



DRAFT On-call, Recall to Duty, After Hours Duty and Operational Overtime Guideline

Key points

- As an emergency service agency, the NSW SES is required to respond to calls for assistance from the community. This means we do need our employees to be available to assist as required, including being on-call, after hours duty, and overtime.
- On-call is when an employee is on standby for a possible recall to duty outside the employee's working hours, and not performing any work.
- Recall to duty to mean those occasions when an employee is directed to return to duty outside the employee's ordinary hours or bandwidth.
- An employee may be directed by a delegated officer to work overtime, provided it is reasonable for the employee to be required to do so. The NSW SES will always consider a request by an employee not to work overtime or be on-call.
- After Hours Duty is the time spent at home as Duty Officer during flood alerts as specified in the relevant Award.
- Remuneration of the different categories is outlined in the relevant Award.

Expected understanding

Audience	Level of understanding required		
	Detailed	Key points	Awareness
Managers	●		
Employees		●	

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1 Purpose

These guidelines have been developed to assist managers and employees understand the employment conditions and application of on-call, Recall to Duty, After Hours Duty Officer, and overtime provisions as outlined in the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, and the Crown Employees (State Emergency Service) Region Staff Award 2018.

2 Scope and Application

- These procedures do not create new working conditions for employees, and rescinds all previous guidance, procedures, SOPs and/or policies.
- These guidelines do not cover shift workers.

3 Guidance on Award terms

3.1 Principles

3.1.1 *NSW SES approach*

- Our approach is that we accommodate employee requests where reasonable and operationally possible.
- As an emergency service agency, the NSW SES is required to respond to calls for assistance from the community. This means we do need our employees to be available to assist as required, including being on-call, after hours duty, and overtime.
- The health, safety and wellbeing of our employees is our number one priority, and we actively monitor hours of work, particularly during prolonged operations, to ensure that our staff have access to rest and recuperation. If a person is on-call, this is generally not included in the number of working days, unless they have been recalled to duty.
- NSW SES would always consider a request from an employee not to be on-call or work overtime on a particular occasion.

3.2 Terms

3.2.1 *On-call (standby) and on-call allowance*

- On-call (stand by) and on-call allowance provisions are contained in Clause 92 of the Crown Employees (Public Service Conditions of Employment) Award 2009, and is when an employee is on standby for a possible recall to duty outside the employee's working hours, and not performing any work, but is rostered on-call (standby) by some instruction, roster or schedule.
- Clause 3.63 of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 defines 'Standby'. 'Standby' means an instruction given by a

delegated officer to an employee to be available for immediate contact in case of an authorised call-out requiring the performance of duties.

- On-call requires the employee to hold themselves in readiness to be recalled to duty (see s.3.2.2 below) if required. The employee must be contactable and capable of performing all duties if recalled.
- NSW SES would always consider a request from an employee not to be on-call on a particular occasion.
- The on-call allowance is paid on an hourly basis, and if recalled to the workplace, overtime rates apply (Clause 92). Where work matters are resolved without travel to the place of work whether on a weekday, weekend or public holiday, work performed shall be compensated at ordinary time for the time actually worked, calculated to the next 15 minutes.
- If an employee is on-call, this is generally not included in the number of working days, unless they have been recalled to duty.

3.2.2 *Recall to duty*

- Recall to duty to mean those occasions when an employee is directed to return to duty outside the employee's ordinary hours, or outside the bandwidth in the case of an employee working under a flexible working hour's scheme (see Clause 3.52 of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009).
- A recall to duty is generally authorised by either the employee's supervisor or a senior member of an IMT if there is operational activity. Employees should be rostered On-call via a clear direction or On-call roster, with as much notice as reasonable in the circumstances.
- A recall to duty commences when the employee starts work and terminates when the work is completed. A recall to duty does not include time spent travelling to and from the place at which work is to be undertaken.
- A place of work is principally the employee's primary office location, but could be another NSW SES premises where work is being arranged out of. For the purposes of Recall to Duty, a home residence can never be a place of work.
- The employee on-call should have, or should be provided with a suitable means of communication which should be maintained in such a way to enable reasonable and immediate contact during the period on-call.
- If changed circumstances cause the employee to be uncontactable they should arrange an alternative On-call replacement as soon as possible and notify the State Duty Operations Controller.
- Work undertaken at the workplace:
 - Where work matters are resolved at the workplace, an employee recalled to work after leaving the employee's premises shall be paid for a minimum of three (3) hours work at the appropriate overtime rates. The employee shall not be required to work the full three (3) hours if the job can be completed within a shorter period (Clause 91 of the Award).

- The overtime provisions as set out in clause 89, Overtime Worked by Shift Workers or clause 90, Overtime Worked by Day Workers of this award, whichever is appropriate, shall apply to the time worked.
- Where it is customary for an employee to return to a NSW SES premise to perform a specific job outside the employee's ordinary hours of duty, or where overtime is continuous with the completion of commencement of ordinary hours of duty, overtime worked in these circumstances shall not attract the minimum payment of three (3) hours unless the actual time worked is three (3) or more hours.
- The on-call allowance continues where the employee is not required to return to the workplace. Where an employee is required to return to a workplace and subsequently paid on overtime, the allowance ceases until they return home and resume On-call.
- Work undertaken at home/another premise:
 - Where work matters are resolved without travel to the place of work whether on a weekday, weekend or public holiday, work performed shall be compensated at ordinary time for the time actually worked, calculated to the next 15 minutes.

3.2.3 *Overtime*

- An employee may be directed by a delegated officer to work overtime, provided it is reasonable for the employee to be required to do so.
- Overtime means all time worked, whether before or after the ordinary daily hours of duty, at the direction of the delegated officer, which, due to its character or special circumstances, cannot be performed during the employee's ordinary hours of duty.
- NSW SES would always consider an employee request not to work overtime on a particular occasion. Employees may refuse to work overtime in circumstances where the working of such overtime would result in the officer working hours which are unreasonable.
- In determining what is unreasonable, the following factors shall be taken into account:
 - The employee's prior commitments outside the workplace, particularly the employee's family and carer responsibilities, community obligations or study arrangements,
 - Any risk to the employee's health and safety,
 - The urgency of the work required to be performed during overtime, the impact on the operational commitments of the organisation and the effect on client services,
 - The notice (if any) given by the delegated officer regarding the working of the overtime, and by the employee of their intention to refuse overtime, or
 - Any other relevant matter.
- The Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 clause 88, and Crown Employees (State Emergency Service) Region Staff Award 2018 clause 6 are the authority for the guidance above regarding what is unreasonable.

- State and Zone employees under the Crown Employees award who are required to work overtime will be paid their normal rate of pay; however a staff member whose salary, or salary and allowance in the nature of salary, exceeds the maximum rate for Clerk Grade 8 shall be paid for working directed overtime at the maximum rate for Clerk, Grade 8 plus \$1.00, unless the Commissioner approves payment for directed overtime at the staff member's salary or, where applicable, salary and allowance in the nature of salary.
- Region staff under the Region Staff Award who are required to work operational overtime will be paid at the normal rate of pay (including 15% loading) for the first seven hours, and overtime thereafter, excluding the 15% loading and meal breaks; however a staff member whose salary, or salary and allowance in the nature of salary, exceeds the maximum rate for Clerk Grade 8 shall be paid for working directed overtime at the maximum rate for Clerk, Grade 8 plus \$1.00, unless the Commissioner approves payment for directed overtime at the staff member's salary or, where applicable, salary and allowance in the nature of salary.
- Payment for overtime shall be made only where the staff member works directed overtime.

3.2.4 *Suspension of flex*

- In the context of declared operational events, the practice of suspending the accrual of flex time enables employees to perform work in operational roles which temporarily suspends the operation of the agency's Flexible Working Hours Agreement.
- By ticking the 'Op Hrs' box in an employee's SAP timesheet, this suspends flex time in that timesheet.

3.2.5 *After Hours Duty Officers*

- An After Hours Duty Officer (as defined in Clause 97 Crown Employees (Public Service Conditions of Employment) Award 2009 and Clause 6.4 of the Crown Employees (State Emergency Service) Region Staff Award 2018) is rostered on duty during operational events.
- The After Hours Duty Officer is paid a daily rate. For clarity, an employee who is rostered as a Zone On Call Officer is treated as being on-call, and is paid an on-call allowance (see 3.2.1).
- Clause 97 of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 defines an After Hours Duty Officer as the time spent at home as Duty Officer, State Emergency Services during flood alerts on weekends and public holidays and shall be compensated by:
 - Payment at the rate of one third of one day's pay for each tour of duty; or
 - If so desired by the employee concerned, the granting of time off in lieu of payment calculated in accordance with clause 96, Payment for Overtime or Leave in Lieu of the award.
- Clause 6.4 of the Crown Employees (State Emergency Service) Region Staff Award 2018 also states that if a Region Staff member is required to perform duty as the After Hours duty officer the following payments will be applicable:

- Weekdays 2/9ths of a day's salary including loading;
- Weekends 1/3rd of a day's salary including loading.

3.3 Claiming Allowances and Record Keeping

- Records shall be kept of any work to be claimed and all claims must include the relevant authorisation of the delegated officer, appropriate evidence required, and signatories.
- Employees should make their claim under the award conditions relating to overtime, recall to duty, On-call allowances and any other matters as soon as practicable following the work.
 - For claiming of On-call allowance and overtime, a copy of the Suspension of Flex notification is required to be attached to the claim.
 - For claiming of AHDO allowance and overtime the relevant Flood Warning/Bulletin and Suspension of Flex notification is required to be attached to the claim.
- Managers are required to confirm and approve the hours being claimed. If there is a discrepancy in the claim being made, it is referred to the manager for resolution.

A claim form is available on EOS [Note: Liaise with Finance to confirm form].

4 Related Documents

Document	Purpose
State Emergency Service Act 1989	An Act of the NSW Parliament that establishes the State Emergency Service, defines its functions, and grants power to the Commissioner and other members to do various things.
Government Sector Finance Act 2018	An Act to establish a framework for government sector financial and resource management in New South Wales; and for other purposes.
Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009	The current common conditions of employment as negotiated by the Secretary of the Treasury and the Public Service Association of NSW.
Crown Employees (State Emergency Service) Region Staff Award 2018	Conditions of employment for Region Staff (as defined in that Award), in accordance with the provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 except where varied by this Award
Code of Conduct and Ethics	Sets out the principles Members are required to uphold, and prescribe specific conduct in areas central to the exercise of NSW SES's functions.
Schedule of Non-Financial Delegations	Covers tasks or functions relating to information and records, emergency management, inter-agency relations and human resources management
Financial Delegations 2018	Covers position titles and their respective limits of financial delegation

5 Support and Advice

You can get advice and support about anything in these guidelines from:

- Senior Manager HR Advisory
- Senior Manager Finance & Payroll Team
- your Manager or Zone Commander
- the Guidelines Owner - Senior Manager HR Advisory
- the Guidelines Sponsor – Director People & Development.

6 Definitions

In this guideline, the term:

- **Must/required/shall** – indicates a mandatory action required that must be complied with.
- **Should** – indicates a recommended action that should be followed unless there are sound reasons for taking an alternative course of action.
- **May** – indicates there are other acceptable options of similar or equal application.

Term	Definition
Delegated officer	An officer with delegation under the Schedule of Non-Financial Delegations and/or Financial Delegation

Document Control Sheet

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Approval

Name	Title	Date	Version signed off
Kristy Duffy	Guideline Owner	<dd/mm/yyyy>	1.0
Natasa Mitic	Director People & Development	<dd/mm/yyyy>	1.0