

The ODPP is committed to the wellbeing, health and safety of our staff, and managers have a key role to play in ensuring this commitment is implemented across all levels of the Office. The ODPP recognises that sustained and ongoing excessive work hours may have an impact on staff wellbeing.

In recognition of these risks, the ODPP has in place a series of strategies for assisting and addressing wellbeing issues. This includes a flexible and supportive approach to managing workload and working hours. One of these strategies is the ODPP [Flexible Working Hours Agreement](#) (FWHA) which provides for a number of actions to ensure working hours are monitored and managed.

The processes noted in this guide are effective immediately. Any questions should be directed to your Deputy Solicitor or direct manager in the first instance.

Flexible Working Hours Agreement

Actions in the FWHA include (by reference to the clause numbers in the FWHA):

- 7.7 Hours worked are to be monitored by the staff member and supervisor throughout the 6 week period, through the use of CASES flexitime records, and supervisors and staff members will work together to ensure that staff members do not exceed more than 50 working hours credit in a settlement period.
- 7.8 Once the staff member has accrued 50 hours of flexible working hours credit:
 - 7.8.1 The supervisor and staff member shall devise a strategy in writing to ensure that the staff member is able to take the approved hours to ensure that the hours are not continually forfeited.
 - 7.8.2 Methods to ensure the reduction of excess credit hours may include reducing the hours worked during the remainder of the settlement period or the taking of flex leave to prevent hours being forfeited.
 - 7.8.3 The identified strategy must be reported to and authorised by the Supervisor's Manager.
- 9.3 A manager can direct a staff member to take flex leave and a staff member cannot refuse a reasonable request.

It is acknowledged that levels of accrued flexitime are not the only indicators of a high workload. Whilst a mutual obligation exists in relation to managing accruals, as managers we are expected to initiate action to address the situation.

Further to the provisions from the FWHA noted above, the ODPP requires the following action of all managers on a regular and ongoing basis:

- Monthly monitoring of levels of flexitime accrual (via SAP and with reference to the monthly reports provided by Human Resources (HR)). Monthly monitoring allows time within the flex period to address the possible forfeiture of flexitime before it occurs.
- Having a targeted discussion with any staff who have forfeited flex time or have accrued flexitime which may lead to forfeiture. See below for suggested strategies to include in this discussion.
- Following the targeted discussion, the Forfeited Flex Form (the Form) is to be sent to the staff member confirming the discussion and the strategy to be implemented to address the excess flexitime. The Form is to include a request that the staff member sign and return acknowledging the strategies discussed and agreeing to take action. The staff member should also be advised that this Form will be forwarded to HR for filing and reporting purposes.

The completed Form is to be forwarded to Human Resources via email (HumanResources@odpp.nsw.gov.au) with the staff members name and "forfeited flexitime discussion" in the subject line. HR will file and monitor these forms for reporting purposes

Potential strategies

Potential strategies for addressing forfeited flexitime include:

- reviewing workload (via the WMT and/or ABT) and reallocating work if appropriate
- reviewing performance (in particular efficiency and effectiveness) and providing guidance and/or training (eg training in "time management")
- scheduling flex days
- adjusting daily working hours.

There may be circumstances where a staff member's flexitime appears disproportionate to their work output. Managers should discuss any apparent issue with staff members to ascertain the reasons behind any discrepancy. If a manager determines that an issue does exist, these staff members should be reminded of the need to record hours worked accurately and honestly. For those staff members, workflow should be monitored, and workloads and time management should form part of the staff member's Performance Development Plan (PDP).

Employees willing to forego their flex hours

The ODPP's preference is for staff not to work hours which result in flex leave being forfeited at the end of a settlement period, however some staff voluntarily choose to work the hours they work and want to continue in this regard. In these circumstances we do not want to diminish staff choice and commitment nor impact on individual professionalism. However, this must be balanced with our mutual obligation to monitor and ensure staff wellbeing.



With reference to the potential strategies outlined above, the staff member may respond with an acknowledgement of the conversation with their manager and a statement confirming they wish to maintain their workload and working hours and do not wish for any adjustments to be made at that time. The relevant section of the Form should also be completed in these circumstances.

If this is the outcome, managers should check in with the staff member on a monthly basis while their flexitime remains in excess. The original Form should be updated to include each subsequent check in and forwarded to HR in the same way detailed above.

Each subsequent targeted discussion should:

- confirm whether the staff members wish to maintain their current workload and working hours; and
- include a conversation about the staff member's wellbeing and a statement from the staff member that the excess flexitime is not negatively impacting on the staff member's wellbeing and should this change, the staff member will raise this directly with their manager.



Agreed Actions – Accrued Flexitime	
Staff Member	«Name»
Manager	«Manager»
Group / Branch / Team	«Group Branch Team»
Date (of discussion)	«Date»
Current Flexitime Balance / Forfeiture	«Details»

Agreed Action/s (select all that apply)		Comments / Details of Agreed Action/s
Reviewing workload (via the WMT and/or ABT) and reallocating work if appropriate	<input type="checkbox"/>	
Reviewing performance (in particular efficiency and effectiveness) and providing guidance and/or training (eg training in "time management")	<input type="checkbox"/>	
Scheduling flex days	<input type="checkbox"/>	
Adjusting daily working hours	<input type="checkbox"/>	
Other (include details)	<input type="checkbox"/>	
I am managing my workload and am content working my current hours and do not seek any adjustments be made. I confirm that my current excess flexitime is not negatively impacting on my wellbeing . I undertake to notify my manager should my position change and discuss alternative arrangements.	<input type="checkbox"/>	

This arrangement is made in accordance with the provisions of the ODPP [Flexible Working Hours Agreement](#) and is designed to ensure mutual obligations of managers and staff are maintained and workloads are monitored and managed to ensure the wellbeing, health and safety of all staff.

This form will be forwarded to Human Resources for filing and reporting purposes.

«Name»

«Position»

«Date»

«Name»

«Position»

«Date»