



# MEMBER UPDATE

## AFPA Industrial Dispatch #41 6 March 2019

Welcome to edition 41 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

#### Performing Higher Duties at the Executive (Superintendent/Coordinator) Level

From time to time, members working under the conditions of the *AFP Enterprise Agreement 2017 – 2020* (AFP EA) may be asked to perform duties at the Executive (Superintendent/Coordinator) Level.

It has recently come to our attention that additional hours worked while on higher duties at the Executive or SES level do not count toward the three-month averaging period. The AFP position is that during a period of higher duties at an Executive or SES level, employees can only acquit 8 hours per day (maximum) and 40 hours per week (maximum).

This position is predicated on the *AFP Better Practice Guide for Higher Duties Allowance* which states:

*Employees performing higher duties at the Executive or SES level will be subject to the provisions of section 29(8)-(11) and 29(12)-(13) respectively of the EA. Therefore, they will not be able to accrue additional hours towards the averaging period and have no entitlement to payment of a core composite, overtime and all other allowances provided for under Part VI of the EA (except HDA).*

*Employees are still subject to the normal working hours under section 16(1) of the EA with a requirement to work a 38 ordinary hour week and not less than two reasonable additional hours per week.*

This is something for members to keep in mind if you are performing higher duties at these levels.

#### Salary Adjustments

After further discussions with the AFP following the publication of our segment on *Unauthorised Recovery of Overpayments* in the *AFPA Industrial Dispatch #40*, we note the following:

In instances where an employee or roster clerk process a roster change (e.g. due to leave, overtime shift etc as recorded in Insight or on the duty sheets) and this is actioned after Payroll cut-off, there is no ability for their time recording to be updated to reflect this variation. This results in instances where employees receive less than (or more than) the pay they were expecting to receive in their fortnightly pay.

Section 69(3) of the *AFP Enterprise Agreement 2017 – 2020* (AFP EA) provides that 'An overpayment of salary does not occur where an Employee initiates an adjustment or roster change'. This means that in instances where an employee receives a higher fortnightly pay due to initiating an adjustment or roster change, this is not deemed to be an overpayment under the AFP EA. Rather, this is considered to be an employee initiated adjustment or roster

change resulting in the employee receiving higher payment than what they were entitled to, with an 'adjustment' to the employee's pay occurring in the following fortnightly pay.

**Scenario One:** An employee was originally rostered to work a shift on a public holiday as reflected on their roster/duty sheet. They are then unwell and take a Personal Leave day on the public holiday and an adjustment or roster change is then initiated to change this day to a Personal Leave day. If the adjustment or roster change occurs after Payroll cut-off, the employee will still receive payment for working on the public holiday in their pay for that fortnight in accordance with their expected attendance, however the employee's salary will be adjusted in the following fortnightly pay as they were not entitled to receive payment for a public holiday worked.

Similarly, where an employee receives a lower fortnightly pay than what they were entitled to receive due to them initiating an adjustment or roster change after Payroll cut-off, this will be rectified in the following fortnightly pay through the employee receiving back-payment.

**Scenario Two:** An employee was originally rostered to be on a Rest Day on a public holiday as reflected on their roster/duty sheet. They are subsequently required to work on the public holiday (change of shift), and an adjustment or roster change is then initiated. However, if the adjustment or roster change occurs after Payroll cut-off, the employee will not receive payment for working on the public holiday in their pay for that fortnight, rather their pay will be adjusted to include this payment in the following fortnightly pay once the amendment is made.

This provision is specifically intended to accommodate for instances such as those outlined above.

If you have any concerns or queries about the difference between a salary adjustment and an unauthorised recovery of an overpayment, please let the team know.

## **New Melbourne Office**

---

On 21 February 2019, Special Minister of State Alex Hawke requested the Parliamentary Standing Committee on Public Works to commence an inquiry into the AFP's proposal to relocate its Melbourne Headquarters to 140 Lonsdale Street. The lease for the current La Trobe Street office will expire on 15 December 2022.

The Committee will be accepting submissions until Friday, 22 March 2019. More information about the inquiry can be found [here](#). Further information about the AFP's proposal can be found in their [submission](#) to the committee.

Please send any feedback regarding the proposal to [afpa@afpa.org.au](mailto:afpa@afpa.org.au) to assist in formulating the AFPA submission to the inquiry.

## **AFPA Station and Office Visits**

---

The AFPA will be conducting visits to key AFP workplaces over the coming months. Our first visits will be to all ACT Policing Stations, followed by National Offices.

We encourage all members to come along and share any of your employment concerns and ask questions of our Industrial Officers.

Our first station visit of the year to Gungahlin Station was held on Tuesday, 26 February 2019.

The next meetings will take place at the following times and locations:

### **City Station**

Wednesday, 6 March 2019  
12:30pm – 3:00pm

### **Tuggeranong Station**

Tuesday, 12 March 2019  
1:30pm – 3:30pm

**Parliament House**

Thursday, 28 March 2019

6:00pm – 8:00pm

**Woden Station**

Tuesday, 2 April 2019

2:00pm – 4:00pm

We will announce further visits in the near future. We look forward to seeing you!

**Update Details**

---

The AFPA are currently completing a data audit to ensure all members details are current. To assist us in this task, we kindly request all members to send a brief email to [afpa@afpa.org.au](mailto:afpa@afpa.org.au) with the following details:

- Your office location (eg. Sydney HQ, Belconnen Station, Pine Gap, etc.)
- Your work area/portfolio (eg. ACT Policing, Crime Operations, Finance, etc.)
- Your officer cohort (eg. Police, Professional, PSO)

We thank you for your assistance.

**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](mailto:afpa@afpa.org.au) or call us on (02) 6285 1677.

**Australian Federal Police Association**

Level 3/53 Blackall Street, Barton ACT 2600, PO BOX 4576, Kingston ACT 2604

**p** (02) 6285 1677 | **f** (02) 6285 2090 | **e** [afpa@afpa.org.au](mailto:afpa@afpa.org.au)**www.afpa.org.au**