



AFPA

AFP CA IMPLEMENTATION UPDATE 5

24th April 2007 – DRAFT FOR COMMENT

Federal Operations: Protect your conditions

The AFP CA 2007 – 2011 is not significantly changed from the agreement that it replaced other than by providing new penalty and overtime provisions and a longer reconciliation period. With a focus on work pattern and the inclusion of penalty rates and overtime hours, the AFP CA 2007 – 2011 contains many provisions which safeguard the work/life balance.

The CA 2003-2006	The CA 2007-2011
Core hours 0600 – 2000 Mon – Fri	Normal Hours 0600 – 2000 Mon – Fri
Hours outside of Core hours to be worked for Operational reasons only	Hours outside of Normal hours to be worked for Operational reasons only
	Minimum of 8 hours of Duty and no split shifts
Up to 44 hour week on average	40 hour week on average
44 hours averaged over 28 day cycle	40 hours averaged over financial quarter
Composite 33% non-superable	Composite 22% superable + 3% rolled into base + Night Shift Premium
3% + 15% penalty component + 15% which purchased up to 4 hours at 3.75% per hour (3.75% being time and a half)	3% + 22% Penalty component. No hours pre-purchased
	Ability to pre-purchase or post-purchase hours at 5% (5% being double time)
	Penalty provisions for excessive flexibility at double the base salary hourly penalty rate

HOURLY LIMITS – Double Time Overtime Payment

Section 20.2.4 a) “employees will not be required to work in excess of;

- i) 16 hours in over any 24 hour period
- ii) 60 hours over any 7 day period; and
- iii) 200 hours over any 28-day period...

b)...Where hourly limits are exceeded an employee will be paid the overtime rate for every hour in excess of the relevant limit. These hours will not count towards hours worked.”

These Hours can be exceeded in an emergency or where operational continuity is essential.

I worked 17 hours of duty. What happens?

The first 16 hours of your duty accrue at single time towards your quarterly requirement of 520 hours. The 17th hour is paid at the overtime rate but does not count towards the 520 quarter.

I worked six blocks of 12 hours. This breaches the 60 hours in 7 days. What happens?

You have worked 72 hours. 60 hours accrue to your quarterly acquittal, and 12 hours are paid at the double time overtime rate. These additional hours do not accrue to your quarterly acquittal.

I worked 6 blocks of 12 hours and one day was a public holiday. What happens?

You have worked 72 hours and accrued 84 hours. 12 hours are paid at the double time overtime rate and therefore cannot be counted towards your quarterly acquittal. You accrue 72 hours towards your quarterly acquittal.

MANDATORY MINIMUM REST PERIODS – Penalty Provision of Double Time Hours

Section 20.2.4 d) *“employees will receive a minimum rest break;*

- i) for any period of duty in excess of eight (8) hours duration but less than or equal to 16 hours durations, a mandatory minimum rest period of eleven hours will apply;*
- ii) for any period of duty in excess of sixteen (16) hours duration, a mandatory minimum rest period of sixteen (16) hours will apply.*

e) where it is operationally necessary for an employee to return to work prior to the completion of the mandatory rest period... double time hours will count towards the total hours in the three month averaging period until the mandatory rest period is taken,”

I was required to work fourteen (14) hours that ended at 0000. I am required to return to work at 0800. What happens?

If you are operationally required to return to work, you have not completed your mandatory minimum rest period of 11 hours. You then accrue double time hours towards your quarterly acquittal until you have an 11 hour break.

If you are not operationally required to return to work at 0800 you remain home until you have completed your 11 hour mandatory minimum rest period. You would not return to work until 1100.

The hours between 0800 and 1100 will be deemed to have been worked.

WEEKENDS – Double Time Overtime Payment

Section 20.2.4 g & h) *“Employees will not be required to work more than an average of one (1) in two (2) weekends reconciled over the three calendar month averaging period..*

Where an employee is required to work more... that employee shall be paid an additional base salary hourly penalty rate for each extra weekend day worked”

I worked three weekends in a row. Do I get a penalty payment for the third weekend?

No. Weekends are reconciled over the quarter. Where there are 12 weekends in a quarter, you can be required to work six before you trigger a penalty payment.

I worked Saturday one weekend and Sunday the next. Does this count as one weekend or two?

This counts as two weekends. The weekend period is a 48 hours beginning 0000hrs Saturday and 2400hrs Sunday. Any period of duty completed within that period is considered to be a weekend. Working both days on a weekend is considered to be one weekend.

RECALL TO DUTY

Section 20.2.7 *“Where an employee is recalled...and has been given at least 12 hours notice and is not in receipt of an on call allowance, any time worked will count as single time hours towards their total hours worked over the three calendar month...”*

Where an employee is recalled...and has not been given at least 12 hours notice and is not in receipt of an on call allowance, any time worked ...plus 30 minutes of travelling time each way to and from work will count as double time hours.. to the greater amount of;

- a) actual hours worked (x2); or*
- b) A total of five (5) hours*

My eight (8) hours ended at 1600 and I am not on call. I was required to return to work at 2000 and work for 1 hour. Do I claim double time hours for that 1 hour?

No. This is regarded as a recall to duty. You have not had 12 hours notice and do not receive the on call allowance and are recalled to duty. You receive the greater amount of double time plus 1 hours travel time or five (5) hours. **In this case you receive five (5) hours at single time.**

Where the employee receives an on call allowance, any time worked plus 1 hours travel time will count at double time hours. **In this case the employee accrues 4 hours.**

I started at 0800 on Monday and I was stood down at 1pm the same day in order to return to duty at 0000 hrs that night for an 8 hour duty. I am told by my team leader that at that time that my next duty after that will commence at 8am on Wednesday I then worked 0000 until 0800hrs. I then stand down and don't return to work until Wednesday. How is this recorded?

Minimum shift length for operations members is 8 hours. Therefore Monday's day shift is recorded as being worked for 8 hours even though you were stood down after 5 hours. The night duty is recorded as double time hours because you were recalled to duty with less than 12 hours notice. You receive the nightshift premium for the hours worked between 0000 and 0600hrs. Because your 8 hour duty on Tuesday was changed from an 0800 start to an 0000 start on the same day you are not required to work until Wednesday's normal duty. You can not claim stand down for this as you have been given reasonable notice of the change of duty for the Wednesday.

I worked a 17 hour duty 0000 on Thursday. I am entitled to stand down until 1600 on Friday. My normal hours of duty are 0800 – 1600. My team leader directs me to work 1600 – 0000 to acquit 8 hours in the day. Can I claim my normal hours as well?

No. The 22% composite purchases 24/7 flexibility for Operations. You can be directed to work these hours. However, you can only be directed to work outside the normal hours of 0600 – 2000 for operational reasons. If no such reasons apply you can be required to work 1600 – 2000, but would be considered to have acquitted a full 8 hours of duty.

ON CALL – Allowance and Penalty Provision of Double Time Hours

Where an employee is in receipt of an on call allowance and is recalled... any time worked plus 30 minutes travel time each way will count as double time hours towards their total hours...”

Section 23 *“Where an employee is required and directed... to be contactable and available to return to duty the employee will be entitled to be paid an on call allowance for each period of up to 24 hours (or part thereof) of:*

- a) \$25 Monday to Friday*
- b) \$35 Saturday and Sunday*
- c) \$50 Public Holidays*

Employees will normally have a maximum on call period of 7 days in 28 days. Where they are required to work in excess of 7 days on call in a 28 day period, they will be paid the following...;

- a) \$25 Monday to Friday*
- b) \$35 Saturday and Sunday*

c) \$50 Public Holidays”

I have an AFP phone that I am required to answer off duty. Can I claim an On Call allowance?

Yes, you are required to be available for duty. You can claim on call allowance. To avoid unnecessary disputes with your team leader, we recommend you advise him or her at the time of the request that you are entitled to claim the on call allowance.

Unless a member is placed on-call, they are not obliged to respond after hours. If a member is asked to *'make themselves available for a possible job'*, they are entitled to the on-call premium.

I receive the on call allowance. After hours, I get a phone call from AFP members at the airport requesting advice on a matter. I spend 1 hour dealing with the phone call and subsequent follow up. But do not physically return to duty. What happens?

You spent more than 30 minutes dealing with the matter, you are able to claim it as time worked (s.145). You are able to record 1 hour at double time hours (2 hours accrued). As you were not physically recalled to duty, you are not able to claim travel time.

I have worked 7 days on call. Can I refuse to remain on call within this 28 day period?

Yes. You may refuse to remain on call after 7 days in any 28 day period. If you choose to remain on call, the on call allowance increases to the second tier higher payment.

NIGHTSHIFT PREMIUM

I worked 2000 – 0400 hours. Can I claim the night shift premium for the entire shift?

No. The Nightshift premium is paid only between 0000 and 0600. You are paid 4 hours night shift premium at \$5.50 an hour. However, the Nightshift Premium is tied to the pay raises and on the 1st of July it increases to \$5.75 an hour.

STAND DOWN

I regularly work a 45 hour week without incurring penalties. After 6 weeks I have accrued 270 hours towards my 520. My manager wants to stand me down so that I don't breach my 520 hours, expecting a job at the end of the quarter. What happens?

Your manager can stand you down in order to manage your hours. However, if you are attending work and are stood down, you are considered to have completed eight (8) hours of duty. However if the expected job does not occur and you do not meet your 520 hours by the end of the quarter due to the management stand down, (each day is considered an eight (8) hour duty), then you are considered to have acquitted your hours and they are reconciled.

There will be misunderstanding in relation to the new penalty and overtime provisions. They are legally enforceable. The AFP corporately has agreed to these provisions. The provisions have been designed to reduce excessive hours and unreasonable 24/7 demands being placed on operations employees.

To help avoid disputes we recommend that you advise your team leader of your entitlements at the time he/she requests you to perform such duties and not after the duty has been done, so he/she has a clear understanding of the impact of the request.

So that we are kept informed of issues please immediately advise your AFPA Zone Coordinators if anyone from your local management team attempt to place pressure on you not to claim your legal entitlements. Help the AFPA protect your working conditions by advising us in a timely manner.

If you have any concerns about the issues raised in this bulletin or other CA 2007- 2001 queries please contact your local representatives or the AFPA National Office on afpa.industrial@afpa.org.au for more information.