

Human Resources Policy

Overtime

Policy number: C60 (QH-POL-185)

Publication date: June 2020

Purpose: To outline employee entitlements relating to overtime.

Application: This policy applies to the respective Queensland Health employees who are entitled to overtime as outlined in this policy.

This policy does not apply to employees working for the Queensland Ambulance Service.

Delegation: The 'delegate' is as listed in the Department of Health Human Resource (HR) Delegations Manual and the Hospital and Health Services Human Resource (HR) Delegations Manual – HRM Functions of the Director-General, as amended from time to time.

Legislative or other authority:

- *Industrial Relations Act 1999*
- *Disaster Management Act 2003*
- District Health Services – Senior Medical Officers' and Resident Medical Officers' Award – State 2012
- District Health Services Employees' Award – State 2012
- Building Trades Public Sector Award - State 2012
- Engineering Award - State 2012
- Medical Officers' (Queensland Health) Certified Agreement (No. 3) 2012
- Queensland Health Nurses and Midwives Award – State 2012

Related policy or documents:

- Directive 24/10 – Critical Incident Entitlements and Conditions
- Paid Meal Break for Switch Attendants who are Continuous Shift Workers or Sole Operators HR policy C34 (QH-POL-186)
- Fatigue Leave following Weekends and/or Rostered Days Off HR Policy C65 (QH-POL-135)

Policy subject:

1	Authorisation of overtime	3
2	Building, engineering and maintenance service employees	3
2.1	Overtime entitlements	3
2.2	Calculation of overtime rates – casual employees	4
3	Hospital and Health Service employees	4
3.1	Overtime entitlements	4
3.2	Time off in lieu entitlements	4
3.3	Accrual of TOIL	5
3.4	Recording of TOIL.....	5
4	Resident medical officers (RMOs)	5
4.1	Overtime entitlements	5
5	Nurses and midwives	6
5.1	Assistants in nursing	6
5.2	Nurse grade 2 – nurse grade 8	6
5.3	Midwives participating in a caseload model of care	7
5.4	Nurse grade 9 and above	7
5.5	Overtime entitlements for part-time employees	7
5.6	Calculation of overtime rates for casual employees.....	8
5.7	Accrual of TOIL	9
5.8	Recording of TOIL.....	9
5.9	Overtime for senior nurses and midwives required to work – disaster relief	9
6	Casual employees	10
History:		10

1 Authorisation of overtime

All overtime worked is to be authorised in advance by the employee's manager/supervisor.

2 Building, engineering and maintenance service employees

2.1 Overtime entitlements

The entitlements for overtime payment for Building, Engineering and Maintenance Service employees are outlined in clause 3.9 of the Queensland Health Building, Engineering and Maintenance Services Certified Agreement (No. 5) 2011.

There are some differences in overtime entitlements for those employed under the Building Trades Public Sector Award – State 2012 compared to those employed under the Engineering Award – State 2012, which are summarised in the table below.

Day	Payment for employees covered by Building Trades Public Sector Award – State	Payment for employees covered by Engineering Award – State
Monday to Friday	Ordinary rate at time and a half for the first two hours and double time thereafter	Ordinary rate at time and a half for the first three hours and double time thereafter
Saturday	Ordinary rate at time and a half for the first two hours and double time thereafter (with a minimum three hours payment)	Ordinary rate at time and a half for the first 3 hours and double time thereafter (with a minimum three hours payment)
Sunday	Ordinary rate at double time (with a minimum three hours payment*)	Ordinary rate at double time (with a minimum three hours payment*)
When required to report to work between midnight and 6:00 am		Ordinary rate at double time for all overtime worked up to the ordinary starting time Monday to Friday and up to 7:00 am on Saturday

* Provided that such minimum payment shall not apply where the overtime immediately precedes or follows ordinary working hours.

Further details of the overtime entitlements for Building, Engineering and Maintenance Services employees are outlined in:

- clause 3.9 of the Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 5) 2011
- clause 6.3 of the Building Trades Public Sector Award – State 2012
- clause 6.6 of the Engineering Award – State 2012.

2.2 Calculation of overtime rates – casual employees

The method of calculation of overtime entitlements for casual building, engineering and maintenance service employees is set out in section 3.1.

3 Hospital and Health Service employees

3.1 Overtime entitlements

In accordance with clause 6.8 of the District Health Services Employees' Award – State 2012 overtime entitlements are to be paid as follows:

Day	Overtime	Payment
Monday to Friday	Overtime (non shift workers)	Ordinary rate at time and a half for the first three hours and double time thereafter
	Overtime (shift workers working two or more shifts per day)	Ordinary rate at double time
Saturday (or first and/or third rostered day off in work cycle)	Weekend penalty	Ordinary rate at time and a half for the first three hours and double time thereafter (with a minimum two hours payment*)
Sunday (or second and/or fourth rostered day off in work cycle)	Weekend penalty	Ordinary rate at double time (with a minimum two hours payment*)
Employee's accrued day off (ADO)		Ordinary rate at time and a half for the first three hours and double time thereafter (with a minimum two hours payment)

* Provided that such minimum payment shall not apply where the overtime immediately precedes or follows ordinary working hours.

Casual loading is **not** payable for work on Sundays.

Further details of the overtime entitlements for building, engineering and maintenance services employees are outlined in 6.8 of the District Health Services Employees' Award – State 2012.

3.2 Time off in lieu entitlements

Clause 6.8.2 of the District Health Services Employees' Award – State 2012 permits the granting of time off in lieu (TOIL) of payment for overtime.

Line managers are accountable for the management of this employee entitlement and are required to justify accruals when TOIL balances are excessive.

The following limitations in relation to the granting of TOIL, apply to employees under the District Health Services Employees' Award – State 2012:

- The maximum number of working days an employee can add to annual recreation leave as equivalent time off for work performed, is 10 days in any one year and 20 days when an employee has elected to accumulate recreation leave for two years.
- The period of time during which an employee can take equivalent time off is six months or else such TOIL lapses.

This is subject to close supervision of the working of employees and every endeavour is to be made to grant officers time off prior to the TOIL lapsing.

The above arrangements are not to be amended but employees and their supervisors may agree on an alternative arrangement in exceptional circumstances. For further details refer Time Off in Lieu (TOIL) HR Policy C46.

3.3 Accrual of TOIL

In accordance with clause 6.8.2 of the District Health Services Employees' Award – State 2012, TOIL is accumulated on a time for time basis, e.g. when four hours is worked then four hours are credited to the TOIL balance irrespective of the day on which the work is performed.

TOIL is to be taken at a mutually convenient time.

3.4 Recording of TOIL

Each work area is to ensure that an accurate and reliable system is used for recording the accumulation and taking of TOIL. It is recommended the HR payroll system is used to record the accumulation and taking of TOIL. Line managers are to submit authorised documentation on the appropriate form and/or timesheet.

The recording of TOIL balances through the HR payroll system ensures the audit reporting of TOIL through the HR payroll system as well as monitoring of excessive TOIL by the executive management.

4 Resident medical officers (RMOs)

4.1 Overtime entitlements

Payment for overtime to RMOs is to be calculated on a daily basis. Each day's overtime stands alone for payment and such time worked in excess of the minimum weekly ordinary hours is to be calculated at overtime rates on the day on which the hours were worked.

Example 1

An RMO who has been rostered for an eight hour shift, but is required to work an additional two hours overtime, is entitled to payment for two hours overtime.

Example 2

An RMO who has been rostered for a four hour shift, but is required to work an additional two hours of overtime, is entitled to payment for two hours overtime.

5 Nurses and midwives

5.1 Assistants in nursing

In accordance with clause 6.6.1 of the Queensland Health Nurses and Midwives Award – State 2012 assistants in nursing (AINs) are entitled to the following overtime payments:

Day	Payment
Ordinary work outside normal working hours (not in conjunction with or an extension of the normal ordinary rostered shift)	(Ordinary rate plus casual loading) at double time
Saturday	(Ordinary rate plus casual loading) at double time (with a minimum payment of two hours)
Sunday	(Ordinary rate) at double time (with minimum payment of two hours)
First rostered day off (non shift workers)	(Ordinary rate plus casual loading) at time and a half for the first three hours (Ordinary rate plus casual loading) at double time after three hours (with minimum payment of three hours)
Second rostered day off (non shift workers)	(Ordinary rate plus casual loading) at double time (with a minimum payment of three hours)

Casual loading is not payable on Sundays.

5.2 Nurse grade 2 – nurse grade 8

In accordance with clause 6.6.2 of the Queensland Health Nurses and Midwives Award – State 2012, nurses and midwives at Nurse Grade 2 – Nurse Grade 8 inclusive are entitled to the following overtime payments:

Day	Payment
Monday to Saturday	(Ordinary rate plus casual loading) at time and a half for first three hours
Ordinary work outside normal working hours (not in conjunction with or an extension of the normal ordinary rostered shift)	(Ordinary rate plus casual loading) at double time after three hours
Sunday	(Ordinary rate) at double time

Casual loading is not payable on Sundays.

5.3 Midwives participating in a caseload model of care

In accordance with clause 3.3.4 of the Queensland Health Nurses and Midwives Award – State 2012, midwives working in a caseload model of care are paid an annualised salary in recognition of flexible patterns of work to provide continuity of care. The rate is all inclusive and therefore no separate payments are to be made for overtime.

5.4 Nurse grade 9 and above

In accordance with clause 6.6 of the Queensland Health Nurses and Midwives Award – State 2012, Nurse Grade 9 and above are exempt from the overtime provisions prescribed in the clause. The exception to this, is in times of declared disasters as detailed in clause 5.9 of this Policy.

5.5 Overtime entitlements for part-time employees

Overtime is payable once the ordinary daily or ordinary weekly full-time hours have been exceeded. This excludes:

- overtime for Nurse Grade 9 and above (when no overtime payments are made)
- midwives participating in a caseload model of care
- situations when a part-time employee is rostered to be on call and is recalled to duty (in this instance overtime provisions apply regardless of whether the employee has exceeded the ordinary daily or ordinary weekly full-time hours).

The ordinary daily hours of full-time employees may vary from four to ten on any one day.

To clarify eligibility of part-time employees to overtime payments in light of the range of ordinary daily hours, the following standard interpretation has been agreed with the Queensland Nurses' Union. The standard interpretation requires that overtime for part-time employees is payable when:

- a part-time employee has worked in excess of eight hours on any one day, except when that employee has been rostered for more than eight hours
- the rostered hours of a part-time employee exceeds eight hours on any one day, overtime is payable for work performed in excess of their rostered hours
- a part-time employee exceeds the full-time average of 38 hours per week, on condition the average may be calculated over a two week period
- a part-time employee is rostered to be on call and is recalled to duty.

Example

A part-time employee is rostered to work:

Day	Hours worked	Rostered hours
Monday	5 hrs	8:00 am to 1:00 pm
Wednesday	9 hrs	8:00 am to 5:30 pm (30 minute exclusive meal break)
Thursday	5 hrs	8:00 am to 1:00 pm

The employee actually works:

Day	Hours worked	Actual hours worked
Monday	9 hrs	8:00 am to 5:30 pm (30 minute exclusive meal break)
Wednesday	10 hrs	8:00 am to 6:30 pm (30 minute exclusive meal break)
Thursday	6 hrs	8:00 am to 2:30 pm (30 minute exclusive meal break)

The additional payments are:

Day	Payments
Monday	Three additional hours at ordinary time and one hour at overtime rates for time worked in excess of eight hours (i.e. from 4:30 pm to 5:30 pm).
Wednesday	One hour at overtime rates for time worked in excess of rostered hours (i.e. from 5:30 pm to 6:30 pm).
Thursday	One additional hour at ordinary time. No overtime is payable as the employee has not exceeded ordinary daily full-time hours or ordinary weekly full-time hours.

5.6 Calculation of overtime rates for casual employees

As a result of an interpretation by the Queensland Industrial Relations Commission (QIRC), the appropriate penalty for casual employees is to be assessed in the following manner for payment for work performed on afternoon or night shifts, on public holidays, at weekends, or for overtime.

Day	Overtime	Payment
Saturday	Weekend penalty	(Ordinary rate plus casual loading) at time and a half
Sunday	Weekend penalty (other than AINs)	Ordinary rate at time and three quarters (i.e. 1.75)
Sunday	Weekend penalty (AINs)	Ordinary rate at double time
Public holidays	Public holiday penalty	(Ordinary rate plus casual loading) at double time and a half
Overtime	Overtime (AINs)	(Ordinary rate plus casual loading) at double time
Overtime	Overtime (all other nursing employees)	(Ordinary rate plus casual loading) at time and a half for the first three hours (Ordinary rate plus casual loading) at double time thereafter
Afternoon shift	Afternoon shift (other than AINs)	(Ordinary rate plus casual loading) plus 12.5% of ordinary rate)
Afternoon shift	Afternoon shift (AINs)	(Ordinary rate plus casual loading) plus (15% of ordinary rate)

Night shift	Night shift (other than AINs)	(Ordinary rate plus casual loading) plus (20% of ordinary rate)
Night shift	Night shift (AINs)	(Ordinary rate plus casual loading) plus (17.5% of ordinary rate)

Casual loading is not payable on Sundays.

5.7 Accrual of TOIL

Clause 6.6.3 of the Queensland Health Nurses and Midwives Award – State 2012, provide for an employee to be granted TOIL or overtime subject to the employer and the employee agreeing to such an arrangement. This provision is not restricted to weekends and/or public holidays.

A nurse or midwife may elect to accrue TOIL in lieu of monetary compensation for overtime worked. However, accrual of TOIL cannot exceed 24 hours and any time in excess of 24 hours is to be paid at overtime rates.

5.8 Recording of TOIL

The requirements regarding the recording of TOIL for nurses and midwives are set out in section 3.4.

5.9 Overtime for senior nurses and midwives required to work – disaster relief

Directors of Nursing and Assistant Directors of Nursing (Nurse Grade 9 and above) are ordinarily exempt from the paid overtime provisions contained in clause 6.6 of the Queensland Health Nurses and Midwives Award – State 2012 (the Award) and have their usual hours of work specified in clause 6.2 of the Award. However, clause 20 of the Nurses and Midwives (Queensland Health) Certified Agreement (EB8) 2012 (Nurses and Midwives EB8) provides that a Nurse Grade 9 and above will be able to claim paid overtime in relation to disasters declared by the delegated authority (natural or internal disasters).

Clause 20 of the Nurses and Midwives EB8 provides that time off in lieu (TOIL) is inappropriate during or after a declared disaster given the need to work beyond usual hours to maintain clinical services. Accordingly, a Nurse Grade 9 and above may claim overtime in the following circumstances:

- Paid overtime may be claimed when a disaster has been declared under the Disaster Management Act – 2003. Paid overtime may also be claimed when an “internal” disaster, limited to a particular Hospital and Health Service, (or facility/service), is declared by a Hospital and Health Service Chief Executive (or delegate).
- Employees must work any extra hours that attract the overtime payment as a direct consequence of the declared disaster. All claimed overtime must have been worked in order to maintain clinical services, either during or after a declared disaster.
- Extra hours worked that attract the overtime payment must be authorised in accordance with clause 6.6 of the Award.
- All overtime worked will be paid at the rate prescribed in clause 6.6.2 of the Award, consistent with the entitlement of other registered nurses and midwives.
- The on call allowance is not payable to Nurse Grade 10.1 employees.

6 Casual employees

Unless otherwise specified in an Award, Agreement or administrative arrangement, the appropriate overtime penalty for casual employees is to be assessed in the following manner:

Time and a half	(Ordinary rate plus percentage loading) at time and a half
Double time	(Ordinary rate plus percentage loading) at double time
Double time and a half	(Ordinary rate plus percentage loading) at double time and a half

The penalty payments apply to work performed on afternoon or night shifts, public holidays and weekends. Depending on the award under which an employee is engaged, the casual loading may **not** be payable for work on Sundays.

History:

June 2020	<ul style="list-style-type: none"> Policy application amended as a result of changes outlined in the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
May 2014	<ul style="list-style-type: none"> Policy reviewed as part of the Queensland Ambulance Service (QAS) HR Policy Integration project. Policy not applicable to QAS employees.
July 2013	<ul style="list-style-type: none"> Amended as part of the HR Policy Simplification project Inclusion of clause 5.9 Overtime for senior nurses and midwives required to work – disaster relief
April 2010	<ul style="list-style-type: none"> Amended overtime payments table under section 7.5.2.
February 2010	<ul style="list-style-type: none"> Developed as a result of the HR policy consolidation project.
Previous	<ul style="list-style-type: none"> IRM 2.4-1 Casuals - Overtime, Shifts and Penalty Payments IRM 2.5-7 Time Off in Lieu - District Health Services Employees' Award and Nurses (Queensland Public Health Sector) Award and Nurses (Queensland Public Hospital) Award IRM 2.5-9 Extended Period of Overtime for Senior Medical Officers under the Regional Health Authorities - Senior medical Officers' and Resident Medical Officers' Award - State IRM 2.5-14 Definition of Double Rates IRM 2.5-15 Overtime Provisions – "Regional Health Authorities – Senior Medical Officers' and Resident Medical Officers' Award – State" IRM 2.5-17 Nursing Awards – Payment of Overtime – Part Time Employee