

EXTRACT

25. OVERTIME

Overtime means time authorised to be worked by an employee in excess of or outside of the ordinary hours of work of the employee.

25.1 Operation of Overtime Provisions

- 25.1.1** All authorised time worked in excess of or outside the ordinary hours of work required by Clause 22 shall be overtime and be paid for in accordance with this Clause.
- 25.1.2** An employee may be required to work reasonable time in excess of the ordinary hours of work and is expected, on reasonable notice, to work such overtime in accordance with the instructions of their supervisor.
- 25.1.3** No employee shall be required to work excessive overtime on a regular basis as part of operational procedure.
- 25.1.4** An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable having regard to:
 - i)** any risk to the employee's health and safety;
 - ii)** the employee's personal circumstances including any family responsibilities;
 - iii)** the needs of the workplace or enterprise;
 - iv)** the notice (if any) given by the University of the overtime and by the employee of their intention to refuse it; and
 - v)** any other relevant matter.

25.2 Each Day Stands Alone for Overtime Purposes

Where the ordinary hours of work for a day's work are fixed, each day's work shall stand alone in computing overtime and overtime rates shall apply to all time worked in excess of or outside the fixed hours.

25.3 Application of Overtime - Flexible Ordinary Hours

Where daily ordinary hours are flexible, the total hours worked in a work cycle, as defined by Clause 22, shall be computed and overtime rates shall apply to all time worked in excess of the ordinary hours of duty prescribed for the work cycle.

25.4 Continuous Overtime after Midnight

Any period of overtime which is continuous with ordinary work and which extends beyond midnight shall be deemed to have been performed on the day the overtime commenced.

25.5 Non - Continuous Overtime after Midnight

Where overtime is not continuous with ordinary work and involves work before and after midnight, the overtime shall be deemed to have been worked on the day for which the higher rate is payable.

25.6 Overtime Calculated to Nearest Quarter of an Hour

Overtime shall be calculated to the nearest quarter of an hour of the total amount of overtime worked in a work cycle.

25.7 Time-Off In Lieu Of Overtime (TOIL)

- 25.7.1** The cut-off for the payment of overtime is at the HEW 7.3 salary classification level provided that by agreement, an employee in receipt of a salary below that prescribed for the minimum rate payable for a HEW 7.4 classification may, by mutual agreement between the employee and the University reached prior to overtime being worked, take time off in lieu of overtime payment, such time being calculated in accordance with the overtime rates applicable. Any TOIL accumulation under these arrangements shall be restricted to a maximum of 36.75 hours entitlement at any one time.
- 25.7.2** An employee whose salary is above HEW 7.3 is eligible for time off in lieu equivalent to the period of overtime worked (TOIL) instead of paid overtime, subject to a maximum accrual of 36.75 hours at any time.
- 25.7.3** Accumulated TOIL should be cleared within 3 months. Where there is a need for an employee whose salary classification is HEW 7.4 or 7.5 to continue to work time in excess of ordinary hours of work, even though the maximum accrual of 36.75 hours has been reached, application may be made to the relevant Head of Faculty / Section for payment to be made for the 36.75 hours of ordinary time. Only one payment of 36.75 hours will be permitted in any one year. Managers must use their best endeavours to ensure that employees are able to utilise TOIL hours before the maximum level is reached.

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- 25.8** The salary of an employee for the purposes of computation of overtime shall not include shift work allowances or casual loading but shall include higher duties allowances and any other allowances in the nature of salary.
- 25.9** Payment for overtime calculated for any period in accordance with the provisions of this Clause shall not be subject to any limitations in amount within a work cycle.
- 25.10 Overtime - Applicable Rates**
- 25.10.1 Other than shift employees**
- i) for overtime worked Monday to Saturday inclusive - ordinary rate plus 50% for the first three hours and ordinary rate plus 100% thereafter.
 - ii) for overtime worked on Sunday, ordinary rate plus 100%.
 - iii) for overtime worked on a holiday - ordinary rate plus 150%.
- 25.10.2 Shift employees**
- i) except on a holiday - ordinary rate plus 100%.
 - ii) on a holiday - ordinary rate plus 150%.
- 25.11 Overtime - Ten-Hour Break**
- 25.11.1** An employee required to work so much overtime that there is not a break of at least ten consecutive hours, plus reasonable travelling time, between the cessation of one period of work and the commencement of the next ordinary period of work, shall be released after the completion of the overtime work for a period of not less than ten consecutive hours, plus reasonable travelling time. Such release shall be without loss of pay for scheduled ordinary work occurring during such absence.
- 25.11.2** An employee required to resume or continue work without having had at least ten consecutive hours, plus reasonable travelling time, off work shall be paid at the rate of ordinary pay plus 100%, unless released from work for not less than ten consecutive hours plus reasonable travelling time off work. Such release shall be without loss of pay for any scheduled ordinary work occurring during such absence.
- 25.11.3** For the purpose of this Clause, "reasonable travelling time" shall mean the period of time normally required to travel from the place of residence of the employee to the place of work and back.
- 25.12 Exceptions to Normal Overtime Provisions**
- 25.12.1** It should be noted that different overtime provisions apply to part-time Trades and Services employees working in the Cafeteria and Residences areas of the University (refer to Clause 28).
- 25.12.2** Also it should be noted that overtime paid to Trades and Services employees recalled to duty is calculated differently to the above provision (refer to Clause 26).

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