutes). Provided that this clause does not apply to employees engaged in "Emergency	Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the	No change – emphasis that an employee must be directed

Work” as defined in Part 3.	conclusion of an operational activation until return to normal duties.	
<p>2.9 OVERTIME/PENALTY RATES</p> <p>(1) Where employees are required by their manager to perform work on a weekday, Saturday or Sunday outside the ordinary hours of work as defined in Clause 2.1 for the category, this time shall accrue as TOIL, provided that employees who paid at the rate of AO5 PP4 or below may receive:</p> <p>(a) time and a half for the first 3 hours, and double time thereafter, for work performed on a weekday or a Saturday;</p> <p>(b) double time for work performed on a Sunday;</p> <p>(2) Where employees elect, of their own accord, to perform work on a public holiday, weekend or outside ordinary hours of work, such time will not be recognised for any purpose.</p> <p>(3) Where employees elect to and by mutual agreement with their manager, perform work on a public holiday, weekend or outside the ordinary hours prescribed in Clause 2.1, such time will be recognised as ordinary hours of work but overtime or penalty rates will not be payable.</p> <p>(4) Where employees are required by their manager to perform work on a Saturday and Sunday within the ordinary hours of work as defined in Clause 2.1 and provided such employees are not paid in excess of AO5PP4, they will receive:</p> <p>(a) half time in addition to normal time for work performed on Saturday;</p> <p>(b) single time in addition to normal time for work performed on a Sunday;</p> <p>(c) provided that employees at the AO6 level with an existing entitlement to penalty rates for work performed on Saturdays and Sundays as at the date of commencement of these provisions will maintain that entitlement with the payment being in accordance with (a) and (b) above. Such entitlement will cease if employees are appointed to a level above AO6.</p>	<p>3.4.4 (f)</p> <p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.</p> <p>3.4.4 (b)</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>
<p>2.10 ON-CALL</p> <p>(1) Employees required to be on-call (as designated by the Director or delegate of the work unit) shall be paid an on-call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i> notwithstanding that any overtime may be accrued as TOIL.</p>	<p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p> <p>3.4.2 (f)</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
PART 3 – EMERGENCY OPERATIONS		
<p>3.1 APPLICATION</p> <p>This part applies to employees engaged in emergency operations as defined</p>		
<p>3.2 DEFINITION</p> <p>“<i>Emergency Operations</i>” – Operations which require the activation of staff as a result of an emergency or protracted emergency in a community (but which does not result in State Counter Disaster Arrangements). The determination of Emergency Operations is a matter for the Director of each work unit to determine in consultation with staff</p>	N/A	<p>A matter of concern is the artificial and ambiguous definitions of General, Administrative and Operational employees. It is intended to apply the schedule 3 to all employees with special conditions applying in emergent situations.</p>
<p>3.3 RATIONALE</p> <p>This part recognises that emergencies may arise at any time and often require great flexibility and time commitment on the part of staff in dealing with them. It aims to balance the need to deal effectively with the emergency against the personal needs of staff.</p>	N/A	
<p>3.4 SPREAD OF HOURS</p> <p>(1) The hours of work performed during emergency operations</p>	<p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p>

<p>contributes to the employee's 72.5 hours per fortnight. (2) Hours may be worked between the hours of Midnight to Midnight, Monday to Sunday inclusive as required by the emergency. (3) The daily hours worked should not exceed 12 hours in any 24 hour period, excluding meal breaks.</p>	<p>3.4.4 (a)</p>	<p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M'night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri) Emergency Op CID/EMQ activation M'day to M'night Mon to Sun M'day to M'night Mon to Fri</p>
<p>3.5 FATIGUE LEAVE Where employees, at the end of an emergency, have exceeded a total of 12 hours work in the previous 24 hours, they must avail themselves of a minimum of 10 hours break between the finish of duty on the emergency operation and the commencement of duty on ordinary hours of work. If the employer directs employees to work and the break can not be taken, the employees are to be paid at double rates until a 10 hour break is taken.</p>	<p>Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director-General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.</p> <p>3.4.4 (f)</p>	<p>No change – emphasis that an employee must be directed This appears to have been duplicated in the CDRS ARRANGEMENTS</p>
<p>3.6 TOIL No limit shall apply to the amount of TOIL which can be accrued during emergency operations but where such TOIL results in the 58 hour maximum for general conditions being exceeded, the excess should be taken as soon as practicable as determined with the local work unit.</p>	<p>Overtime is any authorised work which is preformed within the daily spread of ordinary hours and exceeds 12 hours or is authorised work performed outside the ordinary spread of hours.</p> <p>Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director-General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.</p> <p>Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative Directives as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.</p> <p>Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>A maximum of 36.25 hours time off in lieu (TOIL) can be carried over between work cycles. Any TOIL balances in excess of 36.25 hours at the end of a work cycle will be forfeited unless the Assistant Director-General, EMQ (or delegate) authorises a TOIL carry-over in excess of 36.25hrs in circumstances where it is deemed appropriate.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any</p>	<p>It is proposed to reduce the amount of TOIL that can accumulate from 58 hours to 36.25 hours</p>

	<p>time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the manager may direct the employee when it is to be taken.</p> <p>On the approval of the Assistant Director-General, EMQ, employees may be paid out (at the rate of time for time) for any outstanding TOIL balances accrued under these arrangements up to a maximum of 36.25 hours on cessation of employment with EMQ.</p> <p>3.4.2 (e)</p>	
<p>3.7 INCONSISTENCY WITH GENERAL PROVISIONS Where these provisions for emergency operations are inconsistent with the general hours provisions, these provisions shall apply to the extent of an inconsistency.</p>	N/A	
<p>PART 4 – STATE COUNTER DISASTER ARRANGMENTS PROVISIONS</p>		
<p>4.1 APPLICATION Where there is an inconsistency between these provisions and the provisions in Part 2 – the provisions of this Part will prevail during periods of State Counter Disaster Arrangements.</p>	N/A	
<p>4.2 DEFINITION “State Counter Disaster Arrangements Operations” refers to those situations where the Executive Director, Emergency Services Division, declares at the commencement of the operation that State Counter Disaster Arrangements are required. Another declaration will be made at the conclusion of the operation to formalise the return to ordinary working conditions. These Arrangements shall include the deployment or redeployment of staff to or from the field prior to or after the formal declarations have been made.</p>	N/A	Antiquated terminology
<p>4.3 HOURS OF WORK (1) The maximum ordinary hours of duty during these operations shall be seven and a quarter (7.25) per day, Monday to Friday. (2) The Executive Director or Director may choose to initiate the staffing of two shifts per day within the State Disaster Coordination Centre. Where these shifts are to cover 24 hours, the day shift shall be from 7.30am to 8.00pm and the night shift shall be from 7.30pm to 8.00am or as otherwise directed by the Executive Director or Director to meet operational demands. At affected locations other than the State Disaster Coordination Centre, the hours of work will be as directed in order to meet operational requirements. (3) Meal Breaks – employees working twelve and a half hour shifts shall be allowed two paid meal breaks of 30 minutes. (4) Employees shall be entitled to rest pauses of a total of thirty minutes, which shall be taken at such times as suits operational requirements. (5) Employees engaged in State Counter Disaster Arrangements shall not accrue TOIL.</p>	<p>The ordinary spread of hours shall be midnight to midnight Monday to Friday and the ordinary hours shall be 7.25 per day.</p> <p>3.4.4 (a)</p>	<p>The proposed schedule attempts to include all of the various hours provision from CDRS arrangements:</p> <p>General 7am to 9pm Mon to Sun) Admin 7am to 6pm Mon to Fri) 6 am to 10 pm Mon to Sun Operational 6 am to 12 M’night Mon to Sun) SCDA 7.30 am to 8 pm Mon to Fri)</p> <p>Emergency Op CID/EMQ activation M’day to M’night Mon to Sun M’day to M’night Mon to Fri</p>
<p>4.4 OVERTIME (1) Any overtime worked must be authorised and directly related to the State Counter Disaster Arrangements. (2) Any time worked outside of 7.25 hours per day shall be paid at the rate of time and a half for the first three hours and double time thereafter. (3) All time worked by an employee between Midnight Friday and Midnight Saturday shall be considered overtime and shall be paid at the rate of time and a half. Any time worked by an employee above 10.25 hours on a Saturday will be paid at double time.</p>	<p>Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.</p> <p>At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.</p> <p>Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the</p>	<p>The Critical Incident Directive has been amended to include EMQ activations, thereby enabling payment of overtime above the level of AO5</p> <p>The major change as a result of adopting the CID provisions is that employees over the AO5 level will be paid overtime at their substantive rate rather than at AO5.4</p>

<p>(4) All time worked by an employee between Midnight Saturday and Midnight Sunday shall be considered overtime and shall be paid at the rate of double time.</p> <p>(5) All time worked by an employee on a public holiday shall be paid at the rate of double time and a half.</p> <p>(6) Overtime relating to State Counter Disaster Arrangements worked by an employee at a salary level greater than AO5 PP4 will be calculated at the AO5 PP4 rate of salary in accordance with the <i>Department of Emergency Services Enterprise Partnership Agreement 1997</i>.</p>	<p>employer may direct the employee when it is to be taken.</p> <p>3.4.4 (b)</p>	
<p>4.5 ON-CALL Employees required by the Executive Director or Director or delegate to be on call as a result of State Counter Disaster Arrangements shall be paid an on call allowance in accordance with the <i>Public Service Award – State (Schedule G)</i>.</p>	<p>Employees instructed to be on call by the Assistant Director-General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director-General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.</p> <p>3.4.2 (f)</p>	<p>No effect to condition, however there is an additional requirement to limit the application of on-call to individuals</p>
<p>4.6 TRANSPORT Employees will be provided with transport, or refunded the cost of such transport, to and from work when working twelve and a half (12.5) hour shifts.</p>	<p>Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause 3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the <i>Public Service Act 2008</i>.</p> <p>3.4.4 (e)</p>	<p>Not quite the same issue</p>
<p>4.7 MEAL PROVISIONS Where employees are required to work between the hours of 6pm and 8pm, they shall be entitled to a meal allowance (unless a meal is provided) at the rate provided for in Directive 10/97 or any amendment thereto or as per any delegated legislation which replaces that Directive</p>	<p>N/A</p>	<p>Directive will have application</p>
<p>4.8 COMMENCEMENT OF STATE COUNTER DISASTER ARRANGEMENTS Employees who are at work at the time of the announcement of State Counter Disaster Arrangements, and who are directed to go home from work prior to 10.00am in order to either deploy to the field or return as rostered to the State Disaster Coordination Centre, shall be credited with two hours time or the actual hours worked for that shift, whichever is the greater. If they are directed to return home after 10.00am they shall be credited with the actual time worked.</p>	<p>N/A</p>	<p>Antiquated terminology</p>
<p>4.9 CONCLUSION OF STATE COUNTER DISASTER ARRANGEMENTS If employees are part way through working a twelve and a half (12.5) hour shift when State Counter Disaster Arrangements are cancelled, they shall be credited with 4 hours or the actual hours worked for that shift, whichever is the greater.</p>	<p>N/A</p>	<p>Antiquated terminology</p>

Department of Community Safety



EMQ Hours of Work

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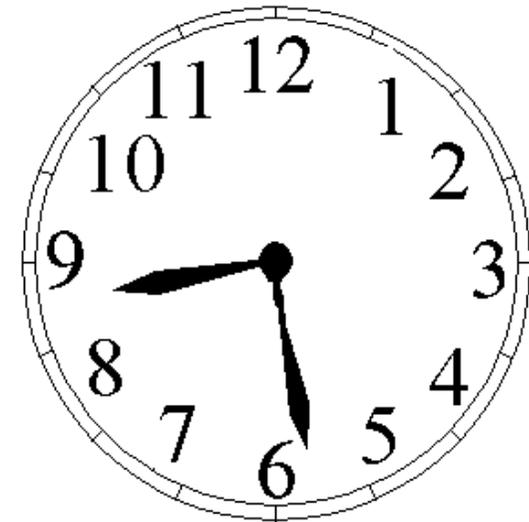
Introduction



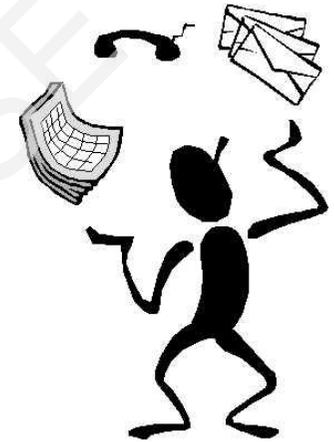
- 1997 agreement (still) in place
- Proposed schedule to QPSA
- Flexible employment strategy
- Rationalisation of conditions

Hours of Work

- 5 differing arrangements in 97 agreement
- 72.5 hours/fortnight
- Monday to Sunday
- 6am to 10 pm



Accrued Time



- “flexi-time”
- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 ¼ with prior approval
- At least on day per month (minimum entitlement)

Overtime/Public Holidays etc.

- In excess of 12 hours per day
- OT limit (>AO5) applies in “normal” circumstances



On Call Allowance



- As per award:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 12 hour 5 minute shifts



CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management



The proposed schedule

A draft set of hours of work (the proposed schedule) has been developed by the Department of Community Safety for public service employee working in EMQ. The draft is a proposed amendment to the *Queensland Public Service Award – State 2003*, being the relevant award for public service employee working in EMQ.

A process of consultation has commenced with the Queensland Public Sector Union, being the relevant union, with respect to the proposed schedule.

EMQ have been operating under the Counter Disaster and Rescue Services Hours of Work Provisions (the 1997 agreement) for the purpose of providing employees with appropriate hours of work arrangements.

These arrangements were developed in the context of additional hours that are sometimes (frequently of late) required from EMQ personnel.

Recently, the Department of Community Safety developed new hours of work arrangements for public servants but EMQ was deliberately left out of this process to enable a re-draft of the existing arrangements. The proposed schedule places greater emphasis on flexible work patterns.

A step that was needed to be taken to allow for the continuation of payment of overtime to employees above the level of AO5 during EMQ activations it was necessary to amend the Critical Incident Ministerial Directive.

Under the following headings is a brief explanation of all of the provisions in the proposed schedule:

Principles

Principles provide a preamble to the schedule that guides managers and employees as to how the proposed hours of work should be applied. The proposed principles place more emphasis on the employees' work/life balance than those contained in the 1997 agreement.

Hours of Work

The 1997 agreement provided for five separate hours of work for EMQ employees. Those hours of work were for:

- general employees;
- administrative employees;
- operational employees;
- State Counter Disaster Arrangements (SCDA); and
- Emergency Operations.

Over time, the definitions of general, administrative and operational employees have become blurred to the extent that it is difficult to distinguish between the various groups of employees.

The proposed schedule seeks to rationalise all of the hours of work for EMQ employees to provide for only two sets of hours of work – those that apply in “ordinary” circumstances and those that apply in the case of a critical incident or EMQ activation.

The proposed schedule includes the following hours for “normal” operations:

- 72.5 hours/fortnight
- Monday to Sunday
- 6am to 10 pm

Accrued Time

The 1997 agreement does not allow for accrued time. This means that EMQ public service employees are not currently entitled to accrue hours and take time off in the same way as other public service employees.

Work Performed on Weekends and Public Holidays

The schedule proposes that penalty rates are to be applied for ordinary hours (up to 12 hours) on Saturday (time and one half); Sunday (double time) and Public Holidays (double time and one half).

Overtime

The schedule proposes to pay overtime after 12 hours during “normal” operations

On Call

The schedule refers to the award provisions for on call, the current rates for which are as follows:

- Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
- Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
- All other nights - \$17.62

Attendance records

The schedule requires employee to keep an accurate record of time worked.

Watch Desk Officers

The existing provisions for WDOs (including 12 hour 5 minute shifts) are included in the schedule.

Critical Incidents and EMQ Activations

In the case of critical incidents or EMQ activations, the following conditions will have application:

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit (ABOVE AO5)
- meal breaks & rest pauses
- Travelling time
- Fatigue management

QFES RTI FINAL RELEASE

110928E Grady Hours of Work Implementation Plan

Bruce,

On Tuesday, Christiane Strong and I met with Peta Robertson concerning the Hours of Work arrangements for EMQ. Peta explained that you wanted an Implementation Plan prior to any documentation being forwarded to the union.

We are currently working on such an implementation plan that would include information packages for employees, information sessions for employees and a new time sheet.

I have also had a look at the wording that had been suggested to be sent to the union. A new paragraph (e) had been suggested but I found its content a little confusing and inconsistent with other apparent changes to the document. I spoke to Michael Thomas of Together Queensland to obtain his recollection of the agreed position.

Michael was able to tell me that he understood the agreed position to be as follows:

- 9.5 hours was the limit of ordinary hours per day (this seems to have been included in the Overtime clause but not Hours of Work clause); and
- A shift that became an "afternoon shift" as defined in accordance with the Public Service Award would attract a penalty of 15%.

I was wondering whether Michael's recollection coincided with your own. That being the case, I would suggest the following wording to be included as a new paragraph (e):

Shift Penalties

An employee directed to work hours:

- during the ordinary spread of hours that is provided for in paragraph (b) of this schedule; and
- that would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

We are meeting again on Monday to further progress the implementation plan. Upon completion of the plan, we should then be in a position to progress this matter.

I will be contact following the meeting, but it would be appreciated if you could advise whether your recollection of the agreed potion is in accordance with that of Michael Thomas' recollection.

Regards,

Department of Community Safety



Queensland
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EMQ Hours of Work

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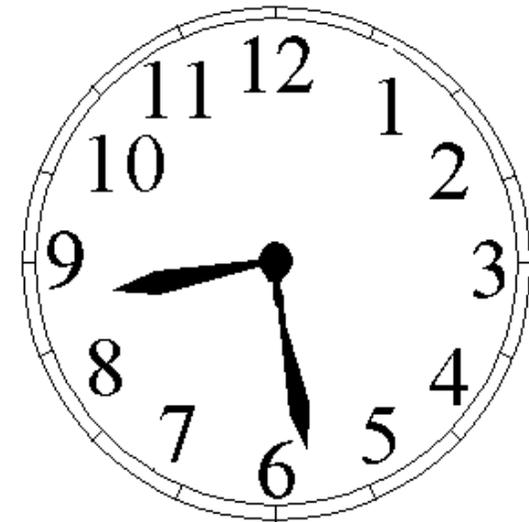
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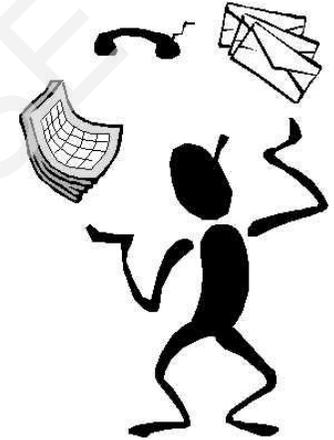
- 1997 agreement (still) in place
- Proposed schedule to QPSA
- Flexible employment strategy
- Rationalisation of conditions

Hours of Work

- 5 differing arrangements in 97 agreement
- 72.5 hours/fortnight
- Monday to Sunday
- 6am to 10 pm



Accrued Time



- “flexi-time”
- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 ¼ with prior approval
- At least on day per month (minimum entitlement)

Overtime/Public Holidays etc.

- In excess of 12 hours per day
- OT limit (>AO5) applies in “normal” circumstances



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QUESTIONS

On Call Allowance



- As per award:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

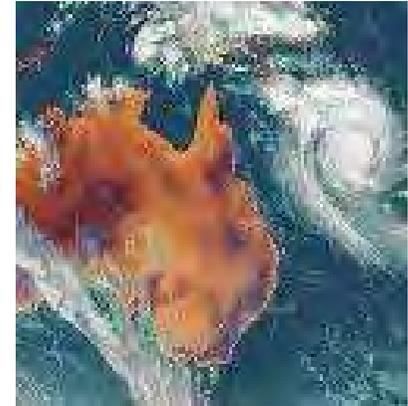
WDOs

- Codify existing arrangements
- 12 hour 5 minute shifts



CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management



Department of Community Safety



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Hours of Work Arrangements & Time Sheet Presentation

EMQ

Department of Community Safety

Hours of Work Arrangements

- MoG changes and need for new arrangements
- Give effect to Flexible Workplace Strategy
- State-wide streamlining of timesheets
- Alignment with PS timesheet
- Operative **TBA**

Hours of Work Arrangements Application

- *Queensland Public Service Award – State 2003*
- Excludes:
 - Some ICS
 - Casual Employees
 - Employees exempted from keeping time sheets

Hours of Work Arrangements

Ordinary Hours

- 7 ¼ hours per day
- Ordinary spread of hours 6 am – 10 pm
- Ordinary working hours agreed by employee and employer
- An average of 72.5 hours per fortnight
- Over 2 x 10-day fortnights Mon – Sun in a 4-week cycle

Hours of Work Arrangements Accrued Time

- Max of 22 hours (36 $\frac{1}{4}$ with prior approval)
- 4 week cycle
- Access to at least 1 full accrued day off per month
- Debit time up to 2 days (family or other emergent)

Hours of Work Arrangements

Overtime/TOIL

- In excess of 9 ½ hours within the daily spread of ordinary working hours (6 am – 10 pm)
- Must have prior manager's approval
- Cannot exceed 12 hours per day
- AO 5 cut off

Hours of Work Arrangements No Banked Time

- Banked time removed
- Any existing balances are still an entitlement
- Recommendation is document transfer of existing entitlement (convert to TOIL)

Hours of Work Arrangements Managers' Obligations

- Normal operating hours of the work unit (consultation with employees)
- Train employees
- Check the attendance records and, if in order, sign them to indicate endorsement
- Ensure application for absences
- Operational convenience and appropriate staffing levels
- Ensure fair treatment (EEO and anti-discrimination)
- Employees do not unnecessarily forfeit accrued hours
- Store attendance records

Hours of Work Arrangements

Employees' Obligations

- Maintaining and completing accurate attendance records and forwarding them to their immediate supervisor within a reasonable time at the end of each cycle
- Meet work obligations and client service standards
- Obtain prior manager's approval to access accrued time
- Co-operate with management regarding local arrangements
- Consider EEO and anti-discrimination issues when applying and using the provisions these arrangements.

Time Sheet

- Simple and easy
- State-wide standardisation
- Same as DCS PS timesheets
- Give effect to new Hours of Work Arrangements

Department of Community Safety



EMQ Hours of Work

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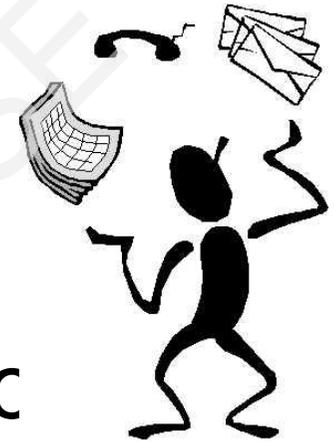
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- Rationalisation of conditions
 - 5 differing arrangements in 97 agreement

Hours of Work

Ordinary Hours

- Spread of Hours 6.00am – 10.00pm
- Ordinary hours agreed to by manager and employee
- Average of 72.5 hours per fortnight
- 2 X 10 day fortnights over a four week cycle

Accrued Time



- Agreement between manager to acc and take time off
- 22 hours at end of work cycle – 36 ¼ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month (minimum entitlement)

Work Performed on Weekend and Public Holidays/ Shift Penalties

- Ordinary hours worked on Saturday, Sunday and Public Holidays attract appropriate penalty rates as prescribed in the Award.
 - Midnight Friday to midnight Saturday one and half times the ordinary rate
 - Midnight Saturday to midnight Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours. Public Service Award – clause 6.5.3 and 7.7
- Shift Penalties.
 - Afternoon shift – on or after 12.00 noon and at or before 6.00 pm.
 - Award clause 6.5.2 – Allowance of 15%



Overtime/Public Holidays etc.

- Outside the spread of hours, i.e. 6.00am to 10.00 or in excess of 9.5 hours per day
- OT limit (= and >AO5) applies in “normal” circumstances
 - Calculated to nearest $\frac{1}{4}$ of an hour
 - (= and >AO5) can be paid for authorised overtime or elect TOIL (Time for Time basis)

On Call Allowance

- As per award:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Department of Community Safety



EMQ Hours of Work

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Introduction



- 1997 agreement (still) in place
- Proposed schedule to QPSA
- Flexible employment strategy
- Rationalisation of conditions
 - 5 differing arrangements in 97 agreement

Hours of Work

- For employees working in EMQ
 - Excludes:
 - Watch Desk Officers
 - Operational personnel in Helicopter Rescue.
- Removes distinction Average of 72.5 hours per fortnight
- 2 X 10-day fortnights over a four-week cycle

Hours of Work

Ordinary Hours

- Spread of Hours 6.00am – 10.00pm
- Ordinary hours agreed to by manager and employee
- Average of 72.5 hours per fortnight
- 2 X 10-day fortnights over a four-week cycle

Accrued Time

- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 ¼ with prior approval.
 - Any time in excess of authorised carryover at the end of the four-week cycle is forfeited.
- At least one day per month (minimum entitlement)

Banked Time

- Banked time removed
- Existing balances remain
- Manager to sign off on existing balances

Work Performed on Weekend and Public Holidays / and Shift Penalties

- Ordinary hours worked on Saturday, Sunday and Public Holidays attract appropriate penalty rates as prescribed in the Award.
 - Saturday: one and half times the ordinary rate
 - Sunday: double time
 - Public Holidays: paid at the rate of double time and a half with a minimum of 4 hours.
- Shift Penalties.
 - Afternoon shift – on or after 12.00 noon and at or before 6.00 pm.
 - Allowance of 15%

Overtime.

- Outside the spread of hours, i.e. 6.00am to 10.00pm or in excess of 9.5 hours per day
- OT limit (= and >AO5) applies in “normal” circumstances
 - Calculated to nearest $\frac{1}{4}$ of an hour
 - (= and >AO5) can be paid for authorised overtime or elect TOIL (Time for Time basis)

On Call Allowance

- As per award:
 - Rostered day off, accrued day off, Public Holiday (whole day) - \$35.25
 - Rostered day off, accrued day off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Timesheet

- Electronic –
 - State-wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions

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EMQ Hours of Work

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- 1997 agreement (still) in place
- Proposed schedule to QPSA
- Flexible employment strategy
- Rationalisation of conditions
 - 5 differing arrangements in 97 agreement

Hours of Work

- For employees working in EMQ
 - Excludes:
 - Watch Desk Officers
 - Operational personnel in Helicopter Rescue.
- Removes employee distinctions in the CDRS Hours arrangements.

Hours of Work Definitions

- **Accrued Time**
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
- **TOIL**
 - Time Off In Lieu (of over time).
 - Outside the spread of hours (6.00am to 10.00pm)
OR
 - Time worked over 9.5 hours in any one day.
 - Overtime calculated on a time for time basis.

Hours of Work

Ordinary Hours

- Spread of Hours 6.00am – 10.00pm
- Ordinary hours agreed to by manager and employee
- Average of 72.5 hours per fortnight
- 2 X 10 day fortnights over a four week cycle

Accrued Time

- Accrued Time
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month accessed (minimum entitlement)

Work Performed on Weekend and Public Holidays

- Ordinary hours up to a maximum of 12 hours worked on:
 - Saturday,
 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
 - Saturday one and half times the ordinary rate
 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.



Shift Penalties

- Shift Penalties.
 - In the event that the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid. Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
 - An afternoon shift allowance of 15% will apply for all ordinary time worked in addition to normal salary.
 - E.g. \$200 (ordinary daily rate) X 15% = \$230



Overtime.

- Overtime (OT) applies in circumstances where hours are worked:
 - Outside the spread of hours 6.00am to 10.00pm or
 - in excess of 9.5 hours per day
- OT is calculated to nearest $\frac{1}{4}$ of an hour.
- Approved OT can be paid or can be provided as TOIL (Time off in Lieu of Overtime)
 - AO6 classification and above receive TOIL for OT
 - AO2 to AO5 can be paid overtime or can elect TOIL
- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on - call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is OT
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
2. How do I access accrued time / TOIL?
3. What happens if I can't take my TOIL within 12 months?
4. What happens if I work outside the spread of hours (6.00am to 10.00pm) or more than 9.30 hours per day?

Department of Community Safety



Queensland
Government



EMQ Hours of Work

Employee Information Sessions

Emergency Management



Introduction



- 1997 agreement (still) in place
- Proposed schedule to QPSA
- Flexible employment strategy
- Rationalisation of conditions
 - 5 differing arrangements in 97 agreement

Hours of Work

- For employees working in EMQ
 - Excludes:
 - Watch Desk Officers
 - Operational personnel in Helicopter Rescue.
- Removes employee distinctions in the CDRS Hours arrangements.

Hours of Work Definitions

- **Accrued Time**
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
- **TOIL**
 - Time Off In Lieu (of over time).
 - Outside the spread of hours (6.00am to 10.00pm)
OR
 - Time worked over 9.5 hours in any one day.
 - Overtime calculated on a time for time basis.

Hours of Work

Ordinary Hours

- Spread of Hours 6.00am – 10.00pm
- Ordinary hours agreed to by manager and employee
- Average of 72.5 hours per fortnight
- 2 X 10 day fortnights over a four week cycle

Accrued Time

- Accrued Time
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month accessed (minimum entitlement)

Work Performed on Weekend and Public Holidays

- Ordinary hours up to a maximum of 12 hours worked on:
 - Saturday,
 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
 - Saturday one and half times the ordinary rate
 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.



Shift Penalties

- Shift Penalties.
 - In the event that the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid. Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
 - An afternoon shift allowance of 15% will apply for all ordinary time worked in addition to normal salary.
 - E.g. \$200 (ordinary daily rate) X 15% = \$230



Overtime.

- Overtime (OT) applies in circumstances where hours are worked:
 - Outside the spread of hours 6.00am to 10.00pm or
 - in excess of 9.5 hours per day
- OT is calculated to nearest $\frac{1}{4}$ of an hour.
- Approved OT can be paid or can be provided as TOIL (Time off in Lieu of Overtime)
 - **A06** classification and above **receive TOIL for OT**
 - **A02 to A05** can be **paid overtime or can elect TOIL**
- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on - call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
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- Travelling time
- Fatigue management

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
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- Approval must be obtained for OT.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
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Hours of Work

Implementation date: 19 December 2011.

Ballot: To be provided to all EMQ officers who will be using the new Hours Arrangements.

Return Date: 19 December 2011

Hours of Work

Contact Names and Numbers

- Glenn Carthew
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- Callum MacSween
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Department of Community Safety



EMQ Hours of Work

Employee Information Sessions

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Hours of Work

Ordinary Hours

- Ordinary Spread of Hours 6.00am – 10.00pm
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight
- 2 X 10 day fortnights, Monday to Sunday over a four week cycle

Hours of Work

Ordinary Hours

- Ordinary Hours occurs Monday through to Sunday
 - Any classification can work ordinary hours on Saturday and Sunday up to a maximum of 12 hours for the day with the remaining time as overtime- (penalties)
 - There has to be a legitimate reason for working on the weekend.
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight

Hours of Work

Definitions and New Concepts

- **Accrued Time**
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
 - Accrued time can be taken during the work cycle with agreement with the Manager
 - Accrued Time is ordinary hours that accumulate over and above the 72.5 hours a fortnight.
- **Accrued time is not overtime.**

Accrued Time

- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month accessed (minimum entitlement)

Hours of Work

Definitions and New Concepts

- Overtime/TOIL
 - Time Off In Lieu (of over time).
 - Outside the ordinary spread of hours (6.00am to 10.00pm) OR
 - Time worked over 9.5 hours in any one day.
 - Overtime can be paid if an officer is at the AO5 classification level or lower OR if the AO5 classification or lower officer elects, the overtime can be taken as TOIL.
 - AO6 level to AO8 level officers can only take overtime as TOIL
 - TOIL is provided on a time for time basis (*Directive 5/05 Hours and Overtime*)

Work Performed on Weekend and Public Holidays

- Ordinary hours up to a maximum of 12 hours worked on:
 - Saturday,
 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
 - Saturday one and half times the ordinary rate
 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.



Shift Penalties

- Shift Penalties.
 - An employee who is directed:
 - To work where the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid.
 - Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
 - An afternoon shift allowance of 15% will apply for all ordinary time worked in addition to normal salary.
 - E.g. \$200 (ordinary daily rate) X 15% = \$230

Overtime.

- Overtime (OT) applies in circumstances where hours are worked:
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 - **A06** classification and above **receive TOIL for OT**
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- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on - call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Do not have to return to work to get paid on-call
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is paid OT unless election made to have TOIL
 - TOIL lapses after 6 months
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Manager's Responsibilities

- Ensure that fatigue breaks are taken.
 - 10 hours between cessation of overtime and commencement of work.
- Make sure that requests for working on weekends and overtime are reasonable.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
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Implementation date: 19 December 2011.

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HOURS OF WORK ARRANGEMENTS MANAGERS GUIDE

INTRODUCTION

The new Hours of Work Arrangements for Emergency Management Queensland incorporate

- The new Hours of Work arrangements for all employees (excluding Watch Desk Operators and operational employees working with Helicopter Rescue)
- Separate section for Hours of Work for Watch Desk Operators and
- Critical Incident and EMQ Activation conditions.

The arrangements have been developed through consultation between management and the Queensland Public Sector Union 'Together' and are designed to meet the work life balance needs of officers while providing flexibility with work patterns within the environment of emergency response to the communities of Queensland.

The following guide should be read in conjunction with the Schedule 3 'Hours of Work Arrangements for Emergency Management Queensland'.

HOURS OF WORK ARRANGEMENTS - DEFINITIONS

- **Accrued time**
 - Time worked in excess of 7.25 hours in a day
 - Calculated in 15 minute intervals
 - Carry over 22 hours accrued time from one work cycle to the next
 - Manager can approve an employee carry over 36.25 hours accrued time from one work cycle to the next.
 - Can accrue providing approved by employee's manager
 - Any accrued time in excess of authorised carryover at the end of the work cycle is forfeited.
- **Accrued time off**
 - Time accrued can be taken as part days or full days with prior approval of the Manager.
 - Employee to have access to at least one full accrued day off a month
- **Attendance Records**
 - Approved time sheet to accurately record start and finish times, meal breaks and periods of leave.
 - Hard copy of the attendance record to be signed by the employee each fortnight and forwarded to the manager for checking and endorsement.
 - A hard copy of the attendance record time to be stored in local area of (6) years.

- **On –call**
 - When officers are instructed to be available outside of ordinary hours for a to perform work when required.
 - An allowance is paid:
 - \$35.25 for a whole day of a rostered day off, Accrued day off or Public holiday,
 - \$22.26 when on-call during the night only of a rostered day off, accrued day off or public holiday,
 - \$17.62 for all other nights.
 - If recalled to work an officers receives overtime rates with a minimum of two hours.

- **Operating hours**
 - The hours that the Manager, in consultation with the work unit, determines for the unit.

- **Ordinary hours of work**
 - Averaged at 72.5 hours per fortnight (exclusive of meal times) worked over 2 (10) day fortnights Monday to Sunday.

Example

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8 hours		9.5 hours	6 hours		6 hours	
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	8.5 hours	8.75 hours	7.30 hours	6.00 hours	8 hours	4.25 hours

- **Ordinary hours worked on Weekend and Public Holidays**
 - Work on the weekends is time utilised for ordinary hours but is paid at appropriate rates.
 - Penalty rates apply during weekend work up to a maximum of 12 hours per day.
 - Saturday = 1 and ½ times the normal rate
 - Sunday = 2 time the ordinary rate.
 - Public holiday = 2 time and ½ the ordinary rate.

- **Overtime**
 - Overtime made up of paid overtime or TOIL (Time off in Lieu)
 - Is authorised work outside the spread of ordinary hours or
 - Working hours that exceeds 9.5 hours in any one day.
 - Overtime must be approved to receive paid overtime or TOIL
 - Officers at the classification level of <= AO5 is entitled to paid overtime or can elect TOIL.
 - Officers at AO6=> can only receive TOIL
 - TOIL accumulates for 12 months
 - TOIL should be taken within the twelve months and where it cannot be taken will be paid out at the end of the 12 months.

 - E.g. An officer at the AO4 classification works from 7.00 to 13.00. Takes lunch till 14.00 and then works till 19.00. Total time

worked through the day is 11 hours. If that officer has had approval to work beyond the 9.5 hours then they would be able to claim 1 and ½ hours overtime as paid overtime or TOIL.

- If the officer claims the overtime as paid they receive 2 and ¼ hours payment. If the officer were to elect TOIL instead of paid overtime the officer would receive 1 and ½ hours TOIL, i.e. time for time.
 - If the officer did not seek approval for overtime then the time worked is not compensated.
 - If the officer who worked overtime is at the AO6 classification level they would only receive TOIL for approved overtime.
- **Spread of hours**
 - The spread of hours in which ordinary work can be performed is 6.00am to 10.00pm Monday to Sunday
 - **Shift penalties**
 - Shift – means the commencement of work on or after 12 noon and at or before 6.00pm
 - Provision of additional pay of 15% per shift for all ordinary time worked in addition to salary.
 - Shift penalties will not apply on Saturdays, Sundays or Public Holidays.
 - **TOIL – Time off in Lieu**
 - Overtime compensated for by time, not pay.
 - TOIL accumulated is on a time for time basis.
 - TOIL applies to officers at the AO6 level and above
 - Officers between AO2 and AO5 can elect TOIL rather than paid overtime when directed to/ and approved to work overtime.
 - TOIL conditions are specified in Directive 5/05 '*Hours and Overtime*'
 - **Work cycle**
 - Work cycle is four weeks
 - Work cycle made up of 2 x 10 day fortnights, Monday to Sunday
 - Average of 72.5 hours to be worked over fortnight exclusive of meal times.

HOURS OF WORK ARRANGEMENTS - GUIDE

The new hours of work arrangements has been identified as providing flexible work practices that meet the needs of staff and ensures EMQ objectives in service delivery are met.

The spread of hours is from 6.00am to 10.00pm. Officers are required to work on average 72.5 hours per fortnight over a 10 day fortnight, Monday to Sunday. Standard hours for any one day are 7.25 hours; however, as the fortnightly hours are averaged, officers in conjunction with their manager can organise their work days to meet work objectives while maintaining a work life balance. As an example, should an officer have training to do with SES Volunteers on a night of the week, they can discuss the training with their manager and get approval to commence work at 14.45.00 hours and work through to 22.00 hours. This spread of hours has been designed to allow officers, with afternoon and or night commitments, and who have managerial approval, to reorganise their work to meet service delivery requirements.

The table in the definitions section above provides an example of how hours could be worked on any one fortnight.

Managers have the right to set the operating hours of their work unit. A Manager may consider that the range of hours for the work unit is 8.00am to 6.00 pm. Officers can then work their standard 7.25 hours within that spread of hours. Any hours worked over and above standard hours is referred to as accrued hours/ accrued time. Accruing time and taking accrued time is to be discussed and approved by the Manager of the section/unit. Employees are entitled to accrue sufficient time to allow them to have at least one full accrued day off per month, i.e. accrue 7.25 hours.

Accrued Time (i.e. time worked over the standard 7.25 hours per day) can build up over the work cycle of four weeks however at the conclusion of the four week cycle any time in excess of 22 hours is to be forfeited. In those instances where there has not been an opportunity to take the accrued time off, Managers can approve an extension of the 22 hours to 36.25 hours carry over from one work cycle to the next.

In the event that an employee ceases employment with Government they should discuss with their Manager the taking of their accrued time before ceasing work.

There is a difference between Accrued Time and TOIL. Accrued time is the time worked beyond the standard 7.25 hours in a day up to 9.50 hours. TOIL, or Time Off in Lieu (of overtime) refers to hours worked beyond the 9.50 hours in any one day or outside the spread of hours of 6.00 am to 10.00 pm in any one day.

TOIL accrues over twelve months and employees should make application to their Manager to take the TOIL. TOIL lapses after twelve months.

The taking of the TOIL by an employee will be by mutual agreement with their Manager. In all cases the taking of TOIL will be subject to organisational convenience. In the event that no agreement can be reached as to when to take the TOIL the Manager may direct the employee when it is to be taken.

- Classification AO6 (4) who have TOIL accrued for the twelve months will be paid out at the end of the twelve months where:
 - An employee has taken reasonable steps to avoid excessive TOIL balances, and
 - The employee has been refused an application to take such leave.

The new Hours of Work also provide employees with a shift allowance where the employee has been directed by their Manager to work hours that would constitute an afternoon shift as defined by the *Queensland Public Service Award – State 2003* section 6.1. An afternoon shift is defined as a shift commencing on or after 12 noon and at or before 6.00pm.

An employee who has been directed to attend training at night by their Manager is entitled to receive a shift allowance of 15% for all ordinary time worked. An employee who has organised their daily workload to incorporate training at night will not be entitled to shift

Overtime occurs as a result of an employee gaining approval from their Manager to work outside the spread of hours, i.e. 6.00am to 10.00pm or if they work more than 9.50 hours in any one day.

The important issue with overtime is that for employees who are classified as AO5(4) and below receive payment or can elect to receive TOIL on a time for time basis. Where an employee is at the level of AO6 and above they only receive TOIL.

An on-call allowance is paid to employees who have been directed by the Assistant Director General of EMQ or their delegate to be on-call (that is outside the normal work hours and available to take calls and or return to work to undertake work).

Rates for being on-call are prescribed in the *Public Service Award State 2003* and are based on a percentage of a Professional Officer classification level 3 paypoint 4 under the Classification and Remuneration Stream. In the event that an employee is called whilst on on-call they will receive payment at overtime rates. The rate of overtime and the amount of time that is paid for is based on the Award provisions and the State Government Department Certified Agreement 2009 : Wages Section 2.2

An employee, while on call, who is recalled to perform duties without the need to leave the employee's place of residence, will be paid for time worked with a minimum payment of one hour for each time the employee performs such duties. Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply. Provided further that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

Attendance Records are a legislative requirement under the Industrial Relations Act 1999 and employees must comply. Employees should accurately record starting and finishing times, meal breaks and periods of leave.

At the end of each fortnight employees should print off a hard copy of their timesheet sign and pass to their supervisor for checking and endorsement.

It is a requirement that attendance records be kept for a period of 6 years within the local area.

CRITICAL INCIDENTS AND EMQ ACTIVATION

The Critical Incident Directive 24/10 applies in those situations when a critical incident or activation is invoked. There is a copy of the Directive in your packs and the major points to note are:

- The Directive's conditions will only apply to those employees identified as performing work essential to the resolution of the critical incident or Emergency Management Activation.
- Overtime means all authorised work in excess of 7.25 hours per day.
- Overtime either paid or provided in TOIL to all classification levels up to AO8 (4)
- Unused TOIL after six months from the end of the critical incident or EMQ activation will be paid out (Employees must make a reasonable attempt to take the TOIL.
- Where an employee is required, under the Directive to assume to responsibilities of a higher level position, they will be remunerated at the higher level. (No minimum period before higher duties is payable.)
- Domestic Travelling and Relieving Expenses Directive expenses are paid and also supplemented when no 3 star accommodation is available for officers working away from home. An additional \$47.05 hard ship allowance is paid per night.

MANAGERS RESPONSIBILITIES

The success of the Hours of Work Arrangements relies on Managers providing the necessary supervision over the components of the Hours arrangements to ensure employees are working and complying with the arrangements.

Managers should become aware of the Directives and Award provisions applicable to Public Service employees. The Award, State Government Department Certified Agreement 2009 and Directives are available on the following websites:

Externally from the Department of Justice

<http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations>

On Desportal go to the <http://desportal/content/HR/index.jsp> at the top of the page. Click on HR and it will take you to a list of tabs - go to :



This provides a list of those industrial instruments that are applicable to the conditions of employment for public service officers. There is a list of the specific sections that have been identified in the new Hours of Work Arrangements in your pack.

Work Unit Hours of Work

Managers have the right to set the hours of work, within the spread of hours, in their work unit. The spread of hours of the new Hours of Work is 6.00 am to 10.00 pm. When organising the hours that suit your needs within the unit and to meet your work objectives you should always:

1. Consult with employees of the work unit when determining the operating hours of the unit and should consider the issues of Work Health and Safety, and equity.
2. Take into consideration the domestic and personal needs of the employees.

It is the responsibility of Managers to ensure that employees have a clear understanding of what the Manager wants in relation to the Hours of work in the work unit and you should:

3. Ensure you communicate your expectations in regards the hours of work arrangements with employees.
4. You should avoid excessive work loads for employees and utilise organisational objectives, performance appraisal and position descriptions in determining optimum workloads of employees.

Week end work

Under the new Hours of Work Arrangements work can occur over a week end and over a public holiday. The arrangements provide for ordinary hours to be worked up to a maximum of 12 hours per day. This provides a greater diversity in providing services to the community and clients of EMQ. Even though the hours worked on Saturday, Sunday and a public holiday are ordinary hours they attract penalties.

So an employee working on a Saturday can utilise the time for ordinary working hours and also be provided with penalty rates: Section 6.5.3 of the *Public Service Award – State 2003*.

- (a) All ordinary time worked between midnight on Friday and midnight on Saturday not being overtime shall be paid for at one and a-half (1.5) times the ordinary rate and between midnight Saturday and midnight Sunday shall be paid for at the rate of double time.

When ordinary hours are performed on a public holiday the rates are in accordance with Section 7.7 of the *Public Service Award State – 2003*.

All work done by any employee on the public holidays is paid for at the rate of double time and a-half with a minimum of 4 hours.

Labour Day is paid at Double time and a half with a minimum of 4 hours.

When considering the Hours of Work for the Unit be cognizant that the spread of hours is enough to allow your work to be achieved and also that employees have a right to accrue time under the arrangements (See below)

Accrued Time

The concept of Accrued Time is new to EMQ Hours of Work Arrangements. It is not the same as TOIL. Time can be accrued if an employee works beyond their 7.25 hours in any one day. The limit of the accrued time is 9.5 hours. That is that an employee can realistically, if approved work up to 9.5 hours in a day. This would give them an accrued time balance of 2 and a ¼ hours in their accrued balance. The idea of accrued time is to allow employees the opportunity to work longer during the periods when the workload is heaviest and then accrue the time to be taken at a later date with approval from the Manager.

As the Hours of Work arrangements provide for an averaging of hours over the fortnight of 72.5 hours (2 X 36.25) there is the capacity for employees to work less than the standard 7.25 hours in the day. When this occurs they will be debited an amount of hours that will be needed to reach the 7.25 hours for the day.

As an example: Employee A works Monday and works from 8.00am to 16.30 pm with a half an hour break for lunch. They have worked 8 hours and have accrued 45 minutes. On Tuesday employee A works from 8.00 am to 15.30 pm with a half an hour for lunch. On the Tuesday employee A has only worked 7.00 hours. As a consequence the accrued time that has been gained on Monday would be reduced by 15 minutes to ensure that the 7.25 hours standard had been worked. This leaves then an accrued balance of 30 minutes.

Managers must keep in mind that to take a very restrictive approach to accrual of time could generate its own problems within the work unit. The idea is to be flexible in allowing employees to accrue time but be mindful that employees should not allow the accrual of excessive hours as this will mean that employees are working too long during the fortnight and the employee will want to take some or all of that time off which could leave a gap in resourcing.

The carryover of accrued hours from one work cycle (4 weeks) to the next work cycle is 22 hours. That equates to three days. In the event that there has been a workload issue that has created excessive accrued hours for employees, that they could not use during the work cycle then there is the opportunity to allow 36.25 hours to be carried from one work cycle to the next. In between the work cycles, every week, employees can accrue any number of hours that can be utilised, but any hours over 22 at the end of the work cycle will be forfeit.

Managers must be aware that employees are entitled to accrue enough time during a work cycle to be able to access at least one accrued day off a month.

Principle of applying Accrued Time

1. Managers are responsible for managing employees time to ensure that employees do not work excessive hours whereby employees lose significant amounts of accrued time at the end of a work cycle.

This is fundamental and reminds managers that they should check employees accrued times regularly.

A form has been developed to allow you to keep track of the Accrued times being taken by employees. The form is an *Application to take Accrued Time* (This is in your pack) The form allows you to control who takes Accrued time and when. Quite often employees asking for Accrued time can just occur and if no notes are taken of whom and when there could be a resource issue that hasn't been considered. The use of the form should alleviate those types of problems.

An employees 'Timesheet' will also show when an officer has accrued the time and when an officer has taken accrued time.

TOIL/PAID OVERTIME

Overtime occurs when an employee is authorised to work:

- outside the spread of hours i.e. 6.00am to 10.00pm or
- works more than 9.5 hours in any one day.

All overtime has to be authorised. Should an employee seek a sign off for time where they have worked for their own convenience then this is not overtime and should not be approved. There may be instances where an employee seeks retrospective overtime authorisation and approval will depend upon the reason why overtime had to be done.

Under the *Hours and Overtime Directive 5/05* (copy in your packs) there are different levels of employee classifications that have different entitlements.

- AO2 to AO 5 (4) have the capacity to be paid for any overtime authorised to be worked or elect to have TOIL (Time off in lieu). The paid overtime is in accordance with the Public Service Award provisions specifically section 6.4.
- AO6 classification level officers do not get paid overtime but receive TOIL on a time for time basis.

In accordance with the Directive 5/05 Hours and Overtime an officer up to the level of AO6 can have their accumulated TOIL balance paid out after twelve months. Classifications higher than this will lose that entitlement.

An application has been developed which requires the employee at any level to seek Overtime and that the Overtime will be TOIL. This form can be utilised for all levels: AO2 to AO5 in the instance where they are seeking to have approved overtime elected as TOIL. This will automatically apply to AO6 classification level officers and above. The form also requires employees wanting to take TOIL to seek approval from you. This will aid in keeping records of approvals and TOIL taken. The Timesheet also provides this capability and will show the TOIL balances taken and available for officers seeking approved TOIL. (The Form is in your packs)

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Again in the event that an employee works beyond those 12 hours on the weekend the time must be approved for payment to be made.

Again paid overtime is available to AO5 classification levels and below. AO6 classification level to AO8 can accrue TOIL. All other levels cannot claim paid overtime or TOIL.

SHIFT ALLOWANCE

An allowance of 15% of the employee's ordinary hours is only paid when an employee is directed to work hours that constitute an afternoon shift.

An afternoon shift is defined in the Public Service Award – State 2003 at Section 6.1.1 and stipulates that where an employee commences their ordinary hours between 12.00 noon and 6.00pm they will be undertaking an afternoon shift.

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Email: glenn.carthew@dcs.qld.gov.au

Telephone: 3635 3503

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HOURS OF WORK ARRANGEMENTS MANAGERS GUIDE

INTRODUCTION

The new Hours of Work Arrangements for Emergency Management Queensland incorporate

- The new Hours of Work arrangements for all employees (excluding Watch Desk Operators and operational employees working with Helicopter Rescue)
- Separate section for Hours of Work for Watch Desk Operators and
- Critical Incident and EMQ Activation conditions.

The arrangements have been developed through consultation between management and the Queensland Public Sector Union 'Together' and are designed to meet the work life balance needs of officers while providing flexibility with work patterns within the environment of emergency response to the communities of Queensland.

The following guide should be read in conjunction with the Schedule 3 'Hours of Work Arrangements for Emergency Management Queensland'.

HOURS OF WORK ARRANGEMENTS - DEFINITIONS

- **Accrued time**
 - Time worked in excess of 7.25 hours in a day
 - Calculated in 15 minute intervals
 - Carry over 22 hours accrued time from one work cycle to the next
 - Manager can approve an employee carry over 36.25 hours accrued time from one work cycle to the next.
 - Can accrue providing approved by employee's manager
 - Any accrued time in excess of authorised carryover at the end of the work cycle is forfeited.
- **Accrued time off**
 - Time accrued can be taken as part days or full days with prior approval of the Manager.
 - Employee to have access to at least one full accrued day off a month
- **Attendance Records**
 - Approved time sheet to accurately record start and finish times, meal breaks and periods of leave.
 - Hard copy of the attendance record to be signed by the employee each fortnight and forwarded to the manager for checking and endorsement.
 - A hard copy of the attendance record time to be stored in local area of (6) years.

- **On –call**
 - When officers are instructed to be available outside of ordinary hours for a to perform work when required.
 - An allowance is paid:
 - \$35.25 for a whole day of a rostered day off, Accrued day off or Public holiday,
 - \$22.26 when on-call during the night only of a rostered day off, accrued day off or public holiday,
 - \$17.62 for all other nights.
 - If recalled to work an officers receives overtime rates with a minimum of two hours.

- **Operating hours**
 - The hours that the Manager, in consultation with the work unit, determines for the unit.

- **Ordinary hours of work**
 - Averaged at 72.5 hours per fortnight (exclusive of meal times) worked over 2 (10) day fortnights Monday to Sunday.

Example

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8 hours		9.5 hours	6 hours		6 hours	
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	8.5 hours	8.75 hours	7.30 hours	6.00 hours	8 hours	4.25 hours

- **Ordinary hours worked on Weekend and Public Holidays**
 - Work on the weekends is time utilised for ordinary hours but is paid at appropriate rates.
 - Penalty rates apply during weekend work up to a maximum of 12 hours per day.
 - Saturday = 1 and ½ times the normal rate
 - Sunday = 2 time the ordinary rate.
 - Public holiday = 2 time and ½ the ordinary rate.

- **Overtime**
 - Overtime made up of paid overtime or TOIL (Time off in Lieu)
 - Is authorised work outside the spread of ordinary hours or
 - Working hours that exceeds 9.5 hours in any one day.
 - Overtime must be approved to receive paid overtime or TOIL
 - Officers at the classification level of <= AO5 is entitled to paid overtime or can elect TOIL.
 - Officers at AO6=> can only receive TOIL
 - TOIL accumulates for 12 months
 - TOIL should be taken within the twelve months and where it cannot be taken will be paid out at the end of the 12 months.

 - E.g. An officer at the AO4 classification works from 7.00 to 13.00. Takes lunch till 14.00 and then works till 19.00. Total time

worked through the day is 11 hours. If that officer has had approval to work beyond the 9.5 hours then they would be able to claim 1 and ½ hours overtime as paid overtime or TOIL.

- If the officer claims the overtime as paid they receive 2 and ¼ hours payment. If the officer were to elect TOIL instead of paid overtime the officer would receive 1 and ½ hours TOIL, i.e. time for time.
 - If the officer did not seek approval for overtime then the time worked is not compensated.
 - If the officer who worked overtime is at the AO6 classification level they would only receive TOIL for approved overtime.
- **Spread of hours**
 - The spread of hours in which ordinary work can be performed is 6.00am to 10.00pm Monday to Sunday
 - **Shift penalties**
 - Shift – means the commencement of work on or after 12 noon and at or before 6.00pm
 - Provision of additional pay of 15% per shift for all ordinary time worked in addition to salary.
 - Shift penalties will not apply on Saturdays, Sundays or Public Holidays.
 - **TOIL – Time off in Lieu**
 - Overtime compensated for by time, not pay.
 - TOIL accumulated is on a time for time basis.
 - TOIL applies to officers at the AO6 level and above
 - Officers between AO2 and AO5 can elect TOIL rather than paid overtime when directed to/ and approved to work overtime.
 - TOIL conditions are specified in Directive 5/05 '*Hours and Overtime*'
 - **Work cycle**
 - Work cycle is four weeks
 - Work cycle made up of 2 x 10 day fortnights, Monday to Sunday
 - Average of 72.5 hours to be worked over fortnight exclusive of meal times.

HOURS OF WORK ARRANGEMENTS - GUIDE

The new hours of work arrangements has been identified as providing flexible work practices that meet the needs of staff and ensures EMQ objectives in service delivery are met.

The spread of hours is from 6.00am to 10.00pm. Officers are required to work on average 72.5 hours per fortnight over a 10 day fortnight, Monday to Sunday. Standard hours for any one day are 7.25 hours; however, as the fortnightly hours are averaged, officers in conjunction with their manager can organise their work days to meet work objectives while maintaining a work life balance. As an example, should an officer have training to do with SES Volunteers on a night of the week, they can discuss the training with their manager and get approval to commence work at 14.45.00 hours and work through to 22.00 hours. This spread of hours has been designed to allow officers, with afternoon and or night commitments, and who have managerial approval, to reorganise their work to meet service delivery requirements.

The table in the definitions section above provides an example of how hours could be worked on any one fortnight.

Managers have the right to set the operating hours of their work unit. A Manager may consider that the range of hours for the work unit is 8.00am to 6.00 pm. Officers can then work their standard 7.25 hours within that spread of hours. Any hours worked over and above standard hours is referred to as accrued hours/ accrued time. Accruing time and taking accrued time is to be discussed and approved by the Manager of the section/unit. Employees are entitled to accrue sufficient time to allow them to have at least one full accrued day off per month, i.e. accrue 7.25 hours.

Accrued Time (i.e. time worked over the standard 7.25 hours per day) can build up over the work cycle of four weeks however at the conclusion of the four week cycle any time in excess of 22 hours is to be forfeited. In those instances where there has not been an opportunity to take the accrued time off, Managers can approve an extension of the 22 hours to 36.25 hours carry over from one work cycle to the next.

In the event that an employee ceases employment with Government they should discuss with their Manager the taking of their accrued time before ceasing work.

There is a difference between Accrued Time and TOIL. Accrued time is the time worked beyond the standard 7.25 hours in a day up to 9.50 hours. TOIL, or Time Off in Lieu (of overtime) refers to hours worked beyond the 9.50 hours in any one day or outside the spread of hours of 6.00 am to 10.00 pm in any one day.

TOIL accrues over twelve months and employees should make application to their Manager to take the TOIL. TOIL lapses after twelve months.

The taking of the TOIL by an employee will be by mutual agreement with their Manager. In all cases the taking of TOIL will be subject to organisational convenience. In the event that no agreement can be reached as to when to take the TOIL the Manager may direct the employee when it is to be taken.

- Up to the AO6 (4) level TOIL accrued for the twelve months will be paid out where:
 - An employee has taken reasonable steps to avoid excessive TOIL balances, and
 - The employee has been refused an application to take such leave.

The new Hours of Work also provide employees with a shift allowance where the employee has been directed by their Manager to work hours that would constitute an afternoon shift as defined by the *Queensland Public Service Award – State 2003* section 6.1. An afternoon shift is defined as a shift commencing on or after 12 noon and at or before 6.00pm.

An employee who has been directed to attend training at night by their Manager is entitled to receive a shift allowance of 15% for all ordinary time worked. An employee who has organised their daily workload to incorporate training at night will not be entitled to shift

Overtime occurs as a result of an employee gaining approval from their Manager to work outside the spread of hours, i.e. 6.00am to 10.00pm or if they work more than 9.50 hours in any one day.

The important issue with overtime is that for employees who are classified as AO5(4) and below receive payment or can elect to receive TOIL on a time for time basis. Where an employee is at the level of AO6 and above they only receive TOIL.

An on-call allowance is paid to employees who have been directed by the Assistant Director General of EMQ or their delegate to be on-call (that is outside the normal work hours and available to take calls and or return to work to undertake work).

Rates for being on-call are prescribed in the *Public Service Award State 2003* and are based on a percentage of a Professional Officer classification level 3 paypoint 4 under the Classification and Remuneration Stream. In the event that an employee is called whilst on on-call they will receive payment at overtime rates. The rate of overtime and the amount of time that is paid for is based on the Award provisions and the State Government Department Certified Agreement 2009 : Wages Section 2.2

An employee, while on call, who is recalled to perform duties without the need to leave the employee's place of residence, will be paid for time worked with a minimum payment of one hour for each time the employee performs such duties. Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply. Provided further that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

Attendance Records are a legislative requirement under the Industrial Relations Act 1999 and employees must comply. Employees should accurately record starting and finishing times, meal breaks and periods of leave.

At the end of each fortnight employees should print off a hard copy of their timesheet sign and pass to their supervisor for checking and endorsement.

It is a requirement that attendance records be kept for a period of 6 years within the local area.

CRITICAL INCIDENTS AND EMQ ACTIVATION

The Critical Incident Directive 24/10 applies in those situations when a critical incident or activation is invoked. There is a copy of the Directive in your packs and the major points to note are:

- The Directive's conditions will only apply to those employees identified as performing work essential to the resolution of the critical incident or Emergency Management Activation.
- Overtime means all authorised work in excess of 7.25 hours per day.
- Overtime either paid or provided in TOIL to all classification levels up to AO8 (4)
- Unused TOIL after six months from the end of the critical incident or EMQ activation will be paid out (Employees must make a reasonable attempt to take the TOIL.
- Where an employee is required, under the Directive to assume to responsibilities of a higher level position, they will be remunerated at the higher level. (No minimum period before higher duties is payable.)
- Domestic Travelling and Relieving Expenses Directive expenses are paid and also supplemented when no 3 star accommodation is available for officers working away from home. An additional \$47.05 hard ship allowance is paid per night.

MANAGERS RESPONSIBILITIES

The success of the Hours of Work Arrangements relies on Managers providing the necessary supervision over the components of the Hours arrangements to ensure employees are working and complying with the arrangements.

Managers should become aware of the Directives and Award provisions applicable to Public Service employees. The Award, State Government Department Certified Agreement 2009 and Directives are available on the following websites:

Externally from the Department of Justice

<http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations>

On Desportal go to the <http://desportal/content/HR/index.jsp> at the top of the page. Click on HR and it will take you to a list of tabs - go to :



This provides a list of those industrial instruments that are applicable to the conditions of employment for public service officers. There is a list of the specific sections that have been identified in the new Hours of Work Arrangements in your pack.

Work Unit Hours of Work

Managers have the right to set the hours of work, within the spread of hours, in their work unit. The spread of hours of the new Hours of Work is 6.00 am to 10.00 pm. When organising the hours that suit your needs within the unit and to meet your work objectives you should always:

1. Consult with employees of the work unit when determining the operating hours of the unit and should consider the issues of Work Health and Safety, and equity.
2. Take into consideration the domestic and personal needs of the employees.

It is the responsibility of Managers to ensure that employees have a clear understanding of what the Manager wants in relation to the Hours of work in the work unit and you should:

3. Ensure you communicate your expectations in regards the hours of work arrangements with employees.
4. You should avoid excessive work loads for employees and utilise organisational objectives, performance appraisal and position descriptions in determining optimum workloads of employees.

Week end work

Under the new Hours of Work Arrangements work can occur over a week end and over a public holiday. The arrangements provide for ordinary hours to be worked up to a maximum of 12 hours per day. This provides a greater diversity in providing services to the community and clients of EMQ. Even though the hours worked on Saturday, Sunday and a public holiday are ordinary hours they attract penalties.

So an employee working on a Saturday can utilise the time for ordinary working hours and also be provided with penalty rates: Section 6.5.3 of the *Public Service Award – State 2003*.

- (a) All ordinary time worked between midnight on Friday and midnight on Saturday not being overtime shall be paid for at one and a-half (1.5) times the ordinary rate and between midnight Saturday and midnight Sunday shall be paid for at the rate of double time.

When ordinary hours are performed on a public holiday the rates are in accordance with Section 7.7 of the *Public Service Award State – 2003*.

All work done by any employee on the public holidays is paid for at the rate of double time and a-half with a minimum of 4 hours.

Labour Day is paid at Double time and a half with a minimum of 4 hours.

Please note that paid penalties apply only to AO5 and below. Any weekend work undertaken by an AO6 to AO8 will only be able to claim TOIL. Any classification above AO8 will not be able to claim penalties or overtime.

When considering the Hours of Work for the Unit be cognizant that the spread of hours is enough to allow your work to be achieved and also that employees have a right to accrue time under the arrangements (See below)

Accrued Time

The concept of Accrued Time is new to EMQ Hours of Work Arrangements. It is not the same as TOIL. Time can be accrued if an employee works beyond their 7.25 hours in any one day. The limit of the accrued time is 9.5 hours. That is that an employee can realistically, if approved work up to 9.5 hours in a day. This would give them an accrued time balance of 2 and a ¼ hours in their accrued balance. The idea of accrued time is to allow employees the opportunity to work longer during the periods when the workload is heaviest and then accrue the time to be taken at a later date with approval from the Manager.

As the Hours of Work arrangements provide for an averaging of hours over the fortnight of 72.5 hours (2 X 36.25) there is the capacity for employees to work less than the standard 7.25 hours in the day. When this occurs they will debited an amount of hours that will be needed to reach the 7.25 hours for the day.

As an example: Employee A works Monday and works from 8.00am to 16.30 pm with a half an hour break for lunch. They have worked 8 hours and have accrued 45 minutes. On Tuesday employee A works from 8.00 am to 15.30 pm with a half an hour for lunch. On the Tuesday employee A has only worked 7.00 hours. As a consequence the accrued time that has been gained on Monday would be reduced by 15 minutes to ensure that the 7.25 hours standard had been worked. This leaves then an accrued balance of 30 minutes.

Managers must keep in mind that to take a very restrictive approach to accrual of time could generate its own problems within the work unit. The idea is to be flexible in allowing employees to accrue time but be mindful that employees should not allow the accrual of excessive hours as this will mean that employees are working too long during the fortnight and the employee will want to take some or all of that time off which could leave a gap in resourcing.

The carryover of accrued hours from one work cycle (4 weeks) to the next work cycle is 22 hours. That equates to three days. In the event that there has been a workload issue that has created excessive accrued hours for employees, that they could not use during the work cycle then there is the opportunity to allow 36.25 hours to be carried from one work cycle to the next. In between the work cycles, every week, employees can accrue any number of hours that can be utilised, but any hours over 22 at the end of the work cycle will be forfeit.

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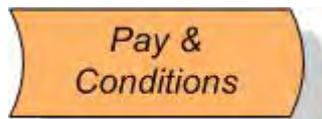
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 - TOIL accumulates for 12 months
 - TOIL should be taken within the twelve months and where it cannot be taken will be paid out at the end of the 12 months.

 - E.g. An officer at the AO4 classification works from 7.00 to 13.00. Takes lunch till 14.00 and then works till 19.00. Total time worked

through the day is 11 hours. If that officer has had approval to work beyond the 9.5 hours then they would be able to claim 1 and ½ hours overtime as paid overtime or TOIL.

- If the officer claims the overtime as paid they receive 2 and ¼ hours payment. If the officer were to elect TOIL instead of paid overtime the officer would receive 1 and ½ hours TOIL, i.e. time for time.
 - If the officer did not seek approval for overtime then the time worked is not compensated.
 - If the officer who worked overtime is at the AO6 classification level they would only receive TOIL for approved overtime.
- **Spread of hours**
 - The spread of hours in which ordinary work can be performed is 6.00am to 10.00pm Monday to Sunday
 - **Shift penalties**
 - Shift – means the commencement of work on or after 12 noon and at or before 6.00pm
 - Provision of additional pay of 15% per shift for all ordinary time worked in addition to salary.
 - Shift penalties will not apply on Saturdays, Sundays or Public Holidays.
 - **TOIL – Time off in Lieu**
 - Overtime compensated for by time, not pay.
 - TOIL accumulated is on a time for time basis.
 - TOIL applies to officers at the AO6 level and above
 - Officers between AO2 and AO5 can elect TOIL rather than paid overtime when directed to/ and approved to work overtime.
 - TOIL conditions are specified in Directive 5/05 'Hours and Overtime'
 - **Work cycle**
 - Work cycle is four weeks
 - Work cycle made up of 2 x 10 day fortnights, Monday to Sunday
 - Average of 72.5 hours to be worked over fortnight exclusive of meal times.

HOURS OF WORK ARRANGEMENTS - GUIDE

The new hours of work arrangements has been identified as providing flexible work practices that meet the needs of staff and ensures EMQ objectives in service delivery are met.

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The table in the definitions section above provides an example of how hours could be worked on any one fortnight.

Managers have the right to set the operating hours of their work unit. A Manager may consider that the range of hours for the work unit is 8.00am to 6.00 pm. Officers can then work their standard 7.25 hours within that spread of hours. Any hours worked over and above standard hours is referred to as accrued hours/ accrued time. Accruing time and taking accrued time is to be discussed and approved by the Manager of the section/unit. Employees are entitled to accrue sufficient time to allow them to have at least one full accrued day off per month, i.e. accrue 7.25 hours.

Accrued Time (i.e. time worked over the standard 7.25 hours per day) can build up over the work cycle of four weeks however at the conclusion of the four week cycle any time in excess of 22 hours is to be forfeited. In those instances where there has not been an opportunity to take the accrued time off, Managers can approve an extension of the 22 hours to 36.25 hours carry over from one work cycle to the next.

In the event that an employee ceases employment with Government they should discuss with their Manager the taking of their accrued time before ceasing work.

There is a difference between Accrued Time and TOIL. Accrued time is the time worked beyond the standard 7.25 hours in a day up to 9.50 hours. TOIL, or Time Off in Lieu (of overtime) refers to hours worked beyond the 9.50 hours in any one day or outside the spread of hours of 6.00 am to 10.00 pm in any one day.

TOIL accrues over twelve months and employees should make application to their Manager to take the TOIL. TOIL lapses after twelve months.

The taking of the TOIL by an employee will be by mutual agreement with their Manager. In all cases the taking of TOIL will be subject to organisational convenience. In the event that no agreement can be reached as to when to take the TOIL the Manager may direct the employee when it is to be taken.

- Up to the AO6 (4) level TOIL accrued for the twelve months will be paid out where:

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

The new Hours of Work also provide employees with a shift allowance where the employee has been directed by their Manager to work hours that would constitute an afternoon shift as defined by the *Queensland Public Service Award – State 2003* section 6.1. An afternoon shift is defined as a shift commencing on or after 12 noon and at or before 6.00pm.

An employee who has been directed to attend training at night by their Manager is entitled to receive a shift allowance of 15% for all ordinary time worked. An employee who has organised their daily workload to incorporate training at night will not be entitled to shift

Overtime occurs as a result of an employee gaining approval from their Manager to work outside the spread of hours, i.e. 6.00am to 10.00pm or if they work more than 9.50 hours in any one day.

The important issue with overtime is that for employees who are classified as AO5(4) and below receive payment or can elect to receive TOIL on a time for time basis. Where an employee is at the level of AO6 and above they only receive TOIL.

An on-call allowance is paid to employees who have been directed by the Assistant Director General of EMQ or their delegate to be on-call (that is outside the normal work hours and available to take calls and or return to work to undertake work).

Rates for being on-call are prescribed in the *Public Service Award State 2003* and are based on a percentage of a Professional Officer classification level 3 paypoint 4 under the Classification and Remuneration Stream. In the event that an employee is called whilst on on-call they will receive payment at overtime rates. The rate of overtime and the amount of time that is paid for is based on the Award provisions and the State Government Department Certified Agreement 2009 : Wages Section 2.2

An employee, while on call, who is recalled to perform duties without the need to leave the employee's place of residence, will be paid for time worked with a minimum payment of one hour for each time the employee performs such duties. Provided that should such employee be recalled again to perform duties separately within the minimum one hour period, no further payment shall apply. Provided further that the employee will be responsible for the recording of such requests which will require subsequent verification by the Chief Executive Officer.

Attendance Records are a legislative requirement under the Industrial Relations Act 1999 and employees must comply. Employees should accurately record starting and finishing times, meal breaks and periods of leave.

At the end of each fortnight employees should print off a hard copy of their timesheet sign and pass to their supervisor for checking and endorsement.

It is a requirement that attendance records be kept for a period of 6 years within the local area.

CRITICAL INCIDENTS AND EMQ ACTIVATION

The Critical Incident Directive 24/10 applies in those situations when a critical incident or activation is invoked. There is a copy of the Directive in your packs and the major points to note are:

- The Directive's conditions will only apply to those employees identified as performing work essential to the resolution of the critical incident or Emergency Management Activation.
- Overtime means all authorised work in excess of 7.25 hours per day.
- Overtime either paid or provided in TOIL to all classification levels up to AO8 (4)
- Unused TOIL after six months from the end of the critical incident or EMQ activation will be paid out (Employees must make a reasonable attempt to take the TOIL.
- Where an employee is required, under the Directive to assume to responsibilities of a higher level position, they will be remunerated at the higher level. (No minimum period before higher duties is payable.)
- Domestic Travelling and Relieving Expenses Directive expenses are paid and also supplemented when no 3 star accommodation is available for officers working away from home. An additional \$47.05 hard ship allowance is paid per night.

Contacts:

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HOURS OF WORK ARRANGEMENTS

INTRODUCTION

The new Hours of Work Arrangements for Emergency Management Queensland incorporate

- The new Hours of Work arrangements for all employees (excluding Watch Desk Operators and operational employees working with Helicopter Rescue)
- Separate section for Hours of Work for Watch Desk Operators and
- Critical Incident and EMQ Activation conditions.

The arrangements have been developed through consultation between management and the Queensland Public Sector Union 'Together' and are designed to meet the work life balance needs of officers while providing flexibility with work patterns within the environment of emergency response to the communities of Queensland.

The following guide should be read in conjunction with the Schedule 3 'Hours of Work Arrangements for Emergency Management Queensland'.

HOURS OF WORK ARRANGEMENTS - DEFINITIONS

- **Accrued time**
 - Time worked in excess of 7.25 hours in a day
 - Calculated in 15 minute intervals
 - Carry over 22 hours accrued time from one work cycle to the next
 - Manager can approve an employee carry over 36.25 hours accrued time from one work cycle to the next.
 - Can accrue providing approved by employee's manager
 - Any accrued time in excess of authorised carryover at the end of the work cycle is forfeited.
- **Accrued time off**
 - Time accrued can be taken as part days or full days with prior approval of the Manager.
 - Employee to have access to at least one full accrued day off a month
- **Attendance Records**
 - Approved time sheet to accurately record start and finish times, meal breaks and periods of leave.
 - Hard copy of the attendance record to be signed by the employee each fortnight and forwarded to the manager for checking and endorsement.
 - A hard copy of the attendance record time to be stored in local area of (6) years.

- **On –call**
 - When officers are instructed to be available outside of ordinary hours to perform work when required.
 - An allowance is paid:
 - \$35.25 for a whole day of a rostered day off, Accrued day off or Public holiday,
 - \$22.26 when on-call during the night only of a rostered day off, accrued day off or public holiday,
 - \$17.62 for all other nights.
 - If recalled to work an officer receives overtime rates with a minimum of two hours.

- **Operating hours**
 - The hours that the Manager, in consultation with the work unit, determines for the unit.

- **Ordinary hours of work**
 - Averaged at 72.5 hours per fortnight (exclusive of meal times) worked over 2 (10) day fortnights Monday to Sunday.

Example

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8 hours		9.5 hours	6 hours		6 hours	
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	8.5 hours	8.75 hours	7.30 hours	6.00 hours	8 hours	4.25 hours

- **Ordinary hours worked on Weekend and Public Holidays**
 - Work on the weekends is time utilised for ordinary hours but is paid at appropriate rates.
 - Penalty rates apply during weekend work up to a maximum of 12 hours per day.
 - Saturday = 1 and ½ times the normal rate
 - Sunday = 2 time the ordinary rate.
 - Public holiday = 2 time and ½ the ordinary rate.

- **Overtime**
 - Overtime made up of paid overtime or TOIL (Time off in Lieu)
 - Is authorised work outside the spread of ordinary hours or Working hours that exceeds 9.5 hours in any one day.
 - Overtime must be approved to receive paid overtime or TOIL
 - Officers at the classification level of <= AO5 is entitled to paid overtime or can elect TOIL.
 - Officers at AO6=> can only receive TOIL
 - TOIL accumulates for 12 months
 - TOIL should be taken within the twelve months and where it cannot be taken will be paid out at the end of the 12 months.

 - E.g. An officer at the AO4 classification works from 7.00 to 13.00. Takes lunch till 14.00 and then works till 19.00. Total time worked

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 - Work cycle is four weeks
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Department of Community Safety



EMQ Hours of Work

Employee Information Sessions

Emergency Management



Hours of Work

Ordinary Hours

- Ordinary Spread of Hours 6.00am – 10.00pm
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight
- 2 X 10 day fortnights, Monday to Sunday over a four week cycle

Hours of Work

Ordinary Hours

- Ordinary Hours occurs Monday through to Sunday
 - Any classification can work ordinary hours on Saturday and Sunday up to a maximum of 12 hours for the day with the remaining time as overtime- (penalties)
 - There has to be a legitimate reason for working on the weekend.
- Ordinary working hours agreed to by manager and employees of the unit.
- Employee to work on Average 72.5 hours per fortnight

Hours of Work

Definitions and New Concepts

- **Accrued Time**
 - Time accrued between standard work day 7.15 hours and 9.5 hours per day.
 - Accrued time can be taken during the work cycle with agreement with the Manager
 - Accrued Time is ordinary hours that accumulate over and above the 72.5 hours a fortnight.
- **Accrued time is not overtime.**

Accrued Time

- Agreement between manager to accrue and take time off
- 22 hours at end of work cycle – 36 $\frac{1}{4}$ with prior approval.
 - Any time in excess of authorised carryover at the end of the four week cycle is forfeited.
- At least one day per month accessed (minimum entitlement)

Hours of Work

Definitions and New Concepts

- Overtime/TOIL
 - Time Off In Lieu (of over time).
 - Outside the ordinary spread of hours (6.00am to 10.00pm) OR
 - Time worked over 9.5 hours in any one day.
 - Overtime can be paid if an officer is at the AO5 classification level or lower OR if the AO5 classification or lower officer elects, the overtime can be taken as TOIL.
 - AO6 level to AO8 level officers can only take overtime as TOIL
 - TOIL is provided on a time for time basis (*Directive 5/05 Hours and Overtime*)

Work Performed on Weekend and Public Holidays

- Ordinary hours up to a maximum of 12 hours worked on:
 - Saturday,
 - Sunday and
 - Public Holidays
- attract appropriate penalty rates as prescribed in the Award.
 - Saturday one and half times the ordinary rate
 - Sunday double time
 - Public Holidays paid at the rate of double time and a half with a minimum of 4 hours.



Shift Penalties

- Shift Penalties.
 - An employee who is directed:
 - To work where the majority of work for the day is to be undertaken in the afternoon/night a shift allowance will be paid.
 - Afternoon shift is designated as commencing on or after 12.00 noon and at or before 6.00 pm.
 - An afternoon shift allowance of 15% will apply for all ordinary time worked in addition to normal salary.
 - E.g. \$200 (ordinary daily rate) X 15% = \$230

Overtime.

- Overtime (OT) applies in circumstances where hours are worked:
 - Outside the spread of hours 6.00am to 10.00pm or
 - in excess of 9.5 hours per day
- OT is calculated to nearest $\frac{1}{4}$ of an hour.
- Approved OT can be paid or can be provided as TOIL (Time off in Lieu of Overtime)
 - **A06** classification and above **receive TOIL for OT**
 - **A02 to A05** can be **paid overtime or can elect TOIL**
- OT **MUST** be approved to receive payment or TOIL

On Call Allowance

- Regional Duty Roster: If on the roster then = on - call
- On-call
 - Officers are available to answer calls/provide advice or return to work to undertake work duties.
 - Do not have to return to work to get paid on-call
 - Award provides payment schedule for on-call:
 - Rostered Day off, Accrued Day Off, Public Holiday (whole day) - \$35.25
 - Rostered Day off, Accrued Day Off, Public Holiday (night only) - \$22.26
 - All other nights - \$17.62

WDOs

- Codify existing arrangements
- 36.25 hours per week over a 28 day roster cycle
- 12 hour 5 minute shifts

CID/EMQ Activations

- Ordinary Hours = 7.25 Monday to Friday
- All else is paid OT unless election made to have TOIL
 - TOIL lapses after 6 months
- Exemption from OT limit
- Meal breaks & rest pauses
- Travelling time
- Fatigue management

Hours of Work Employee Responsibilities

- Maintaining and completing attendance records.
- Provide supervisor with attendance records as soon as is practicable after the work cycle.
- Obtain manager's approval to access accrued time
- Approval must be obtained for OT.

Hours of Work Manager's Responsibilities

- Develop normal operating hours of work (consultation with employees)
- Ensure timesheets and applications are accurate and completed.
- Manage accrued hours and TOIL for employees
- Maintain attendance records-file

Hours of Work Manager's Responsibilities

- Ensure that fatigue breaks are taken.
 - 10 hours between cessation of overtime and commencement of work.
- Make sure that requests for working on weekends and overtime are reasonable.

Hours of Work Timesheet

- Electronic –
 - State wide standardisation
 - Gives effect to new Hours of Work arrangements.

Hours of Work

Questions:

1. What happens to existing TOIL balances?
2. How do I access accrued time / TOIL?
3. What happens if I can't take my TOIL within 12 months?
4. What happens if I work outside the spread of hours (6.00am to 10.00pm) or more than 9.30 hours per day?

Hours of Work

Implementation date: 19 December 2011.

Ballot: To be provided to all EMQ officers who will be using the new Hours Arrangements.

Return Date: 19 December 2011

Hours of Work

Contact Names and Numbers

- Glenn Carthew
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 - glenn.carthew@dcs.qld.gov.au

- Callum MacSween
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Implementation Plan

Proposed hours of work changes – EMQ

Purpose

- To implement a new hours of work schedule for Emergency Management Queensland (EMQ) employees.
- To implement a new e-timesheet for all EMQ employees for ordinary hours of work—i.e., excludes periods determined as critical incidents.
- To assist EMQ employees in the transition to the new schedule and a single e-timesheet.

Timeline milestones

- Determine instrument and documents	
- Planning	
- Documents	
o E-timesheet	
o Communication instruments	
- Testing	
- Go-live	

Communications

Stakeholders

- EMQ employees
- Union
- Implementation Team
- DG
- HR

Implementation team

- Sponsor
- ICT
- Planners and doers

Tools

- Email
- Desportal
- Info sessions
- Webinar
- Feedback

Key contacts

Risks and responses

- Lessons learnt from previous hours of work changes; e-timesheets
 - o Employee backlash: Why are the hours changing?
 - Response: Employee-focused, positive reasoning
 - o Size of file:
 - Response: same size.
 - o E-timesheet data issues: unable to handle non-ordinary hours
 - Response:
- Testing
- Employee trials and feedback prior to go live

Phase	Strategy	Task	Action officer	Deadline	Risks
Planning	Industrial instrument	Finalise industrial instrument content	John Martin / Glenn Carthew		
	E-timesheet	Determine adaptability of existing e-timesheet to meet new requirements	Raj Iyer		
	Rollout	Information & communications strategies	Christiane Strong		
Organising	Consultation	Stakeholder input			
	Testing	Field testing, feedback and revision of e-timesheet			
Leading	Stakeholder engagement	Information sessions			
	Go live				
Controlling	Monitor	Feedback, review, update			

Hours of Work Arrangements for Emergency Management Queensland

Section 4 - Department of Community Safety

S3.4.2 Emergency Management Queensland Employees

The following conditions apply to all employees engaged in Emergency Management Queensland (EMQ), excluding Watch Desk Officers (as provided for in S3.4.3) and Helicopter Rescue operational employees.

(a) Principles

These hours or work provisions are to be applied to meet the operational requirements of EMQ while recognising the needs of employees for a fulfilled life inside and outside their employment. A major intention of these arrangements is to enable the flexible working of hours to:

- Maximise work/life balance;
- Ensure operational coverage;
- Ease traffic congestion; and
- Ensure meaningful work is provided.

The management of hours worked (including accrued time leave and time-off in lieu of overtime (TOIL)) shall be a local matter with the responsibility resting with managers to determine in consultation with employees.

Managers are expected to ensure that employee's work loads are properly managed and that every opportunity is provided to employees to avoid losing accrued time and/or TOIL.

(b) Hours of Work

Except as provided elsewhere in this section, the ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work shall be an average of 72.5 hours per fortnight exclusive of meal times worked over two x 10 day fortnights Monday to Sunday in four week work cycles, and shall be performed within an ordinary spread of hours of 6.00am to 10.00pm. Ordinary hours of work exclusive of meal times shall not exceed 9.5 hours per day to be worked within the ordinary spread of hours.

Employees and managers will negotiate agreement on ordinary working hours in order to meet operational requirements and the employee's work/life balance.

In the event that agreement can not be reached, managers may direct starting or ceasing times of employees within the spread of hours based on operational requirements and having regard to work/life balance principles

A minimum of two (2) full weekends shall be free of any ordinary hours work in each four (4) week period with a minimum of five (5) nights (i.e. after 6.00pm) free of ordinary hours work in each fortnight.

(c) Accrued Time

An employee may accrue time during a work cycle, provided that additional hours are performed to meet operational requirements and are approved by the employee's manager. Accrued time shall be calculated in 15 minute intervals.

An employee may carry over up to 22 hours of accrued time from one work cycle to the next work cycle. The manager of a work unit may authorise a carry over of up to an extended maximum of 36.25 hours in circumstances where the manager deems it appropriate. Any time in excess of the authorised carryover at the end of a four- week work cycle shall be forfeited.

Accrued time off may only be taken with the prior approval of the manager of the work unit. Accrued time may be taken as part days or full days.

In accordance with Clause 6.1.6 of the *Queensland Public Service Award – State 2003*, employees are to have access to at least one full accrued day off per month

Accrued time must be taken prior to cessation of employment as no payment will be made for unused accrued time. Managers shall not unreasonably prevent employees from taking accrued time immediately prior to the termination of employment.

The Assistant Director General, EMQ or delegate may direct an employee to work standard hours where that employee's time management is unsatisfactory. Any authorised time worked by that employee in excess of the standard hours will be compensated for as prescribed in relative *Directives* as issued from time to time.

(d) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours per day, will attract the appropriate penalty rates as prescribed in clause 6.5.3 and 7.7 of this Award.

(e) Shift Penalties

An employee directed to work hours:

- During the ordinary spread of hours that is provided for in paragraph (b) of this schedule and;
- That would constitute an afternoon shift as defined by clause 6.1 of this award shall be entitled to payment of a shift allowance in accordance with 6.5.2 of this award.

(f) Overtime

Overtime is any authorised work which is performed within the daily spread of ordinary hours and exceeds 9.5 hours or is authorised work performed outside the ordinary spread of hours.

Employees shall work reasonable overtime whenever necessary in the opinion of the Assistant Director General, EMQ (or delegate), with twenty-four (24) hours' notice being given, where practicable to an employee required to work overtime. Family responsibilities are to be considered when directing employees to work overtime.

Except as otherwise specified in these arrangements, payment for overtime shall only be made for employees whose level of salary is below the overtime cut-off as prescribed in relative *Directives* as issued from time to time. Overtime shall be calculated to the nearest quarter of an hour for the total amount of time in respect to which overtime is claimed by an employee.

Those employees below the overtime cut-off limit shall either be paid for authorised overtime worked in accordance with clause 6.4.1 and 6.4.2 of this Award or, at the election of the employee, compensated by the granting of equivalent time off in lieu on a time for time basis.

The application of TOIL will be in accordance with conditions specified in Directive 5/05 Hours and Overtime.

(g) On Call

Employees instructed to be on call by the Assistant Director General, EMQ or delegate, shall be paid an on-call allowance in accordance with Clause 5.14.4 of this Award. Where practical, the Assistant Director General, EMQ will not require an employee to be available on call for a period in excess of 6 consecutive weeks with a minimum break of 4 weeks between rostered on call periods.

(h) Attendance Records

All permanent and temporary employees (excluding employees otherwise exempted) are responsible for complying with these arrangements which includes accurately recording starting and finishing times, meal breaks and periods of leave

A hard copy of the attendance record shall be signed by the employee and forwarded to their immediate supervisor for checking and endorsement (by signature), within one week of the end of each fortnight.

A hard copy of all attendance records shall be stored in the local work area. Current and stored attendance records shall be available for checking by authorised persons including officers from Human Resources Branch and Internal Audit Unit. Attendance records shall be maintained for all relevant employees for a period of six (6) years.

S3.4.3 Watch Desk Officers, Emergency Management Queensland

The following conditions apply to Watch Desk Officers (as appointed by the Assistant Director General, Emergency Management Queensland) engaged in Emergency Management Queensland.

(a) General

Watch Desk Officers are rostered to perform duties in the State Disaster Coordination Centre, Kedron.

(b) Hours of Work

The ordinary hours of work shall be performed in accordance with Schedule 5 of this Award. The ordinary hours of work for Watch Desk officers working shift work in Emergency Management Queensland shall average 36.25 hours per week Monday to Sunday over a 28 day roster cycle. The ordinary hours of work inclusive of meal times will not exceed 12 hours and 5 minutes per day. Officers will be entitled to a paid meal break of 30 minutes duration, plus a total of 20 mins for rest pauses during each shift.

Changes to these hours may occur from time to time due to organisational requirements.

All other hours of work conditions shall be in accordance with clause 6.5 of this Award.

(c) Work Performed on Weekends and Public Holidays

Ordinary hours worked on Saturdays, Sundays and Public Holidays, up to the maximum of 12 hours and 5 minutes per day, will attract the appropriate penalty rates as prescribed at clause 6.5.3 and clause 7.7 of this Award.

(d) Overtime

All overtime shall be paid for in accordance with clauses 6.4.1, 6.4.2 and 6.4.3 of this Award.

S3.4.4 Critical Incident and EMQ Activations, Emergency Management Queensland

The following conditions apply to all employees, excluding Watch Desk Officers (as designated by the Assistant Director General, Emergency Management Queensland), Helicopter Rescue operational employees and employees at Senior Officer 2 (SO2) and above levels, engaged in Emergency Management Queensland (EMQ). These arrangements may also be applied to those public service employees of the Department of Community Safety and other Government Agencies who are directed to assist in operational activations of EMQ.

“Critical Incident and EMQ Activations” refers to those situations that are subject to the application of the Directive relating to Critical Incident Entitlements and Conditions as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*

(a) Hours of Work

Critical Incidents and or EMQ Activations may require 24/7 activation. In such cases all entitlements and conditions as stipulated within Directive 24/10 ‘Critical Incident Entitlements and Conditions’ for employees working on the incident or activation shall apply

(b) Overtime

Entitlements for overtime shall be as prescribed in the abovementioned Directive relating to the Critical Incident Entitlements and Conditions.

At the election of the employee, overtime may be compensated by the granting of equivalent time off in lieu on a time for time basis.

Employees who accrue time off in lieu are to be permitted such time off within 12 months of the day on which the overtime was worked, and any time off in lieu not taken within that 12 month period shall lapse. If agreement cannot be reached on the taking of time off in lieu, the employer may direct the employee when it is to be taken.

(c) Meal Breaks

Employees are entitled to meal break(s) as follows:-

- 1 meal break of 30 minutes duration for an employee who works more than 5 hours but less than 12.5 hours in any one day; or
- 2 meal breaks of 30 minutes duration for an employee who works 12.5 hours or more in any one day.

Where it is mutually agreed between manager and employee, that in order to maintain continuity of work, the hours of duty may be inclusive of meal times and no deduction will be made from the employee’s wages.

(d) Rest Pauses

Employees are entitled to rest pause(s) as follows:

- a total of 10 minutes for an employee who works for more than 3 hours but less than 6 hours on any one day; or

- a total of 20 minutes for an employee who works for more than 6 hours but less than 12.5 hours on any one day;
or
- a total of 30 minutes for an employee who works 12.5 hours or more on any one day.

Such rest pauses to be taken at such times as will not interfere with the continuity of work where such continuity is necessary.

(e) Travelling Time

Employees absent from headquarters overnight who reside in temporary accommodation and who travel between the temporary accommodation and temporary headquarters shall have all such travel time recognised as working time for the purpose of clause S3.4.4 (a) and (b) above. Other travelling and relieving arrangements are prescribed in Directives relating to Domestic Travelling and Relieving Expenses and International Travelling, Relieving and Living Expenses, as issued from time to time by the Minister responsible for industrial relations in accordance with Section 54 of the *Public Service Act 2008*.

(f) Fatigue Management

Starting and ceasing times of employees shall be arranged to ensure that the fatigue break prescribed by clause 6.4.9 of the Queensland Public Service Award – State 2003 is given effect. That is, employees shall have a break of at least 10 consecutive hours between the cessation of work (ordinary hours or substantial periods of overtime) on one day and the commencement of ordinary work on the next day. In cases where employees, on the instruction of the Assistant Director General (or delegate) are instructed to resume or continue work without a 10 hour break, the penalty provisions of the Award shall have application. These provisions shall continue to apply after the conclusion of an operational activation until return to normal duties.

Nuria Alvayero

Human Resource Officer - EMQ (Tues to Fri)

Ph (07) 3635 3499 (Extension 53499)

Fax (07) 3247 8505

Nuria.Alvayero@dcs.qld.gov.au

From: Michelle Swindells

Sent: Thursday, 15 September 2011 14:07

To: Karen Caughey

Subject: RE: Public Holidays

Hi Karen

In accordance with section 7.7.4 of the Public Service Award - State shift workers (under section 6.1 and 6.5) who are rostered off on public holiday receive an additional days wage or where there is agreement an additional day off.

Michelle

Please note new phone number

Michelle Swindells
Senior Employee Relations Officer
Employee Relations Unit - QFRS/EMQ/PS
Human Resources Branch
Department of Community Safety
Phone: (07) 3635 3028 (x53028)
Michelle.Swindells@dcs.qld.gov.au

From: Karen Caughey

Sent: Monday, 12 September 2011 14:18

To: Michelle Swindells

Subject: RE: Public Holidays

Hi Michelle

I called in before and heard you were at the commission, I will not be in for the next 2 days however I have done some research and to date this is what I understand:

In 2008 the Watch Desk Officers enquired about their entitlement to receive payment for not being rostered on on a Public Holiday. Originally they were told they had an entitlement and then this was overturned.

I have researched the Award and identified the following:

Section 6.1.1 Definitions the State Duty Officers and Supervisors fall under the definition of 'continuous shift work'.

Section 6.5.1 Shift work arrangements - is met.

Section 6.5.2 Shift Allowance - is met.

Section 7.7.4 Employees 'rostered off' on public holidays who work in accordance with shift work or 5 out of 6 day provisions. I believe is met.

I seek further advice on the entitlement for these officers regarding payment when rostered off on a public holiday. I have attached the entitlements booklet that Ken developed some

years ago for these staff, FYI.

I will be out of the office until Thursday, happy to chat then.

Karen Caughey | Senior HR Consultant | EMQ HR | HR Services Unit | Corporate Support
Division | Department of Community Safety | Phone: 3635 3489 | Fax: 3247 8505 | Email:
Karen.Caughey@dcs.qld.gov.au.

From: Michelle Swindells
Sent: Friday, 9 September 2011 09:59
To: Karen Caughey
Subject: RE: Public Holidays

Hi Karen

I have been away all week sick. Can you give me a call to discuss. Thanks, Michelle

From: Karen Caughey
Sent: Monday, 5 September 2011 11:47
To: Michelle Swindells
Subject: FW: Public Holidays

Hi Michelle

I have received the email below seeking clarification in relation to Public Holidays - As State Duty Officers and Supervisor's, do we get paid for public holidays if we do not work?. Can you please advise if SDO and Supervisors are entitled to receive payment for public holidays if they are not rostered on.

thanks

Karen

Karen Caughey | Senior HR Consultant | EMQ HR | HR Services Unit | Corporate Support
Division | Department of Community Safety | Phone: 3635 3489 | Fax: 3247 8505 | Email:
Karen.Caughey@dcs.qld.gov.au.

From: Jenny Goulding
Sent: Sunday, 4 September 2011 00:00
To: Karen Caughey
Subject: Public Holidays

Hi Karen

I have a query for you in relation to Public Holidays.
As State Duty Officers and Supervisor's, do we get paid for public holidays if we do not work? I saw on the Shift Allowance Claim Form there is a section for Public Holiday (not on shift).

Cheers

Jen

Jenny Goulding

State Duty Officer

State Disaster Coordination Centre

 (07) 3635 2387(24 hours)

 (07) 3357 4682

 **Contrary to the public interest**

 jenny.goulding@dcs.qld.gov.au

QFES RTI FINAL RELEASE

STATE DUTY OFFICERS AND STATE DUTY SUPERVISORS

SUMMARY OF KEY EMPLOYMENT CONDITIONS

The primary purpose of this document is to provide recent appointees or prospective appointees to the positions of State Duty Officer and State Duty Supervisor with enough relevant information to gain an understanding of the roles and the key conditions and entitlements that apply to an appointment to the positions. The information provided will assist prospective appointees to make a determination as to whether or not to accept an offer of appointment to the positions. While every effort has been made to ensure the accuracy of the information provided, the principal source of reference in relation to employment conditions and entitlements will always be the relevant legislation, industrial instruments and associated policies and procedures. It should also be noted that the conditions and entitlements that currently apply, as documented herein, may be amended in the future as a result of changes to legislation, industrial instruments and/or policy and other associated processes.

Appointments to the positions of State Duty Officer and State Duty Supervisor, Operations Branch, Emergency Management Queensland (EMQ) are made in accordance with the *Public Service Act 2008*. The conditions and entitlements applicable to the position are as prescribed in the *Queensland Public Service Award – State – 2003*, the *State Government Departments Certified Agreement 2009*, the *Family Leave (Queensland Public Sector) Award – State 2004*, relevant Directives issued by the industrial relations Minister and the Public Service Commission and Emergency Management Queensland and Department of Community Safety policies.

Access to detailed information in relation to the above industrial instruments and other policies, regarding your conditions and entitlements is available through the Department of Community Safety internal website (DESPortal) and the Department of Justice and Attorney-General via the following links:

Public Service Act 2008:

<http://www.legislation.qld.gov.au/LEGISLTN/ACTS/2008/08AC038.pdf>

Queensland Public Service Award – State – 2003:

http://www.qirc.qld.gov.au/resources/pdf/awards/q/q0350_q0110.pdf

Family Leave (Queensland Public Sector) Award – State 2004:

http://www.qirc.qld.gov.au/resources/pdf/awards/f/f0026_f0003.pdf

State Government Departments Certified Agreement 2009:

<http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations/queensland-government-employees/awards-and-agreements/state-government-departments-certified-agreements/state-government-departments-certified-agreement-2006>

Human Resource Policies and Procedures:

http://desportal/content/HR/Policies_and_Procedures/index.jsp

Directives:

<http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations/queensland-government-employees/directives>

State Duty Officers and State Duty Supervisors are expected to take an active role in familiarising themselves with their conditions of employment, as well as the responsibilities and obligations of their employment, and to seek clarification on any matters of concern to them.

The following conditions should be specifically noted:

Remuneration

The classification level of the State Duty Officer position is Operational Officer Level 6 (OO6).
The classification level of the State Duty Supervisor position is Operational Officer Level 7 (OO7).
The current remuneration levels for this classification level are as follows:

Qld Public Service Award State 2003 - Operational Stream

Pay rates as at 01/08/2010					Pay rates as at 01/08/2011		
		Annual Rate	Fortnightly Rate	Hourly Rate	Annual Rate	Fortnightly Rate	Hourly Rate
Level OO6	1	\$61,873.00	\$ 2,371.60	\$ 32.71	\$ 64,349.00	\$ 2,466.50	\$ 34.02
	2	\$63,535.00	\$ 2,435.30	\$ 33.59	\$ 66,076.00	\$ 2,532.70	\$ 34.93
	3	\$65,174.00	\$ 2,498.10	\$ 34.46	\$ 67,780.00	\$ 2,598.00	\$ 35.83
Level OO7	1	\$68,312.00	\$ 2,618.40	\$ 36.12	\$ 71,044.00	\$ 2,723.10	\$ 37.56
	2	\$69,987.00	\$ 2,682.60	\$ 37.00	\$ 72,786.00	\$ 2,789.90	\$ 38.48
	3	\$71,659.00	\$ 2,746.70	\$ 37.89	\$ 74,527.00	\$ 2,856.60	\$ 39.40

Salary increments will be paid annually up to the upper limit, subject to satisfactory work performance, attitude and work behaviour.

In addition to the base salary as outlined above, State Duty Officers and State Duty Supervisors will be paid applicable shift allowances and penalties according to actual shifts worked and in accordance with the provisions of the *Queensland Public Service Award – State – 2003*.

New appointees will be paid at Paypoint 1 level. Appointees who are currently public service officers may be eligible to have their paypoint level determined in accordance with the provisions of Directive 7/10 - *Transfer within and between Classification Levels and Systems* (http://www.justice.qld.gov.au/_data/assets/pdf_file/0006/39462/Web-Version-Transfer-within-and-between-classifications-directive-100412.pdf) and may therefore be entitled to be paid at a paypoint level higher than Paypoint 1. Appointees engaged on a part time basis will be paid at a rate based on the proportion of part-time hours worked compared with the standard hours of 72.5 per fortnight.

Other remuneration benefits include annual leave loading of 27.5% on 5 weeks (detailed below) and an employer contribution to superannuation of between 9% and 12.75% of base salary.

Appointees will be paid on a fortnightly basis, with payments electronically transferred into a nominated account on the Wednesday of every second week.

Allowances/Penalties

The following allowances and penalties will apply to the position:

- Where an employee is rostered to work on a night shift (Sunday to Thursday nights), the employee will be paid an extra 15% of their ordinary rate of pay, in addition to their ordinary rate of pay.
- Where an employee is rostered to work on a Friday night or Saturday day shift, the employee will be paid at a rate of time and a half.
- Where an employee is rostered to work on a Saturday night or Sunday day shift, the employee will be paid at a rate of double time.
- Where an employee is rostered to work on a Public Holiday, the employee will be paid for the hours worked on the Public Holiday at a rate of double time and a half.

The following table gives an indication of the **additional** allowances and penalties that would apply based on salary rates as at 1/8/11:

Classification	Shift	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Public Holiday (On Full Shift)*
006 Duty Officer									
Level 1	Day	Nil	Nil	Nil	Nil	Nil	205.48	410.97	616.45
Level 1	Night	61.65	61.65	61.65	61.65	205.48	410.97	61.65	616.45
Level 2	Day	Nil	Nil	Nil	Nil	Nil	211.00	422.00	633.00
Level 2	Night	63.30	63.30	63.30	63.30	211.00	422.00	63.30	633.00
Level 3	Day	Nil	Nil	Nil	Nil	Nil	216.44	432.88	649.32
Level 3	Night	64.93	64.93	64.93	64.93	216.44	432.88	64.93	649.32
007 Duty Officer									
Level 1	Day	Nil	Nil	Nil	Nil	Nil	226.86	453.72	680.59
Level 1	Night	68.06	68.06	68.06	68.06	226.86	453.72	68.06	680.59
Level 2	Day	Nil	Nil	Nil	Nil	Nil	232.43	464.86	697.28
Level 2	Night	69.73	69.73	69.73	69.73	232.43	464.86	69.73	697.28
Level 3	Day	Nil	Nil	Nil	Nil	Nil	237.98	475.97	713.95
Level 3	Night	71.40	71.40	71.40	71.40	237.98	475.97	71.40	713.95

* Note: Those employees on **night shift on the day before and on the night of a Public Holiday** will receive an **additional payment at time and a half** for **actual hours worked** on the Public Holiday.

Allowances and penalties will be paid in arrears based on actual shifts worked in the fortnight preceding the week in which the pay cut-off occurs.

Overtime

Overtime payments will apply to additional shifts or additional hours required to be worked in a roster cycle to meet operational needs. Shift swaps arranged by mutual agreement do not attract overtime payment. The rate of payment will be as per the *Queensland Public Service Award – State – 2003* – double time for all overtime hours worked.

Superannuation

QSuper is the applicable superannuation scheme. It is a co-contributory scheme and employees can contribute between 2 and 5% of salary. This is matched by the compulsory employer contribution of between 9 and 12.75% of base salary, allowances and penalties. Employees can also make voluntary contributions, choose to salary sacrifice, transfer money from other funds or make and receive spouse contributions. As a member of this fund, insurance for income protection and total and permanent disability is automatically provided. Further information can be obtained by calling QSuper on 1300 360 750 or via their web site on www.qsuper.qld.gov.au.

Duties

For details regarding the duties of this position, please refer to the role description. Duties may include a broad portfolio of activities focussing on the long term preparation of the state for disaster operations. In addition, you may also be required to provide support for disaster operations and the

State Emergency Service. To achieve this, you are required to follow State Disaster Coordination Centre (SDCC) internal procedures. This position may also be required to perform duties and undertake training away from Brisbane.

Working Hours

Full-time appointees will work, on average, 36 hours 15 mins per 7 day week over a 28 day roster period. The hours of work arrangements will usually consist of 12 hour 5 mins shifts. These shifts will run from 6.30am to 6.35pm (Day Shift) and 6.30pm to 6.35am (Night Shift). At shift changes, it is the joint responsibility of the officer finishing a shift and the officer about to commence a shift to ensure that a proper handover occurs in accordance with EMQ requirements.

During periods when no officers are on leave or otherwise absent, a shift cycle for full-time officers might consist of one 12hr 5min shift with the remaining 24hrs 10mins required to be worked in that week being worked over days as mutually agreed based on operational needs. (This appears as the “green” roster cycle on the roster). Officers rostered on the “green” shift may be required to fill a place on the main roster (day or night shift) as part of a shift swap arrangement or as a replacement for an unscheduled absence on the roster.

Officers will be entitled to a paid meal break of 30 minutes duration plus a total of 20 mins for rest pauses during each shift. This is to be taken at times that minimises the disruption to workflows.

Roster

Officers will work a rotational shift roster over 28 day periods as per the approved roster pattern. Shifts may reasonably be altered by EMQ management at any time to meet operational requirements.

Shift swaps in emergent situations are allowed. This is subject to compliance with fatigue leave requirements. Shift swaps should be negotiated and settled between individual officers. In any shift swap arrangement, it should be noted that officers will be paid allowances and penalties only for actual shifts worked.

The roster pattern will be reviewed in consultation with staff each year or at other times as necessary.

Rotating Leave Roster

To ensure the continuity of shifts, annual leave breaks may be defined for all officers in a rotating leave roster. Officers should be aware that circumstances may result in leave not being scheduled during the peak operational demand season from 1 December to 31 March.

Recreation Leave

State Duty Officers and State Duty Supervisors are entitled to five (5) weeks recreation leave per year (or 181.25 hours per year), as per section 9 of the Recreation Leave Directive (2/11), with a 27.5% salary loading which is usually paid in full on the first pay period of December each year. Leave will be **deducted** based on the **number of hours that the employee would have worked** as per section 14 of the Recreation Leave Directive (2/11). Please note that penalties will not be paid during any period of leave and that the taking of leave is subject to the constraints of the rotating leave roster and operational demands. For further details regarding conditions of recreational leave, please refer to Directive (2/11) – *Recreation Leave* (http://www.justice.qld.gov.au/data/assets/pdf_file/0006/76056/Rec-Leave-Directive-2-11.pdf)

Sick Leave

Sick leave accrues at the rate of 72.5 hours per year, on full pay, for each year of service. Leave will be **deducted** based on **the number of hours that would have been worked** (e.g. absence for a

full shift = 12hrs 5mins sick leave; going home sick 8 hours into a 12hr 5 min shift, means 4hrs 5mins sick leave). Please note that allowances and penalties will not be paid during periods of sick leave. For further details regarding conditions of sick leave please refer to Directive 18/10 - *Sick Leave* (http://www.justice.qld.gov.au/__data/assets/pdf_file/0017/61451/18-10-sick-leave-directive.pdf)

Long Service Leave

State Duty Officers and State Duty Supervisors accrue 1.3 weeks full pay for each year. Long service leave may be accessed after seven (7) years of continuous service and is subject to operational convenience. This is subject to certain conditions outlined in Directive 1/11 - *Long Service Leave* (http://www.justice.qld.gov.au/__data/assets/pdf_file/0005/76055/LSL-Directive-1-11.pdf)

Please note that allowances and penalties will not be paid during periods of long service leave.

Family Leave

Family Leave or Special Responsibility Leave is available under the provisions of the *Family Leave (Queensland Public Sector) Award – State 2004*

Parental Leave

Paid maternity leave (and other types of parental leave) is available under the conditions prescribed in Directive 26/10 *Paid Parental Leave* (http://www.justice.qld.gov.au/__data/assets/pdf_file/0018/75222/26-10-paid-parental-leave.pdf) and the *Family Leave (Queensland Public Sector) Award – State 2004*

Study Assistance

Study assistance may be provided for relevant courses in terms of Directive 12/99 - *Study and Examination Leave* (http://www.justice.qld.gov.au/__data/assets/pdf_file/0009/14679/no12-99.pdf)

Depending upon the category of assistance granted the range of benefits could include:

- course attendance leave;
- examination and study leave;
- residential school attendance leave; and
- reimbursement of a proportion of statutory fees and other related costs.

Secondary Employment

Any secondary employment must be compliant with Directive 3/07 - *Public Service Employees engaging in Other Employment*

(http://www.justice.qld.gov.au/__data/assets/pdf_file/0020/14609/no03-07.pdf)

In terms of the Directive, officers are required to notify their chief executive officer in accordance with departmental policy within 14 calendar days, of other employment should the other employment:

- a) be or have the potential to be, a real or apparent conflict of interest in relation to the employee's employment within the public service, or
- b) have the potential to impact adversely on the employee's ability, health or wellbeing to safely and effectively carry out official duties in their public service employment, or
- c) have the potential to compromise the integrity of the employing department or to reflect seriously and adversely on the public service, or
- d) result in or have the potential to result in the misuse of information, intellectual property, physical or other public resources.

DCS policy:

http://desportal/content/HR/General/HRB_Circular/HR_Branch_Circular.jsp

Compliance

Employees DCS are required to comply with all departmental policies and procedures. This will include, but is not limited to, Safety and Wellbeing Policies and Procedures:

http://desportal/content/HR/Policies_and_Procedures/index.jsp#Safety%20and%20Wellbeing; and
http://desportal/content/Tools_and_Services/Facility_Management/Kedron_Park/Administration_and_Services/Workplace_Health_and_Safety.jsp#Workplace_20Health_20_amp_20Safety

Employment Equity policies:

http://desportal/content/Policies_and_Procedures/HR/employmentequity.jsp

Code of Conduct:

http://desportal/content/HR/Code_of_Conduct/The_DCS_Code_of_Conduct_2009.pdf

Furthermore, each officer within DCS is required to take an active role in the managing of risks in accordance with DCS policy and guidelines. This position has accountability for organisational health as set out in the WHS Accountability and Responsibility Policy:

http://desportal/content/Policies_and_Procedures/HR/WHS/Accountabilities_Policy_final.pdf

Internet Access

Inappropriate use of the internet and emails is unacceptable and requires that employees using such facilities inappropriately, be disciplined. State Duty Officers and State Duty Supervisors are expected to make themselves aware of the Department's Internet and Email Usage Practice Statement:

http://desportal/content/Policies_and_Procedures/IT_and_Systems/Security_and_Privacy/Network_Security/15_2_11_Internet_and_Email_Usage.jsp

Inappropriate use of government-owned communication and information devices includes downloading, storing or distributing pornography. The Queensland Government policy is that any employee found to have used a government owned communication or information device to download, store or distribute pornography may be dismissed.

Probation

Appointees not previously engaged in the Queensland public sector will be appointed on probation for a minimum period of three (3) months. Upon satisfactory completion of this probationary period, permanent appointment will be confirmed. Please note should service not be satisfactory during this time, the probation period may be extended or your employment may be terminated.

Performance Development

Appointees will be required to actively participate in performance planning and development processes in accordance with Emergency Management Queensland policy and procedures.

Union Membership

The Government recognises an employee's entitlement to join a registered union. Whilst employees are not obliged to join a union, the Government encourages its employees to do so. The union that represents employees in these positions is the Queensland Public Sector Union. Please contact the Union for membership application forms. <http://www.qpsu.org.au/index.php>

Appointees should also know that their name and the name of their workplace may be provided to the union for the purpose of providing the union with the opportunity to discuss with the appointee the benefits of union membership.

Security and ID Cards

Employees will be required to maintain government identity and security access cards to gain access to secure Government premises. An employee's work area Administration Officer will assist with obtaining the appropriate identity and access cards.

Government Smoking Policy

A non-smoking policy is effective in Queensland Government workplaces, including buildings, offices, car parks, motor vehicles and boats.

Resignation

The Queensland Public Service Award – State – 2003 stipulates that the notice of termination required by an employee, other than a casual employee, will be 2 weeks or 2 weeks' salary forfeited in lieu.

Workers Compensation

Appointees are eligible for workers compensation entitlements in accordance with the Workers' *Compensation and Rehabilitation Act 2003* as appropriately required. Relevant information can be found at <http://www.workcover.qld.gov.au>.

QFES RTI FINAL RELEASE

**Executive Briefing Note**

Requested by: Proactive

Critical **Urgent** **General** Ref: CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)**Date:** xx/5/10**1. Background**

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. There is concern amongst employees that some of these arrangements do not adequately protect and compensate employees.
- There is currently a level of concern for the workplace health and safety of some EMQ employees and for the on-going industrial harmony within EMQ.

2. Issues

- EMQ has for some time adopted an ever-increasing role in the management of various threats to the safety of Queenslanders.
- There are four identifiable areas of employment within EMQ that warrant separate and specific industrial arrangements:
 - Helicopter Rescue;
 - Watch Desk Officers (WDOs);
 - Head Office (public servants); and
 - Regional Offices (public servants).

Helicopter Rescue

- Helicopter Rescue employees (Pilots, Engineers, Crew etc.) are the subject of a schedule in the proposed *State Government Departments Certified Agreement 2009* (2009 Core Agreement). These employees are award-free and were previous the subject of their own specific Certified Agreement. The employees in question were made subject to the Core Agreement as a matter of administrative convenience but it is reasonable to say that the employees are not in favour of being covered by the Core Agreement.

Watch Desk Officers WDOs

- WDOs are covered by a shift arrangement and otherwise by the industrial instruments that would apply to public servants.

Head Office

- Head Office employees are covered by *Queensland Public Service Award – State 2003 (PSA)* and the Core Agreement whilst performing normal duties but are the subject to the operation of the Critical Incident Directive when activated.

Regional Offices/Duty Officers

- Regional Offices are staffed by public service officers (also covered by the PSA and the Core Agreement). These positions include Area Director (AO6), Regional Training and Equipment Coordinator (AO6), Training Coordinator (AO5), Training Officer (AO4) and Support Officer (AO3). The functions of the regional offices include Duty Officers which is perceived as being problematic.
- Duty Officers is the unofficial title given to employees of EMQ who are required to remain on call and respond to calls from the public and other Government agencies and services. Duty Officer may be employed at various administrative levels including senior officers.
- A perception amongst employees is that the overtime exemption (provided by the Hours and Overtime Ministerial Directive 5/05) provides inequitable outcomes for Duty Officers as those at the level of AO6 and above are not entitled to payment for overtime and are never afforded the opportunity to take time in lieu of overtime (TOIL).
- Little in the way of statistical evidence is able to be provided at this stage. Anecdotal evidence would indicate that Duty Officers in regions are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours without being able to take TOIL for work performed outside ordinary hours.
- The continual working outside of ordinary hours by Duty Officers without taking any leave the following day, presents concern as to the provision of a safe system of work.
- Awards including the PSA provide for employees taking a 10 hour break between the cessation of work on one day and commencement on the next (fatigue break). It is being suggested that Duty Officers are unable (by virtue of workload) to take any time off either as TOIL or fatigue break.
- The options available to attempt to address the issues include the following:
 - Strict adherence to industrial instruments;
 - Clarify the roles;
 - Acknowledge down time and prioritisation of tasks;
 - Transferring duties performed by Duty Officers to WDOs;
 - Aggregated hours;
 - Additional annual leave in compensation;
 - Remove overtime exemption; and
 - Shift work arrangements to replicate regional managers at night
- Duty Officers are continually being required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:
 - Answer phone call;
 - Knowledge Information Tool referrals;
 - Incident Information Escalation; and
 - SES activation.

Strict adherence to industrial instruments

- It is unacceptable that employees are continually expected to work during the night and to continue their ordinary tasks. It is proposed to instruct Duty Officers to comply with fatigue leave provisions except in extraordinary circumstances.

Clarify the roles

- There would appear to be a need to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees.

Acknowledge down time and prioritisation of tasks

- There also appears to be a need for an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level. If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work additional ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.

Additional annual leave in compensation

- A previous suggestion has been made to compensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.

Remove overtime exemption

- Employees have suggested the exemption from overtime for employees at the level of AO6 and above. To remove the exemption on overtime for employees at the level of AO6 and above would provide for an expense without addressing concerns for workplace health and safety of the employees in question.

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the employment of additional staff to work shift work, however, this option is worthy of investigation.
- There is a range of options available and it is proposed to undertake a review of the work performed within EMQ in order to investigate and identify the best options available. It may well be that a combination of these options is appropriate.

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Director Human Resources (HR) Branch and a number of officials of the HR Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you endorse a course of action to:
 - Investigate and identify the reallocation of work to prevent possible breaches to workplace health and safety obligation and award provisions; and
 - Develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.

Frank Pagano

**CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND**

/ /

Jim McGowan
DIRECTOR-GENERAL

/ /

Noted / Approved / Not Approved

Comments:

Executive Briefing Note

Requested by: Proactive

Critical Urgent General

Ref:

CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)

Date: xx/5/10

1. Background

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. There is concern amongst Managers and employees are concerned that some of these industrial arrangements for Regional Officers do not adequately protect and compensate employees who work excessive hours.
- Any instances of excessive working hours without compensation and appropriate recovery periods highlights. There is currently a level of concern for the possible workplace health and safety issues for some EMQ employees and for implications for the on-going industrial harmony within EMQ.

2. Issues

- EMQ's role has for some time adopted an ever-increasing role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work. However, industrial arrangements for EMQ employees, other than those engaged in Helicopter Rescue, largely reflect employment conditions for day-work public servants.
- There are four identifiable areas of employment within EMQ that warrant separate and specific industrial arrangements:
 - Helicopter Rescue;
 - Watch Desk Officers (WDOs);
 - Head Office (public servants); and
 - Regional Offices (public servants).

Helicopter Rescue

- Employment conditions for Helicopter Rescue employees (Pilots, Engineers, Crew etc.) are the subject of a schedule in the proposed State Government Departments Certified Agreement 2009 (2009 Core Agreement). These employees are award-free and were previously the subject of their own Helicopter Rescue specific Certified Agreement (which was rescinded in ...). The employees in question were made subject to the Core Agreement as a matter of administrative convenience, which has resulted in, but it is reasonable to say that the employee dissatisfaction on the grounds that the public service employment framework does not meet the needs of those working in the aviation industry.

Commented [m1]: Aren't a number of these employees subject to s. 122 employment contracts, i.e. they're not all covered by the Core EBA?

Action Officer: Ken Hawkins

Area: EMQ

Telephone: 94489

- Regardless of the employees' concerns about the generic application of the industrial instrument which provides employment conditions for employees of Helicopter Rescue, the existing employment conditions provide adequate flexibility in employment practices and compensation for duties performed and time worked. s are not in favour of being covered by the Core Agreement.

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Watch Desk Officers (WDOs)

- WDOs are ~~covered by~~ subject to a shift work arrangement specified under the Queensland Public Service Award – State 2003 (PSA) and otherwise by the industrial instruments that ~~would~~ apply to public servants.
- There are no issues of concern in respect of industrial arrangements/employment conditions for WDOs.

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Head Office

- Head Office employees are covered by Queensland Public Service Award – State 2003 (PSA) and the 2009 Core Agreement whilst performing normal duties and but are the subject to the operation of the Critical Incident Directive (when activated).
- Head Office employees are also subject to an Hours of Work arrangement made in accordance with the flexibility provisions of the PSA, which provide for (i.e. something along the lines of ordinary public service working hours arrangements during periods of limited operational activity and rotating 12 hour shifts during periods of operational activity as determined by the Chief Officer, EMQ etc etc)
- we need to identify the concerns that EMQ management and employees have in respect of the current hours of work arrangements for Head Office staff

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Regional Offices/Duty Officers

- Regional Offices are staffed by public service officers (also covered by the PSA and the 2009 Core Agreement). These positions include Area Director (AO6), Regional Training and Equipment Coordinator (AO6), Training Coordinator (AO5), Training Officer (AO4) and Support Officer (AO3). These employees are also required to perform the The functions of the regional offices include Duty Officer on a rotational basis s which is perceived as being problematic. (is this correct, i.e. can any/all of these occupational groups be designated as Duty Officer?)
- Duty Officers is the unofficial title given to employees of EMQ who are required to remain on call and respond to calls from the public and other Government agencies and services. Can we provide more detail about the extent to which duty officers are on-call, e.g. one week out of two, and paid an on-call allowance amounting to or whatever the arrangements are? Duty Officer may be employed at various administrative levels including senior officers.
- A perception amongst employees is that the overtime exemption (provided by the Hours and Overtime Ministerial Directive 5/05) provides inequitable outcomes for Duty Officers, as those at the level of AO6 and above are not entitled to payment for overtime but are to be granted Time Off in lieu of Overtime (TOIL); however, and these officers are never afforded the opportunity to take time in lieu of overtime (TOIL).
- Regional Officers claim that, when rostered on as Duty Officers, they are continually required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:
 - Answer phone calls;
 - Knowledge Information Tool referrals;

Commented [m2]: What about the Senior Officer positions, e.g. Peter Twomey's position??

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Commented [m3]: Or, rarely???

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- Incident Information Escalation; and
- SES activation.

• ~~Little in the way of~~ There is little statistical evidence at this stage to support claims that Duty Officers are continually working outside of their ordinary hours; however is able to be provided at this stage. ~~Anecdotal evidence would indicates that, when rostered on as Duty Officers-, regional officers~~ Duty Officers in regions are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours. It is proposed that a retrospective review of relevant officers' working hours arrangements will be undertaken in order to establish the extent to which officers are denied access to fatigue breaks and/or TOIL.

• The PSA provides that employees are entitled to take a 10 hour break between the cessation of work on one day and commencement of work on the next (fatigue break). ~~There is a considerable risk to the employer in respect of meeting its obligations to provide a safe system of work, should it be proven that employees are working excessive hours~~ The continual working outside of ordinary hours by Duty Officers ~~without being afforded fatigue breaks, or access to TOIL, taking any leave the following day,~~ presents concern as ~~to the provision of a safe system of work.~~

Commented [m4]: How does the fatigue break provision apply when employees are rostered 'on call'.

• ~~Awards including the PSA provide for employees taking a 10 hour break between the cessation of work on one day and commencement on the next (fatigue break). It is being suggested that Duty Officers are unable (by virtue of workload) to take any time off either as TOIL or fatigue break.~~

• Possible options available to attempt to address the working hours issues for Regional Officers (and Head Office staff??) include the following:

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- Strict adherence to industrial instruments to ensure that employees are granted access to adequate time away from duty;
- Clarify the work roles to minimise out of hours work;
- Acknowledge down time and prioritisation of tasks;
- Transferring certain duties performed by Duty Officers to WDOs to minimise unnecessary out of hours work;
- Introducing Aggregated and/or averaging hours of work arrangements to enable flexibility to meet peak workload demands;
- Provision of A additional annual leave in compensation for unlimited working hours;
- Pursue the R removal of -the overtime exemption applied to officer classified above A05(4)h; and
- Introduce s Shift work arrangements to replicate regional managers at nights and on weekend.

Commented [m5]: I'm not sure what this means??

Commented [m6]: Who are these people – i.e. we haven't mentioned them before??

• ~~Duty Officers are continually being required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:~~

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- ~~Answer phone call;~~
- ~~Knowledge Information Tool referrals;~~
- ~~Incident Information Escalation; and~~

~~SES activation.~~

Strict adherence to industrial instruments

- It is unacceptable ~~that if~~ employees are continually expected to work during the night and to continue their ordinary tasks the next day without access to fatigue breaks and TOIL arrangements, or other forms of compensation. Such practices are likely to result in increased staff turnover, increased workcover claims and a reduction in employee performance. This proposal provides that ~~it is proposed to instruct~~ Duty Officers and their managers be instructed to comply with fatigue leave and TOIL provisions provided under relevant industrial instruments ~~except in extraordinary circumstances.~~ A likely consequence of this proposal is that workload demands will not be met as offices will be unattended at certain times.

Commented [m7]: Is this true? And, we might need to expand on other consequences etc

Clarify the roles

- ~~There would appear to be a need~~ it is appropriate to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees. e.g.

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Acknowledge down time and prioritisation of tasks

- There also appears to be a need for an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level to take on If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work additional ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.

Additional annual leave in compensation

- ~~A previous suggestion has been made to c~~ompensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.

Remove overtime exemption

- Employees have suggested that the exemption from overtime for employees at the level of AO6 and above is removed. To remove the exemption on overtime for employees at the level of AO6 and above would provide for result in an expense without addressing concerns for workplace health and safety of the employees in question.

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the employment of additional staff to work shift work, however, this option is worthy of investigation. What are other implications such as costs etc???

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- There ~~is-are~~ a range of options available ~~to~~ and it is proposed to undertake a review of the work performed within EMQ in order to investigate and identify the best options available. It may well be that a combination of these options is appropriate.

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3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Director Human Resources (HR) Branch and a number of officials of the HR Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you endorse a course of action to:
 - Investigate and identify the reallocation of work to prevent possible breaches ~~to-of~~ workplace health and safety obligations and award provisions; and
 - Develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.

Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Jim McGowan
DIRECTOR-GENERAL

/ /

Noted / Approved / Not Approved

Comments:

Executive Briefing Note

Requested by: Proactive

Critical Urgent General Ref:

CSD EMQ QAS QCS QFRS SPD

Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management within Emergency Management Queensland (EMQ) Date: xx/5/10

1. Background

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. Managers and employees are concerned that industrial arrangements for [Regional Officers do not adequately protect and compensate employees who work excessive hours](#) [EMQ do not reflect contemporary service-delivery arrangements and organisational structure.](#)
- [\(Context of prior consideration\) EMQ is the subject of two reviews and further industrial arrangements will have to be mindful of the outcomes of those reviews \(if known\).](#)
- [Any instances of excessive working hours without compensation and appropriate recovery periods highlights possible workplace health and safety issues for EMQ and implications for industrial harmony within EMQ. Current industrial arrangements highlight a range of issues facing EMQ with respect to workplace health and safety: compliance with industrial instruments; on-going and industrial harmony and the capacity to attract and retain staff.](#)

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2. Issues

- EMQ's role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work. However, industrial arrangements for EMQ employees, other than those engaged in Helicopter Rescue [and Watch Desk Officers \(WDOs\)](#), largely reflect employment conditions for day-work public servants.
- There are four identifiable areas of employment within EMQ that warrant separate and specific industrial arrangements:
 - Helicopter Rescue;
 - Watch Desk Officers (WDOs);
 - Head Office/[Regional Offices](#) (public servants); and
 - [Regional Offices Duty Officers](#) (public servants).

Helicopter Rescue

- Employment conditions for Helicopter Rescue employees ([Pilots, Engineers & Crew etc.](#)) are the subject of a schedule in the proposed *State Government Departments Certified Agreement 2009* (2009 Core Agreement). [The majority \(46\) of Helicopter Rescue employees have their employment conditions prescribed by the schedule in the Core Agreement; however 14](#)

Commented [m1]: Aren't a number of these employees subject to s. 122 employment contracts, i.e. they're not all covered by the Core EBA?

Action Officer: Ken Hawkins

Area: EMQ

Telephone: 94489

employees are the subject of a contract made under section 122 of the *Public Service Act 2008*. These employees are award-free and were previously the subject of a Helicopter Rescue specific Certified Agreement (which was rescinded ~~in~~ by the 2006 Core Agreement). The employees in question were made subject to the Core Agreement as a matter of administrative convenience, which has resulted in employee dissatisfaction on the grounds that the public service employment framework does not meet the needs of those working in the aviation industry.

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- Regardless of the employees' concerns about the generic application of the industrial instrument which provides employment conditions for employees of Helicopter Rescue, the existing employment conditions provide adequate flexibility in employment practices and compensation for duties performed and time worked. .

Watch Desk Officers (WDOs)

- WDOs are subject to a shiftwork arrangement specified under the *Queensland Public Service Award – State 2003 (PSA)* and otherwise by the industrial instruments that apply to public servants.
- There are no issues of concern in respect of industrial arrangements/employment conditions for WDOs.

Head Office/Regional Offices

- Head Office and Regional Office employees (other than those on SES contracts) are covered by PSA and the 2009 Core Agreement and are the subject to the operation of the Critical Incident Directive (when activated).
- Head Office employees are also subject to an Hours of Work arrangement made in accordance with the flexibility provisions of the PSA, which provide differing hours of work for general, administration and operational personnel in circumstances of general, emergency and state counter-disaster arrangements.
- The Hours of Work arrangements are considered to be unnecessarily complex and inconsistent with contemporary service-delivery arrangements and organisational structure.
- for(i.e. something along the lines of ordinary public service working hours arrangements during periods of limited operational activity and rotating 12 hour shifts during periods of operational activity as determined by the Chief Officer, EMQetc etc)

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- ~~..... we need to identify the e~~Concerns that EMQ management and employees have in respect of the current hours of work arrangements for Head Office staff ~~....include:~~

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- The distinction between categories of employees contained in the Hours of Work arrangements no longer exist;
- The associated confusion caused by the ambiguity in employment conditions;
- Employees are inadequately compensated for the work they perform outside ordinary hours;
- Non-compliance with fatigue leave provisions in awards;
- Denial of flexible work practices afforded to other employees of the Department of Community Services and other agencies of the Queensland Government;
- Ambiguity between the voluntary election and being compelled to work outside ordinary hours
- Payment of overtime rates at the AO5 level in instances where employees beyond the salary cut-off are entitled to overtime

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Regional Offices/Duty Officers

- Regional Offices are staffed by public service officers (also covered by the PSA and the 2009 Core Agreement). These positions include Area Director (AO6), Regional Training and Equipment Coordinator (AO6), Training Coordinator (AO5), Training Officer (AO4) and Support Officer (AO3). These employees are also required to perform the function of Duty Officer on a rotational basis. (is this correct, i.e. can any/all of these occupational groups be designated as Duty Officer?)

Commented [m2]: What about the Senior Officer positions, e.g. Peter Twomey's position??

Duty Officers

- Duty Officer is the unofficial title given to employees of EMQ who are required to remain on call and respond to calls from the public and other Government agencies and services. The frequency with which Duty Officers work outside ordinary hours varies from region to region. Can we provide more detail about the extent to which duty officers are on-call, e.g. one week out of two, and paid an on-call allowance amounting to or whatever the arrangements are?.

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- There is little statistical evidence at this stage to support claims that Duty Officers are continually working outside of their ordinary hours; however anecdotal evidence indicates that, when rostered on as Duty Officers, regional officers are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours. It is proposed that a retrospective review of relevant officers' working hours arrangements will be undertaken in order to establish the extent to which officers are denied access to fatigue breaks and/or TOIL.

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- A perception amongst employees is that the overtime exemption (provided by the Hours and Overtime Ministerial Directive 5/05) provides inequitable outcomes for Duty Officers, as those at the level of AO6 and above are not entitled to payment for overtime but are to be granted Time Off in lieu of Overtime (TOIL); however, according to these officers, they are rarely never

Commented [m3]: Or, rarely???

- Regional Officers in some regions claim that, when rostered on as Duty Officers, they are continually required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:

- Answer phone calls;
- Knowledge Information Tool referrals;
- Incident Information Escalation; and
- SES activation.

- There is little statistical evidence at this stage to support claims that Duty Officers are continually working outside of their ordinary hours; however anecdotal evidence indicates that, when rostered on as Duty Officers, regional officers are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours. It is proposed that a retrospective review of relevant officers' working hours arrangements will be undertaken in order to establish the extent to which officers are denied access to fatigue breaks and/or TOIL.

- The PSA provides that employees are entitled to take a 10 hour break between the cessation of work on one day and commencement of work on the next (fatigue break). There is a considerable risk to the employer in respect of meeting its obligations to provide a safe system

Commented [m4]: How does the fatigue break provision apply when employees are rostered 'on call'.

of work, should it be proven that employees are working excessive hours without being afforded fatigue breaks, or access to TOIL...

- Possible options available to address the working hours issues for [Head of Office and Regional Officers](#) ~~(and Head Office staff??)~~ include the following:
 - Strict adherence to industrial instruments to ensure that employees are granted access to adequate time away from duty;
 - Clarify the work roles to minimise out of hours work;
 - [Acknowledge down time](#) [Improvement in time management](#) and prioritisation of tasks;
 - [Training managers on management functions and HR related issues](#);
 - Transferring certain duties performed by Duty Officers to WDOs to minimise unnecessary out of hours work;
 - Introducing aggregated and/or averaging hours of work arrangements to enable flexibility to meet peak workload demands;
 - Provision of additional annual leave in compensation for unlimited working hours;
 - Pursue the removal of the overtime exemption applied to officer classified above A05(4); and
 - Introduce shift work arrangements to replicate [regional managers](#) at nights and on weekend.

Commented [m5]: I'm not sure what this means??

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Strict adherence to industrial instruments

- It is unacceptable if employees are continually expected to work during the night and to continue their ordinary tasks the next day without access to fatigue breaks and TOIL arrangements, or other forms of compensation. Such practices are likely to result in increased staff turnover, increased workcover claims and a reduction in employee performance.
- ~~This proposal provides that Duty Officers and their managers be instructed to comply with fatigue leave and TOIL provisions provided under relevant industrial instruments. A likely consequence of this proposal is that workload demands will not be met as offices will be unattended at certain times, however it is possible that the consequences of the Duty Officer not attending meetings the following day might be overstated.~~

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Commented [m7]: Is this true? And, we might need to expand on other consequences etc

Clarify the roles

- It is ~~appropriate~~ [appropriate](#) to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees, ~~e.g.~~

[Acknowledge down time](#) [Time management](#) and prioritisation of tasks

- There also appears to be a need for an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level to take on ~~.....~~ [A screening of the calls that might otherwise go to the Duty Officer in the first instance](#). If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work additional ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.

Additional annual leave in compensation

- Compensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.

Remove overtime exemption

- Employees have suggested that the exemption from overtime for employees at the level of AO6 and above is removed. To remove the exemption on overtime for employees at the level of AO6 and above would result in an expense without addressing concerns for workplace health and safety of the employees in question.

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the employment of additional staff to work shift work, however, this option is worthy of investigation. **What are other implications such as costs etc????**
- There **are-is** a range of options available to **.....attempt to address the issues raised in this brief** and it is proposed to undertake a review of the work performed within EMQ in order to investigate and identify the best options available. It may well be that a combination of these options is appropriate.

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3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Director Human Resources (HR) Branch and a number of officials of the HR Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you endorse a course of action to:
 - Investigate and identify the reallocation of work to prevent possible breaches of workplace health and safety obligations and award provisions; and

- Develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.

Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

Jim McGowan
DIRECTOR-GENERAL

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Noted / Approved / Not Approved

Comments:

QFES RTI FINAL RELEASE

**Executive Briefing Note**

Requested by: Proactive

Critical **Urgent** **General** Ref: CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)**Date:** xx/5/10**1. Background**

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. Managers and employees are concerned that industrial arrangements for EMQ do not reflect contemporary service-delivery arrangements and organisational structure.
- Current industrial arrangements and work practices highlight a range of possible issues with respect to workplace health and safety; compliance with industrial instruments; industrial harmony; and the capacity to attract and retain staff.
- EMQ is currently the subject of two reviews into its operations. Any changes to industrial arrangements will have to reflect the outcomes of those reviews.

2. Issues

- EMQ's role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work. However, industrial arrangements for EMQ employees, other than Watch Desk Officers (WDOs) and those engaged in Helicopter Rescue largely reflect employment conditions for day-work public servants.
- There are four identifiable areas of employment within EMQ that warrant separate and specific industrial arrangements:
 - Helicopter Rescue;
 - Watch Desk Officers (WDOs);
 - Head Office/Regional Offices (public servants); and
 - Duty Officers (public servants).

Helicopter Rescue

- Employment conditions for Helicopter Rescue Pilots and Crew are the subject of a schedule to the proposed *State Government Departments Certified Agreement 2009* (2009 Core Agreement). These employees are award-free and were previously the subject of a Helicopter Rescue specific Certified Agreement (which was rescinded by the certification of the 2006 Core Agreement). The employees in question were made subject to the Core Agreement as a matter of administrative convenience, which has resulted in employee dissatisfaction on the

grounds that the public service employment framework does not meet the needs of those working in the aviation industry.

- The Chief Pilot, Deputy Chief Pilot, Chief Engineer, Deputy Chief Engineer, Base Engineers, and Base Managers have their employment conditions prescribed by a contract made under section 122 of the *Public Service Act 2008*.
- Regardless of the employees' concerns about the generic application of the industrial instrument which provides employment conditions for employees of Helicopter Rescue, the existing employment conditions provide adequate flexibility in employment practices and compensation for duties performed and time worked.

Watch Desk Officers (WDOs)

- WDOs are subject to a shiftwork arrangement specified under the *Queensland Public Service Award – State 2003 (PSA)* and otherwise by the industrial instruments that apply to public servants.
- There are no issues of concern in respect of industrial arrangements/employment conditions for WDOs.

Head Office/Regional Offices

- Head Office and Regional Office employees (other than those on Senior Executive Service contracts) are covered by the PSA and the 2009 Core Agreement and are subject to the operation of the Critical Incident Directive (when activated).
- Head Office employees are also subject to an Hours of Work arrangement made in accordance with the flexibility provisions of the PSA, which provide differing hours of work for general, administration and operational personnel in circumstances of general, emergency and state counter-disaster arrangements (i.e. ... provide a brief explanation of the current hours arrangements?)
- These Hours of Work arrangements are considered to be unnecessarily complex and inconsistent with contemporary service-delivery arrangements and EMQ's organisational structure.
- Concerns held by EMQ management and employees in respect of the current hours of work arrangements for Head Office staff include:
 - The distinction between categories of employees contained in the Hours of Work arrangements no longer exist;
 - Confusion caused by the ambiguity in employment conditions for different categories of employees;
 - Some employees are perceived to be inadequately compensated for the work they perform outside ordinary hours (including alleged inability to access Time Off in Lieu of Overtime (TOIL));
 - Unclear application of on-call arrangements and payments;
 - Apparent non-compliance with fatigue leave provisions in awards;
 - Denial of flexible work practices afforded to other employees of the Department of Community Safety and other Queensland Government departments (although flexible work practices are generally 'less available' to operational employees);
 - Ambiguity between the voluntary election to, and being compelled to work outside ordinary hours; and

- Payment of overtime rates at the AO5 level to certain employees beyond the salary cut-off limit (i.e. AO6, AO7 and AO8).
- Regional Offices are staffed by public service officers (also covered by the PSA and the 2009 Core Agreement). These positions include Regional Director (SO2), Area Director (AO6), Regional Training and Equipment Coordinator (AO6), Training Coordinator (AO5), Training Officer (AO4) and Support Officer (AO3). These employees are also required to perform the function of Duty Officer on a rotational basis.

Duty Officers

- 'Duty Officer' is the unofficial title given to EMQ employees who are required to remain on call and respond to calls from the public and other Government agencies and services. The frequency with which Duty Officers work outside ordinary hours varies from region to region. Duty Officers are entitled to on-call allowances and arrangements as provided in the PSA and the 2009 Core Agreement.
- There is little statistical evidence (currently available) to support claims that Duty Officers are continually working outside of their ordinary hours; however anecdotal evidence indicates that, when rostered on as Duty Officers, regional officers are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours. It is proposed that a retrospective review of relevant officers' working hours arrangements is undertaken in order to establish the extent to which Duty Officers are denied access to fatigue breaks and/or TOIL.
- A perception amongst employees is that the overtime exemption (provided by Ministerial Directive 5/05 - Hours and Overtime) provides inequitable outcomes for Duty Officers, as those at the level of AO6 and above are not entitled to payment for overtime but are to be granted TOIL; however, according to these officers, they are rarely afforded the opportunity to take TOIL.
- Regional Officers in some regions claim that, when rostered on as Duty Officers, they are continually required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:
 - Answer phone calls;
 - Knowledge Information Tool referrals;
 - Incident Information Escalation; and
 - SES activation.
- The PSA provides that employees are entitled to take a 10 hour break between the cessation of work on one day and commencement of work on the next (fatigue break). There is a considerable risk to the employer in respect of meeting its obligations to provide a safe system of work, should it be proven that employees are working excessive hours without being afforded fatigue breaks, or access to TOIL.

Options

- Possible options available to address the working hours issues for Head and Regional Offices include:

- Strict adherence to industrial instruments to ensure that employees are granted access to adequate time away from duty;
- Clarify the work roles to minimise out of hours work;
- Improvement in time management and prioritisation of tasks;
- Training managers on management functions and HR related issues;
- Transferring certain duties performed by Duty Officers to WDOs to minimise unnecessary out of hours work;
- Introducing aggregated and/or averaging hours of work arrangements to enable flexibility to meet peak workload demands;
- Provision of additional annual leave in compensation for unlimited working hours;
- Pursue the removal of the overtime exemption applied to officer classified above A05(4); and
- Introduce shift work arrangements at nights and on weekend.

Strict adherence to industrial instruments

- It is unacceptable if employees are continually expected to work during the night and to continue their ordinary tasks the next day without access to fatigue breaks and TOIL arrangements, or other forms of compensation. Such practices are likely to result in increased staff turnover, increased WorkCover claims and a reduction in employee performance.
- This proposal provides that Duty Officers and their managers be instructed to comply with fatigue leave and TOIL provisions provided under relevant industrial instruments. A likely consequence of this proposal is that workload demands will not be met as offices will be unattended at certain times, however it is possible that the consequences of the Duty Officer not attending meetings the following day might be overstated.
- Identify risks/benefits

Clarify the roles

- It is appropriate to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees ... etc etc
- Identify risks/benefits

Time management and prioritisation of tasks

- It is appropriate to undertake an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.
- Identify risks/benefits

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level to take on screening of calls that might otherwise go to the Duty Officer in the first

instance. If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

- Identify risks/benefits

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work additional ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.
- Identify risks/benefits

Additional annual leave in compensation

- Compensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.
- Identify risks/benefits

Remove overtime exemption

- Employees have suggested that the exemption from overtime for employees at the level of AO6 and above is removed. To remove the exemption on overtime for employees at the level of AO6 and above would result in an expense without addressing concerns for workplace health and safety of the employees in question.
- Identify risks/benefits

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the employment of additional staff to work shift work, however, this option is worthy of investigation.
- There is a range of options available to attempt to address the issues raised in this brief and it is proposed to undertake a review of the work performed within EMQ in order to investigate and identify the best options available. It may well be that a combination of these options is appropriate.
- Identify risks/benefits ...cost

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Executive Director, Human Resources Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you endorse a course of action to:
 - Investigate and identify the reallocation of work to prevent possible breaches of workplace health and safety obligations and award provisions; and
 - Develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public.

Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

/ /

Jim McGowan
DIRECTOR-GENERAL

/ /

Noted / Approved / Not Approved

Comments:

Advice & Assistance – Employee Relations Unit

EMQ Queries

Date	Query Received From	Employee Concerned	Region	Advice Provided By (ER Officer)	Query	Keywords	Advice Provided	Associated Documents
8/6/10	N/A	All EMQ	All	Ken Hawkins	Does the electronic timesheet used by the Department have to be applied to EMQ?	Time sheet	No	Departmental Hours of Work Arrangements
17/6/10	Ken Hawkins	Nicole Emerson	N/A	John Martin	Does higher duties continue to be paid for LSL following paid maternity leave for an employee who has been acting in higher duties for more than 12 months prior to taking maternity leave.	Paid maternity leave and higher duties	In this case, it was possible to project that the period of higher duties would have continued into the period of LSL. Under those circumstances it appeared reasonable to continue paying higher duties for the LSL.	Higher Duties Directive 02/05
16/8/10	Ken Hawkins	All EMQ (WDOs)	All	John Martin	What entitlement accrued to part-time shift workers (WDOs)	Part time and Shift work	The Queensland Public Service Award – State 2003 does not provide for part-time shift workers. NB PSIER advised of this deficiency and will attempt to resolve in award review process.	Queensland Public Service Award – State 2003
19/8/10	Ken Hawkins	All EMQ (WDOs)	All	Glenn Carthew	Is there a problem with AO stream employee reliving in the position of WDOs (OO stream)	Higher Duties	No	Queensland Public Service Award – State 2003
27/8/10	Ken Hawkins	All EMQ (WDOs)	All	John Martin	What are the entitlements for AO6 level employees acting as shift work WDOs (OO6), given AO6 has a higher maximum rate and the effect of Directive 5/05	Higher Duties	An AO6 is not entitled to overtime, in any circumstances (other than CID or EMQ activation) so the entitlement is TOIL	Queensland Public Service Award – State 2003 Higher Duties Directive 02/05 Hours and Overtime Directive 5/05
27/8/10	Ken Hawkins	All EMQ (WDOs)	All	John Martin	What are the entitlements for employees acting as shift work WDOs (OO6), for three shifts or less	Higher Duties	An employee has no entitlement to higher duties for three shifts or less, therefore an employee acting in the position of WDO on shift work for three shifts or less is entitled to overtime for such shifts	Queensland Public Service Award – State 2003 Higher Duties Directive 02/05 Hours and Overtime Directive 5/05

QFES RTI FINAL RELEASE

From: Peta Robertson on behalf of Bruce Grady

Sent: Tuesday, 12 October 2010 10:57

To: Alan White; Mark Dole; Sharon Dean; David Fraser; Peter Twomey; Glenn Carthew

Cc: Peta Robertson; Michael Shapland; Ken Hawkins; Bruce Grady

Subject: EMQ Issues Forum - update on activities

As per our action items from our last meeting, we had intended having a further meeting in mid September. Unfortunately the passage of the Disaster Management Bill was delayed in Parliament which has held up some of the planned actions. I have scheduled a meeting for 14 October. I wanted to take the opportunity to assure you that I had not forgotten my commitments and I provide the following as an update.

Hours of Work

Michael Hawkins from the Employee Relations Unit will provide an update regarding progress of the EMQ Hours of Work when we next meet.

Flexible Work Arrangements

I have asked Michael Hawkins from Employee Relations Unit to progress information sessions about Flexible Employment Options within EMQ. Further information about this will be provided when we next meet.

Role Descriptions

There is confusion around the meaning and use of the term "operational" as it is currently used in the EMQ hours of work, the operations requirement in the role descriptions and operational terminology used for hr reporting purposes.

Within all role descriptions in EMQ, there is a standard statement " Undertake and support operational duties during emergencies and disasters as necessary". In addition there are currently three categories within the hours of work - operational, general and administrative. Further for departmental reporting purposes there are two functional categories used for EMQ staff - OS (Operational Support) and CS (Corporate Support).

As you are aware the hours of work is being amended so to ease confusion we will actively undertake not to use the terminology operational and we will also not functionally use within EMQ the departmental reporting categories "operational support" and "corporate support" other than for hr reporting purposes.

The key message is that all public service positions within EMQ (with the exception of helicopter rescue personnel) have a responsibility of supporting the disaster management system. For that reason an officer may be required to undertake and support operational duties during emergencies and disasters as necessary.

EMQ role descriptions which currently reflect a mandatory requirement to become an SES member will have been amended to reflect this as highly desirable only. Also the positions which are identified as being within the SES rank structure will be reviewed. Further work on this will occur in consultation with Mark Dole when he returns from leave.

Regards

Bruce Grady
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Emergency Management Queensland

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EMQ IR Issues Meeting – 1/10/10

Minutes

Attendees: Bruce Grady (BG), Michael Hawkins (MH), Glenn Carthew (GC), Peta Robertson (PR) and Ken Hawkins (KH)

No.	Item	Detail	Decision/Action
1	IR Issues Framework (Ken)	<ul style="list-style-type: none"> • Role clarification • Relationship to other forums • Protocols for “minor” issues 	<ul style="list-style-type: none"> • Terms of Reference endorsed (ER reps to change to Director and others as required)
2	EMQ HoW Review (Ken/Michael)	<ul style="list-style-type: none"> • Update: <ul style="list-style-type: none"> - CID - Schedule 3 - Duty Officer/WDO roles • Forward Plan: <ul style="list-style-type: none"> - Approvals - Consultation - Implementation (New Attendance Sheet, Education Plan etc) 	<ul style="list-style-type: none"> • MH to contact PSIER to confirm CID change process and timelines for Schedule 3 and advise EMQ • PR arranging meeting for EMQ reps re Duty Officer/WDO roles • KH to arrange meeting with ER team re development of Project Plan
3	Disturbance Allowance	<ul style="list-style-type: none"> • Confirm authority to cease payment • Union consultation • Advice to employees 	<ul style="list-style-type: none"> • Authority to cease allowance confirmed • MH to arrange for union to be informed at next EMQ/QPSU forum • MH to have ER team prepare draft letter to impacted employees for EMQ to sign
4	FBT Allowance – Helicopter Rescue	<ul style="list-style-type: none"> • Confirmation of entitlement for Base Engineer, Theo Pratt 	<ul style="list-style-type: none"> • KH to draft response with input from ER team
5	Helicopter Rescue EPA	<ul style="list-style-type: none"> • Response to John Chate and others re on-call allowance and relationship between PS Core Agreement and Heli Rescue conditions 	<ul style="list-style-type: none"> • KH to respond
6	On-call overtime entitlements	<ul style="list-style-type: none"> • Confirm table of entitlements • Assessment of Patricia Whitehead entitlements 	<ul style="list-style-type: none"> • KH to arrange confirmation of entitlements with ER team as required
7	Other Business		Nil
Next Meeting: 24/11/10 (1.30pm to 2.30pm)			

From: Ian McCulloch (QAS Kedron)
Sent: Monday, 22 November 2010 14:07
To: Glenn Carthew; Bruce Mercer
Cc: Christiane Strong; Des G. Holloway
Subject: RE: EMQ Issues Forum - update on activities
Glenn

As per our phone discussion just now - a number of EMQ Position Descriptions were distributed last week. These PDs contain some major changes to staff roles and work practices - these PDs were released with no consultation with staff or the Union.

I am presently gathering dot points and issues from members across the State and will be tabling these issues with the QPSU by COB today.

(I was away towards the end of last week conducting audits, hence the delay in coordinating this strategy)

This methodology and practice by EMQ Management is unfortunate and this situation could have so easily been avoided if Management would like to consult with staff.

Members and Delegates have requested a meeting with EMQ Management - potentially, mid to late next week.

I will advise you when I have more information.

Regards
Ian McCulloch
QPSU Council Delegate

From: Glenn Carthew
Sent: Monday, 22 November 2010 13:48
To: Ian McCulloch (QAS Kedron); Bruce Mercer
Cc: Christiane Strong
Subject: RE: EMQ Issues Forum - update on activities

Further to Chris email below. This was an email from Bruce to the Issues Forum Members for the October meeting. While there was no further meeting held in October there appears to have been an attempt to provide information to the members.

The ERU will be having a meeting with EMQ on 24 November and I will ask when the next issues forum is to be scheduled.

regards

Glenn Carthew
Manager Employee Relations | Employee Relations Unit
Human Resources Branch | Department of Community Safety
Telephone 3635 3503 | Facsimile 3109 5037 | Mobile Contrary to the public interest
glenn.carthew@dcs.qld.gov.au

From: Christiane Strong
Sent: Monday, 22 November 2010 10:50
To: Ian McCulloch (QAS Kedron); Bruce Mercer
Cc: Glenn Carthew; Christiane Strong
Subject: FW: EMQ Issues Forum - update on activities
Importance: High

Good morning Ian and Bruce

Just as an update from the last QPSU Issues Forum where the issue was raised as to whether an EMQ Issues Forum had been held as scheduled, please see below email from Bruce Grady via Peta Robertson providing an explanation and update on issues raised.

Please let me know if you have any further queries on this.

Kind Regards
Chris Strong

From: Peta Robertson **On Behalf Of** Bruce Grady
Sent: Tuesday, 12 October 2010 10:57
To: Alan White; Mark Dole; Sharon Dean; David Fraser; Peter Twomey; Glenn Carthew
Cc: Peta Robertson; Michael Shapland; Ken Hawkins; Bruce Grady
Subject: EMQ Issues Forum - update on activities

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The key message is that all public service positions within EMQ (with the exception of helicopter rescue personnel) have a responsibility of supporting the disaster management system. For that reason an officer may be required to undertake and support operational duties during emergencies and disasters as necessary.

EMQ role descriptions which currently reflect a mandatory requirement to become an SES member will have been amended to reflect this as highly desirable only. Also the positions which are identified as being within the SES rank structure will be reviewed. Further work on this will occur in consultation with Mark Dole when he returns from leave.

Regards

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QFES RTI FINAL RELEASE

EMQ IR Issues Meeting – 24/11/10

Agenda

No.	Item	Detail	Action
1	Review Actions from Previous Meeting		
2	EMQ Restructure	<ul style="list-style-type: none">• Update:<ul style="list-style-type: none">- QPSU- Role Desc Consultation- Merit List Appts	
2	EMQ HoW Review	<ul style="list-style-type: none">• Update:<ul style="list-style-type: none">- CID- Schedule 3- Duty Officer/WDO roles	
3	Disturbance Allowance	<ul style="list-style-type: none">• Update:<ul style="list-style-type: none">- Proposal to cease allowance	
4	On-call overtime entitlements	<ul style="list-style-type: none">• Confirm table of entitlements• Assessment of Patricia Whitehead entitlements	
5	Other Business		

EMQ ISSUES FORUM

Date: 30 August 2010

Attendees: Bruce Grady, Glenn Carthew, Gordon Murray, Alan White, Mark Dole, Sharon Dean, Ian McCulloch, David Fraser, Peter Twoomey, Peta Robertson

Apologies: Glenn Bell

Issue	Action Required	Responsible Officer	Due Date
1.	<p>Hours of Work</p> <p>Meeting with Director-General, Justice and Attorney-General on 31 August to get appropriate and equitable working arrangements for EMQ staff.</p> <p>Based on the outcome of the meeting and principals for EMQ Hours of Work being agreed, staff engagement can commence.</p> <p>Until new arrangements are negotiated and agreed the current Hours of Work is still in effect.</p> <p>A meeting of this group will be scheduled for the week of 13 September to again discuss hours of work.</p>	Bruce Grady	Further meeting week commencing 13 September.
2.	<p>Flexible Work Arrangements</p> <p>The whole of government flexible working arrangements apply to EMQ. EMQ need to consider the operational convenience and the commitment to staff. The obligations are to fulfill the business requirements and provide access to entitlements.</p> <p>The flexible work arrangements has linkages to the Hours of Work for EMQ and it will be necessary to have the Hours of Work finalized before the flexible work arrangements for EMQ are developed.</p>		

EMQ ISSUES FORUM

Date: 30 August 2010

Issue	Action Required	Responsible Officer	Due Date
	<p>Chief Officer to provide a timeframe for the way forward regarding Flexible Work Practices and this will occur at a further meeting to be scheduled in the week commencing 13 September 2010.</p>	Bruce Grady	Further meeting week commencing 13 September.
3.	<p>Role Descriptions</p> <p>There is confusion between the meaning of operational under the hours of work, operational and corporate support reported within the Department and operational or corporate support in the role descriptions within EMQ. Chief Officer to draft wording to be distributed to provide clarity regarding the use of this terminology.</p> <p>At the next meeting the draft wording will be provided by the Chief Officer.</p> <p>The mandatory requirement of some identified EMQ positions to become SES is not accepted by staff. The role descriptions will be amended to reflect that this requirement will be highly desirable. In addition, the Chief Officer to draft wording to advise staff of this change prior to the role descriptions being amended and reissued.</p> <p>The requirement to record details of staff as SES members and the requirement for staff to be SES members is an issue for further discussion. Mark Dole to provide further details regarding this matter.</p>	<p>Bruce Grady</p> <p>Bruce Grady</p> <p>Bruce Grady</p> <p>Mark Dole</p>	<p>ASAP</p> <p>Further meeting week commencing 13 September.</p> <p>ASAP</p> <p>Further meeting week commencing 13 September.</p>
4.	<p>Interim Delegations</p> <p>Interim delegations will arrangements for strong corporate governance can be put in place. This will require training for EMQ SEMT members which will occur in November. Following this training the interim delegations for HR and finance will be withdrawn and a strong audit regime will be implemented to ensure corporate governance.</p>	Bruce Grady	November

EMQ ISSUES FORUM

Date: 30 August 2010

Issue	Action Required	Responsible Officer	Due Date
5.	<p>Induction Program</p> <p>All agreed that an Induction Program was important. A corporate induction program is to be provided soon and this program (available on the portal) will be supplemented by a divisional induction program.</p> <p>The divisional induction program has not yet been developed and is part of long term plans for EMQ. EMQ will continue to consider the needs of the induction program.</p> <p>Glenn Carthew to ascertain further details regarding the Induction Program. (update from Glenn Carthew – the corporate induction program is still under development and it will outline the minimum requirements for induction of staff. Divisions will have the option to include further items in the program as necessary)</p>	Glenn Carthew	ASAP
6.	<p>Staff Development</p> <p>Staff development will become an integral role in EMQ in the future. There will be a need to identify themes and requirements for staff development and for this to be coordinated.</p>	No further action.	
7.	<p>Restructure of EMQ</p> <p>A briefing to QPSU and staff regarding the proposed restructure of EMQ will occur by end of September. The Chief Officer has committed to briefing the QPSU as soon as possible</p>	Bruce Grady	By end September
8.	<p>Expressions of Interest</p> <p>Equity remains the priority, however there will always be requirements for a range of reasons to take other action from time to time. The Chief Officer has committed to apply the EOI framework as best we can.</p> <p>QCS have implemented a EOI process that has the support of the QPSU. Glenn Carthew will investigate this process and provide advice to EMQ.</p>	<p>Bruce Grady</p> <p>Glenn Carthew</p>	<p>Ongoing</p> <p>ASAP</p>
9.	<p>EMQ Issues Forum</p> <p>The QPSU has requested that this forum continue to meet regularly and that as a matter of principal issues will be brought to this group in the first instance and only referred to the Agency Consultative Committee if</p>		

EMQ ISSUES FORUM

Date: 30 August 2010

Issue	Action Required	Responsible Officer	Due Date
	<p>resolution cannot be attained through the EMQ Issues Forum.</p> <p>In order to provide some structure to the EMQ Issues Forum it was proposed that a Terms of Reference be developed and distributed for consideration and be discussed at the next meeting within a month.</p> <p>A further meeting will be scheduled for late September/ early October.</p>	<p>QPSU</p> <p>Bruce Grady</p>	<p>By end of September</p>
10.	<p>General</p> <p>It was requested that meetings be scheduled with enough notice for regional staff to travel to Brisbane and undertake other business to ensure face to face meetings where possible.</p>		

PROJECT OUTLINE

Project: EMQ Hours of Work Review

Project Aim: To develop and implement a revised Hours of Work Arrangement for all EMQ employees (excluding EMQ Helicopter Rescue operational employees) that supports the current and anticipated operational needs of EMQ, that is agreed to and easily understood by staff and management, that allows for a variety of escalated needs in relation to disaster operations and that incorporates, as much as possible, an electronic attendance recording system that facilitates overtime and allowance payments.

Expected Outputs:

- A revised HoW Agreement incorporated into Schedule 3 of PS Award.
- An electronic Attendance Sheet suitable to use as an overtime and allowance payment form.
- Training/Knowledge Pack for implementation stage and for future employee induction needs.

Timeframe: Project Start: Now
Project Conclusion: 30 June 2010

Resourcing: EMQ HR Team (Facilitation and Support)
DCS Employee Relations Team (Negotiation, Drafting and Implementation)
DCS HR Services Team (Electronic Attendance Sheet)

Milestones:

Date	Event/Task	Details	Responsibility
29/3/10	Draft Project Plan completed	Update this document to present at EMQ IR Mtg 29/3	DCS ER Team
29/3/10	Confirm EMQ requirements for HoW	Finalise at EMQ IR issues meeting 29/3	DCS ER Team
7/4/10	Project Plan endorsed by all parties	Director IR and EMQ Chief Officer endorse	DCS ER Team CO, EMQ
14/4/10	HoW draft prepared for EMQ Chief Officer endorsement	Proposed Schedule 3 document	DCS ER Team
21/4/10	HoW endorsed by Chief Officer	Final version ready for consultation	CO, EMQ
23/4/10	EMQ staff advised of process via email	All staff advised of way forward	EMQ HR Team
26/4 to 17/5/10	Staff and Union consultation period. Electronic Attendance Sheet developed.	Walk and Talk stage. Implementation processes established.	DCS IR Team EMQ HR Team DCS HR Services
6 to 25/6/10	Implementation prep stage. Forms and processes finalised.	Staff familiarisation SSA Payroll advised of new systems	DCS IR Team EMQ HR Team DCS HR Services
28/6/10	Start date for new systems	New systems beginning as from this day (Monday)	All

Executive Briefing Note

D6275

Requested by: Proactive

Critical Urgent General

Ref:

CSD EMQ QAS QCS QFRS SPD

Briefing note for approval Briefing note for information

To: Director-General

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland (EMQ)

Date: xx/6/10

1. Background

- Emergency Management Queensland (EMQ) employs a range of disparate categories of employees covered by various industrial arrangements. Managers and employees are concerned that industrial arrangements for EMQ do not reflect contemporary service-delivery arrangements and organisational structure.
- Current industrial arrangements and work practices highlight a range of possible issues with respect to workplace health and safety; compliance with industrial instruments; industrial harmony; and the capacity to attract and retain staff.
- EMQ is currently the subject of three reviews into its operations: the McHugh Report, the Disaster Management Review and a Workplace Health and Safety review of EMQ Helicopter Rescue. Any changes to industrial arrangements will have to reflect the outcomes of those reviews.

2. Issues

- EMQ's role in the management of various threats to the safety of Queenslanders has increased in recent years, resulting in a significant increase in work performed outside standard Monday to Friday day work. However, industrial arrangements for EMQ employees, other than Watch Desk Officers (WDOs) and those engaged in Helicopter Rescue largely reflect employment conditions for day-work public servants.
- There are four identifiable areas of employment within EMQ that warrant separate and specific industrial arrangements:
 - Helicopter Rescue;
 - Watch Desk Officers (WDOs);
 - Head Office/Regional Offices; and
 - Duty Officers.

Helicopter Rescue

- Employment conditions for Helicopter Rescue Pilots and Crew are the subject of a schedule to the proposed *State Government Departments Certified Agreement 2009* (2009 Core Agreement). These employees are award-free and were previously the subject of a Helicopter Rescue specific Certified Agreement (which was rescinded by the certification of the 2006 Core Agreement). The employees in question were made subject to the Core Agreement as a

matter of administrative convenience, which has resulted in employee dissatisfaction on the grounds that the public service employment framework does not meet the needs of those working in the aviation industry.

- The Chief Pilot, Deputy Chief Pilot, Chief Engineer, Deputy Chief Engineer, Base Engineers, and Base Managers have their employment conditions prescribed by a contract made under section 122 of the *Public Service Act 2008*.
- Regardless of the employees' concerns about the generic application of the industrial instrument which provides employment conditions for employees of Helicopter Rescue, the existing employment conditions provide adequate flexibility in employment practices and compensation for duties performed and time worked.

Watch Desk Officers (WDOs)

- WDOs are subject to a shiftwork arrangement specified under the *Queensland Public Service Award – State 2003 (PSA)* and otherwise by the industrial instruments that apply to public servants.
- There are no issues of significant concern in respect of industrial arrangements/employment conditions for WDOs.

Head Office/Regional Offices

- Head Office and Regional Office employees (other than those on Senior Executive Service contracts) are covered by the PSA and the 2009 Core Agreement and are subject to the operation of the Critical Incident Directive (when activated).
- Head Office and Regional Office employees are also subject to an Hours of Work arrangement made in accordance with the flexibility provisions of the PSA, which provide differing hours of work for general, administrative and operational personnel in circumstances of work categorised as general, emergency and state counter-disaster arrangements (SCDA). There is some ambiguity around the definitions of general and administrative employees.
- Under these arrangements, general, administrative and operational personnel have varying spreads of hours (7am - 9pm Monday to Sunday, 7am - 6pm Monday to Friday and 6am - midnight Monday to Sunday respectively). Operational personnel may work up to 12 ordinary hours per day. General and Operational personnel may also work ordinary hours on weekends.
- During SCDA activations employees above the level of AO5 and below the level of Senior Officers, are entitled to paid overtime capped at AO5 (4) pay rates.
- These Hours of Work arrangements are considered to be unnecessarily complex and inconsistent with contemporary service-delivery arrangements and EMQ's organisational structure.
- Concerns held by EMQ management and employees in respect of the current hours of work arrangements for Head Office and Regional Office staff include:
 - The distinction between categories of employees contained in the Hours of Work arrangements no longer exist;
 - Confusion caused by the ambiguity in employment conditions for different categories of employees;
 - Some employees are perceived to be inadequately compensated for the work they perform outside ordinary hours (including alleged inability to access Time Off in Lieu of Overtime (TOIL));
 - Unclear application of on-call arrangements and payments;

- Apparent non-compliance with fatigue leave provisions in awards;
 - Restriction of flexible work practices afforded to other employees of the Department of Community Safety and other Queensland Government departments (although flexible work practices are generally 'less available' to operational employees);
 - Anecdotally, extensive use of TOIL appears to have an impact on excess leave balances and TOIL balances are difficult to manage;
 - Ambiguity between the voluntary election to, and being compelled to work outside ordinary hours; and
 - Payment of overtime rates at the AO5 level to certain employees beyond the salary cut-off limit (i.e. AO6, AO7 and AO8).
- Regional Offices are staffed by public service officers also covered by the PSA and the 2009 Core Agreement). These positions include Regional Director (SO2), Area Director (AO6), Regional Training and Equipment Coordinator (AO6), Disaster Management Officers (AO5); Training Coordinator (AO5), Training Officer (AO4) Youth Development Officer (AO4); Regional Communications Technician (TO4) and Support Officer (AO3). Employees in all of these positions may be required to perform the function of Duty Officer on a rotational basis; however the requirement as to who performs Duty Officer functions varies from region to region.

Duty Officers and Duty Managers

- 'Duty Officer' is the unofficial title given to EMQ employees who are required to remain on call and respond to calls from the public and other Government agencies and services. The frequency with which Duty Officers work outside ordinary hours varies from region to region. Duty Officers are entitled to on-call allowances and arrangements as provided in the PSA and the 2009 Core Agreement.
- Regional Officers in some regions claim that, when rostered on as Duty Officers, they are continually required to work outside ordinary hours in addition to their normal tasks performed during the day. The range of duties performed by Duty Officers that occur outside ordinary hours include:
 - Answer (132 500) phone calls;
 - Knowledge Information Tool (KIT) referrals from 132500 Smart Service call Centre;
 - Incident Management/Response;
 - Distribution of warnings (e.g. Tsunami); and
 - SES activation.
- A unofficial position of State Disaster Management Group (SDMG) Duty Manager also exists at a state level. The SDMG Duty Manager position is shared by senior officers within EMQ and has the following functions and responsibilities in support of the State Disaster Coordination Centre (SDCC):
 - Daily media briefings are emailed to the SDCC Kedron email account, further briefings can be obtained from the Watch Desk Officer, as required;
 - Provide advice and assistance to the Watch Desk Officer, as required;
 - Receive, manage and respond to all after hours calls and messages in a timely and appropriate manner;
 - Maintain a log of activities;
 - Advise Senior Executives and key stakeholders of significant activations, events and/or issues (refer to SDCC Initial Notification of Events);
 - Attend the SDCC to manage operational requirements, as required; and

- Duty Managers must at all times:
 - o ensure that the duty manager blackberry (mobile) is switched on and in range;
 - o remain within one hour response of the SDCC; and
 - o remain under 0.05% blood alcohol limit.
- There is little statistical evidence (currently available) to support claims that Duty Officers are continually working outside of their ordinary hours; however anecdotal evidence indicates that, when rostered on as Duty Officers, regional officers are working excessive hours by virtue of the performance of duties outside the ordinary spread of hours, without being able to take TOIL for work performed outside ordinary hours.
- A perception amongst employees is that the overtime exemption (provided by Ministerial Directive 5/05 - Hours and Overtime) provides inequitable outcomes for Duty Officers, as those at the level of AO6 and above are not entitled to payment for overtime but are to be granted TOIL; however, according to these officers, they are rarely afforded the opportunity to take TOIL.
- The PSA provides that employees are entitled to take a 10 hour break between the cessation of work on one day and commencement of work on the next (fatigue break). There is a considerable risk to the employer in respect of meeting its obligations to provide a safe system of work, should it be proven that employees are working excessive hours without being afforded fatigue breaks, or access to TOIL.

Options

- Possible options available to address the working hours issues for Head and Regional Offices include:
 - Strict adherence to industrial instruments to ensure that employees are granted access to adequate time away from duty;
 - Systems and data collection to provide for evidence based management decisions;
 - Clarify the work roles to minimise out of hours work;
 - Improvement in time management and prioritisation of tasks;
 - Training managers on management functions and HR related issues;
 - Transferring certain duties performed by Duty Officers to WDOs to minimise unnecessary out of hours work;
 - Introducing aggregated and/or averaging hours of work arrangements to enable flexibility to meet peak workload demands;
 - Provision of additional annual leave in compensation for unlimited working hours;
 - Pursue the removal of the overtime exemption applied to officer classified above A05(4); and
 - Introduce shift work arrangements at nights and on weekend.

Strict adherence to industrial instruments

- It is unacceptable if employees are continually expected to work during the night and to continue their ordinary tasks the next day without access to fatigue breaks and TOIL arrangements, or other forms of compensation. Such practices are likely to result in increased staff turnover, increased WorkCover claims and a reduction in employee performance.
- This proposal provides that Duty Officers and Duty Managers and their managers be instructed to comply with fatigue leave and TOIL provisions provided under relevant industrial

instruments. A likely consequence of this proposal is that workload demands will not be met as offices will be unattended at certain times.

Systems and Data Collection

- In order to evaluate possible options available to deal with the issues raised in this brief, EMQ Regional Directors have been requested to provide data as to out of hours activities for the period January to April, 2010. This data is to be provided by 30 June 2010.

Clarify the roles

- It is appropriate to reassess the work performed by Duty Officers in order to ensure that either the interruptions outside ordinary hours are reduced or work performed the following day is reallocated to other employees.

Training managers

- The provision of training programs for EMQ managers on HR related issues would enhance understanding of conditions, limitations and obligations in relation to workload management..

Time management and prioritisation of tasks

- It is appropriate to undertake an assessment of the priorities of work performed by Duty Officers in their ordinary weekly duties in order to ascertain what duties can be reallocated or dispensed with in order to enable compliance with fatigue leave provisions.

Transferring duties performed by Duty Officers to WDOs

- Closely linked to the two aforementioned options, is the capacity that might exist with WDOs at a state level to take on screening of calls that might otherwise go to the Duty Officer in the first instance. If calls were directed to the WDOs in the first instance, the WDO would be able to screen incoming calls to reduce the interruption to Duty Officers outside ordinary hours.

Aggregated hours

- There may be the capacity in some regions to establish peak demand periods for Duty Officers. Accordingly it may be possible in those regions for employees to work addition ordinary hours during peak periods (e.g. cyclone season) and work shorter ordinary hours in other times of the year.

Additional annual leave in compensation

- Compensate employees working as Duty Officers by additional annual leave in compensation for work regularly performed outside ordinary hours. This suggestion is not supported by EMQ management due to capacity issues created by the additional leave. It could also be argued that additional leave would not adequately deal with the issues surrounding fatigue on a daily basis.

Remove overtime exemption

- Employees have suggested that the exemption from overtime for employees at the level of AO6 and above is removed. To remove the exemption on overtime for employees at the level of AO6 and above would result in an expense without addressing concerns for workplace health and safety of the employees in question.

Shift work arrangements to replace Duty Officers being on call at night

- In order to ensure that Duty Officers in the regions are not interrupted by phone calls and additional duties outside ordinary hours, one possible resolution would be to employ additional staff on shift work arrangements. It is doubtful that there would be sufficient work to justify the employment of additional staff to work shift work in each region, however, this option is worthy of investigation.

- There is a range of options available to attempt to address the issues raised in this brief and it is proposed to undertake a review of the work performed within EMQ in order to investigate and identify the best options available. It may well be that a combination of these options is appropriate.

3. Is this in accordance with Government election commitments?

- N/A

4. Consultation

- Consultation has been undertaken with the Executive Director, Human Resources Branch.

5. Total Cost of Project and Funding Source

- Costing

6. Has this matter been considered by a DCS Executive Committee?

- N/A

7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?

- No

8. Recommendation

- That you endorse a course of action to:
 - Match employment conditions and management practices to the outcomes of the various reviews impacting upon EMQ;
 - Investigate and identify the reallocation of work to prevent possible breaches of workplace health and safety obligations and award provisions; and
 - Develop and negotiate appropriate industrial arrangements that facilitate the reallocation of work and the continued provision of service to the public. Any proposals will be referred to you prior to consultation with employees and their unions.

Frank Pagano
CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

/ /

J. M. F.
Jim McGowan
DIRECTOR-GENERAL

15/10

Noted / Approved / ~~Not Approved~~

Comments:

Simple is best.

**Executive Briefing Note**

DG 409.

Requested by: Proactive

Critical Urgent General Ref: CSD EMQ QAS QCS QFRS SPD Briefing note for approval Briefing note for information

To: Director-General, Department of Community Safety

Subject: Industrial Coverage and Employee Relations Management
within Emergency Management Queensland

Date: 10/8/2010

1. Background

- On 15 June 2010 you endorsed a course of action to deal with a range of management and industrial issues currently facing Emergency Management Queensland (EMQ). These actions include the re-negotiation of hours of work provisions.
- A conflict between the long term treatment of certain overtime entitlements as prescribed in the existing EMQ hours of work arrangements and the provisions of Ministerial Directive 5/05 (Hours and Overtime) has been identified.

2. Issues

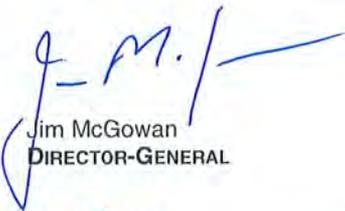
- The majority of EMQ employees are the subject of an unregistered Hours of Work arrangement currently entitled *Counter Disaster and Rescue Services Hours of Work Provisions* (CDRS Hours of Work). These arrangements were originally known as the Emergency Services Division Hours of Work Provisions.
- Clause 4.4.1 of *Department of Emergency Services Enterprise Partnership Agreement 1997* (1997 Certified Agreement) obliged the parties to develop a new set of Hours of Work arrangements.
- The CDRS Hours of Work arrangements made pursuant to clause 4.4.1 of the 1997 Certified Agreement, were put in place on 1 March 1999 and were formally endorsed at the time by the then Director-General of the Department of Emergency Services, the Executive Director, Emergency Services Division and the State Secretary of the State Public Services Federation Queensland (SPSFQ).
- On the basis that the DESEPA 1997 has been rescinded and that the CDRS Hours of Work arrangements have no head of power, you have previously approved that these provisions be incorporated into Schedule 3 of the *Queensland Public Service Award – State 2003* (PSA).
- Part 4 of the CDRS Hours of Work includes enhanced overtime provisions that are to apply when the Executive Director, Emergency Services Division (now Chief Officer, EMQ) declares that State Counter Disaster Arrangements are required in relation to a specific event.
- In these circumstances, the CDRS Hours of Work provides that for those employees engaged in work relating to the event, work performed in excess of 7.25 hours per day is to be paid at overtime rates and that in such circumstances, those employees in receipt of a salary in excess of classification level AO5 (4) up to AO8 (4) level are paid for overtime at the rate of classification level AO5 (4).
- Directive 5/05 (Hours and Overtime) and its predecessor Directive 19/01, effective 24/12/2001, exclude employees in receipt of wages in excess of AO5 (4) from receipt of overtime payments.

- Section 687 of the *Industrial Relations Act 1999* provides that ministerial directives over-ride industrial instruments where the ministerial directive states that it so overrides an industrial instrument. Directive 5/05 contains a provision that it overrides industrial instruments.
- By virtue of section 687, the provisions from existing Hours of Work arrangements that allow for payment of overtime to classification levels AO6, AO7 and AO8 would not be able to be included in the proposed schedule to the PSA.
- On this basis, the long-standing practice of payment of overtime to EMQ employees in receipt of wages in excess of AO5 (4) in circumstances of the operation of State Counter Disaster Arrangements, as negotiated and agreed on in good faith in 1999, is in conflict with the provisions of Directive 5/05.
- The Director-General, Department of Justice and Attorney-General is authorised to exempt specified employees from Directive 5/05. A complexity associated with seeking exemption under Directive 5/05 is that if such an exemption were granted, the terms of the exemption (i.e. payment of overtime to classification levels AO6, AO7 and AO8) would not be able to be contained in the schedule to the PSA containing the remainder of the working hours provisions applying to the relevant employees of EMQ.
- While the continuation of overtime payments to EMQ employees in excess of AO5 (4) would be in contravention of Directive 5/05, it is considered that the successful re-negotiation of the EMQ hours of work arrangements would be seriously hampered if it involved the removal of the long-standing practice of payment of overtime to employees above classification level AO5 in circumstances relating to the operation of State Counter Disaster Arrangements (SCDA).
- Two options (use of Critical Incident Directive and Exemption from Overtime Directive 5/05) are considered to provide potential solutions to resolve this matter.
- **Option 1-** The instigation of the Critical Incident Entitlements and Conditions Directive 3/08 (CID) as from 27/12/07 provides a range of enhanced entitlements (including overtime payment at substantive level for officers at AO5 (4) level up to AO8 (4) level) to public service employees in declared critical incident situations. However, the significant pre-requisites for a declared critical incident under this Directive are such that some situations that are currently covered within the pre-requisites for the declaration of State Counter Disaster Arrangements within the CDRS Hours of Work do not satisfy CID standards.
- Application of the CID in circumstances that currently activates the State Counter Disaster Arrangements within the CDRS Hours of Work is considered a viable solution to the current situation. However, the payment of overtime at substantive level allowable under CID would be above that provided for in the current CDRS Hours of Work.
- The following factors make Option 1 viable:
 - The Critical Incident Directive provides a sound legal basis for extended overtime provisions;
 - The CID enables permanent basis upon which EMQ can make overtime payments to classification levels AO6, AO7 and AO8 under appropriate circumstances;
 - Provisions contained in a schedule to the PSA could easily make reference to the CID and apply its terms (i.e. payment of overtime to classification levels AO6, AO7 and AO8 in times of activation);
 - The application of the CID would be less complex than an exemption under Directive 5/05 in that there would be only need to apply the terms of the schedule to the award and the CID (whereas an exemption under Directive 5/05 suffers the difficulties associated with section 687 of the *Industrial Relations Act 1999* previously referred to);
 - Data from SCDA activations since 1/1/09 indicate minimal increased costs could be expected. (If CID conditions were applied to all SCDA activations in the period commencing 1/1/09, additional cost of approx \$20K would have been incurred);
 - Approval would remain within the control of this agency;
 - Staff have requested appropriate remuneration for working extended hours on a semi-regular basis; and the
 - Outcome would be a positive step for attraction and retention strategies.

- **Option 2** - Directive 5/05 provides for the relevant Chief Executive (now Director-General of the Department of Justice and Attorney General) to exclude certain classes of employees from the specified overtime salary limits in exceptional circumstances. However, any exemption granted on this basis would be for a limited time only and would require a defined class of employees to be identified in the submission. Current CDRS Hours of Work arrangements allow the Chief Officer, EMQ to identify the employees to be covered by any declaration based on the operational requirements of the specific event.
 - A Business Case is required in order to seek an exemption from Directive 5/05. Such a Business Case has been drafted for your consideration.
 - Discussions with staff indicate that the retention of payment for overtime in circumstances of activation is essential for the ongoing industrial harmony within EMQ.
 - The payment of overtime to classification levels AO6, AO7 and AO8 since 1997 in certain circumstances would make removal of such a condition difficult.
 - Amendment to the PSA (as would be required) is unlikely to occur without the consent of the relevant union or likely to be rendered contrary to the No Extra Claims provisions (clause 2.4) of the *State Government Departments Certified Agreement 2009*.
 - Within the existing regulatory regime it would appear that only options 1 and 2 provide for an outcome that would maintain the retention of the payment of overtime.
- 3. Is this in accordance with Government election commitments?**
- N/A
- 4. Consultation**
- Consultation has been undertaken with the Director, Employee Relations Unit.
- 5. Total Cost of Project and Funding Source**
- Some additional costs are likely but this will be managed within existing budget allocations.
- 6. Has this matter been considered by a DCS Executive Committee?**
- N/A
- 7. If this brief includes a new policy; publication; report; initiative or is a change in a policy or publication, is this information suitable for release on the Right to Information Publication Scheme web pages?**
- No
- 8. Recommendation**
- That you discuss options 1 and 2 (including the attached business case) with the Director-General of the Department of Justice and Attorney General.

Bruce Grady
ACTING CHIEF OFFICER
EMERGENCY MANAGEMENT QUEENSLAND

1 / 1


 Jim McGowan
DIRECTOR-GENERAL
 16 18/10

Approved / ~~Not Approved~~

Comments:

From: Ken Hawkins
Sent: Friday, 26 March 2010 14:26
To: Michael Hawkins; Glenn Carthew
Cc: Peta Robertson; Nuria Alvayero
Subject: FW: EMQ IR Issues Meeting - 29/3/10 3.00pm

Attachments: 100326 Project Plan.doc
[Michael/Glenn](#)

Further to Item 3 referred to below.

A recent review of allowances being paid to EMQ staff indicated 11 instances where employees were receiving questionable allowances.

Two of these related to locality allowance and after examination and/or correction are no longer of concern.

The remaining nine instances were all related to staff who have been receiving an on-call allowance of \$15.60 per fortnight for some time (with no apparent increases at any time) and for which they appear to have no obvious entitlement. One of these employees has recently left the agency. The remaining eight employees are:

Allowance apparently paid since 1998

Contrary to the public interest



Allowance paid since 2006

Contrary to the public interest



Allowance paid since 2008

Contrary to the public interest



My general understanding (perhaps mistakenly) of the background to this matter is that those who have been receiving the allowance since 1998, got it as part of their initial conditions of employment (at this stage, I'm not sure about the other two). I seem to recall that this matter has been previously reviewed some time back but for whatever reason, the matter was considered and it appears that no action was taken to cease the allowance at that time. Whether this was as a result of a decision OR the matter simply being left unresolved is unclear to me. In any case, EMQ would like the current situation examined with a view to ceasing the payments. Discussion on how this could best proceed would be appreciated at the meeting on Monday.

(GLENN - I don't think that I was directly involved in this matter previously and I did have a look at the IR folders to see if I could locate any previous material on this matter but I couldn't find anything - you may recall it better than me)

Regards

Ken

Ken Hawkins
Principal HR Officer (EMQ)
Human Resources Branch

Corporate Support Division
Department of Community Safety
Ph (07) 3247 8489
Mobile [REDACTED]
Fax (07) 3247 8505
mailto:Ken.Hawkins@dcs.qld.gov.au

From: Ken Hawkins
Sent: Friday, 26 March 2010 11:52
To: Michael Hawkins; Glenn Carthew
Cc: Nuria Alvayero; Peta Robertson
Subject: EMQ IR Issues Meeting - 29/3/10 3.00pm

Michael/Glenn

As you would be aware, you have an EMQ IR Issues meeting with Bruce on Monday 29/3/10.

Agenda items that will need to be responded to at that meeting will include:

- 1 Revised EMQ HoW Arrangements (Schedule3)
- 2 Overtime while On-Call
- 3 Termination of Allowance Payments to certain EMQ staff

In relation to Item 1, attached is a draft Project Outline that I have cobbled together to assist in progressing this matter - please feel free to add/delete/modify as you see fit - it's major purpose at this stage is to set the overall timeframe - tasks identified within the milestones (and indeed those that are not yet there) will of course be added to or going on concurrently etc.

In relation to Item 2, the documentation on this matter is with Glenn.

In relation to Item 3, I will soon forward to you an outline of the matter.

Regards

Ken

Ken Hawkins
Principal HR Officer (EMQ)
Human Resources Branch
Corporate Support Division
Department of Community Safety
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Mobile [REDACTED]
Fax (07) 3247 8505
mailto:Ken.Hawkins@dcs.qld.gov.au



100326 Project
Plan.doc (38 KB...)

From: Jenny Papani
Sent: Tuesday, 6 September 2011 10:31
To: Glenn Carthew
Subject: RE: EMQ Recruitment process
Thanks Glenn - I will share with those concerned

Jenny Papani Adv. Dip. Govt.
ICS Service Centre
Department of Community Safety
☎ Ph: 07 3247 8555 📠 Fax: 07 3109 7799
Submit Job: ICSystems Customer Portal
» **We welcome your feedback**

 please consider the environment before printing this email.

From: Glenn Carthew
Sent: Tuesday, 6 September 2011 10:04 AM
To: Jenny Papani
Cc: 'Jenny A. Cannon'; 'Michael S. Thomas'; Bruce Mercer; Ian McCulloch (QAS Kedron)
Subject: RE: EMQ Recruitment process

Jenny,

My understanding from discussions with EMQ is that based on the number of recommendations from the inquiry that are applying to the whole Department from QFRS and EMQ and the time lines for these recommendations there has been some drawing in of staff from CSD and SPD and QFRS already to meet the timelines.

Senior Management and from information I have received, this comes from the DG, has seen the need to pull in additional resources to undertake the work that is required. To remove DCS staff from their current roles and to go through the exercise of filling positions temporarily to fill gaps would create further pressure on the rest of the Department when the 57 recommendations need to be implemented by 1 November.

The strategy is to advertise the positions within six weeks for all Government employees including DCS staff.

Happy to discuss further

regards

Glenn Carthew
Manager Employee Relations | Employee Relations Unit
Human Resources Branch | Department of Community Safety
Telephone 3635 3503 | Facsimile 3109 5037 | Mobile Contrary to the public interest
glenn.carthew@dcs.qld.gov.au

From: Jenny Papani
Sent: Tuesday, 6 September 2011 06:22
To: Glenn Carthew
Cc: Jenny A. Cannon; Michael S. Thomas; Bruce Mercer; Ian McCulloch (QAS Kedron)
Subject: EMQ Recruitment process

Morning Glenn

Trust you are well.

Could you shed some light on what is occurring within EMQ Most delegates are receiving complaints from members and non members requesting an explanation as to why EMQ staff and other DCS staff were not given the opportunity to apply for positions currently available within EMQ. The EMQ jobs were advertised in other government departments on 25

August and I am advised that there have been information sessions provided to Communities (Community Service) staff regarding these positions. I believe they are on their way over to fill the positions.???

It is my understanding that there are 4 x new positions for each region and 22 for Kedron. Total 50 across the state. Regions get 2 x A06 DM Training Officers, 1 x A05 Community Consultation position (no idea of the actual title) 1 x A02 and an A08 currently at interview stage from earlier advertising

Delegates are meeting tomorrow and this issue is to be discussed.

Your earliest advice on this matter would be appreciated.

Jenny Papani
Council Delegate
Together, Queensland Industrial Union of Employees
Email - Jenny.Papani@dcs.qld.gov.au
Phone Number - 36352217

QFES RTI FINAL RELEASE