

The TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2016 (the Agreement) classifies rostered workers (shift workers) as an employee either full-time or part-time who works in accordance with a roster as directed by the Employer.

They are required to commence work at a specific time and work for a defined period in accordance with a roster.

ORDINARY HOURS OF WORK

Full-time employees contract hours are 35 hours per week, Monday to Friday (inclusively), except for seven-day shift workers whose ordinary hours include Saturdays, Sundays and public holidays.

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

Shift workers' ordinary hours cannot be more than 140 hours in 20 shifts in each roster period.

Each roster period is 28 consecutive days. A broken shift counts as one shift.

Meal Breaks

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

Where an employee is required by the employer to remain on the premises during the break due to the operational requirements of the area, they will be granted a paid crib break of thirty minutes. Such crib breaks shall be counted as time worked.

Variation to the rostered meal break must be approved in advance. 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.

ROSTER PROVISIONS

- Rosters should be prepared for a minimum period of 28 days where practicable.
- Rosters should be issued at least seven days prior to commencement of the roster.
- Each roster should specify starting and finishing times and meal break of each shift.
- A minimum break of eight consecutive hours between each ordinary rostered shift should be given.

- Where practical, 48 hours' notice is required to change a shift. Employees must be consulted for any changes to an employees' regular roster.
- Every effort will be made to negotiate alternative arrangements if proposed roster is incompatible with the rostered worker's family, religious or community responsibilities.

Accruing and Taking Rostered Days

- A full-time employee who is rostered over a 12-week period shall be entitled to three rostered days off (RDO) over the work cycle.
- Part-time employees do not accrue RDOs.
- To accrue an RDO the employee must work 36 hours and 45 minutes per week which can be rostered flexibly between Monday to Friday.
- A rostered employee may defer the taking of a RDO to a later date where agreed and operational requirements permit.
- Unused RDOs are paid out at separation from TAFE NSW.

SHIFT ALLOWANCES

Depending on the finishing time of the roster an employee may be entitled to ordinary rates plus the following shift loading:

Shift type	Criteria	Penalty Rates
Day	6am to 6:30pm	None
Morning	Commencing after 12am and before 6am	15%
Afternoon	Finishing after 6:30pm and at or before 12am	15%
Night	Finishing after 12am and at or before 6am	15%
Permanent Night	Finishing after 12am and at or before 6am (Not less than 4 consecutive weeks)	30%

The above loadings shall only apply to shifts worked from Monday to Friday. If a shift attracts more than one incidence of loading, then only the higher of the two loadings shall apply.

Shift Workers that are required to work on a Saturday or Sunday will not receive the Shift Penalty Loadings as listed in the above, rather they shall be paid the following shift loading:

Shift Type	Criteria	Penalty Rates
Saturday	All ordinary work on Saturdays (min 3 hrs)	Time + one half
Sunday	All ordinary work on Sunday (min 3 hrs)	Double Time

A shift worker required to work Saturday and/or Sunday (as per the above), shall be paid a minimum of three hours for each start.

Shift Workers that are required to work on a public holiday shall be paid the following shift loading:

Shift Type	Criteria	Penalty Rates
Public holidays	Ordinary work on a public holiday	Double time & one half

This payment will be in lieu of weekend or shift allowances which would have been payable if the day had not been a public holiday.

In instances where a shift worker is rostered off on a public holiday, which had it not been a public holiday the shift would normally have worked, it will be paid as one day's pay, or be credited to the employee's annual holidays.

Broken Shift

Broken shifts can only be performed by employees who deliver security services, requiring a security license.

- Maximum spread of hours between a broken shift is 12 hours
- Maximum unpaid break for employees working broken shifts is 5 hours

Broken shift allowances	Penalty Rates
Broken shift	<p>Paid a daily amount specified in Schedule B, Item 5</p> <p>This amount is inclusive of excess fare allowance</p> <p>Employees receiving broken shift allowance are not entitled to other shift allowances except as listed below</p>

Shift commences after 12am and before 6am	15% paid for each hour worked between such hours
Shift finishes after 7pm	15% paid for each hours worked after 7pm

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

Full-time employees will only be paid for directed overtime:

- in excess of the ordinary weekly hours and/or
- in excess of the ordinary daily hours on an ordinary shift.

Shift loading is not payable on hours claimed as overtime.

Part-time employees will only be paid overtime for directed hours above 35.

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

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, the 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 an hour and a half or more after the employee's ordinary hours of duty, they may take a 30-minute unpaid meal break shall be allowed for a meal. If the overtime worked exceeds five hours, a further 30-minute unpaid meal break is allowed.

Saturday, Sunday, Public Holidays

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

If required to remain on duty during meal breaks

If an employee is operationally required by the Employer to remain on the premises during the

meal break, 30 minutes (paid) meal break shall be allowed for a meal. If the overtime worked exceeds five hours, a further 30 minutes (paid) meal break is allowed. The paid break should be claimed as 'hours worked' when claiming overtime in ESS and not as additional time.

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

An 8 hours break between overtime and ordinary duty is required.

If an employee is directed to resume work without having had 8 hours off duty, then overtime rates will be paid until released from duty for 8 hours.

Recall to Duty

Employees required to return to work, after leaving the workplace, and therefore recalled to duty, receive a minimum of 3 hours overtime payment at the appropriate overtime rate(s) 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
Broken Shift (Clause 48)	Applicable be paid to worker providing security services
Remote Area (Clause 70)	Applicable to employees in remote areas
Travel (Part VI)	Applicable to all employees to be based on reimbursement of actual expenses
Certified Supervisor (Clause 36)	Applicable only to Children's Centres employees
Dirty Work (Clause 38)	Applicable to all employees, replacing the dirty, noxious substances, confined spaces and chokage allowances
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
Height (Clause 37)	Applicable to all employees, replacing height, roof and towers allowances
Overtime Meal (Clause 55)	Actuals will be paid when 72 hours' notice is not given
Travel Assistance on Vacation (Clause 73)	Applicable still apply to Broken Hill employees
Tools (Clause 39)	Payable to trades if TAFE does not provide tools
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.