15 April 2019

PSA Corrects Underpayment for User Pays Overtime in Police Radio

Recent work by delegates at Penrith ROC has uncovered issues with overtime payments for civilian operators working on “User Pays” events. This win will result in affected members receiving backpay for instances where they were incorrectly paid.

Specifically, members working User Pays events were incorrectly paid their entire shift at time and a half. They should have been paid according to the standard Award overtime provisions of time and a half for the first two hours and double time after that.

The confusion stemmed from application of the section of the policy that was in fact only relevant to Police Officers:

Rate of Pay – Police officers employed on special events and commercial services (eg. wide load and other transport escorts, supplementary policing) will be paid their own substantive unloaded

rate of pay, at time and a half. Commissioned Officers will be paid time and one half at the

maximum rate of Senior Sergeant.

The relevant section of the policy covering User Pays charges for civilian staff states:

Unsworn Officers – Unsworn officers can be employed on user pays events and commercial service activities as support staff on non-police duties, such as radio operators. They are to work under their normal award conditions. The client should be charged as if a user charges police officer is performing that duty. (emphasis added)

The PSA has no agreement with NSW Police regarding User Pays events separate to the standard overtime provisions in the Crown Employees *(NSW Police Force Administrative Officers and Temporary Employees) Award 2009*, Clause 91.1:

91.1.1
Monday-Friday - All overtime worked by shift workers Monday to Friday inclusive, shall be paid for at the rate of time and one half for the first two hours and double time thereafter.

91.1.2
Saturday - All overtime worked by shift workers on Saturday, shall be paid for at the rate of time and one half for the first two hours and double time thereafter.

91.1.3
Sunday - All overtime worked by shift workers on a Sunday shall be paid for at the rate of double time.

91.1.4
Public Holidays - All overtime worked on a public holiday shall be paid for at the rate of double time and one half.

Delegates at Penrith did a fantastic job in pursuing this matter locally with the support of PSA Industrial Staff, despite initially receiving a negative response to their query.

The PSA has not yet confirmed whether this underpayment has occurred in other centres but encourages all members to check their payslips for any shifts worked on User Pays events. Any incorrect payment uncovered should be raised at a local level initially and members will receive the full support of the union in pursuing backpay.

If you require any further clarification on these entitlements, please contact:

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What else can you do?

- Give a copy of this bulletin to your colleagues or put it on a noticeboard.
- Ask a colleague to join the PSA.
- Get involved by becoming a local union delegate

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