



# **QUICK REFERENCE GUIDE (QRG)**

## **HOURS OF WORK**

### **PROFESSIONAL STAFF**

#### **OVERVIEW OF THE SECTION**

##### **CLAUSE REFERENCES:**

##### **WESTERN SYDNEY UNIVERSITY PROFESSIONAL STAFF AGREEMENT 2022**

Hours of Work (Clause 25), Standard Working Hours (Clause 26) & Meal Breaks (Clause 27)

##### **BRIEF DESCRIPTION:**

The Agreement clauses relating to hours of work outline the provisions, entitlements and expectations for professional employees (casual, part-time and full-time) in relation to ordinary working hours, shift work, and overtime. The clauses should be read in conjunction with clause 35: *Flexible Hours of Work*.

This guide also outlines shift loadings, work rosters, and guidelines for overtime, ensuring staff are appropriately compensated for any additional work hours.

#### **INTERPRETATION AND APPLICATION**

##### **ORDINARY HOURS OF WORK**

An employee's ordinary working hours exclude meal breaks. The following provisions apply to all employees, except shift workers:

- **Full-time employees:** work 35 hours per week or 140 hours over a four-week period, inclusive of weekends; or an average of 35 hours per week across the period if a shift roster is applicable.
- **Part-time employees:** work less than 35 hours per week or less than 140 hours over a four-week period, inclusive of weekends.
- Employees are entitled to an average of 2 days off per 7-day period (generally means weekends).
- Ordinary hours do not include travel time between an employees' residence and their home campus but do include any additional travel time (above the employee's normal travel time) that is incurred where the employee is required to work at another campus or location (other than their home campus), and travel between

campuses during the day if this is required by the University. Please note, this does not include International Travel for work.

### **Meal Breaks**

An employee is entitled to an unpaid meal break of 30 to 60 minutes. Unless otherwise arranged, and subject to operational requirements with supervisor approval, a meal break may be extended to up to 2 hours.

If the University requires an employee to work any part of their meal break, the time worked will count as part of the employee's ordinary hours. Additionally, an employee must not be required to work more than 5 consecutive hours without an unpaid meal break of at least 30 minutes. If an employee works according to a roster, however, they can take a paid meal break by agreement with their supervisor provided they remain on duty.

### **Daily Work Limits**

Daily work hours typically do not exceed 8 hours, but may be increased to up to 10 hours if:

- after consultation with the affected employee(s) (or their chosen representative), it can be demonstrated that the introduction of a roster of up to 10 hours per day will allow the work area's operational demands to be met more effectively; or
- unforeseen and/or special work demands require an employee to be directed to work up to 10 hours on a particular day, provided that:
  - the employee is given at least 24 hours' notice;
  - this does not occur more twice in a 2-week period; and
  - the employee is not required to work the increased hours if they satisfy the University that they have family responsibilities or pressing commitments that prevent them from doing so.

### **TIMESHEETS**

All employees covered by the Professional Staff Agreement are required to complete a timesheet covering each 4-week (140 hours) settlement period.

Timesheets must be submitted in a timely manner, noting that they also assist with recording and managing the accrual of flex leave and time in lieu.

### **FLEXIBILITY OF ORDINARY HOURS**

#### **Voluntary variation to completing hours**

To assist with work-life balance, an ongoing or fixed-term employee may request reduced working hours. The approval of any such request will be subject to operational requirements but will not be unreasonably withheld.

An employee may also be permitted to voluntarily work their ordinary hours at any time from Monday to Sunday, subject to:

- Operational requirements;

- Prior written approval from their Unit Head;
- Availability of adequate supervision (if applicable); and
- Any relevant health and safety factors.

**Note:** Any hours worked under such an arrangement will be compensated at the Employee's Base Rate of Pay.

An employee may modify their working hours by agreement with their supervisor to accommodate breastfeeding requirements in accordance with the Breastfeeding on University Premises Policy.

## **RATES OF PAY**

**Casual employees:** will be paid at the casual rate of pay for any ordinary hours, including any shift loading, if applicable.

### **Professional employees**

Ongoing and fixed-term employees will be paid at their base rate of pay for ordinary hours of work, plus any relevant shift loadings, if applicable. Any hours worked in excess of an employee's ordinary hours of work will be classed as overtime, subject to the provisions relating to part-time employees below.

### **Part-time employees**

If a part-time employee works more than their ordinary hours of work, they will be paid as follows:

- Their base rate of pay if the excess hours worked are between 7am to 6pm; and
- Excess hours outside of 7am to 6pm will also be eligible for shift loadings (as per clause 25.11 of the Agreement) or overtime (as per clause 25.19 of the Agreement).

### **Part-year employees**

An employee engaged part-year who agrees to work in their substantive position during a period when they would not normally work, will be paid at the employee's base rate of pay for any ordinary hours of work.

## **SHIFT LOADINGS**

Subject to the abovementioned provisions relating to part-time employees, an employee who works any of the following shifts will be paid the below shift loadings in addition to their base rate of pay or casual rate of pay:

|     | Shift                        | Time                                                                                                                                                                                                         | Loading                                                                                                                  |
|-----|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| (a) | <b>early morning shift</b>   | starting at or after 4.00am and before 7.00am Monday to Friday                                                                                                                                               | 10%                                                                                                                      |
| (b) | <b>day shift</b>             | starting not earlier than 7.00am and before 10.00am Monday to Friday                                                                                                                                         | nil                                                                                                                      |
| (c) | <b>early afternoon shift</b> | finishing after 6.00pm Monday to Friday                                                                                                                                                                      | 10%                                                                                                                      |
| (d) | <b>afternoon shift</b>       | finishing at or after 9.00pm and before midnight Monday to Friday                                                                                                                                            | 12.5%                                                                                                                    |
| (e) | <b>night shift</b>           | finishing at or after midnight and before 7.00am Monday to Friday                                                                                                                                            | 15%                                                                                                                      |
| (f) | <b>Saturday</b>              | any shift worked between midnight Friday and midnight Saturday                                                                                                                                               | 50%                                                                                                                      |
| (g) | <b>Sunday</b>                | any shift worked between midnight Saturday and midnight Sunday                                                                                                                                               | 100%                                                                                                                     |
| (h) | <b>permanent night shift</b> | any roster in which shifts are worked which do not rotate or alternate with other or another shift so as to give the employee at least one third of their working time off night shift in each roster period | 30% (provided that the loading for Saturday or Sunday will be in substitution for, and not in addition to, this loading) |

A shift roster will be posted in an easily accessible location at least 7 days in advance, detailing start and finish times of the ordinary hours of work for each shift.

An employee must be given at least 72 hours' notice of any change of shift in a roster, or at least 7 days' notice of a new roster (unless they are replacing another employee on an unplanned absence, in which case they must be notified of the change as soon as possible). If the employee:

- isn't given appropriate notice, they will be paid 1.5 times their base rate of pay; or
- works on a day the employee would have otherwise been rostered off because of a change of shift in a roster, they will be paid overtime.

Employees may swap shifts or rosters with supervisor approval, provided no extra shift loadings or overtime are incurred.

## **CHANGES TO REGULAR ROSTER OR ORDINARY HOURS OF WORK**

The University will consult with employees on changes to their regular rosters or ordinary hours of work, as required by the relevant provisions of the Fair Work Act. Employees may be assisted by their representative during such consultation.

The University will:

- Provide employees with relevant information on the proposed change;
- Invite employee feedback on potential impacts of the change, including on their family or caring responsibilities; and
- Consider employee views about the impact of the change when making decisions.

Changes to an employee's regular rosters or hours of work will only occur with the employee's consent, factoring in personal circumstances and obligations under clause 54: *Organisational Change*.

## **OVERTIME (OT)**

The University may require an employee to work a reasonable amount of overtime unless the employee has reasonable grounds for not doing so. Additionally, the University will make all reasonable efforts to provide an employee with at least 48 hours' notice of any overtime to be worked.

**Overtime rates** of pay are calculated to the nearest quarter hours and will be:

- 1.5 times the base rate of pay for the first 2 hours and double the base rate of pay thereafter until the end of the overtime; with a minimum payment of 3 hours between midnight Friday and midnight Saturday;
- between midnight Saturday and midnight Sunday, double the base rate of pay with a minimum payment of 4 hours (at overtime equivalent rate), except for essential work of feeding animals and watering, when the minimum payment will be 3 hours;
- on a public holiday, 2.5 times the base rate of pay with a minimum payment of 4 hours except for essential work of feeding animals and watering, when the minimum payment will be 3 hours; and
- If the employee is called back to the University premises for work after finishing their normal day, they will be paid the appropriate overtime rate for a minimum of 4 hours (each call will stand alone); this does not apply if the OT was pre-arranged and ordinarily requires a return to campus, or if the OT is continuous with the end or start of the employee's normal working time.

If an employee is required to report for overtime on a day they are not typically scheduled to work, but upon arrival, no work is available, the employee will still be compensated for a minimum of 3 hours at the applicable overtime rate for that day.

## **No 10-hour break**

Where possible, the University will arrange overtime so an employee will have a 10 hour break between work on consecutive days; except in cases involving shift roster changes or replacing absent employees, an 8-hour break may be substituted.

However, if an employee who works overtime:

- would usually start work within 10 hours of finishing the overtime, they will not be required to attend work until they have had a 10 hour break and will be paid their base rate of pay for the time they would have ordinarily worked in those 10 hours; or
- is directed by the University to continue or resume work without a 10 hour break, they will be paid at overtime rates until released from duty and then have 10 consecutive hours off, and will be paid their base rate of pay for the time they would have ordinarily worked within those 10 hours.

### TIME OFF IN LIEU OF OVERTIME (TIL)

An employee can opt to accrue TIL instead of being paid overtime but may only accrue a maximum balance of 35 hours of TIL. TIL will be equal to the hours of overtime that would have been payable, e.g.: 4 hours of work at double time will accrue 8 hours of TIL.

TIL must be taken at a time mutually agreed upon between the employee and their supervisor. Additionally, TIL must be considered in conjunction with the use of any flex leave but will not be unreasonably refused by the University.

If the TIL is not taken within 3 months of accrual, it will be paid out to the employee at the appropriate overtime rate.

## FREQUENTLY ASKED QUESTIONS

| QUESTION                                                                                                                                    | ANSWER                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Can I request flexible or reduced working hours in certain circumstances?</b>                                                            | Yes, you may request flexible hours or reduced working hours, subject to operational requirements and approval from your Unit Head.                                                                                                                                                                                                               |
| <b>Can I claim my travel time as part of my ordinary work day?</b>                                                                          | You cannot count your commute time to your home campus but travel time to other work locations can be included, if this travel is required by the University. If there is an organisational requirement to work on another campus or location any additional travel time to the employee's normal travel will be included in their hours of work. |
| <b>I am a part-time employee that works 21 hours per week. What happens if I complete an extra 7 hours on a day I do not normally work?</b> | If the 7 hours are completed during bandwidth hours, you will be paid for those hours at your base rate of pay. This payment can be claimed through the 'Request Payment of Additional Hours Worked' form in WesternNow.                                                                                                                          |

|                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>How do I know if my work qualifies for shift loadings?</b>                                                                                                                       | Shift loadings apply when work is performed outside your ordinary hours, with rates varying for evening, night, or weekend shifts. Check your roster and any changes to your schedule to determine eligibility; if you are still unsure, you can confirm with your supervisor or HR.                                                                                                                                                                                                                                                               |
| <b>Is there a difference between overtime and Time off in Lieu?</b>                                                                                                                 | Both OT and TIL are calculated at the same penalty rates so there is no difference to the equivalent amounts at base rate of pay. The main difference is that TIL can be banked as leave for up to 3 months for use at a later time, whereas OT is paid out in the next available pay period.                                                                                                                                                                                                                                                      |
| <b>What happens if I am asked to work overtime on a day off?</b>                                                                                                                    | You will be paid at the applicable overtime rate. If there is no work upon your arrival at work, you will be paid a minimum of 3 hours' overtime pay.                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>How do I submit a request for OT/TIL?</b>                                                                                                                                        | <p>You will need to do this in WesternNow through the 'Overtime Claim Request (Professional Staff Only)' form and indicate whether you would like OT or TIL. If you would like TIL, weekday TIL can be entered in your flex timesheet, otherwise weekend TIL will need to be submitted in a ticket also.</p> <p><i>*Note: you will need to record actual hours worked in the comment section of your flex timesheet when claiming weekday TIL.</i></p> <p>This will then go to your supervisor for approval, and any other required approvers.</p> |
| <b>I don't think I will be able to have a 10-hour break between working OT/TIL in the evening and the next ordinary work day if I need to commence work by 9.30am (core hours)?</b> | <p>Subject to your supervisor's approval, you will not be required to recommence work until you have had a 10 hour break, and will be paid your base rate of pay for the hours you would normally work during those 10 hours.</p> <p>If you are required to report for work without a 10 hour break, you will be paid at overtime rates until released from duty.</p>                                                                                                                                                                              |
| <b>Can I request my TIL balance to be paid out? If so, how?</b>                                                                                                                     | Yes, you can request your TIL to be paid out (in part or in full) by contacting the HR Operations Team with your request.                                                                                                                                                                                                                                                                                                                                                                                                                          |

## EXAMPLES

### EXAMPLE 1: REDUCING WORK HOURS

Kate has 2 children starting School and one has a chronic health condition that requires ongoing management. Kate is finding it hard to balance working full-time (1 FTE) and providing the amount of care her 2 children need without compromising her own health.

Kate initiates a discussion with her supervisor about her circumstances and asks if it is possible to reduce her working hours to 3 days per week (0.6 FTE). They both agree to this arrangement, settle on an initial reduced period of 12 months and a negotiated a roster, with the option to review Kate's requirements and operational needs closer to the end of the original variation period and extend if needed.

### EXAMPLE 2: PART-TIME EMPLOYEE AND OVERTIME

Abdul works in IT on Monday and Tuesday for 7 hours each day and has an ordinary bandwidth of 7am to 6pm. Abdul's supervisor, Marcello, has asked Abdul to work on Thursday from 4pm to 8pm to assist with a planned systems outage.

As Abdul has worked under 35 hours for the week (Friday to Thursday), this would normally be paid at his base rate of pay. However, 2 of the hours (6pm to 8pm) fall outside of Abdul's bandwidth.

As a result, Abdul will receive his base rate of pay from 4 to 6pm (within bandwidth) and overtime rates from 6 – 8pm (outside bandwidth).



### **EXAMPLE 3: NO 10-HOUR BREAK PENALTY**

Spencer is a full-time employee with an ordinary bandwidth of 7am to 6pm. She works overtime on Wednesday until midnight but is required to return to work at 8am on Thursday and work 8 hours, due to the requirements of the business unit.

As Spencer has not had a 10-hour break between her OT on Wednesday and her normal workday on Thursday, she is entitled to receive penalty rates for the normal work she performs on Thursday. This is calculated at time-and-a-half for the first 2 hours (equal to 3 hours at base rate of pay) and double time for the remaining 6 hours (equal to 12 hours at base rate of pay). The total equivalent of base rate of pay is 15 hours but this needs to have Spencer's standard 7 hour day deducted, meaning the total that Spencer will be paid out is 8 hours at her base rate of pay.

Since Spencer accrued a 1 hour time credit (positive flex), this will be deducted off her Flex timesheet as it is now getting paid overtime instead.

### **EXAMPLE 4: OVERTIME ON A PUBLIC HOLIDAY**

Sherry is a full-time employee that has a stand work pattern of 7 hours per day, 5 days per week. Sherry is asked to work on a public holiday by her supervisor and public holidays are paid at 250% of the employee's base rate of pay.

Sherry completes the work as submits a WesternNow ticket to claim overtime for the work. Once approved and processed, Sherry will be paid her ordinary base rate of 7 hours which forms 100% and then will receive the penalty payment for 150% - in total this comprises the 250% Sherry is owed for working the public holiday.

### **EXAMPLE 5: REQUESTING TIL WHEN ALREADY AT MAXIMUM BALANCE**

Justin is requested by his supervisor to work 7 hours of overtime each day on Saturday and Sunday, but Justin would prefer TIL, which his supervisor agrees to. He submits a WesternNow ticket for this work. Noting, Justin has a current TIL balance of 22 hours.

For Saturday, Justin would accrue 13 hours of TIL (2 hours at time and a half + 5 hours at double time) which would increase his balance to 35 hours. As Justin is now at the maximum permissible balance, TIL cannot be provided for Sunday and will instead be paid as overtime.

### **EXAMPLE 6: TRAVEL TIME IN WORKING HOURS**

Alex, a professional staff member, normally commutes 30 minutes from home to their designated home campus. Under the agreement, this regular commute time is not considered work time. However, one day Alex is required to attend a meeting at another WSU campus, which is an additional 40-minute drive from their home campus. Since this travel is required by the organisation and exceeds Alex's normal commuting time, the extra 40 minutes is included in their hours of work. Additionally, if Alex needs to travel between campuses during the workday, that travel time is also counted as part of their working hours.

## **INFORMATION IN THIS GUIDE IS A SUMMARY ONLY**

This document provides a general summary to assist staff understand the rights and processes related to this entitlement. To avoid doubt, this document:

- does not contain a complete account of the rights, entitlements, conditions, or obligations that may be available;
- does not replace or override the terms of the relevant enterprise agreement or under legislation, or the Western Sydney University's policies or procedures; or
- does not constitute legal or financial advice.

## **FURTHER INFORMATION**

For further details on Hours of Work, please refer to the relevant Professional/Academic [Enterprise Agreement](#).

## **KEY CONTACTS FOR FURTHER ADVICE**

If you have any questions or would like to discuss your Casual Pay Rate options, please contact the People Services Team (previously known as the HR Operations Team) or the Workplace Relations Team.