

19 December 2017

Professional Standards Command – Flex time

Concerns have recently been raised by members in the Professional Standards Command (PSC) that unlawful restrictions were being put on their ability to accrue and access flex leave. This entitlement is set out in Clause 23 of the *Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009*. We encourage members to read this section of the award to familiarise themselves with their entitlements.

The PSA has sought clarification from the Command about whether such restrictions were in place. The PSA has been advised the Command is not aware of any directives outside the award that would seek to limit the entitlement by requiring that:

- a) flex balance be at 0 hours or above at the end of the period
- b) staff cannot take a flex day unless they have already accrued the seven hours
- c) staff cannot work to accrue flex time without a supervisor present.

None of these restrictions, were they to be directed, have any basis in your award.

In a recent ruling in the Industrial Relations Commission, it was clarified there was no requirement for a supervisor to be present in order for staff to have access to the flexible working hours entitlements covered in Clause 23 of the Award.

“It is not open to individual supervisors to impose additional arbitrary limitations on an employee’s right to accrue flex leave.”

Fleming v Commissioner of Police [2017] NSWIRComm 1023 (paragraph 59)

Access to flexible working practices, including the entitlement to flex time and flex leave, is a fundamental right of our members across the NSW Public Service. This right has been hard fought and won, and will be vigorously defended where it is being denied. Of course, members should exercise the entitlement in a responsible manner.

Any member who is having unlawful restrictions placed on the flex time entitlements should seek written clarification from their manager stating the reasoning. If they have concerns about the response, or are unable to obtain a written response, they should contact the PSA immediately on **1300 772 679**.

Your union will continue to fight for and defend the conditions and entitlements of members in NSW Police.

What can you do?

- » Not a member? Get involved by signing up!
- » Give a copy of this bulletin to your colleagues or put it on a noticeboard.
- » Ask a colleague to join the PSA.
- » Get involved by becoming a local union delegate

