**CROWN EMPLOYEES (PUBLIC SERVICE CONDITIONS OF EMPLOYMENT) REVIEWED AWARD 2009**

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**SECTION 2 - ATTENDANCE/HOURS OF WORK**

**10.  Local Arrangements**

10.1    Local arrangements may be negotiated between the Department Head and the Association in respect of the whole Department or part of a Department in relation to any matter contained in the award.

10.2    All local arrangements negotiated between the Department Head and the Association must:

10.2.1 be approved by the Secretary; and

10.2.2 be approved in writing by the General Secretary of the Association; and

10.2.3 be contained in a formal document, such as a co-lateral agreement, a memorandum of understanding, an award, an enterprise agreement or other industrial instrument; and

10.2.4 include a clause allowing either party to terminate the arrangement by giving 12 months’ notice.

10.3    Subject to the provisions of subclause 10.2 of this clause, nothing in this clause shall prevent the negotiation of local arrangements between the Department Head and the Association in respect of the provisions contained in clause 24, Flexible Work Practices of this award, where the conditions of employment of any group are such that the application of the standard flexitime provisions would not be practicable.  Where such local arrangements do not include provisions in relation to core time, settlement periods, contract hours, flex credit, flex debit, or flex leave, the relevant provisions of clause 21, Flexible Working Hours of this award  shall apply.

10.4    Attendance and the accrual of flexible working hours credit - A staff member may only work outside the hours of a standard day but within the bandwidth and accrue hours toward a flexible working hours credit if the work is available to be performed.

10.5    Where a staff member has accrued 8 weeks recreation leave, unless otherwise authorised by their manager, flex leave can only be taken where recreation leave has been applied for and approved.  If, however, recreation leave has been applied for and declined or not actioned by the manager, access to flex leave is still available.

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**21.  Flexible Working Hours**

21.1    The parties to this award are committed to fostering flexible work practices with the intention of providing greater flexibility in dealing with workloads, work deadlines and the balance between work and family life. All parties are committed to managing time worked to prevent any forfeiture of credit hours accumulated under a Flexible Working Hours arrangement.

21.2    Unless local arrangements have been negotiated as provided in clause 10, Local Arrangements of this award, and consistent with subclause 21.1 of this clause, a flexible working hours scheme in terms of this subclause may operate in a Department or a section of a Department, subject to operational requirements, as determined by the Department Head.

21.3    Where the operational requirements allow, the working of flexible hours under a flexible working hours scheme operating in a Department, shall be extended to a staff member working under a part time work arrangement. Except for provisions contained in subclauses 21.11, 21.13 and 21.16 of this clause, all other provisions under this subclause shall be applied pro rata to a staff member working under a part time work arrangement.

21.4    Exclusions - Flexible working hours shall not apply to staff members who work:

21.4.1 a 38 hour week and are entitled to a rostered day off in a regular cycle; or

21.4.2 permanent standard hours; or

21.4.3 according to a shift roster.

21.5    Attendance - A staff member's attendance outside the hours of a standard day but within the bandwidth shall be subject to the availability of work.

21.6    Bandwidth - The bandwidth shall be between the hours of 7.30 a.m. and 6.00 p.m., unless a different time span has been negotiated under a local arrangement in terms of clause 10, Local Arrangements of this award.

21.7    Coretime - The coretime shall be between the hours of 9.30 a.m. and 3.30 p.m., excluding the lunch break, unless other arrangements have been negotiated under a local arrangement in terms of clause 10, Local Arrangements of this award.

21.8    Lunch break - The standard lunch period shall be 1 hour. With the approval of the supervisor, the lunch period may be extended by the staff member up to 2 and 1/2 hours or reduced to not less than 30 minutes within the span of hours determined by the Department Head. Where a local arrangement has been negotiated in terms of clause 10, Local Arrangements of this award, the lunch break shall be taken in accordance with such local arrangement.

21.9    Settlement period - Unless a local arrangement has been negotiated in terms of clause 10, Local Arrangements of this award, the settlement period shall be four weeks.

21.9.1 For time recording purposes the settlement period and flex leave must coincide.

21.9.2 Where exceptional circumstances apply, eg prolonged transport strikes, adverse weather conditions and the like, the Department Head may extend the affected settlement period by a further 4 weeks.

21.10   Contract hours - The contract hours for a settlement period shall be calculated by multiplying the staff member's weekly contract hours by the number of weeks in a settlement period.

21.11   Flexible working hours credit - a staff member may carry a maximum of 10 hours credit into the next settlement period. Local arrangements in terms of clause 10, Local Arrangements of this award may be negotiated in respect of the carry over of additional flexible hours credit than permitted in this clause, the length of the settlement period and the banking of any accumulated credit hours for time worked.

21.12   Weekly hours worked during the settlement period are to be monitored by the staff member and their supervisor. If it appears that the staff member may exceed an accumulated work time of 150 hours in a settlement period; or if the total hours of work in a settlement period with the credit hour carry over from the previous settlement period may exceed 150 hours, the supervisor and staff member shall develop a strategy to ensure that the staff member does not forfeit any of the credit hours accumulated, or likely to be accumulated.

21.13   Flexible Working Hours Debit - The following provisions shall apply to the carry over of flexible working hours debits, unless a local arrangement has been negotiated in terms of clause 10, Local Arrangements of this award:

21.13.1          A debit of up to 10 hours at the end of a settlement period may be carried over into the next period;

21.13.2          Where the debit exceeds 10 hours, the excess will be debited as leave without pay, unless the staff member elects to be granted available recreation or extended leave to offset the excess.

21.13.3          Any debit of hours outstanding on a staff member's last day of duty is to be deducted from any unpaid salary or the monetary value of accrued recreation/extended leave. If applicable, the debit of hours may be transferred to the next NSW public sector organisation under the Public Sector Staff Mobility policy.

21.14   Cessation of duty - A staff member may receive payment for a flex day accrued and remaining untaken on the last day of service:

21.14.1          Where the staff member's services terminate without a period of notice for reasons other than misconduct; or

21.14.2          Where an application for flex leave which would have eliminated the accumulated day or days was made during the period of notice of retirement or resignation and was refused or could not be granted or

21.14.3          In such other circumstances as have been negotiated between the Department Head and the Association under a local arrangement in terms of clause 10, Local Arrangements of this award.

21.14.4          Prior to a staff member’s last day of service the staff member and supervisor shall ensure that a staff member does not forfeit any credit hours accumulated. Strategies to reduce accumulated credit hours may include those outlined in paragraph 21.16.2 of this clause.

21.15   Where a staff member ceases duty in the Department in order to take up employment in another public service or public sector organisation, the same provisions as apply to recreation leave under the Public Sector Staff Mobility policy shall apply to the accrued but untaken or not forfeited flex leave.

21.16   Flex leave - Subject to operational requirements:

21.16.1          A staff member may take off one full day or two half days in a settlement period of 4 weeks.

21.16.2          Where it appears a staff member may exceed a 10 hour credit, as per subclause 21.12 of this clause strategies to reduce this credit may include the granting of additional full days, consecutive days, half days, or any combination of days and half days.

21.16.3          Flex leave may be taken on consecutive working days.

21.16.4          Absences on flex leave may be combined with other periods of authorised leave.

21.16.5          Local arrangements in respect of the taking of flex leave may be negotiated in terms of clause 10, Local Arrangements of this award.

21.17   Absence during coretime - Where a staff member needs to take a short period of authorised leave within coretime, other than flex leave, the quantum of leave to be granted shall be determined according to the provisions contained in clause 68, Absence from Work of this award.

21.18   Standard hours - Notwithstanding the provisions of this clause, the Department Head may direct the staff member to work standard hours and not flexible hours:

21.18.1          where the Department Head decides that the working of flexible hours by a staff member or members does not suit the operational requirements of the Department or section of the Department, the Association shall be consulted, where appropriate; or

21.18.2          as remedial action in respect of a staff member who has been found to have deliberately and persistently breached the flexible working hours scheme.

21.19   Easter concession - Staff members who work under a flexible working hours scheme may be granted, subject to the convenience of the Department, an additional half day's flex leave on the Thursday preceding the Good Friday public holiday or, if directed to work, an additional half day’s flex leave on another day within that settlement period.