

STANDARD OPERATING PROTOCOL (SOP):

Managing Overtime for Casual Professional, Security and Grounds Staff

Context and Purpose

The University is committed to paying all staff accurately for work performed. As part of changes finalised in the new *University of South Australia Enterprise Agreement 2023* (the Agreement), casual professional, security and grounds staff up to and including HEO7 are eligible to receive payment for overtime worked on the same basis as arrangements that apply to full-time continuing and fixed term professional staff.

The inclusion of overtime arrangements for all casual professional, security and grounds staff apply from the commencement of the Agreement on 19 July 2023. Overtime for individual arrangements for time worked **prior to 19 July 2023** only applies where included in the casual employment agreement and determined by a supervisor or local area.

Scope

This SOP outlines the University's requirements to apply overtime arrangements **on and from 19 July 2023** to enable the correct payment of wages to be made in accordance with the requirements of the Agreement.

Responsible Function(s)

Employee Relations, People Talent and Culture

Standard Operating Requirements (Work instructions)

- 1.1 A casual staff member may be required to work reasonable overtime. In determining whether overtime is reasonable, the National Employment Standards¹ requires the supervisor to take into account:
 - a) The casual staff member's personal circumstances including family responsibilities;
 - b) Whether there is any risk to the casual staff member's safety;
 - c) The needs of the workplace/local area;
 - d) The notice given by the supervisor to the casual staff member to work overtime;
 - e) Any notice given by the casual staff member of their intention to not work overtime;
 - f) The usual patterns of work;
 - g) The nature of the casual staff member's role and level of responsibility; and
 - h) Any other relevant matter.
- 1.2 Overtime will not extend to any casual staff member:

¹ Section 62(3) of the *Fair Work Act 2009*

- a) Whose salary, excluding casual loading (or salary and allowances in the nature of salary) exceeds the maximum salary of the HE07 classification applying from time to time;
- b) Paid an allowance in lieu of overtime; or
- c) If the additional hours are in accordance with a flexible work arrangement or flexi-time scheme agreed between the casual staff member and supervisor².

1.3 The casual loading is not included for the purpose of calculating the salary eligibility threshold in section 1.2 a).

1.4 Where a casual staff member is eligible for overtime, any overtime hours are required to be **approved in advance** by the supervisor prior to the work being undertaken.

2. Supervisor approval of overtime

2.1 A casual staff member may be required to undertake their duties during times that attracts the payment of overtime (refer definition section). Any hours to be worked during these times **require approval by the supervisor in advance** and if approved, those hours will be treated as overtime.

2.2 In circumstances where overtime is worked without approval in advance, the supervisor and the casual staff member are to discuss the matter to determine whether payment of the time worked is to be approved and paid as overtime, or not and establish expectations regarding working hour arrangements going forward.

2.3 Guidance on circumstances where working overtime without approval in advance may be warranted can be found in section 2.4. The supervisor may seek advice on the matter from the [People Central team](#) through [AskPTC](#) or by phone on 08 8302 2220.

Working overtime without approval in advance

2.4 Whilst the Agreement requires overtime to be approved in advance, circumstances may warrant that overtime is paid where approval in advance has not been sought. These include:

- a) **Reasonable overtime:** Consider the National Employment Standard requirement as outlined in section 1.1 in particular the needs of the workplace/local area, usual patterns of work and the casual staff member's role and responsibilities. Also consider whether there has been a previous discussion or formal record between the casual staff member and supervisor in relation to the working of hours and expectations around working overtime.
- b) **Requirement for the performance of the work:** If the work undertaken by the casual staff member has been conducted in line with required duties, it is highly likely that the University has benefited from this work and if the hours worked were at times that attracts overtime, then it should be paid. Also, the more substantive the task the more likely it will be required to be paid³.
- c) **Not possible to obtain prior approval:** There may be circumstances where it is not possible to obtain prior approval and there was a requirement for the work to be completed. This will be considered on a case-by-case basis and where a supervisor agrees that it was not possible for prior approval to be obtained, but the supervisor agrees the work was required to be undertaken, then this is also a reason to consider approval of overtime.

² Flexible work or flexitime arrangements do not apply to casual staff except long term casual staff who are eligible to apply for a flexible work arrangement only.

³ *Jay Seo v Bindaree Food Group [2021] FWCFB 2691*

- 2.5 There is little discretion legally to not pay overtime where it has been worked unless there is a clear record or direction that overtime or times that attract overtime payments are not to be worked. The emphasis of ‘agreed in advance’ that the Agreement places on the working of overtime is designed to ensure that conversations are held and expectations are clear when it comes to the working of hours that attract overtime rates. This should be documented to provide clarity.

Request by a supervisor to work overtime

- 2.6 When a supervisor requests a casual staff member to work overtime, it must be a reasonable request. If it is unreasonable then a casual staff member can refuse to work overtime. To determine whether a request is reasonable, a supervisor must take into account the National Employment Standard requirement in section 1.1.

3. Overtime rates

- 3.1 Overtime approved in advance will be paid in accordance with the following table:

For overtime worked on	Overtime rate - % of hourly rate (excl casual loading)
Monday to Friday	150% for the first three (3) hours. 200% for all hours worked thereafter.
Saturday	<u>Before 12.00 Noon</u> 150% for the first three (3) hours. 200% for all hours worked thereafter. <u>After 12.00 Noon</u> 200% for all hours worked with a minimum payment of three (3) hours
Sunday	200% for all hours worked with a minimum payment of three (3) hours
Public holidays	250% for all hours worked with a minimum payment of four (4) hours#

Applies to payment for anytime worked on a public holiday within or outside the span of hours on a public holiday.

- 3.2 The casual loading is not included in the hourly rate for the purpose of calculating payment of overtime rates. The overtime rate is in substitution for and not cumulative on the casual loading. This applies for all overtime worked on and from 19 July 2023.

4. Meal breaks, meal allowance and rest period after overtime

- 4.1 A casual staff member who works overtime for more than two (2) hours after their scheduled finishing time for the day on weekdays (Monday to Friday) will be allowed an unpaid meal break of at least thirty (30) minutes. The taking of the unpaid meal break is to be determined by agreement between the casual staff member and the supervisor.
- 4.2 A casual staff member who works overtime may also be entitled to a meal allowance where they commence or cease duty two (2) hours or more prior to normal start time or after normal cessation time, on a Saturday, Sunday or public holiday.
- 4.3 A casual staff member who works overtime is entitled to a minimum rest period of ten (10) consecutive hours after completion of overtime on one day and the commencement of work on the next day. If a casual staff member agrees with their supervisor to resume work without having had ten (10) consecutive hours off duty, they will be paid at double time

(200% of the hourly rate of pay) until they are released from duty. A casual staff member will be entitled to be absent until they have had ten (10) consecutive hours off duty without loss of pay for hours scheduled to occur during the absence.

5. Time off in lieu of overtime

At this stage, our existing systems do not enable time off in lieu of overtime arrangements for casual staff. We are working to update our processes and we will advise casual staff and supervisors when this is ready to be released.

6. Submitting a timesheet claim

- 6.1 To claim overtime a casual staff member submits an [online casual timesheet claim](#) and completes the steps for all worked performed to be claimed. Casual staff can also refer to the [employee quick guide for submitting casual timesheets](#) and [casual timesheet submissions checklist and troubleshooting guide](#) for assistance if necessary.
- 6.2 When inserting the start and end times for work performed on a day (**Figure 1**) the system will automatically select the overtime check box where the hours meet the criteria for overtime (see definition section). The system then applies the overtime rates (section 3) based on the times entered and the total amount to be paid for the line of work including overtime is then shown.
- 6.3 The system enables a casual staff member to deselect the overtime check box when overtime is not approved in advance by the supervisor. In this instance the casual staff member is to discuss the matter with their supervisor **prior** to submitting their timesheet claim to determine whether the time is to be retrospectively approved by the supervisor as overtime or not (refer section 2 for further details).

Figure 1 – example timesheet entry



- 6.4 Where overtime is approved by the supervisor the overtime check box is to remain selected. Where the overtime is not approved by the supervisor (refer section 4) then no overtime is to be paid.

7. Approving a timesheet claim

- 7.1 To approve a timesheet claim including overtime, supervisors receive an email with a link for each timesheet entry submitted by a casual staff member (**Figure 1**). The link will take the supervisor through to a payment claims and approval screen (**Figure 2**).

Figure 2 – example timesheet approval

Payment claims

To return a claim, select the checkbox for the associated line and click the Mark for Return button prior to Approving

<input type="checkbox"/>	Date	Line of work	Claim	*Rate	*Total	
<input type="checkbox"/>	19 Jul 2023	Gym Instructor	9 hrs	\$41.43	\$497.16	

RESET MARK FOR RETURN CANCEL OVERTIME

More Details

Total hours claimed 9 hrs

Start time: 14:00
End time: 23:30
Break time: 00:30

Normal hours: 4 hrs 30 mins @ \$41.43 = \$186.44
Time and a half: 3 hrs @ \$62.14 = \$186.44
Hours:

Double Time Hours: 1 hr 30 mins @ \$82.86 = \$124.29

*Claim value \$497.16
Contract No 253877 - 4
Arrangement Gym Instructor
Supervisor Ms Miranda McDonald
Cost Centre AD676810 HUMAN RESOURCES MANAGEMENT
Remaining Hours 186.5 hrs
Information

This claim includes an overtime rate as per the relevant industrial agreement. To cancel the overtime rate please select the row and use the 'Cancel Overtime' button.

*Pay rates are displayed using today's pay rate. The actual amount paid will use the pay rate at the date worked

APPROVE

- 7.2 The supervisor can view the start and finish times for the timesheet entry, the number of hours paid at the normal hourly rate and overtime hours at time and a half and double time.
- 7.3 Where the timesheet entry includes a claim for overtime, the supervisor must be satisfied that the overtime meets the requirements of the Agreement that has been agreed in advance with the casual staff member. Where it has not been agreed in advance, the supervisor is to have a discussion with the casual staff member to determine whether to approve the overtime or not (see section 2).
- 7.4 Where the overtime is not approved by the supervisor (see section 2) then no overtime is to be paid. In this case select “mark for return” and confirm the reason in the dialogue box.

8. Information for casual administrators

All new and existing contracts for casual staff members employed at HEO7 and below will default to include the existing overtime provision that allocates overtime as applicable for work in excess of 7.5 hours per day or outside 7.00am to 7.00pm Monday to Friday (**Figure 3**). This configuration applies to professional staff only as the University has not employed casual security or grounds staff for some years. If a configuration is required for casual security or grounds staff, please contact the [PTC People Data and Systems team](#) at HR-IMTeam@unisa.edu.au.

Figure 3 – contract configuration for CAS administrators

Configure Contract Id 253895

Configure arrangement No. 1

* Work type Professional Staff - Non Research

* Classification HEO 4

* Classification step 1

Select the appropriate classification step.

Overtime provisions Automatic overtime for claims outside 7:00AM to 7:00pm Mon - Fri, and claims...

* Work defined by Total limit of hours Specific times

Select 'Specific times' to add a work schedule with defined days of work.

* Total hours

* Start date 04/07/2023

* End date 28/07/2023

* Line of work description Gym Instructor HEO 4

This description is presented to the casual employee when claiming through their timesheet

* Supervisor

Claim instructions

255/255 characters remaining

Total work 0 hrs delivery

Total value (\$44.17 per hour)

This is the total value of this contract arrangement.

Definitions

Casual loading means the 25% loading paid to casual professional staff for Award and Agreement benefits for which a casual staff member is not eligible.

Casual staff and **casual staff member** means casual professional, security and grounds staff.

Overtime means work that occurs when a casual staff member is required to work:

- In excess of 7.5 hours per day or 37.5 hours per week;
- Outside the **span of hours** Monday to Friday inclusive; or
- On a Saturday, Sunday or public holiday.

Span of hours means the time span outside which overtime is payable in accordance with clause 38 (overtime) of the Agreement for:

- Professional staff: 7.00am-7.00pm Monday to Friday inclusive;
- Security staff: 7.00am-11.00pm Monday to Friday inclusive;
- Grounds staff: 6.00am-6.00pm Monday to Friday inclusive.

Supervisor means the contract supervisor.

Related Documentation:

This SOP should be read in conjunction with the University's [University of South Australia Enterprise Agreement 2023](#)

Associated Resources:

[National Employment Standards – Additional Hours Section 62\(3\) Fair Work Act 2009](#)

Officer Responsible for Update and Review: Deputy Director: Advisory Services

Approved by: Executive Director: People, Talent and Culture

Commencement Date: 2 August 2023

Review Date: August 2024

History:

Change	Date	Change Author
Created	2 August 2023	Deputy Director: Workforce Strategy and Transformation