

# PSA Fact Sheet



## SAS Staff - overtime or time off in lieu entitlements

This fact sheet has been prepared by the PSA to provide School Administrative and Support Staff (SAS) with information on their right for the payment of overtime or to access time off in lieu where work is completed outside or in excess of normal hours of work.

The right to overtime and time off in lieu are derived from two sources: the award and the handbook. The applicable award is the [Crown Employees \(School Administrative and Support Staff\) Award](#) ('the award') – the applicable clause is clause 18.

<http://psa.asn.au/wp-content/uploads/2015/09/CROWN-EMPLOYEES-SCHOOL-ADMINISTRATIVE-AND-SUPPORT-STAFF-AWARD.pdf>

The award should be read in conjunction with the [Non teaching staff in schools handbook](#) – specifically clause 1.6.

<http://psa.asn.au/wp-content/uploads/2015/09/Handbook-for-non-teaching-staff-in-schools-January-2009.pdf>

Note that the award is a legal instrument that overrides the handbook. A policy document cannot undercut the pay and conditions set out in the award and will be unenforceable to the extent of the inconsistency.

## The definition of normal hours and averaging of hours under the award

### Normal hours of work

The award prescribes normal hours of work. Normal hours refers to the number and span of hours you are expected to normally work on a full-time basis under your award. Normal hours of work are defined differently for different kinds of staff:

- SAS Staff are 31 hours and 15 minutes per week
- Full-time School Administrative Managers are 33 hours 20 minutes per week
- Former Library Clerical Assistants covered by the 1988 agreement may continue to work 36.25 hours per week.

The hours are to be worked between 8:00am and 4:30pm on school days (for all staff) unless an agreement for averaging of hours is entered into (see below). This means you can do your daily hours within this time period.

Note that the award clearly states that split shifts are not permitted.

### Averaging of hours of work

The award allows for the above hours to be averaged out by agreement between you and the Principal or their delegate. This means that you are not obligated to agree to an averaging arrangement as mutual consent is a clear requirement in the award.

The award provides that actual hours of work may (by agreement) be between 7:30am and 6:00pm and averaged for up to a 10 week period to be: 312 hours 30 minutes for full-time employees working 31 hours 15 minutes per week; or

- 333 hours 20 minutes for full-time employees working 33 hours 20 minutes per week; or
- 362 hours 30 minutes for full-time employees working 36 hours 15 minutes per week.

## Overtime pay

### Overtime must be directed

The award refers to ‘directed overtime’ – this means that you must be directed to perform the overtime by your supervisor (i.e. the Principal or their delegate) in order to receive the payment. PSA advises that it is best practice to get this direction in writing. If the workload is such that it requires you to stay back, PSA advises that you request your supervisor to authorise a direction to work overtime. **You should not be performing unpaid hours of work as this would potentially bring you below the award wage and be a breach of the award.**

### Rate of pay for overtime

The rate of pay for overtime depends on the day of the week:

Directed overtime on weekdays	Directed overtime on weekends and public holidays
<p>Directed overtime worked on Monday to Friday is paid at time and a half for the first two hours and double time thereafter:</p> <ul style="list-style-type: none"> <li>• employees not under the averaging provisions will be paid overtime after 7 hours of normal work</li> <li>• for employees under averaging provisions overtime applies where it is worked after 6pm following 7 hours of normal work</li> </ul>	<ul style="list-style-type: none"> <li>• All directed overtime worked on a Saturday is time and a half for the first two hours and double time thereafter</li> <li>• All directed overtime worked on a Sunday is paid at double time</li> <li>• All directed overtime worked on a Public Holiday is paid at double time and a half</li> <li>• Any overtime performed on weekends or public holidays shall be paid a minimum payment for three hours work</li> </ul>

### Meal breaks and allowances during overtime

All staff working overtime on a weekend or public holiday are entitled to a 30 minute break after five hours of overtime worked. For staff working overtime on weekdays the meal break entitlement depends on whether you are on an averaging of hours arrangement:

Hours Arrangement	Overtime meal break entitlement
Employee not on an averaging of hours scheme	Employee entitled to a meal break 1.5 hours after overtime starts and then 30 minutes per every five hours worked thereafter
Employee on an averaging hours scheme	If employee works after 6pm and more than 8.5 hours (including ordinary lunch break), a 30 minute meal break applies. A 30 minute meal break applies for every 5 hours worked thereafter.

## Rest entitlements after working overtime

If an employee works overtime they are entitled to be absent from work for 8 consecutive hours. If this does not occur, the employee is to be paid overtime until released from duty. The employee would then be entitled to have 8 consecutive hours off work and to be paid at their ordinary hourly rate for those 8 hours.

## Time off in lieu

The right of a SAS Staff member to elect time off in lieu is set out in the handbook – specifically clause 1.6.2.9. A SAS Staff member may within 2 business days of performing overtime, elect to take leave in lieu of payment for all or part of the entitlement in respect of the time worked. Leave is to accrue at the rate specified for overtime. It is **your decision** whether you would prefer to be paid overtime or take time off in lieu and your right to choose what you would prefer.

The handbook specifies that the leave must be taken within 3 months of accruing at the convenience of the school. If you do not take the time off in lieu within this time you are entitled to be paid for the overtime.

## What to do if you are not receiving your entitlements

If you are not receiving the entitlements that have been set out in this fact sheet, or if you have any other feedback to provide, please email the PSA dedicated schools email account: [schools@psa.asn.au](mailto:schools@psa.asn.au)

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