

Mr Dean Allen *on behalf of*
Mr Stewart Little
General Secretary
Public Service Association of NSW
160 Clarence Street
Sydney NSW 2000
GPO Box 3365 Sydney NSW 2001

Re: *Overtime Back Payment - Service NSW (Salaries and Conditions) Employees Award 2024*

Dear Mr Allen,

We refer to the Public Service Association's letter dated 10 February 2026 addressed to Mr Michael Robson, Principal Manager Industrial Relations, Department of Customer Service (the **Letter**).

For ease of reference, we have included the eight questions raised in the Letter below in italics, with Service NSW's responses directly following each question.

Questions about prospective issues

1. PSA has stated "*Service NSW (SNSW) requires staff in the Contact Centres to be set up ready to take calls from the start of their roster time. To date, this means that staff have been doing this unpaid. Delegates are getting a lot of questions about how this will be rectified going forward.*"

Service NSW does not require employees to complete work-related tasks in their own time. All work-related activities should be undertaken after the employee has commenced work at their rostered start time.

Service Delivery has reinforced this expectation with leaders and team members to ensure that employees are aware that they are not required or expected to undertake work-activities prior to the commencement of their rostered start time.

2. PSA has stated "*At present, delegates understand that someone's clock in/clock out times are moved back or forward to reflect the rounding rules (either manually or by Team Leader). Can the Department confirm that this practice will cease as of 13 Feb 2026?*"

Clock in/clock out times were not adjusted to reflect 'rounding rules' before 13 February 2026. Clock in and out data in UKG Pro is currently captured and is recorded regardless of changes made in shift

times. Similarly, Genesys log in and out data is also captured and retained separately. Manual shift changes does not alter this information.

3. PSA has asked *“How will flexibility in starting and end times work for employees after 13 February 2026?”*

Flexibility requirements and individual employee needs should be discussed with leaders and in line with current Department Flexible Working Hours Agreement 2024.

For example, if a staff member is 15 minutes late due to transport issues, there could be the option, once discussed with the Team Leader to work 15 minutes at the end of the day to make up the time if business operations allow, or apply for paid or unpaid leave decided by the employee. Options must be discussed and mutually agreed between the employee and team leader.

Questions/comments about retrospectivity

4. *The OT FAQ document under the question “what overtime wasn’t paid” indicates that the only overtime that was not paid was that worked after the end of a rostered shift. The PSA does not agree with this is, noting that many team members were advised that they needed to start earlier than their shift to ensure that they would be able to commence serving at opening times. Will DCS backpay overtime worked prior to a start time of a roster*

As previously stated in this letter and in recent communications to all Service NSW employees, Service NSW does not require employees to complete work-related activities in their own time.

We will be looking further into the data to understand where this scenario has taken place to consider if this needs to be included into the current overtime back payment matter.

5. *Delegates generally have received questions about how the backpay process will work, including whether this will be an individual payment or something that is averaged. There seems to be concerns about payments not being individualised.*

Thank you for providing this feedback. On 18 February 2026, we met with the PSA and shared a proposed model for back payments on a without prejudice basis. Nothing has been agreed yet and we will continue to work closely with the PSA. Once we have something to share with team members on the proposed approach to back pay, we will seek their feedback.

6. *Delegates have questions about the fact that Service NSW are only proposing to pay the limitation period and not the full period of time for which the errors have been occurring.*

As noted above, Service NSW has shared a proposed model with the PSA. We intend to work closely with the PSA and negotiate an approach to backpay that is acceptable to team members.

7. *Why do former employees need to register to be included in the backpay? What steps are being taken by the Department to notify former employees about this process?*

Service NSW intends to back pay all employees affected by the underpayment. Work is underway to understand the best ways to engage with former employees where contact information may be outdated and or they no longer resided at the residential address that we have on file from their previous employment period.

One of the ways to engage with former employees, who may have updated contact information or a new residential address since leaving the employ of the Department, is to offer register where former employees can provide their new contact information and receive updates on the backpay process in real time.

It is worth noting that Former Service Delivery Team members in DCS do not have to register as the Department has current details to be able to administer back payment.

8. *Will staff be paid backpay if they never worked additional time?*

We are still working with the PSA to develop a backpay model. This will be included in the communications to employees regarding the backpay when the modelling is finalised.

Next Steps

Thank you for providing the PSA's and its members' concerns to the Department. It is our intention to continue to work collaboratively with the PSA on this matter to achieve a timely outcome.

Please contact the writer if you have any questions on 0405 475 553 or at Michael.robson@customerservice.nsw.gov.au

Sincerely,



Michael Robson

Principal Manager DCS Industrial Relations