QUEENSLAND GOVERNMENT

MINISTER FOR EDUCATION AND INDUSTRIAL RELATIONS

DIRECTIVE No. 12/11
October 2011

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. Industrial instrument means an award, industrial agreement, certified agreement or decision of the Queensland Industrial Relations Commission.

1. TITLE: **Field Staff**

2. PURPOSE: To prescribe the hours of duty and time off in lieu of overtime arrangements for certain departmental employees.

3. LEGISLATIVE PROVISIONS: Sections 54(1) of the *Public Service Act 2008* and section 687 of the *Industrial Relations Act 1999*.

4. APPLICATION: This directive applies to –

- public service officers;
- temporary employees engaged under section 148(2)(a) of the *Public Service Act 2008; and*
- casual employees engaged under section 148(2)(b) of the *Public Service Act 2008* but only for the purposes of determining hours of duty and weekend penalties prescribed at Part A of the Schedule.

This directive **does not apply to –**

- general employees engaged under section 147 of the *Public Service Act 2008*.

5. STANDARD: The conditions and entitlements prescribed in the Schedule apply.

6. EFFECTIVE DATE: This directive is to operate from **24 October 2011**.

7. VARIATION: This directive can be varied by –

- the Minister responsible for industrial relations; or
- legislation; or
- certified agreement only in accordance with Part A of the Schedule.

8. INCONSISTENCY:

Sections 52 and 54 of the *Public Service Act 2008* and sections 686 and 687 of the *Industrial Relations Act 1999* apply when there is an inconsistency between an act, regulation or industrial instrument.

9. SUPERSEDES: Directive 10/07*: "Field Staff"*

10. PREVIOUS REFERENCES: Directive 8/03, 23*/99 &* 24/97 *"Field Staff"*
Circular 10/97

SCHEDULE

FIELD STAFF

GENERAL CONDITIONS

1. Application of TOIL arrangements

1.1 Time off in lieu of overtime arrangements as outlined in this schedule apply to field staff (excluding casuals) in receipt of wages that do not exceed the equivalent of paypoint 4 of Classification Level AO5 of the Public Service Classification and Remuneration System (CRS).

1.2 Field staff (excluding casuals) in receipt of wages in excess of Classification Level AO5(4) or equivalent of the CRS shall continue to be compensated for overtime worked in accordance with the Directive relating to *Hours and Overtime* issued by the industrial relations Minister under section 54 of the *Public Service Act 2008*.

2. Definitions

2.1 **"CRS"** means the Public Service Classification and Remuneration System. The monetary rate is the rate applicable for the department where the employee is employed.

2.2 **"overtime"** means additional work in excess of ordinary hours or outside the spread of ordinary hours. On a public holiday (or substituted day) under the *Holidays Act 1983*, the term includes work in excess of ordinary hours, but excludes ordinary hours on a public holiday.

2.3 **"TOIL"** means time off in lieu on a time for time basis.

3. Identification of Field Staff

3.1 A chief executive is to identify those positions to be designated as field staff positions. The following indicative criteria provides general guidance in identifying field staff positions. It is to be used as a guide only, with discretion resting with a chief executive as to final identification.

3.2 Indicative Criteria (guide only) –

- where the majority of work is performed on a basis other than in an office or laboratory;
- where the majority of work is performed on a construction project;
- where management control of the accrual of the employee's time (within the parameters of the relevant department's flexible working hours arrangements) is restricted because of external influences, eg. environmental factors or project guidelines which require extended hours to be performed at certain times of the year or to ensure the completion of a project;
- where work regularly commences or ceases away from the employee's headquarters;
- where normal supervision is limited because the employee departs headquarters for performance of duties; or
- where the employee undertakes overnight travel for work purposes on a frequent basis.

3.3 Position Descriptions for field staff positions are to specifically identify the position as a field staff position subject to the conditions in this Directive (Directive No. 12/11 – Field Staff) and to also specify the ordinary weekly hours of the position.

4. Hours of Duty, TOIL Arrangements, and Ordinary Time Weekend Penalties

4.1 The hours of duty and ordinary time weekend penalties of those employees identified as field staff are those specified in Part A.

4.2 TOIL arrangements for field staff (excluding casuals) in receipt of wages that do not exceed the equivalent of Classification Level AO5(4) are as specified in Part B.

PART A
HOURS OF DUTY and ORDINARY TIME WEEKEND PENALTIES

5. Hours of Duty

5.1 The ordinary hours are 38 hours per week, up to 10 hours per day.

5.2 A chief executive may approve a 36¼ hour week for their departmental field staff with ordinary working hours of 7¼ hours per day which may be worked in accordance with a department's flexible working hours arrangements, or where applicable in accordance with schedule 3 or schedule 4 of the *Queensland Public Service Award – State 2003*.

5.3 For those field staff performing duties on a 38 hour week basis, the provisions of clauses 6.1.3, 6.1.4 and 6.1.5 of the *Queensland Public Service Award – State 2003* shall apply.

5.4 **Day Work**
The ordinary spread of hours for field staff engaged on day work shall be 6.00 am to 6.00 pm Monday to Sunday.

5.5 **Shift Work**
Where field staff are engaged on shift work, the provisions of clause 6.5 of the *Queensland Public Service Award – State 2003* are to apply.

6. Ordinary Time Weekend Penalties

6.1 Extra payments for ordinary time weekend work are as prescribed at clause 6.5.3(a) of the *Queensland Public Service Award – State 2003*.

7. Specific Conditions of Certified Agreements Continue to Apply

7.1 Employment conditions relating to hours of duty and ordinary time weekend penalties as prescribed in Part A only of this Directive do not apply where a certified agreement provides otherwise.

PART B
TOIL ARRANGEMENTS FOR FIELD STAFF (EXCLUDING CASUALS) IN RECEIPT OF WAGES THAT DO NOT EXCEED THE EQUIVALENT OF CLASSIFICATION LEVEL AO5(4)

8. Accrual of TOIL

8.1 All authorised overtime is to be compensated by the accrual of TOIL, which will accrue at the rate of time for time.

8.2 Field staff are to have reasonable access to utilising accrued TOIL. Where possible and practicable, field staff are afforded the opportunity to utilise TOIL –

- before accruals in excess of 228 hours balance occur; or
- within twelve (12) months of accrual.

8.3 Accrual of TOIL in excess of 228 hours balance or not utilised within twelve (12) months of accrual are generally undesirable and managers and employees have a responsibility to manage TOIL in such a way as to prevent such accruals occurring, other than in exceptional circumstances.

8.4 Where accrued TOIL is utilised, award entitlements such as shift allowances and work related allowances will continue to apply.

9. Payment of Accrued TOIL

9.1 Payment for accrued TOIL at ordinary rates may occur at the employee's election in the following circumstances:

- for accrued TOIL in excess of 228 hours; or
- where accrued TOIL is not utilised within twelve months of its date of accrual.

Provided that payment is subject to both:

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

10. Public Holidays

10.1 For those field staff performing ordinary hours on a public holiday, the provisions of clause 7.7 of the *Queensland Public Service Award – State 2003* apply.

10.2 For any overtime (as defined) hours performed on a public holiday, the conditions relating to accrual of TOIL prescribed in this Schedule apply.

11. Payment for Authorised Overtime

11.1 A chief executive may approve payment for authorised overtime to individual field staff or categories of field staff at penalty rates as prescribed by the relevant award or certified agreement. Payment for authorised overtime should only be made in exceptional circumstances