

# Overtime Policy

## Section 1 - Background and Purpose

(1) This Policy aims to provide guidance to managers and staff on the operation of time off in lieu ('TOIL') or payment for overtime worked, to ensure that it does not impact negatively on either the individual or La Trobe.

(2) This Policy is in support of and should be read in conjunction with the relevant 'Overtime' clauses in the [La Trobe University Collective Agreement](#), approved by the Fair Work Commission ('the Agreement').

(3) The Procedure guides managers and staff on the implementation of overtime that includes claiming payment or TOIL.

## Section 2 - Scope

(4) This Policy applies to all professional staff other than casual staff and those professional staff referred to in the [Collective Agreement](#) Overtime clause.

## Section 3 - Policy Statement

(5) La Trobe may require staff to work reasonable hours in excess of their ordinary hours in order to carry out specific projects, work during busy times or meet deadlines and the staff member shall, on reasonable notice, work such overtime and will receive either payment (as eligible) or TOIL.

### Unreasonable Overtime

(6) A staff member may decline to work overtime in circumstances where the working of such overtime would result in the staff member working hours which are unreasonable having regard to:

- a. any risk to staff health and safety
- b. the staff member's personal circumstances including any family responsibilities
- c. the notice (if any) given by La Trobe of the overtime
- d. any other relevant matter

(7) Other than by mutual agreement, no member of Professional Staff shall be required to work a total amount of overtime in any tax year beyond that which would attract overtime payments of an amount equal to one-quarter of the staff member's annual gross salary (excluding overtime payments) for the tax year. Refer to the [Collective Agreement](#) for further information on Overtime.

### Approval of Overtime

(8) Overtime must be approved in writing or by any electronic means by the manager in advance of the staff working the overtime.

(9) Subsequent confirmation in writing must include:

- a. the date and duration of the overtime
- b. the approval for it to be taken as TOIL or
- c. the approval for it to be paid as overtime (for eligible staff) by the Financial/Budget Delegate

(10) Overtime must also be recorded and processed in accordance with the Overtime Procedure.

## Payment

(11) In addition to the conditions/calculations detailed in the Agreement, the following applies:

	HEO1 to HEO6	HEO7 and above
<b>Entitlement</b>	Payment or TOIL	TOIL
<b>Taken By</b>	TOIL must be taken within six months from the day on which the overtime was worked (or by agreement with the work unit).	TOIL must be taken within six months from the day on which the overtime was worked (or by agreement with the work unit).
<b>When to Take</b>	TOIL must be taken at a mutually agreed time between the staff and the manager.	TOIL must be taken at a mutually agreed time between the staff and the manager.
<b>Not Taken</b>	TOIL accrued and not taken, will be paid out at overtime rates. Rates are in accordance with the 'Overtime' clause of the Agreement.	
<b>On Termination</b>	TOIL accrued and not taken upon termination of employment will be paid in accordance with the rates detailed in the 'Overtime' clause of the Agreement.	TOIL accrued and not taken upon termination of employment will be paid in accordance with the rates detailed in the 'Overtime' clause of the Agreement.

(12) All other terms and conditions as detailed in the Overtime clause of the [Agreement](#) apply to overtime worked.

## Travel for Business Purposes

(13) Staff sometimes use their personal time when travelling for business purposes therefore it is important that health and safety issues be considered and managed. Managers should promote and ensure a flexible time-off approach is adopted to consider a staff member's health and safety. Staff may claim fair and reasonable TOIL when travelling for business.

(14) This Policy will not apply to staff who have an alternative arrangement allowing for a compensation process for excess travel outside business hours (as agreed between La Trobe and the staff member).

# Section 4 - Procedure

## Process Overview

(15) Refer to the Overtime Process Flowchart.

## Approvals

(16) Overtime must be approved in writing or by any electronic means by the manager in advance of the staff working the overtime.

(17) Subsequent confirmation in writing must include:

- a. the date and duration of the overtime
- b. the approval for it to be taken as TOIL or

- c. the approval for it to be paid as overtime (for eligible staff) by the Financial/Budget Delegate

## **Recording**

(18) Staff who are directed to work overtime should record their hours on the Overtime Claim Form (Professional Staff) found on the intranet under Forms.

(19) The form is to be signed by the staff member, the manager and the financial/budget delegate.

## **Claiming Payments**

(20) To make a claim for an overtime payment staff should submit the Overtime Claims form to HR Assist.

## **Claiming TOIL**

(21) In deciding what is a fair and reasonable proportion of TOIL to claim, staff and managers are to be prudent, exercise judgement and consider the particular circumstances and the operational requirements in each case.

(22) TOIL is to be administered in the employing area.

## **Payment**

(23) Should an eligible staff member claim payment for approved overtime, payment will be made in the next pay cycle after receipt of the fully completed and approved form and in accordance with payroll cut off deadlines.

## **Taking TOIL**

(24) TOIL should be requested a minimum of 5 working days in advance unless otherwise approved by the staff members manager. If the staff member and the manager are unable to agree upon the time of taking TOIL, the staff member may refer the matter to their next up manager for final resolution.

## **Termination of Employment**

(25) Staff who are eligible to receive payment of overtime and have accrued TOIL should provide an overtime form with the Cessation of Employment form. Information must include the days and dates worked, the hours and times worked and relevant approvals for payment.

(26) The Overtime form and the Cessation of Employment form is to be sent to HR Assist for payroll processing in accordance with payroll cut off deadlines.

# **Section 5 - Definitions**

(27) For the purpose of this Policy and Procedure:

- a. TOIL refers to time off in lieu.
- b. Overtime is the reasonable hours worked beyond the ordinary hours of duty.

# **Section 6 - Stakeholders**

Responsibility for implementation – Staff (including Managers); Financial/Budget Delegate.

Responsibility for monitoring implementation and compliance – Executive Directors (or above as required); Financial/Budget Delegate.s.



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	22nd November 2016
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