

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.

ENTITLEMENT

39. (3) A shift worker is entitled to be paid an additional payment at the appropriate rate in relation to shift work.
39. (4) The appropriate rates for additional payments are -
- (a) 15% for an afternoon or night shift;
 - (b) 30% for a night shift where that shift is worked continuously for a period of 4 weeks;
 - (c) 50% for a shift any part of which is worked between midnight Friday and midnight Saturday;
 - (d) 100% for a shift any part of which is worked between midnight Saturday and midnight Sunday; and
 - (e) 150% for a shift any part of which is worked on a public holiday.
39. (5) Where a higher additional payment is payable in relation to part of a shift the higher additional payment is payable in relation to the whole shift.
39. (6) Where under normal circumstances an employee is rostered for duty in such a way that a public holiday falls on a day that the employee is not rostered for duty the employee is entitled to be paid one day's pay at the ordinary rate for that employee in relation to that public holiday.
39. (7) An additional payment payable in relation to shift work under this By-law is not to be included when calculating overtime pay or any allowance based on salary and a shift worker who works overtime is to be paid in relation to that time in accordance with By-law 37.
39. (8) For the purposes of this By-law, where a shift commences on a day that is a public holiday and continues on to the next day which is also a public holiday the whole of the shift is to be regarded as only one shift.

By-law 40 - Payment for Saturday Duty

SATURDAY DUTY

40. (1) Except as provided in Clause (2), for all rostered time of ordinary duty performed on a Saturday, payment shall be made at the rate of 40% additional to the ordinary rate of pay.
40. (2) The provisions of this By-law shall not apply to a shift worker as defined under By-law 39.