

RATE OF PAYMENT FOR EXCESS TRAVELLING TIME

37. (23) The appropriate rate of payment for excess travelling time is:
- (a) single time if travelling at any time from Monday to Saturday (inclusive);
 - (b) single time and a half if travelling at any time on a Sunday or public holiday.

EMERGENCY DUTY

37. (24) An employee who is required to perform emergency duty is entitled to be paid in relation to -
- (a) the time that emergency duty is performed; and
 - (b) the time necessarily spent in travelling to and from emergency duty.
37. (25) The appropriate rate of payment for the purposes of clause (24) is double time.
37. (26) Emergency duty is subject to a minimum payment for 2 hours.
37. (27) The provisions of clauses (15) to (18) apply to and in relation to emergency duty as though emergency duty were overtime work.

By-law 38 - Restrictive Duty

INTERPRETATION

38. (1) For the purposes of this By-law -
- “duty employee” is an employee who works at the normal place of employment after ordinary time on duties that are required to be carried out at regular times or on an ad hoc basis in circumstances in which, if attendance is overnight, the employee is provided with facilities for sleeping and other personal activities;
- “home duty” means working at home normally on an intermittent basis whether predetermined or not and/or being available at home for immediate call to duty;
- “on call” means being available at home to commence duty without delay or within a reasonable time, before the next ordinary commencing time for that employee;
- “passive duty” means being present at the normal place of employment after ordinary time until released or required to perform duty in circumstances in which, if attendance is overnight, the employee is not provided with facilities for sleeping and other personal activities;

“restrictive duty” means any one of the following categories of duty -

duty employee
home duty
on call
passive duty
stand-by;

“stand-by” means remaining at home to be available for immediate recall to duty before the employee's normal ordinary time.

ENTITLEMENT

38. (2) An employee who is required to be on restrictive duty is entitled to be paid at the appropriate rate in relation to that duty.
38. (3) The Chief Executive Officer may direct an employee to hold themselves in readiness to perform overtime.
38. (4) The Chief Executive Officer shall not approve an application for payment under this By-law unless satisfied that the requirements of this By-law have been complied with.
38. (5) A requirement for the purposes of clause (2) shall be given prior to the duty in question being undertaken, and in the case of restrictive duty that is on-call duty or stand-by duty, shall be given before the employee ceases ordinary time duty.
38. (6) Except with the express approval of the Commissioner, an employee holding or acting in a designation in relation to which the salary payable exceeds the maximum salary payable in relation to Administrative Officer 6 is not eligible to receive payment for restrictive duty.
38. (7) An employee on restrictive duty is not entitled to payment for excess travelling time under the provisions of clause (23) of By-law 37.
38. (8) An employee is not entitled to receive payment in relation to stand-by, home duty or duty employee time if the employees receives other payment (eg pay for overtime or excess travelling time) in relation to that time.

RATE OF PAYMENT

38. (9) Payment for restrictive duty shall be calculated on an hourly basis.
38. (10) The appropriate rate of payment for the different categories of restrictive duty is as follows -

- (a) on call, the hourly rate as determined by the Commissioner for all time for which the employee is required to remain at the appropriate state of readiness outside ordinary time;
- (b) stand by, half single time;
- (c) home duty -
 - (i) Monday to Saturday (both inclusive), three quarters of single time;
 - (ii) Sunday, single time.
 - (iii) public holidays, single time and a quarter;
- (d) passive duty -
 - (i) Monday to Saturday (both inclusive), single time;
 - (ii) Sunday, single time and one third;
 - (iii) public holidays, single time and two thirds;
- (e) duty employee -
 - (i) Monday to Saturday (both inclusive), single time and a quarter;
 - (ii) Sunday, single time and two-thirds;
 - (iii) public holidays, double time.

38. (11) Where restrictive duty is one of the following categories -

- (a) stand-by;
- (b) home duty; or
- (c) duty employee;

the following provisions apply -

- (d) payment is to be made only in relation to three quarters of whichever is the lesser: either, the time of restrictive duty that occurs within the first 14 hours after the employee's normal commencement on ordinary time; or, the time of restrictive duty that occurs after the time at which the employee last commenced ordinary time;
- (e) where restrictive duty occurs after the 14 hours referred to in paragraph (d) but in the same 24 hour period, payment is to be made in relation to only one quarter of the time of restrictive duty.

CALCULATION OF PAY

38. (12) Payment for restrictive duty, other than on call duty -
- (a) shall be on an hourly basis;
 - (b) shall include any higher duties allowance if that allowance is applicable;
 - (c) shall be calculated to the nearest quarter-hour;
 - (d) shall be calculated in accordance with the following formula -

$$\text{Annual salary} \quad \times \quad \frac{6}{313} \quad \times \quad \frac{1}{38} \quad \times \quad \begin{array}{l} \text{Rate of} \\ \text{payment} \\ \text{prescribed in} \\ \text{clauses (10) and (11)} \end{array}$$

MINIMUM PAYMENT

38. (13) Notwithstanding clause (12) (a), an employee performing any category of restrictive duty, except passive duty or duty employee, who is required to work overtime or ordinary time on a public holiday is entitled to a minimum payment in accordance with By-law 37, whether or not any duties are actually carried out.

By-law 39 - Shift Payments

INTERPRETATION

39. (1) For the purposes of this By-law -
- “afternoon shift” means a shift commencing at or after 10.00 am and before 8.00 pm;
 - “day shift” means a shift commencing at or after 6.00 am and before 10.00 am;
 - “night shift” means a shift commencing at or after 8.00 pm and before 6.00 am;
 - “shift worker” means an employee rostered on a cycle of shifts which are alternating or rotating through any combination of day shift, afternoon shift, and/or night shift, by means of a roster;
39. (2) A reference in this By-law to a percentage is a reference to a percentage of the employee's ordinary rate of pay.