



MEMBER UPDATE

AFPA Industrial Dispatch #20

31 October 2017

CURRENT SIGNIFICANT ISSUES

Professional Standards – Natural Justice Responses

What is a Natural Justice Response (NJR)?

This is a part of the PRS investigation process. Following the completion of an investigation and receipt of the Investigation Report, members subject to investigation for Category 3 Code of Conduct matters are given the opportunity to respond to any proposed adverse findings that have been made against them, prior to the matter being adjudicated by an 'independent' adjudicator.

NJRs provide an opportunity for members to put forward their side of the story, provide the context for the alleged conduct, present mitigating factors and dispute the proposed findings.

While we encourage all members to contact us as soon as they become aware of a PRS investigation, we strongly recommend you seek our assistance to complete your NJR.

Safety Nets

Supervisors may ask you to 'agree' to change shifts or rosters at short notice for operational requirements. However, this can have a knock-on effect with subsequent shifts or hours worked.

Yes – AFP employees may be paid an allowance for their flexibility however the safety net provisions in the EA are there to protect your health, well-being and work/life balance.

The EA provides minimum rest periods and limits to the maximum hours you should work. If you do breach the safety net provisions, you are entitled to be compensated accordingly. You do not work for free and you should not 'agree' to forego this compensation.

If you are concerned about changes to your working patterns that may result in breaches of safety net provisions, please call the Team.

Suspension from Duty

Members may be suspended from duty due to or during a Professional Standards investigation. Suspension can be with or without payment of your salary.

Suspension with pay generally applies where an employee:

- is being investigated for serious misconduct which, if established, may lead to the termination of their employment;
- fails to cooperate with or obstructs a PRS investigation;
- staying in the workplace would cause damage to the reputation of the AFP;
- is subject to a criminal or PRS investigation and suspension is necessary to preserve evidence or the integrity of the investigation or the AFP.

Suspension without pay generally applies where an employee has been charged with a serious criminal offence.

If you are suspended, please contact the Team immediately for advice and assistance.

Long Service Leave - recording

The AFPA has recently taken a number of questions regarding Long Service Leave (LSL) and in particular how to record this type of leave in Insight. Members have been concerned that by entering the minimum 7-day block as LSL, their Insight recording could be considered a misrepresentation of their work for that averaging period.

Members need not be concerned. When applying for LSL, first submit the manual form through to Payroll Services. Payroll officers will assess the application and ensure any variables to the LSL Act/rules are taken into account.

While the manual application and input of long service leave by Payroll Services provides an assurance that the leave is accurately deducted from LSL balances, the information in Insight reflects the practical leave taken for time-recording purposes. This means that, where an employee is not required to work on weekends, they are not required to input the time type of *Leave Hours* on the weekends. Rather, they should input scheduled days off over the weekend and perhaps enter a note that they are on long service leave.

It should also be noted that if the employee utilises the automated function to load leave hours within the time recording system, this also does not load weekends as *Leave Hours*.

Welcome to a new member of the Legal Industrial Team – Anish Prasad

Join us to welcome our new Industrial Office, Anish Prasad. Anish graduated in Arts and Law from La Trobe University in Melbourne in 2015 and will be completing his Masters of Labour Law and Relations at the University of Sydney next year.

Prior to joining the AFPA he worked as an Organiser with the Finance Sector Union, and more recently in the same capacity with the Australian Medical Association (ACT).

He is passionate about advocating on behalf of workers and is looking forward to working closely with the Legal Industrial Team in ensuring the rights of AFPA Members are properly protected in the workplace.

INDUSTRIAL QUERIES

If you have any industrial queries or queries about issues raised in this Dispatch, please contact sam.delaney@afpa.org.au or sara.gorman@afpa.org.au.



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