



28 March 2017

# Community Services Clarification of Flexible Working Hours agreements

## Background

FACS – Community Services has two flexible working hours agreements which have been agreed with the PSA:

- The Standard Flexible Working Hours Agreement found [HERE](#).  
(<http://psa.asn.au/wp-content/uploads/2017/03/Flex-agreement-STANDARD.pdf>)
- The Field Flexible Working Hours Agreement found [HERE](#).  
(<http://psa.asn.au/wp-content/uploads/2017/03/Flex-agreement-FIELD.pdf>)

These agreements are intended to benefit both staff and the Department. In particular, FACS benefits from work done before 9am and after 5pm during field flex time to suit clients' needs, or to meet deadlines, in particular court documentation. In return for the absence of overtime or penalty rates both agreements gives staff the right to have two flex days per four-week period subject to certain conditions.

## Your right of two flex days per period

There is often a lack of understanding among some FACS managers and staff about the right for staff to have two flex days. It is your entitlement under the agreements, subject to Departmental convenience as to what days are convenient for both you and your local management.

Clause 13 of both Agreements provides that:

### 13. FLEXI LEAVE

- All staff are entitled to take up to two (2) flex days in any settlement period.*
- These days may be taken consecutively.*
- The two flexi leave days may be taken as either two (2) full days or four (4) half days or combinations thereof.*
- Flex leave can only be taken subject to Departmental convenience and the prior approval of an employee's supervisor is necessary in every case.*

Departmental convenience means FACS managers need to ensure adequate staffing levels and not approve flex leave for all staff in a particular location/cluster on the same day, or a day a particular worker has a fundamental unchangeable work commitment, such as attending a court. They can also ensure the staff member will be able to work their minimum contract hours in the settlement period.

This does not mean workers can start work early or finish late merely to build up their flex hours. There has to be work to coincide with their start and finish times. It would be extremely unusual for a worker not to have adequate work within the range of starting and finishing times. Most Position/Role Descriptions within FACS give staff a reasonable amount of autonomy regarding the management of workloads. Within these constraints and provided

the worker will not be carrying more than 10 hours deficit into the next settlement period, it is the manager's responsibility to assist the worker to access requested flex leave within the settlement period.

This means both workers and management need to be able to give options about which days of flex leave can be approved. If your request is declined on your nominated day for flex your manager needs to give appropriate reasons. You then have the ability to suggest an alternative. Managers should not decline suggested days without agreeing on another two days which **are suitable to the staff member (if possible)** within the period.

It is neither reasonable nor acceptable for managers to simply advise workers that approval of flex leave (be it the first or second flex day in a period) is conditional on the worker being up to date with all their work.

The decision to approve or decline requested flex days should be given in a timely manner (such as within 48 hours) to enable staff to plan for their flex days.

Both agreements also recognise that Community Services Centres need to open during business hours. The agreements require that:

- *all areas of the Department of Community Services must be appropriately staffed between the hours of operation of each office Monday to Friday*
- *management and staff will work co-operatively to ensure the service requirements of each office are achieved*
- *management may require that certain positions be available during certain hours due to the requirements of those positions. This should be negotiated between management and staff concerned bearing in mind the spirit and intent of this Agreement.*

The agreements further provide that:

- the normal business hours of the Department of Community Services, as determined by management, will be either 8.30am to 4.30pm; or 9.00am to 5.00pm Monday to Friday*
- All areas of the Department of Community Services must be adequately staffed between these hours.*

The spirit and intent of these agreements is one of give and take, supported by genuine negotiation between staff and their managers. Ideally, in most instances suitable arrangements will be made that are fair to you, your colleagues and management.

## What is the PSA doing?

FACS cannot change these agreements without consulting with the PSA. Members can be assured the PSA will continue to protect your hard-won entitlements to flexible working hours.

## What you can do?

In the event that you experience difficulties having your request for a flex day approved please contact your local delegate or the PSA's Member Support Centre on **1300 772 679**. Matters that cannot be resolved will be referred to one of the PSA's designated Community Services industrial or organising staff.

You can support the work of the PSA and your local delegates by asking your colleagues to **JOIN the Union.**

<http://www.cpsu.org.au/get-involved/become-member>

