



MEMBER UPDATE

AFPA Industrial Dispatch #39 **21 January 2019**

Welcome to edition 39 of the AFPA Industrial Dispatch, a regular bulletin from the Legal and Industrial Team to keep our members up to date with significant industrial issues.

CURRENT SIGNIFICANT ISSUES

On 9 January, the AFPA Legal and Industrial Team met with AFP Industrial Relations to discuss a number of ongoing collective issues affecting the workforce, including unpaid overtime, annual leave under Determination 1 and unpaid superannuation.

Unpaid Overtime

AFP IR advised the Unpaid Overtime project is currently under discussion at the National Manager level. Repayments were delayed primarily due to issues with SAP reporting and data extraction. The project was paused while the analytics team developed a new system to extract the data, which we are advised has now been completed.

The AFPA conveyed members' frustration with the delay and lack of communication. We reminded the AFP that these entitlements were due some time ago and should be progressed as a matter of priority.

The AFPA requested the AFP send an update to affected members. We have been assured an update will be disseminated, following the next Senior Executive meeting on 5 February 2019 when this issue is due to be discussed.

Unpaid Annual Leave – Determination 1

AFP IR advised the Unpaid Annual Leave under Determination 1 matter is still with the AFP Executive for determination.

We expressed our disappointment with this response, noting that no progress has been made since at least November 2018. Again, we conveyed the frustration of affected members who have been waiting for the payment of these entitlements, which date back to 2015.

The IR team undertook to follow up with National Manager People Safety and Security to seek a commitment on projected time frames and communication with affected members. Once these timeframes have been received, we will also convey to affected members.

Unpaid Superannuation

The AFP advised that superannuation specialists have been engaged to work through the complexities associated with this project.

Members from the following cohorts are being considered in the first instance:

- Current employees who have advised of their retirement;
- Current employees close to retirement age;
- Separated employees; and
- Current employees – “simple” and “complex”.

We are advised that the unpaid superannuation working group is currently working on:

- Finalising the AFP position on tranche 2 allowances (international determinations and PSO agreements);
- Validation of payment codes identified as relating to the relevant allowances to ensure completed list of potentially affected members to review;
- Developing reports to enable the extraction of data fields required for review; and
- Updating the current birthday review process to incorporate the additional arrangements.

The AFP advise they are committed to developing a robust and accurate process to ensure all affected employees receive their correct entitlements.

Fair Work Commission Update – Air Security Officers and Workforce Adjustment

On 9 January, the AFPA appeared before the Fair Work Commission, contesting the AFP’s decision not to invoke the “Workforce Adjustment” clause in relation to the Sydney and Melbourne ASO restructure.

The AFPA’s counsel put forward a compelling argument as to why the AFP needs to enliven the workforce adjustment clause of the EA in these circumstances.

We expect the decision to be handed down within the next 2 to 4 weeks.

Overpayments

The AFPA have seen an increase in overpayments over the last few months. Overpayments generally arise as a result of administrative errors or inadvertent employee oversight.

Key factors which can lead to an overpayment include:

- Changes to entitlements/working patterns;
- Maternity leave; and
- Comcare claims.

It is important for members to check their payslips and report any suspected discrepancies to your Pay Team. While this may be time-consuming, particularly for operational members whose pay may vary, doing so can ensure members avoid future financial stress. We have seen a number of overpayments that exceeded \$10,000 which members were obligated to repay.

If you become aware of an overpayment, please contact the AFPA who can advise you about the process.

Mandatory Rest Days

Members are due to be credited two Mandatory Rest Days on 1 March, as per section 40 of EA2017. To ensure you are eligible for the MRDs, you are required to:

1. Reduce your Annual Leave balance to less than 228 hours; and
2. Use the two MRDs you received in September **prior to 1 March**.

If you are unable to meet these requirements, you can submit a minute through your chain of command explaining why you have been unable to reduce your balance or use your MRDs. If you require assistance, please do not hesitate to get in touch.

INDUSTRIAL QUERIES

If you have any industrial queries or queries about issues raised in this Dispatch, please contact Sharon, Anish, Matt or Sam at afpa@afpa.org.au or call us on (02) 6285 1677.



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