

## Environment Protection Authority Overtime

On 21 October 2015, the PSA met with EPA/OEH to discuss the correct interpretation of overtime pursuant to the Crown Employees (Public Service Conditions of Employment) Award Clause 88.3.

Although the issue has been championed by PSA members at the Newcastle Offices of EPA and OEH, the matter has state wide implications not just for EPA and OEH but all PSA members with similar overtime award provisions.

At the meeting, it was agreed by the parties that an exchange of letters would occur. The letters were to outline what both parties considered to be the correct interpretation of the overtime provisions in the award.

In a letter dated 5 November, the PSA formally wrote to the Office of Environment and Heritage providing the Association's interpretation as agreed. Read that letter [HERE](#).

[http://psa.asn.au/wp-content/uploads/2015/12/151105\\_ODonnell-T\\_overtime\\_A15-0858.pdf](http://psa.asn.au/wp-content/uploads/2015/12/151105_ODonnell-T_overtime_A15-0858.pdf)

If there is no agreement between the

parties, a remedy will be sought in the Industrial Relations Commission of NSW. To date the Department has not provided a response.

Until the matter is resolved, the PSA reiterates that any direction to work more than 7 hours per day is overtime and must be paid at the appropriate rates.

If the direction to work overtime is unclear, the PSA recommends that clarification is sought in writing prior to commencing the duties.

The employee may elect to either be paid at overtime rates or take time in lieu.

If a staff member chooses to work in excess of 7 hours within their bandwidth it is not overtime but will however add to flex leave as per award provisions.

**The PSA also reminds members that approval to undertake overtime must be gained prior to the work being completed or the work will be paid at standard hourly rates.**

A further update will be provided when the PSA receives the Department's response to our correspondence.

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