

NSWPF Flexible Rostering Guidelines – Administrative Employees

Part 1 - Parameters for Flexible Rostering

1. Shifts to be of not less than five (5) or six (6) working hours depending on whether employees normally work 35 or 38 hours per week, and not more than 12 hours ordinary working time.
2. Flexible shift rosters should be designed so as to provide employees with at least one (1) recurrent leave day** per fortnight (average) in each roster cycle in excess of rest days currently provided for the same time period/
3. Rosters shall be constructed to provide for an aggregate 35 or 38 working hours per week (as the case may be) over the roster cycle. Roster cycles shall not be of such duration as to create administrative or other difficulties.
4. Overtime shall be applicable for periods worked in excess of rostered shift hours.
5. The parties recognise the undesirability of overtime being worked at the conclusion of 12 hour shifts and hence such overtime will only be worked where it is otherwise unavoidable.
6. Any proposal, prior to adoption and implementation, must have the support of a simple majority of the employees affected by the proposal and support of the relevant Commander/Manager and PSA.
7. Consistent with normal practice the days and commencement times of shifts may be varied with appropriate notice, however, any proposal to significantly alter the approved roster (e.g. increasing/decreasing the normal shift lengths or roster periods) must be the subject of consultation with affected staff and the PSA and approved in accordance with the provisions of section six (6) above.
8. Where agreement is unable to be reached on a proposal in accordance with sections six (6) and seven (7) above on a revised rostering proposal, the default roster (i.e. conditions outlined in the relevant industrial instrument) will be applied until such time a consensus is reached.
9. All proposed Flexible Shift Rosters must have regard to the Workplace Health and Safety of employees.
10. Payment of shift allowances shall as far as possible be cost neutral. Shift allowances at the appropriate penalty rates as provided for in the appropriate instruments of employment shall be applied.
11. If constant 12 hour shifts are proposed, then such shifts shall be worked on the basis of no more than two (2) consecutive rostered night shifts, and no more than three (3) rostered shifts per week in any five (5) or six (6) week cycle, with four (4) rostered shifts only being worked in the remaining one (1) week. It is accepted from time to time that employees may wish to swap shifts to suit personal requirements. If such an arrangement does not comply

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with these parameters, then the Commander/Manager shall consider the potential impact

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on the health and safety of the employees concerned before approving such an arrangement.

12. Whilst the above parameters are provided as a guide to the construction of flexible rosters, the NSW Police Force is willing to consult the PSA on other roster variations, on the basis that it can be demonstrated that such proposals have the support of a simple majority of affected employees and the Commander, or Manager, and do not jeopardise the Workplace Health and Safety of employees and are in the best interests of the NSW Police Force.
13. Where shifts in excess of 10 hours are worked, the parties recognise the need for an additional meal break, Such break shall until otherwise regulated and without prejudice to the positions of the parties be a paid crib break of no more than 20 minutes duration. No entitlement to a meal allowance shall accrue as a consequence of an entitlement to a second meal period.

***A recurrent leave day shall be any day or days on which an officer is not required for duty in accordance with the flexible nature of the roster and which is neither a rest day nor a day on which an officer is on some other form of leave nor a day on which the officer is excused duty.*

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Part 2 - Guidelines for the Taking and Recording of Leave

Rest Day Entitlement

Officers shall continue to be entitled to two (2) rest days in each seven calendar days, or four (4) rest days in each fourteen (14) calendar days of roster periods.

Roster Periods and Rosters

Roster periods of whatever length, within the agreed parameters shall commence on days consistent with the arrangements which existed immediately before the commencement of flexible rostering.

Rosters shall continue to show for each day, the actual nature of duty on that day, i.e., Rest Day, Work Day, Recurrent Leave Day and Times, Leave etc.

Recurrent Leave Day

Recurrent Leave Days shall be any day or days on which an employee is not required for duty in accordance with the flexible nature of the roster, and which is neither a rest day nor a day on which an employee is on some other form of leave, nor a day on which the officer is excused duty.

Annual Leave

As a general principle, recreation leave including additional leave (if applicable) will be applied for in advance and be taken in periods of a full week only. Whilst this general principle will apply, employees may apply in advance for leave of a lesser period than a week. Such applications may be approved at the discretion of the Commander/Manager. All officers must take a minimum of two (2) weeks continuous leave, in each calendar year. Annual leave will only be granted following reasonable notification in advance.

(i) Entitlement to Annual Leave

All officers currently working a 35 hour week shall generally be entitled to 140 working hours annual leave ($4 \times 35 = 140$). All officers currently working a 38 hour week shall generally be entitled to 152 working hours annual leave ($4 \times 38 = 152$). Leave shall be debited in working hours in accordance with the roster the officer would have worked if the officer had not otherwise been on leave.

Entitlements to annual leave in excess of the above general standard may be provided in accordance with the appropriate employment instrument. In such cases the entitlement to the number of hours annual leave would be increased accordingly.

(ii) Other Entitlements

Officers may also be entitled to additional compensation with respect to working on, or being rostered off duty on, a public holiday. Such provisions as may be expressed in any Award or Industrial Agreement in that respect shall continue to apply on the following basis:

(a) Where such additional compensation is expressed as a **monetary amount**, e.g. when rostered off duty (rest) on a public holiday an officer may elect to be compensated by the addition of a days leave to annual leave entitlement or **by the payment of a days pay**; then the days pay shall be a normal days pay or 7 or 7.6 hours as the case may be.

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(b) Where such additional compensation is expressed as "the addition of a days leave to annual leave credits" then such additional day shall be a calendar day to be taken concurrently with another period of annual leave.

(c) In the event of additional entitlements to annual leave (over and above the statutory entitlement of four (4) weeks) being prescribed for all officers of a classification or a specific group of a classification, (e.g. Special Constables (Security) receive five (5) weeks annual leave) such leave shall be calculated on the basis of hours, e.g. 5 weeks leave @ an average of 38 hours per week would be expressed as $5 \times 38 = 190$ hours annual leave per annum.

Shift Allowances

Shift allowances shall be calculated on the basis of the working hours length of the applicable flexible shift to which an allowance applies. The commencing time of the shift shall continue to determine the applicable shift allowance. An employee rostered for a shift attracting a shift allowance who fails to complete that shift due to illness or for some other reason, will only be entitled to the payment of the relevant shift allowance for the amount of time actually worked. Where shift penalties are expressed in terms of a flat rate of pay, as is the case with Special Constables (Security), such allowances shall continue to apply until such time as they are altered by an Award, Determination, or Enterprise or other Agreement.

Where agreement is reached with the PSA on the payment of an "all up" percentage loading in lieu of shift penalties currently provided for in Awards, Agreements, Determinations and the Administrative Officers Shiftworkers Consolidated Instructions, such an agreement shall prevail over the existing shift penalty provisions for the term of the agreement.

Additional Annual Leave

Officers entitled to "additional annual leave" under the provisions of any applicable instrument of employment or the provisions of Agreement 2225 of 1977 shall have such entitlement calculated on the following basis:

Number of ordinary flexible shifts worked on Sundays and/or Public Holidays during a qualifying period	Additional Leave
4 - 10	1 additional working days
11 - 17	2 additional working days
18 - 24	3 additional working days
25 - 31	4 additional working days
32 or more	5 additional working days

In this paragraph "working day/s" shall mean a rostered flexible working day regardless of the length of the shift.

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Annual Leave Entitlements for Officers on a Part-Time Leave Without Pay or Part-Time Maternity Leave Arrangement

In determining the annual leave entitlements for employees working under a part-time leave without pay or part-time parental leave arrangement in Command/Business Unit participating in flexible rostering, the Flexible Work Arrangements Manual, should be examined and considered and the following principles applied:

Administrative Officers (35 hpw)

All officers* on part time leave without pay and participating in flexible rostering arrangements shall generally have their annual leave entitlements calculated as a pro-rata of 140 hours* and such leave shall be debited in hours.

Administrative Officers (38 hpw)

All officers* on part time leave without pay and participating in flexible rostering arrangements shall have their annual leave entitlements calculated generally as a pro-rata of 152 hours* and such leave shall be debited in hours.

** For officers whose award or agreement specifies a greater amount of recreation leave than four weeks per annum (e.g. Special Constables (Security) receive 5 weeks per annum) then their leave entitlements shall be calculated on the basis of hours by multiplying the number of weeks by the average hours per week required to be worked, e.g. for Special Constables (Security) this would equate to 190 hours (5 x 38 = 190).*

Short Leave

The maximum amount of short leave on full pay which may be granted to an employee entitled to short leave is:

- a. the period of:
 - (i) during the first 12 months of service - 17.5 or 19 working hours (depending on whether the officer normally works an average of 35 or 38 hpw); or
 - (ii) after the completion of 12 months' service - 35 or 38 working hours (depending on whether the officer normally works an average of 35 or 38 hpw) in any period of 2 years; or
- b. the period calculated by allowing, after the completion of 2 years continuous service, 7 or 7.6 hours (depending on whether the officer normally works an average of 35 or 38 hpw) for each completed year of service after the implementation date of flexible rostering and 7 or 8 hours (depending on whether the officer normally works an average of 35 or 38 hpw) for each completed year of service prior to implementation of flexible rostering and deducting them from the total amount (in hours) of short leave previously granted to the officer, whichever is the longer period.

Sick Leave

Employees are eligible for sick leave entitlements in accordance with their employment instrument but calculated on the basis of hours.

That is:

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- a. An employee working an average of 38 hours per week and, in accordance with the instrument of employment which specifies sick leave, is entitled to ten (10) days sick leave per annum, will be entitled to 76 hours sick leave per annum, i.e. 7.6 hours x 10 days = 76 hours.
- b. An employee working an average of 38 hours per week and currently entitled to 15 days sick leave per annum would have an entitlement to 114 hours sick leave per annum, i.e. 7.6 hours x 15 = 114.
- c. An employee working an average of 35 hours per week and currently entitled to 15 days sick leave per annum would have an entitlement to 105 hours sick leave per annum, i.e. 7 hours x 15 = 105.

The unused component of the annual entitlement is fully cumulative.

An employee unavailable for duty due to sickness on recurrent leave days is not entitled to a recredit of such days.

Recredit of annual leave when sick will operate only if applicable under the current instrument/s of employment, on a shift hours basis. i.e. If an officer produces a satisfactory medical certificate to the effect that the officer has been incapacitated for a period of 1 day or more whilst on annual leave, and that day or days were days the officer was rostered off duty on annual leave then the employee may, if the application is approved, be recredited with an equivalent period of annual leave. (Sick leave shall be debited on the same basis accordingly). No recredit shall apply to days which are rostered as rest or recurrent leave days.

Study Time/Leave

Study time/leave if applicable, shall continue to be granted on the basis of hours or days. In establishing attendance patterns employees should endeavour to timetable attendances on recurrent leave days/rest days. Section 6.19 (as varied) of the *Public Sector Industrial Relations Guide* should also be considered and applied in appropriate cases.

Transfer Leave

Transfer leave where applicable shall continue to be granted on the basis of working days.

Where employees transfer and as a result move from one pattern of flexible roster to another pattern, or back to a normal roster, an assessment will need to be made of the time spent working and on transfer leave to ensure that the employees hours average out to 35 or 38 per week over the applicable roster periods. Depending on circumstances employees may need to be granted time off, or, to work extra hours (in a flexible roster) to ensure an average 35 or 38 ordinary hours per week is worked. The agreed parameters for lengths of shifts, etc., may not be exceeded.

The working and recurrent leave days actually spent preparing, packing, arranging storage, settling in to new premises or cleaning old premises and the days actually spent transferring after leaving one place of attachment and before reporting for duty at another, shall be calculated on the basis of 7 or 7.6 hours per day, as applicable, for the purpose of assessing hours worked in roster periods.

The two days on full pay for the purpose of visiting the new location with a view to obtaining suitable accommodation shall be granted on the basis of two working days from the roster.

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Travelling on Official Business or Attendance at Courses etc.

Roster times, the incidence of "recurrent leave days" and rest days and the circumstances pertaining to the carrying out of the tasks for which the officer is absent from their usual place of attachment should be considered in terms of an employees overall average of hours.

Appropriate changes may need to be made to the employees rostered hours, recurrent leave days and rest days to appropriately accommodate the particular circumstances, providing the overall average of 35 or 38 ordinary hours per week, as applicable, is maintained within the span of the roster period. The agreed parameters for lengths of rosters, etc., may not be exceeded.

Relieving Duty

Relieving allowances do not apply generally for relief on recurrent leave days.

Relieving allowance will be paid for the provision of relief where the relief extends over either 5 consecutive working days or where relief is provided for 35 or more or, 38 or more, consecutive working hours (as the case may be), including any consecutive further periods where time off is only due to the interposing of one or more recurrent leave days or rest days.

Relieving allowances should be calculated on an hourly basis and be paid accordingly. i.e.: If the applicable roster provided for 12 hour shifts, and an employee relieved for two consecutive weeks where 3 x 12 hour shifts were required to be worked in each of those weeks, then the employee would be paid for 72 hours of relief.

Employees required to perform relieving duty which results in them moving to a different rostering system may have to have their working hours adjusted to ensure that an average of 35 or 38 working hours per week is maintained. In this regard a common sense approach is to be adopted.

Adjustments to working hours should, as far as possible, occur under the flexible roster to avoid difficulties encountered in adjusting hours under the standard 7 or 8 hour, 10 shift per fortnight configuration. It is particularly important to avoid situations where employees are required to work in excess of 35 or 40 standard hours per week when an officer performs duty under the standard configuration.

As flexible rostering arrangements give no entitlements for RDO's, adjustments to the entitlement for such leave may be necessary when: officers alternate between a flexible shift arrangement and the standard 7 or 8 hour, 10 shift per fortnight configuration.

Such circumstances will normally only arise where part of a 4 week period or month qualifying towards the grant of an RDO is worked under a flexible roster pattern and part is worked under the normal 10 shift per fortnight or 5 shift per week configuration. If employees can be worked for the full period of 4 weeks or 1 month qualifying towards the grant of an RDO under either the flexible roster pattern OR the normal configuration and the combination of both in the one period can be avoided, no difficulties will arise.

As an alternative, consideration could be given to permitting the relieving employee(s) to maintain their existing roster arrangement where it is practicable to do so. This will avoid the necessity for the above adjustments and will involve more than one officer performing the relieving duties. The payment of relieving allowances in these circumstances will be in accordance with the existing guidelines.

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If a combination of both patterns is unavoidable then consultation should occur with a view to determining an appropriate adjustment.

This Clause will not apply where a "Mixed Functions" provision applies in the existing Award, Agreement or Determination. In such cases the Mixed Functions Clause shall apply except where 12 hour shifts are worked. In such cases the words three (3) hours shall be substituted for the words two (2) hours wherever they occur in such a clause.

Change of Roster

An employee shall if practicable be given at least twenty four hours notice of any -change of rostered shift, or the proposed deferment or cancellation of any rest day or recurrent leave day. An employee required to perform a shift on a rostered rest day or recurrent leave day who is not notified of such change of rostered duty at least twenty four hours before the commencement of the altered shift shall be paid at the overtime rate specified in the instrument of employment or, if not specified in such instrument as provided for in the Crown Employees (Overtime) Award, for the performance of duty on that shift in lieu of being granted an alternate rest - day or recurrent leave day.

A "shift" for the purposes of calculation of the overtime rate in this clause means the usual length of shift worked on that day by officers rostered for the same or similar duty. By mutual agreement however, an employee may work a full shift of a lesser number of hours consistent with the length of shifts worked within the particular flexible roster to a minimum of five (5) or six (6) hours depending on whether an officer normally works 35 or 38 hours per week.

Transferred Employees

Employees who are transferred which results in them moving to a different rostering system may have to have their working hours adjusted to ensure that an average of 35 or 38 working hours per week is maintained. In this regard a common sense approach is to be adopted.

Adjustments to working hours should, as far as possible, occur under the flexible roster to avoid difficulties encountered in adjusting hours under the standard 7 or 8 hour, 10 shift per fortnight configuration. It is particularly important to avoid situations where employees are required to work in excess of 35 or 40 standard hours per week when an officer performs duty under the standard configuration.

As flexible rostering arrangements give no entitlement for RDO's, adjustments to the entitlement for such leave may be necessary when officers alternate between a flexible shift arrangement and the standard 7 or 8 hour, 10 hour shift per fortnight configuration.

Extended Leave

Extended leave shall continue to be granted in accordance with existing arrangements.

It should be noted that all days, excluding rest days, count towards the period of extended leave.

Prior to entering on extended leave and immediately following resumption, an employees ordinary working hours should be adjusted in accordance with the agreed parameters so that the employees ordinary hours average 35 or 38 per week for that part of the roster period (if any) not included in the period of extended leave. For the purpose of such calculation, days spent on extended leave within a roster period (not being rest days) applicable to the officer; shall for the purposes of calculation of hours be deemed to be days of 7 or 7.6 hours, respectively.

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Rostered Days Off

Whilst RDO's generally will not accrue during the working of flexible roster patterns, there may be cases where employees apply for or are required to take an RDO which accrued prior to entering onto the flexible roster pattern.

In such cases, the RDO when taken shall equate with 8 hours within the roster.

Central and Western Division Leave

Employees who qualify for Central and Western Division Leave shall be entitled to an additional 35 or 38 working hours annual leave per annum, or pro rata thereof where only part of the year is spent attached within the qualifying zone.

Military Leave

Military Leave shall continue to be provided on the basis of calendar days as specified in the instrument of employment or the PSIR Guide or regardless of whether such days are working days, recurrent leave days or rest days.

Plain Clothes Allowances

Plain Clothes Allowances shall continue to apply to those officers, if applicable, under the current instrument of employment. Any entitlements shall be calculated on the basis of hours by converting the annual rate to a weekly rate then dividing by the ordinary number of hours in the week (i.e., 38) and multiplying by the number of hours in the particular shift.

Rostering on Public Holidays

Officers may generally be rostered on a Public Holiday as follows:

1. Rostered on duty - generally paid at the rate of time and one half (150%) in addition to salary;
2. Rostered off duty rest – employee to elect to be paid one days pay or have one day added to their annual leave balance in addition to salary. A days pay for the purpose of this section is, 7 or 7.6 hours pay;
3. Granted shift free of work - such shift to count as one days work for that week but no additional compensation applies.
4. Rostered on a Recurrent Leave Day - employee to elect to be paid one days pay or have one day added to their annual leave balance in addition to salary. A days pay for the purpose of this section is, 7 or 7.6 hours pay.

In the case of classifications whose instrument of employment provides for an "all up" rate of pay or for a prescribed weekly or annual rate of compensation for the working of shift work or weekend work, the provisions of the particular instrument of employment will continue to apply with no additional compensation being provided and no reduction applying as a consequence of an officer being rostered on a "recurrent leave day" on a public holiday.

Overtime

Overtime shall be paid for periods worked in excess of rostered shift hours, i.e., if 12 hour shifts are worked, overtime is paid for the period worked in excess of the rostered shift. Similarly, if 10 hour shifts are worked, overtime is paid for the period worked in excess of that rostered shift. Payment shall be in accordance with the instrument of employment or the Crown Employees (Overtime) Award as applicable.

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Meal Money, Overtime

Meal money is paid either at the prescribed rate applicable under the appropriate employment instrument or in accordance with the provisions of the Crown Employees (Overtime) Award. Under no circumstances will an entitlement to a meal allowance arise as a consequence of a second meal period as a result of the length of flexible shifts.

Contacts

For enquiries, please contact Employee Relations or send an email to #PCC-ER.