

## Fisheries: Excess travel vs overtime interpretation

The PSA has recently made representations to DPI Fisheries on behalf of Fisheries Technicians regarding excess travel after an interpretation was provided at a Town Hall meeting on the Award provisions.

The PSA put the specific scenario regarding the requirement to travel while driving the work vehicle and boat under tow. Your union argued that directed work outside of the bandwidth to undertake this duty should be compensated by the payment of overtime or time-in-lieu.

The PSA further explored the interpretation of excess travel with DRNSW advancing the opinion that excess travel only occurs when there is travel directly from your home to a destination that is not your usual headquarters.

The best way to explain our argument is by designating your home as Point A, your headquarters as Point B and your location of your field duties as Point C. The PSA argument is that the entitlement of excess travel comes from the extra time that is required for you to travel from A to C minus the time usually taken to travel from A to B. The expectation that staff are required to travel from point A to C via Point B to pick up a work vehicle is argued by the PSA not to attract excess travel simply because you have already met the requirements to be considered at work by attending your headquarters. The Department does not agree with this position.

### What has been agreed?

So far, travelling for work to another work location by Departmental vehicle and boat or trailer under tow means the driver of the vehicle is considered to be on work time. Therefore, a direction to work in this fashion within the bandwidth is considered to be normal hours. When directed, hours worked outside of the bandwidth by the driver of a departmental vehicle and towing a boat or trailer, is required to be compensated by the payment of overtime, or by the accumulation of time-in-lieu at overtime rates; the choice being the staff member's. For instance:

- a) a line manager directs the driver of a departmental vehicle with boat in tow to travel on a non-working day so that they are to start work at a location (not their usual headquarters) the next working day
- b) a line manager directs the driver of a departmental vehicle with boat in tow to commence travel outside of the bandwidth for WH&S reasons (such as to avoid towing a large boat through peak Sydney traffic, or to allow boat fieldwork to be completed before forecasted afternoon weather deterioration)
- c) a line manager directs the driver of a Departmental vehicle with boat in tow to travel outside the bandwidth from temporary accommodation to a new work location, or return to temporary accommodation from fieldwork (provided it is more than a 30-minute journey).



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The notion of direction is important because the ability of Fish Technicians to work flexible hours in accordance with the bandwidth and core hours means that staff can accommodate longer or shorter work days within the bandwidth to accommodate personal circumstance. This is subject to the convenience of the Department & discussion with their line manager.

A reminder about work within the bandwidth; just because you choose to work a longer day does not qualify for these overtime provisions. It is all about being directed to work more than, or outside of, your contract of employment hours.

### What's not agreed?

1. Excess travel vs overtime when attending your headquarters first. The PSA will continue the discussions surrounding the interpretation of excess travel when attending your designated headquarters first
2. Excess travel when not towing a Departmental boat. The PSA will continue the discussions surrounding the interpretation of excess travel when conducting other fieldwork using Departmental research equipment, but where a Departmental boat is not required
3. Excess travel as a passenger in a Departmental vehicle during fieldwork. The PSA will continue the discussions surrounding the interpretation of excess travel when other staff in the vehicle are required to perform other essential work duties while travelling, such as:
  - a) essential phone calls to landowners, Fisheries Officers, National Parks staff, other Fisheries staff, etc.
  - b) writing or replying to urgent Departmental emails
  - c) reading documentation relating to the fieldwork or to other urgent Departmental duties.

The PSA has sought legal advice in order to be ready to progress these issues, however it is the hope that an understanding of Award interpretation can be made between the parties that provides for clear expectations and Award adherence.

### Can I be directed to travel?

Yes, clause 27 of the *Crown Employees (Conditions of Employment) Award* allows DPI Fisheries to direct staff to travel to an alternate headquarters.

### What happens to the claims that I have made previously and have been asked to submit as excess travel?

Until an agreed position is reached on all matters, no adjustments via the submission of claims are to be submitted at this point.



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If you have claims that resemble our example of being the driver of vehicle while towing a boat, outside of bandwidth hours, where excess travel has been approved instead of overtime, the PSA asks you hold off resubmitting the claims until this matter is finalized. No agreement on retrospectivity has been reach as yet.

If the PSA is successful in negotiating the other conditions to be included as described above in "What's not agreed", you will be advised accordingly.

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