

<b>TITLE:</b>	Overtime Policy		
<b>DIVISION:</b>			
<b>ADOPTED BY:</b>	Council		
<b>DATE OF ADOPTION:</b>	15 October 2015	<b>DATE OF REVIEW:</b>	1 October 2019
<b>MOTION NUMBER:</b>	318/15		
<b>POLICY NUMBER:</b>	CP000046		
<b>AUTHORISED:</b>	Chief Executive Officer		

**THIS POLICY APPLIES TO:**

All employees of the Barkly Regional Council.

**SUMMARY**

The Barkly Regional Council recognizes and appreciates that due to business demands, employees may be required to work additional hours or days of the week, including public holidays, to meet business demands. This policy outlines the scope of overtime, pay rates and time off in lieu (TOIL) for both employees under the Enterprise Agreement and salaried employees.

**POLICY****1. Overtime Policy for Employees Under the Enterprise Agreement.**

- 1.1.** An employer may require an employee to work reasonable overtime at overtime rates.
- 1.2.** If an employee agrees to accept the overtime, they have the option to either accept overtime pay or TOIL.
- 1.3.** 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 in regards to
  - 1.3.1.** Any risk to employee health and safety;
  - 1.3.2.** The employee's personal circumstances including any family responsibilities;
  - 1.3.3.** The needs of the workplace or enterprise;
  - 1.3.4.** The notice (if any) given by the employer of the overtime and by the employee of his or her intention to refuse it; and
  - 1.3.5.** Any other relevant matter.
- 1.4.** Overtime will be paid for any time worked:
  - 1.4.1.** Outside the spread of ordinary hours on any one day; or
  - 1.4.2.** In excess of ordinary daily hours;
  - 1.4.3.** In excess of ordinary weekly hours; or
  - 1.4.4.** During an employee's usual meal break and thereafter until a meal break is allowed provided it is authorised.
- 1.5** Rates for working overtime are as follows.
  - 1.5.1** Overtime worked on a weekday or a Saturday will be paid at the rate of time and a half for the first two hours on and double time thereafter.
  - 1.5.2** Overtime worked on a Sunday will be paid at the rate of double time.
  - 1.5.3** If the employee elects to take TOIL, it will be paid at the employee's normal

rate when the employee uses the TOIL.

**1.6** An employee required to work overtime on a Saturday, Sunday or public holiday will be paid for a minimum of four hours worked at the appropriate rate.

**1.6.1** Paragraph 1.6 does not apply if the overtime is continuous with ordinary hours.

**1.7** Recalls.

**1.7.1** An employee recalled to work overtime after leaving the employer's premises (whether notified before or after leaving the premises) will be paid for a minimum of four hours worked at the appropriate rate for each time the employee is so recalled.

**1.7.1.1** In the case of unforeseen circumstances arising, the employee will not be required to work the full four hours if the job the employee was recalled to perform is completed within a shorter period.

**1.7.1.2** If, during the period of the recall, other urgent work (not foreseen at the time the employee was recalled) is required to be undertaken, the employee will perform such work and that work will be regarded as part of the original recall for all purposes of this agreement.

**1.7.2** Paragraph 1.7.1. does not apply if one of the following occurs.

**1.7.2.1** In cases where it is customary for an employee to return to the employer's premises to perform a specific job outside the employee's ordinary working hours; or

**1.7.2.2** Where the overtime is continuous (subject to a reasonable meal break) with the commencement of ordinary working time.

**1.7.2.3** Where the employee was the designated as the On Call person, whereby overtime rates shall apply for hours actually worked.

**2.** Overtime Policy for Salaried Employees.

**2.1.** For salaried staff, no overtime is provided for within the employment contracts as the management band remunerates employees at a rate recognising their seniority which takes into account a regular level of additional work to which they are compensated.

**2.2.** In extreme situations where unusually excessive hours has been worked on major projects, assignments or at the direction of the Chief Executive Officer (CEO), the CEO or Director of People and Safety may choose to approve time off in lieu for the additional hours worked.

**2.2.1.** Excessive hours shall be defined as outlined in the Council Enterprise Agreement: Overtime will be arranged so that, wherever reasonably practicable, an employee does not work more than sixteen hours in any period of 24 consecutive hours and so that each employee may have ten consecutive hour off duty in each such 24 consecutive hours

**2.2.2.** An employee who works so much overtime that he or she does not have ten hours off between the end of ordinary work on one day and the start of work on the next, will be released until he or she has had ten hours off duty without loss of pay for ordinary working time during that absence

**2.2.3.** If an employee is instructed to resume or continue work without having had ten consecutive hours off duty, then the employee will be paid overtime at double the ordinary rate until released from duty. The employee is then entitled to be absent until he or she has had ten consecutive hours off duty without loss of pay for ordinary working time occurring during that absence.

- 2.3** In certain situations, such as emergencies, where the salaried employee has to work excessive hours, there may be an entitlement for overtime rate remuneration as allocated by Federal Funding. During this type of occurrence, the employee may apply for an overtime payment.