



Mr Steve Turner
Acting General Secretary
Public Service Association of NSW
160 Clarence Street
SYDNEY NSW 2000

Attention: Vera Babicheva

DOC15/690645

Dear Mr Turner

I refer to your letter of 1 September 2015 (your reference: ST:VB:cj 14/1275 PT2) concerning two main outcomes arising from an LMBR meeting between the Department and Association held on Monday, 24 August 2015.

The impact of LMBR on workload

In a letter to the Department dated 27 March 2015 the Association provided findings and a summary of responses gathered from a first round of calls the Association made to members in 117 of the 229 schools. This letter also stated that the Association was still collating data from a second round of consultation with members. To my knowledge, the Department has not received any information or findings from the Association in relation to this second round of consultation and it would be appreciated if this could be provided. It is unclear to the Department from the information provided to date of any particular evidence that SAS staff are not being paid for hours worked, are not being paid overtime or receiving time off in lieu. I reiterate the advice provided in our letter dated 21 August 2015 (our reference: DOC15/642137), that the Department is happy to investigate the matter of any individual SAS staff who have not been paid for the hours worked if the Association can provide more detail.

In relation to the information request in your letter of 1 September 2015 I can confirm that the Department will investigate whether some of this information can be gathered centrally. I am advised it may be possible to collate some information regarding overtime and resources however records regarding time off in lieu are not kept centrally by the Department as this is managed locally by each individual school.

Request for a directive on the performance of overtime

I can confirm that advice has been written which will be sent out to principals and SAS staff in the next available SchoolBiz. This advice contains information on the entitlements SAS staff have when required to work additional hours or overtime with reference to the relevant sections of the award and the handbook. It also addresses the provisions of time off in lieu of payment for overtime. A copy of this advice is attached for information.

Yours sincerely

Mark Philip
Director, Industrial Relations

4 September 2015

School Administrative and Support Staff

Additional Hours, Overtime and Time off in lieu of payment for Overtime

The following information is provided to assist principals when there is the need for School Administrative and Support Staff (SAS staff) to work outside of their normal hours of duty.

Additional Hours

SAS staff members who are required by their principal to perform additional hours above their normal hours of duty are entitled to receive additional remuneration for the work performed. Additional hours for a full time permanent or temporary SAS staff member may be paid where:

- a School Administrative Manager is required to work beyond 6 hours 40 minutes in any one school day up to a maximum of 7 hours;
- where all other SAS staff are required to work beyond 6 hours 15 minutes in any one school day up to a maximum of 7 hours.

Additional hours may also be paid to a part time permanent or part time temporary SAS staff member when then work beyond their normal hours of duty for the school day concerned up to a maximum of seven hours.

Further information regarding additional hours can be found at Section 1.6.1 Additional Hours of the *Non-Teaching Staff in Schools Handbook*.

<https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directoratesaz/ires/indrel/sasshandbook/sasshbook.pdf>

Overtime

SAS staff members are entitled to the payment of overtime when they are required by their principal to work more than 7 hours in any one school day or to work on a weekend or public holiday.

The overtime rates for weekdays, weekends and public holidays can be found at Clause 18 of the *Crown Employees (School Administrative and Support Staff) Award* (the Award). A link to this Award is below.

<http://www.ircgazette.justice.nsw.gov.au/irc/ircgazette.nsf/webviewdate/C7829>

Please note that overtime for work performed on a normal working day will not be paid to SAS staff members who are working under the averaging of hours provision (Clause 7.4 of the Award) except for work performed before 7.30am or after 6.00pm

Time Off in Lieu of Payment for Overtime

A SAS staff member who at the direction of their principal works overtime may, within 2 working days of working the overtime, elect to take leave in lieu of payment for all or part of the entitlement for the time worked. This leave in lieu accrues at the same rate as the overtime worked. For example, 2 hours overtime worked on a weekday would equate to 3 hours of leave in lieu (2 hours x time and a half).

Time off in lieu of overtime is to be taken in multiples of a quarter day only, is to be taken at the convenience of the school and is to be taken (generally) within 3 months of the date of accrual. If there is a balance of overtime entitlement not taken as leave in lieu the SAS staff member is entitled to be paid this balance.

The claim form for additional hours and overtime can be found on the People and Services non teaching staff in schools intranet page at the following link:

<https://detwww.det.nsw.edu.au/lists/directoratesaz/humanresources/nonteachst/employeeforms/index.htm>