



AFPA

APEC BULLETIN 1

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Operations Working Pattern: Safety Net Penalties

If you are working the operations working pattern during the APEC period the nature and volume of work may mean that you trigger a number of penalties under the AFP CA 2007 – 2011. 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 your work/life balance.

Below is a brief summary of some key provisions that you need to be aware of to ensure you are correctly remunerated.

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. If an employee wishes, and has the support of their team leader, these hours can count for double hours off the quarterly total rather than be paid at the overtime rate.

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.

For operational reasons, I was required to work 10 hour shifts from Monday to Friday. Further to this I was required to work 16 hours on Saturday. This breaches 60 hours in 7 days. What happens?

You have worked 66 hours. 60 hours accrue to your quarterly acquittal, and 6 hours are paid at the double time overtime rate. These additional 6 hours do not accrue to your quarterly acquittal (unless agreed to be taken as double time).

For operational reasons, I was required to work 10 hour shifts from Monday to Friday and Wednesday was a public holiday. Further to this I was required to work 16 hours on Saturday. This breaches 60 hours in 7 days. What happens?

You have accrued a total of 20 hours on Monday and Tuesday. Wednesday is a public holiday, it is therefore calculated at double time hours. As a result, you accrue 20 hours on Wednesday. Over Thursday and Friday, you accrue a further 20 hours and 16 on Saturday. This brings your weekly total to 76 hours.

However, your actual hours of work that week are 66 hours. This is a breach of the 60 hours in any 7 day period provision of the CA. Therefore, 6 hours are paid at the double time overtime rate.

The double time over time is paid in that pay period and therefore cannot be counted towards your quarterly acquittal. Your 76 hours accrued is reduced by 6 hours, leaving 70 hours to count towards your quarterly acquittal of 520.

I have already worked more than 60 hours in 7 days and I am incurring penalty payments. Can the job breach safety net provisions such as the limitation on days worked and mandatory rest periods without additional penalty?

No. Just because a member incurs a paid penalty for working beyond the time limits set in the agreement it does not affect the accrual of other penalties when the safety net provisions are breached. The penalty provisions are separate and do not act to exclude the operation of penalties for different breaches. In these cases members would accrue double time hours minus any hours paid at the overtime rate. This would result in a payment and single time hours coming off the quarterly accrual.

If you have an issue that specifically relates to duty during APEC please contact the office on 02 62851677 and ask for the "APEC officer." For the duration of APEC the AFPA will have an officer set aside to focus on issues arising out of APEC.

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.