

The TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016 (the Agreement) classifies flex workers as either full-time or part-time (if required) day workers or non-continuous shift workers.

Flex workers' hours of duty are governed by the Flexible Working Hours Agreement 2016 (FWHA). Senior officers and casual employees are not covered by the FWHA. The new or modified conditions from the Agreement are due to commence on 13 January 2017 and the FWHA commence on 9 January 2017.

ORDINARY HOURS OF WORK

Full-time employees work 35 hours a week managed over a four-week cycle.

Flex Workers have the option to schedule their work flexibly from Monday to Friday (inclusive) with their Manager's approval.

A minimum of three to a maximum of 10 hours per day can be worked.

Part-time employees work agreed contract hours less than 35 hours per week.

Non-continuous shift workers' hours are rostered for part of the work cycle, with the remainder undertaken under a flexible arrangement within operational business hours (e.g. library and administrative staff).

Subject to operational requirements and management approval, the hours worked each day can be varied within the bandwidth. The starting and finishing times can also be varied.

Operational Business Hours

Operational business hours are determined locally.

Operational business hours may only be varied to meet operational requirements and customer service levels after reasonable notice and consultation with affected employees.

Meal Breaks

Unpaid meal breaks (minimum 30 minutes) must be taken during or after a period of five hours of continuous work.

This can be increased (maximum of 90 minutes) if the employee is working under the FWHA, business requirements permit and the manager approves.

Non-continuous shift workers may only extend their rostered unpaid meal break with advanced approval.

Customer service must be maintained during breaks.

Morning and Afternoon Breaks

Morning and afternoon breaks (10 minutes) are allowed, provided that customer service is maintained.

Working Set Hours

Some employees may be required to work set hours to ensure operational requirements and customer service levels are maintained.

Subject to operational requirements, an employee may also elect to work standard hours. TAFE NSW may require an employee to work standard working hours if the employee is not observing the conditions of the FWHA, or if operational requirements determine a need.

FLEXIBLE WORKING HOURS AGREEMENT (FWHA)

Bandwidth

The Bandwidth for all day workers is 6am to 9pm Monday to Friday.

Based on operational requirements, employees may be scheduled to perform their day's work within this timeframe.

For example: An employee could be scheduled to work their contract hours (i.e. Seven hours a day), between 7:30am and 3:30pm (inclusive of a one-hour unpaid lunch break).

Settlement Period

The settlement period is 12 weeks at the end of which all time worked is balanced. The minimum hours which must be worked including leave is 420 hours for full-time employees or pro rata equivalent for part-time employees.

Accrued Work Time (AWT)

AWT is all approved time worked by the employee during the settlement period, including paid and unpaid leave and excluding paid overtime. Employees must receive approval from their manager in advance to accrue time beyond locally defined operational business hours.

A manager may provide an employee written approval in advance to work longer hours, rather than providing this authority on a daily basis.

All provisions of the FWHA apply to part-time employees on a pro-rata basis according to the number of hours or pattern of hours worked.

Employees working/accruing Flex Time will complete the standard TAFE NSW Electronic Flex Sheet. This flex sheet will need to be authorised by the employee's manager at the end of each four-week cycle.

Non-Continuous Shift Workers can elect to be covered by the Agreement. Employees working in accordance with a non-continuous shift roster are rostered for part of the work cycle with the remainder undertaken under the FWHA.

For example: An employee required to stay back once a week to cover the evening opening hours of a library is rostered on that day and therefore not entitled to be working flexibly. The roster must be based on the standard daily hours of 7 hours and the employee would receive payment for 7 hours on that day plus an appropriate shift allowance based on their shift finishing time.

Flex Days

Employees may accrue and take up to six Flex Time days in any 12-week settlement period as full days, half days, hours or any combination of those.

Leave Acquittal

For all employees covered by this arrangement, except by agreement, any excess recreation leave must be used prior to taking any accrued Flex Time days.

Time Credit and Debit

Up to 21 hours credit can be carried forward to the next settlement period.

Managers should review the hours of work at the end of each four-week period during the 12-week settlement period and rectify any excess or shortfall.

Leave must be submitted using the Employee Self Service system (ESS) for any shortfall of hours at the end of the settlement period.

Flex Time vs Overtime

Overtime occurs where an employee is 'directed' by their manager to work more hours than their agreed ordinary working hours.

For example: An employee is working agreed ordinary hours of seven per day, and their manager directs them to remain at work for an additional two hours to complete a specific work task, that is deemed to be overtime.

In contrast, if an employee asks their manager for approval to remain at work for an additional hour, to complete a task; this does NOT qualify as overtime. Rather the employee is accruing Flex Time.

Separation from TAFE NSW

For employees who have accrued Flex Time, it is the intention of the Agreement that they take this as time off, prior to separation from TAFE NSW.

The manager and the employee will, during the period of notice, eliminate accumulated credit or debit hours. Outstanding credit hours will not be paid out.

OVERTIME PROVISIONS

An employee may be directed by their manager to work overtime, provided it is reasonable for the employee to be required to do so.

Payment for overtime will only be made in instances where the employee has been directed to work these additional hours. All overtime worked must be authorised by the appropriate manager prior to the commencement of overtime. Overtime not authorised prior to the overtime being undertaken will not be paid as overtime.

A manager that requires an employee to work overtime will provide appropriate 'direction' with respect to when the overtime is to be worked and the nature of the work to be completed. The manager will seek confirmation from the employee that they are available and therefore agrees to work the overtime required.

Overtime Rates

Directed overtime will only be paid for full-time employees after 35 hours in a week have been worked.

Part-time employees can elect to record additional hours on their flex sheet to accrue towards flex time or they can request to be paid mutually arranged additional hours at (ordinary + 4/48th). Only directed overtime above 35 hours will be paid at overtime rates.

Day	Rate
Monday to Friday	Time and a half for the first two hours, double time thereafter
Saturday	Minimum payment of three hours Time and one half for the first two hours, double time thereafter
Sunday	Minimum payment of three hours Double time
Public Holiday	Minimum payment of three hours Double time and a half

Claiming Overtime

Employees who are directed to work overtime are required to record their start time, finish time and any break time taken during overtime.

The overtime hours should be claimed through Employee Self Service (ESS).

Overtime shall not be paid if the total period of overtime worked is less than 15 minutes.

Leave in Lieu

An employee may elect instead of payment of overtime to be granted leave in lieu. The following provisions apply to leave in lieu:

- The employee must advise the manager before the overtime is worked or as soon as practicable on completion of overtime, their intention to take leave in lieu of payment
- Leave shall be calculated at the same rate as would have applied to the payment of overtime
- Leave must be taken at the convenience of TAFE NSW, except when leave in lieu is being taken to look after a sick family member
- Leave in lieu accrued in respect of overtime shall must be taken within three months of accrual

An employee shall be paid the balance of any overtime entitlement not taken as leave in lieu.

Overtime Meal Breaks

Monday to Friday

If an employee is required to work overtime beyond 6:30pm and/or who works up to or beyond eight and a half hours ordinary hours of work, they may take a 30 minute unpaid meal break. If the overtime worked exceeds five hours, a further 30-minute unpaid meal break is allowed.

Saturday, Sunday and Public Holidays

A 30-minute unpaid meal break shall be allowed for a meal after every five hours of overtime worked.

Meal Allowances

Overtime Meal Allowance will not be paid if an employee is given 72 hours' notice of the requirement to work overtime.

If an employee is not given 72 hours' notice of the overtime, and an adequate meal is not provided by TAFE NSW, they will be reimbursed expenses incurred in obtaining a meal up to the appropriate rate specified in Schedule B, Section 9, Item 7.

To be eligible for reimbursement of meal costs:

- the time worked must be directed overtime
- the employee must provide receipts for incurred meal costs
- the employee was able to cease work for 30 minutes to take the meal
- the employee was not paid overtime in lieu of taking the meal break.

Reimbursement for obtaining a meal must be claimed through the Finance, Travel and Expense system.

Rest Periods

A 10 hour break between overtime and ordinary duty is required.

If an employee is directed to resume without having had 10 hours off duty, then overtime rates will be paid until released from duty for 10 hours.

Recall to Duty

Employees required to return to work after leaving the workplace, and therefore recalled to duty, receive a minimum of three hours overtime payment at the appropriate overtime rate as detailed in 'Overtime Rates', even if the period of duty (recalled for) may be less than three hours. For further information on recall to duty please refer to Clause 52 in the Enterprise Agreement.

ALLOWANCES

Allowances	Description
Community Language (Clause 33)	Applicable to all employees
Higher Duties (Clause 35)	Applicable to all employees
Use of Private Motor Vehicle (Clause 68)	Applicable to all employees
Remote Area (Clause 70)	Applicable to employees in remote areas
On call allowance (Clause 53)	Applicable when directed to be on call for possible recall
Travel (Part VI)	Applicable to all employees to be based on reimbursement of actual expenses
First Aid (Clause 34)	Two levels, basic and occupational (depending on the qualification held). Note: Security officers will receive the occupational rate without the need for the qualification.
Overtime Meal (Clause 55)	Actuals payable when 72 hours' notice is not given
Travel Assistance on Vacation (Clause 73)	Applicable to Broken Hill employees
Laundry (Clause 79)	Payable at a standard weekly rate if required by TAFE to wear a uniform

For Further Assistance

Please contact your local People and Safety Team.

Please note this fact sheet is intended as a guide only and does not override the TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016.