



# Rostering Principles

ADHC

Strategic Human Resources  
Ageing, Disability and Home Care, Department of Human Services NSW  
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Human Services  
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# Document approval

The *Rostering Principles: Group Homes and Respite Centres* has been endorsed and approved by:

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# 1. Statement of Intent

These principles are to be adopted by Regions in rostering **Disability Support Workers and Team Leaders** within Ageing, Disability and Home Care (ADHC). They are to be read in conjunction with the *Crown Employees Ageing, Disability and Home Care - Department of Human Services NSW (Community Living Award) 2010* (hereafter referred to as the Award).

ADHC is responsible for the delivery of client services in the accommodation and respite business stream. In determining rostering requirements line managers must have regard to the identified client needs requiring staff support, OH&S obligations, management of risk and the allocated budget.

This document sets out the principles to be applied in the rostering of staff in line with the Award provisions. It is accompanied by a rostering procedures document that addresses implementation issues that arise from time to time.

# 2. Award and General Parameters

- i. Rosters must meet the needs of ADHC and its clients. In this context ADHC is committed to maximising the flexibility available to employees to balance their work and personal/family obligations.
- ii. Requests for roster changes due to personal/family obligations should be given favourable consideration where the request can be practicably and reasonably facilitated. So far as possible, reasonable notice should be provided by the employee. In this context Team Leaders need to consider NSW Government policy and legislative requirements regarding accommodating personal and family obligations, and may need to balance competing and/or conflicting requests from staff. The Businesslink Human Resources section in each Region are available to provide advice to Team Leaders when making rostering decisions.
- iii. Shifts may be swapped by mutual agreement with the prior approval of the Team Leader.
- iv. The requirements of Clause 4 "Hours" and Clause 5 "Rosters of Hours" of the Award are to be met. Rosters are to be for a period of 28 calendar days.
- v. Standard shift lengths for full time employees are 8 or 10 hours.
- vi. The minimum ordinary hours that may be rostered for permanent/temporary part-time or casual employees is 3 hours and ordinary shift lengths will otherwise not exceed normal full time hours.
- vii. Clause 5 "Roster of Hours" of the Award sets out the terms and conditions of payment to staff, including the payment of overtime, where alterations are made to a roster.
- viii. Where a change in roster occurs within less than 24 hours notice to the affected staff member all time worked outside that shown on the roster shall be paid at overtime rates.

### 3. Master and Operational Rosters

- i. Master rosters are developed by Team Leaders in consultation with staff and provided to Coordinators Accommodation and Respite for approval.
- ii. Operational rosters are developed by Team Leaders in consultation with staff.
- iii. Rosters are not to be used as a mechanism to inappropriately advantage or disadvantage any staff member.
- iv. The development of master rosters and any changes to them are to be the subject of consultation with all permanent and temporary staff.
- v. Operational rosters are developed from the master roster in consultation with staff. Operational rosters will reflect deviations from the master roster.
- vi. An operational roster may be changed at any time to enable the operation of the service to be carried on. Long term or anticipated changes to client needs will be reflected as a change to the master roster.
- vii. Operational rosters are to be displayed two weeks in advance of the rostering commencing.
- viii. Any change in the displayed operational roster must be notified verbally and in writing, where practical, to the staff member concerned. In all cases a written record of the decision must be kept. Any change to the operational roster which exceeds the cost of the roster budgeted for that location is subject to approval.

### 4. Needs Based Rostering

- i. All full-time and part-time employees are employed as shift workers on a 24/7 basis in accordance with the Award subject to any part-time work agreements.
- ii. The rostering arrangements should be appropriate to the client needs and the staffs' skills.
- iii. All staff should be rostered in a way that:
  - is based on rostering need such as capacity for supervision (informal/formal); ability to perform key worker role; and opportunity to work alongside other colleagues.
  - facilitates their attendance at staff meetings and approved professional development and training. Every endeavour is to be made to ensure all staff can attend staff meetings e.g. the immediately prior rostered night shift to be arranged for a person outside the unit.
- iv. All employees who have not previously worked in a ADHC Group Home or Respite Unit where they will be required to work are to receive 3 hours of orientation to the unit or more if necessary. The hours for the orientation are to be supernumerary for the employee being inducted into the unit.

## 5. Filling of Vacant Shifts – Where the Vacancy Will Not Exceed 5 Working Days

- i. For vacancies not exceeding 5 working days there is usually a need to supplement the workforce as a consequence of:-
  - changing client needs
  - the absence of another employee
  - an emergency.
- ii. Vacancies not exceeding 5 working days are to be filled in the following order:
  - a. Additional hours offered to permanent and/or temporary part-time employees.
  - b. Engagement of casual employees at ordinary rates i.e. not overtime work.
  - c. Overtime.
  - d. Agency staff.
- iii. In the filling of vacancies not exceeding 5 working days regions should explore options for using existing staff from within the Cluster and also within Region.
- iv. Provided that in making the offer of additional, casual or overtime hours, the total number of hours which will be worked by the employee in the fortnight period is taken into account. This is necessary to meet OH&S responsibilities in relation to fatigue management. The working of a maximum of 96 hours per fortnight is considered reasonable
- v. All employees are expected to take reasonable steps to fill immediate short term vacancies. The filling of all other vacancies will be the responsibility of the line manager responsible for rostering of that Unit
- vi. Disability Support Workers need not seek the approval of the Team Leader or the on-call officer in filling a short-term vacancy, provided that the offer of hours of work is line with these principles and follows the order set out in (ii) above. However, in emergency situations, particularly in instances where the immediate health and safety of a client or employee is seriously at risk and the Team Leader is not rostered to work, employees may directly contact employees to attend work in the absence of an approval from a manager to do so. Contact is to be made with the line manager responsible for rostering of that Unit as soon as practicable after the engagement has been made.

## 6. Filling of Vacant Shifts – Vacancies Exceeding 5 Days

- i. Where it is known in advance that there will be a vacant line on a roster and the vacancy is not short term, ADHC's preference is to fill the entire line wherever practicable. The order outlined below will be applied in the first instance to the entire vacancy. If it is found that the vacancy can not be filled by a single staff member, then the vacant shifts will be offered to staff in the following order;

- a. Permanent part-time staff to be offered a temporary increase in hours.
  - b. New temporary contract of employment or variation of contract for existing temporary staff. Where appropriate may also be administered by way of payment of additional hours.
  - c. Engagement of casual employees at ordinary rates i.e. not overtime work.
  - d. Overtime.
  - e. Engagement of agency staff.
- ii. The Guidelines for the Engagement of Agency staff in Group Homes and Respite Centres are to be consulted where it is proposed to engage agency staff.

## 7. Dispute Resolution

- i. In the first instance concerns about rostering should be the subject of discussion between the staff members involved and their immediate supervisor. Team meetings or supervision sessions may be the appropriate forum for these discussions. In the case that the matter remains unresolved, the matter should be raised with the Coordinator Accommodation and Respite who will address the issue if necessary with the Manager, Accommodation and Respite.
- ii. ADHC will monitor the application of these principles by Regions through the localised joint consultative committees between ADHC and the PSA. Where issues remain unresolved they may be referred to ADHC's Central Office for assistance.







## **Rostering Principles for Group Homes and Respite Units – Procedures**

### **1. Purpose**

The purpose of this document is to address procedural issues that arise in the application of the rostering principles ("the Principles") and the rostering provisions of the *Crown Employees Ageing, Disability and Home Care - Department of Human Services NSW (Community Living Award) 2010* ("the Award"). This document is to be read in conjunction with the Principles and the Award.

The procedures apply to **Disability Support Workers and Team Leaders** employed in ADHC-operated group homes, respite units and in-home support services. They do not apply to nurses.

The procedures will be updated from time to time as operational issues with the application of the Principles.

### **2. Filling of Short-term Vacancies**

The Principles provide that a Disability Support Worker can fill a short term vacancy. The prior approval of the Team Leader or the on-call officer is not required; provided that the Principles are followed (see Section 5 of the Principles).

In order to demonstrate that the Principles have been followed and for auditing requirements, Disability Support Workers and Team Leaders are to note the following in the communication book in each Unit on each occasion action is taken to fill a short-term vacancy:

- The names of each employee contacted to fill the vacancy and the relevant category of employment i.e. additional hours, casual pool, overtime etc.
- Advice as to whether the vacancy was filled through additional hours, casual pool, overtime or agency.
- Reason for occurrence of the vacancy.

### **3. No Split Shifts – Break Between Work**

The Award does not provide for the rostering or payment of split shifts. A split shift is where staff work two shorter rostered shifts broken by a substantial unpaid break i.e. 4 hours work, 4 hour break, 4 hours work.

The Award requires that there shall be a minimum break of eight hours between ordinary rostered shifts or a break equal in length to the shift previously worked, whichever is

greater. This means that the minimum break between shifts is 8 hours, which precludes the use of split shifts.

The break provision applies to all permanent, full-time, part-time, temporary and casual employees.

#### 4. Payment of Overtime to Full-time Employees

If a permanent or temporary full-time employee is called back to work without the provision a minimum break of 8 hours or a break equal in length to the shift previously worked, whichever is the greater, then this constitutes a 'call back' and they are entitled to a minimum payment of four hours overtime or an overtime payment for all time worked if more than 4 hours. If the minimum break has not been provided, rosters cannot be varied to avoid the payment of overtime.

Examples:

- (a) A full-time employee is rostered on a 0700 – 1500 (8 hrs) shift. He or she is asked the day before to work another shift following the 0700 – 1500 (8 hrs) shift. The second shift is to be paid as overtime because the employee will work more than 152 hours in a 4 weeks period and a minimum break is not provided between the rostered shift and the further work.

Final payment is 8 hours at ordinary and 8 hours at overtime.

- (b) A full-time employee is rostered on a 1500 – 2300 (8 hrs) shift on a Tuesday and then a 0700 – 1500 shift on Wednesday being the following day; however they are requested to work overtime from 2300 – 0200 (3 hrs) commencing on the Tuesday. Between the overtime work and the rostered shift on the Wednesday there is only a break of 5 hours i.e. between 0200 and 0700.

The additional 3 hours of work is paid at overtime rates. If the employee is directed to work the 0700-1500 rostered shift on the Wednesday, then the entire rostered shift of 0700 to 1500 is also paid at overtime rates because the minimum break is not provided. Final payment would be 8 hours ordinary + 3 hours overtime + 8 hours overtime.

If the employee is provided with the minimum break of 8 hours and returns to work to complete the remainder of the rostered shift on the Wednesday at conclusion of the break (i.e. returns to work at 1000), then they are paid for the entire ordinary hours of the rostered shift on the Wednesday i.e. they receive payment from 0700 – 1000 at ordinary rates despite the fact that they were not at work because they are entitled to the minimum break of 8 hours without loss of pay. Final payment would be 8 hours ordinary + 3 hours overtime + 8 hours ordinary.

If the employee is provided with the minimum break of 8 hours but does not return to work at the conclusion of the break to complete the rostered shift (i.e. does not attend at 1000), then they must either apply for leave to cover the 1000 - 1500 portion of the shift or they will receive leave without pay for the period 1000 – 1500. Final payment

would be 8 hours ordinary + 3 hours overtime + 3 hours ordinary and either 5 hours of leave or 5 hours of leave without pay.

- (c) A full-time employee is rostered to work a 0700 – 1500 (8 hrs) shift tomorrow, however on the day before, the rostered shift is altered with less than 24 hours notice 0900 – 1700 (8 hrs). The 2 hours worked outside the original rostered shift is paid at overtime rates.

Final payment would be 2 hours overtime + 6 hours ordinary.

## 6. Payment of Overtime to Part-time Employees

The Award provides the following in regards to payment of overtime to part-time employees;

- “(i) A part-time staff member is to be paid at overtime rates for all time worked;
- (a) longer than the normal rostered shift length for a full-time employee for that shift, and/or
  - (b) in excess of 152 hours in a 28 day roster period, and/or
  - (c) in excess of the hours prescribed for a full-time staff member in Clause 4 Hours, and/or
  - (d) outside that shown on the staff member’s roster (prior to the alteration) where a change in roster occurs with less than 24 hours notice to the affected staff member.”

The Award provisions provide further detail. It is important to note that in regards to sub-clause (b) above the part-time staff member is to be paid at overtime rates if they have been rostered to work a number of ordinary hours and have actually worked additional hours totalling to 152 hours in the roster period. Therefore once the total rostered hours + the additional hours actually worked total 152 hours, the part-time employee is to be paid at overtime rates.

A part-time employee does not need to be given 24 hours notice of an offer of additional hours of work. The part-time employee is not obligated to work any hours in addition to their base contracted hours.

Examples:

- (a) A part-time employee is rostered to work a 0700 – 1500 (8 hrs) shift, and they are asked to work 1500 – 2300 (8hrs) on the same day. The second period of work is paid at overtime rates because the part-time employee works in excess of the rostered daily ordinary hours of work for a full-time employee.
- (b) A part-time employee is rostered to work 0700 – 1100 (4 hrs), and they are asked to work additional hours against a 1100 – 1900 (8 hrs) shift. The total continuous hours to be worked in a day is 12 hours.

The hours 1100 – 1500 are 'additional hours' because they were rostered work forming part of the base contract hours. The hours 1500 – 1900 are overtime hours because the time worked is in excess of the normal rostered shift length for a full-time employee.

The part-time employee is paid 4 hours ordinary + 4 hours additional + 4 hours overtime.

The employee is entitled to a break of 8 hours at the conclusion of work at 1900. Should they return to work before 0300 on the following day, then they would be entitled to a further overtime payment.

#### 7. Change in Rostered Shifts

The overtime examples provided above address changes in rostered shifts that occur with less than 24 hours notice. A roster change refers to the changing of any hours to be worked to a rostered shift.

An offer of additional hours to a part-time employee is not a change to a rostered shift for a part-time employee. Rather, it is an offer of additional work which was not initially rostered.

The Principles and the Award set out the provisions for the display of rosters, shift swaps and filling of vacancies. Those provisions are to be applied.

#### 8. Casual Employees

Casual employees are entitled to payment of overtime for all time worked;

a. longer than the normal rostered shift length for a full-time employee for that shift; and  
/ or

b. in excess of 152 hours in a 28 day roster period.

Where there is no normal rostered shift length for a full-time staff member for a shift, then overtime is to be paid for all time worked in excess of eight (8) hours in a continuous period.

Casual employees must work the 152 hours in a roster period prior to becoming eligible to a payment of overtime.

Examples:

(i) It is week 3 of a roster period and a casual employee has already worked 152 hours. They will be paid at overtime rates for all time worked for the remainder of the roster period.

(ii) A casual employee's name is against an 8 hour shift and the shift when worked by full-time employees is normally 8 hours in length. The casual employee is asked to stay back

and work for a further 3 hours i.e. total time worked equals 11 hours. The casual employee will receive ordinary casual rates for the first 8 hours and overtime for the remaining 3 hours. If the shift when worked by full-time employees is normally 10 hours in length, the casual employee would receive ordinary casual rates for the first 10 hours and overtime for the remaining 1 hour.

#### 9. Questions

Any questions or enquiries in relation to this document may be referred in the first instance to the relevant line manager and/or the local Businesslink Human Resources advisor.

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