

## Medical Officers Enterprise Agreement Negotiations

### INFORMATION SHEET 6 – Restrictive Duty – Current vs Proposed

**The information below must be read in conjunction with the proposed [Medical Officers NTPS 2018 – 2021 Enterprise Agreement](#).**  
 (NB: If there is an inconsistency between the proposed agreement and this Information Sheet, reference must be made to the agreement for the relevant entitlement.)

#### Introduction – What is Restrictive Duty?

Medical Officers in the Northern Territory Public Sector (NTPS) employed by the Department of Health, Top End Health Service or Central Australia Health Service are employed under the [Medical Officers NTPS 2014 – 2017 Enterprise Agreement](#). Clause 49 Restrictive Duty of that agreement contains provisions which apply where a Medical Officer is required, outside of ordinary hours of duty, to hold themselves in readiness to perform duty (e.g. advice by telephone, recalled to the workplace afterhours). There are currently five categories of Restrictive Duty which cover different levels of restriction and accessibility (e.g. on standby within hospital precinct, on-call at home or within reasonable travel time of hospital). The table below sets out the current Restrictive Duty provisions compared to the Restrictive Duty provisions (clause 40) in the proposed [Medical Officers NTPS 2018 – 2021 Enterprise Agreement](#). Improvements are highlighted in red font.

Categories of Restrictive Duty Criteria / Eligibility Explained	Current Entitlements	Changes in the proposed Agreement
<p><b>1. Immediate Roster</b></p> <p>A Medical Officer (MO) to “remain within the <b>precincts</b> of the hospital for <b>immediate</b> recall to duty”.</p> <p><b>Precincts:</b>  <i>Remaining within the precincts of the hospital includes:</i></p> <ul style="list-style-type: none"> <li>• <i>living within the boundaries of the hospital in Departmental accommodation (this does not mean that Medical Officers living within the precincts of the hospital will automatically be placed on the Immediate Roster Restriction);</i></li> </ul>	<p>21% of the Medical Officer's ordinary rate of salary converted to an hourly rate for the period of stand-by.</p> <p>See cls 49.6(a), 49.7(a), 49.8, 49.9 and Sch 3 cl 1.</p>	<p>No change to how allowance is calculated. This entitlement will continue as per existing conditions under the proposed Agreement. As base salary will increase by 2.5%, the allowance will be increased accordingly.</p> <p>See cls 40.6(a), 40.7(a), 40.8(c) to (f), Sch 3 cl 3.1.1.</p>

Categories of Restrictive Duty Criteria / Eligibility Explained	Current Entitlements	Changes in the proposed Agreement
<ul style="list-style-type: none"> <li>• by agreement with the Department, living in private or Departmental accommodation in close proximity to the hospital whereby the response time will be appropriate to deal with life threatening medical situations;</li> <li>• where a Medical Officer does not reside in one of the above situations, being provided with free accommodation in the hospital in which to sleep during his/her period of restriction. The accommodation will include basic food and a microwave oven to heat prepared meals arranged by the Medical Officers.</li> </ul> <p><b>Immediate:</b>  At large hospitals a Medical Officer would be put on immediate roster as a backup to the MOs on normal duty in a hospital to deal with emergency situations. As such the Medical Officer will be required to be available for immediate recall to duty to deal with all emergency or life threatening medical situations. In this respect, being available for immediate recall to duty means that the Medical Officers must maintain themselves in a state of readiness that will enable them to be able to attend for duty at once and without delay. In addition to the above, it is recognised that some emergency situations require a quicker response than others and therefore response times will vary. However, within these parameters, a Medical Officer will exercise his/her professional judgment to ensure an appropriate response time in any given circumstance. At smaller hospitals the First Roster restrictions may be more appropriate.</p>		

Categories of Restrictive Duty Criteria / Eligibility Explained	Current Entitlements	Changes in the proposed Agreement
<p><b>2. First Roster</b></p> <p>The Medical Officer “to be contactable at a <b>mutually agreed location</b> and available to return to duty within a <b>reasonable time</b>.”</p> <p>Medical Officers on first roster should not generally be expected to deal with emergencies. Medical Officers on first roster will usually deal with medical matters that do not need to be addressed immediately and therefore his/her level of restriction is not as onerous as for those on the immediate roster. Overtime is payable in accordance with clause 46 where MO returns to the workplace to perform duty.</p> <p><b>Mutually agreed location:</b>  <i>With the advent of mobile telephones Medical Officers are able to be 'contactable at a mutually agreed location' with greater flexibility. This means a Medical Officer should be at a location he or she is contactable by telephone at a place they can respond to non emergency situations as they arise based on the professional judgment of the Medical Officer.</i></p> <p>A <i>mutually agreed location</i> is a place where Medical Officers do not travel beyond a distance where they can not meet the response times to hospital or place of recall, as developed by the work unit.</p> <p><b>Reasonable time:</b>  <i>The provision also requires the Medical Officer to 'return to duty within a reasonable time'. This is inextricably linked to the mutually</i></p>	<p>Current on-call rate effective from 1 Jan 2019 is \$1.90/hour.</p> <p>The on-call allowance is adjusted in January each year by Darwin CPI and rate published in a Commissioner for Public Employment's Determination.</p> <p>If Medical Officer is required to return to the workplace for duty, paid applicable OT payments (cl 46.21 – 46.22) subject to a 3 hour minimum OT payment (cl 46.26).</p> <p>On-call allowance is not to be paid for any period the Medical Officer receives OT payments.</p> <p>See cls 49.6(b), 49.7(b), 49.9(e) and Sch 3 cl 2.</p>	<p>Increase on-call allowance hourly rate as follows:  <b>\$4.00 per hour effective from 11 Jan 2018</b>  <b>\$4.05 per hour effective from 1 Jan 2019</b></p> <p>As per current provisions, rate adjusted in January 2020 and 2021 by Darwin CPI and rate published in a Commissioner for Public Employment's Determination.</p> <p>As per current provisions, the on-call allowance is inclusive of phone calls and is not payable for any period MO receives OT payments.</p> <p>If MO is recalled to the workplace they are paid overtime as follows:</p> <ul style="list-style-type: none"> <li>- <b>Medical Officers (except Specialists):</b> OT worked on weekdays is paid at time and a half of MO's ordinary base hourly salary; Saturday/Sunday at double time; and double time and a half on public holidays (see cl 37.14).</li> <li>- <b>Specialists/Senior Staff Specialists: NEW – Specialist's 'Fixed Hourly Call Back Rate'</b></li> </ul>

<p><i>agreed location, as the distance a Medical Officer is from the hospital will in part determine the response time. Additionally, this places an obligation on the Medical Officer to ready themselves within a time that is 'in accordance with reason' and 'not absurdly long'.</i></p>		<p><b>used to calculate OT payments. These rates are higher than current ordinary base salary hourly rates.</b></p> <p>See APPENDIX below for further detail.</p> <ul style="list-style-type: none"> <li>- All MOs: 3 hour minimum OT payment for return to workplace (see cls 40.8(f) and 37.20) – same as current provisions.</li> </ul> <p>See cls 40.6(b), 40.7(b), Sch 3 cl 3.1.2 and First Roster on-call hourly rate in Sch 1. See cls 37.14 – 37.21 for overtime rates.</p>
<p><b>3. Clinical Advice by Telephone</b></p> <p>A Medical Officer is instructed prior to ceasing duty, that he/she is required to be available for telephone contact to provide advice and instruction to Medical Officers and, if required, to be available for recall to duty within a reasonable time.</p> <p>This arrangement is not designed for Medical Officers likely to be called back to the workplace. Hence the 'flat' rate being designed for night or day/night, to compensate for being on-call and taking any phone calls.</p>	<p>The applicable night or day/night rate is inclusive of all phone calls taken.</p> <p>Can only apply where recall to duty is not usually required or occurs in very rare instances.</p> <p>The rate was developed to incorporate the base First Roster on-call rate and one hour at the overtime rate at the REG 6 level:</p> <p><i>Therefore the applicable rates will be:</i></p> <p>Night rate: <math>(\\$1.90 \times 16 \text{ hrs}) + \\$93.31 \text{ (1 hr OT @ REG6)} = \text{currently } \\$123</math></p>	<p>As per current provisions, rates inclusive of phone calls.</p> <p>Used where recall to duty is not required, or only required in exceptional circumstances. Current clause amended to clarify the situations when this category of Restrictive Duty should be used.</p> <p><b>New improved rates</b> determined by applying the same formula as currently applies but with increased on-call rate:</p> <p>Increase current rate from \$1.90 to the new \$4 per hour on-call rate then add 1 hour of OT at REG 6. Therefore:</p>

<p><i>Clinical Advice By Telephone continued</i></p>	<p>Day/Night rate: (\$1.90 x 24 hrs) + \$93.31 (1 hr OT @ REG6) = currently \$139  See cls 49.6(c), 49.7(c), 49.9(a) – (b), 49.9(e).</p>	<p>Night rate: (\$4 x 16 hrs) + \$93.31 (1 hr OT @ REG6) = <b>\$157</b>  Day/Night rate: (\$4 x 24 hrs) + \$93.31 (1 hr OT @ REG6) = <b>\$189</b>  As per current provisions, rates will be adjusted annually by salary increase percentage (i.e. 2.5% p.a.) and will be as follows:</p> <table border="1" data-bbox="1575 647 2164 752"> <thead> <tr> <th colspan="4">Night Rate (per night)</th> </tr> <tr> <th>11.01.18</th> <th>10.01.19</th> <th>09.01.20</th> <th>07.01.21</th> </tr> </thead> <tbody> <tr> <td><b>\$157</b></td> <td><b>\$161</b></td> <td><b>\$165</b></td> <td><b>\$169</b></td> </tr> </tbody> </table> <p>Day/Night Rate (per day/night)</p> <table border="1" data-bbox="1575 822 2164 901"> <thead> <tr> <th>11.01.18</th> <th>10.01.19</th> <th>09.01.20</th> <th>07.01.21</th> </tr> </thead> <tbody> <tr> <td><b>\$189</b></td> <td><b>\$194</b></td> <td><b>\$199</b></td> <td><b>\$204</b></td> </tr> </tbody> </table> <p>In exceptional circumstances, where MO (including Specialist) is recalled to the workplace for duty, OT payments will be in accordance with cl 37 (i.e. OT calculated on MO's ordinary base hourly salary).  See cls 40.6(c), 40.7(c), 40.8, Sch 3 cl 3.1.3</p>	Night Rate (per night)				11.01.18	10.01.19	09.01.20	07.01.21	<b>\$157</b>	<b>\$161</b>	<b>\$165</b>	<b>\$169</b>	11.01.18	10.01.19	09.01.20	07.01.21	<b>\$189</b>	<b>\$194</b>	<b>\$199</b>	<b>\$204</b>
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<p><b>4. Second Roster – Specialists only</b></p> <p>A Medical Officer is instructed prior to ceasing duty that he/she is required to be available for telephone contact to provide advice</p>	<p>An annual allowance of 20% of the salary applicable to the salary point SMO 1.1 is paid to Specialists to cover the work-related</p>	<p>No change to how allowance is calculated. This entitlement will continue as per existing conditions under the proposed Agreement (i.e.</p>																				

<p><i>and instruction which may necessitate the Medical Officer's return to duty within a reasonable time.</i></p> <p>Specialists are paid the second roster annual allowance to cover the following work-related activities:</p> <ul style="list-style-type: none"> <li>• being rostered in a category of restriction in accordance with Second Roster provisions and providing advice and instruction;</li> <li>• when not rostered in a category of restriction, providing telephone advice and instruction which may necessitate the Medical Officer's return to duty;</li> <li>• work performed when a return to duty occurs; and</li> <li>• travel and incidental costs incurred in relation to returns to duty.</li> </ul>	<p>activities (bullet points in the left-hand column).</p> <p>Current Annual Allowance: \$34,351</p> <p>See cls 49.6(d), 49.7(d), Sch 3 cl 3 and for overtime payments see cls 46.4 and 46.6.</p>	<p>annual allowance of 20% of salary point applicable to SMO1.1). As base salary will increase by 2.5%, the allowance will be increased accordingly</p> <p>Rates payable under the proposed Agreement are:</p> <p>Rate effective 11/01/18: <b>\$35,210</b>  Rate effective 10/01/19: <b>\$36,090</b>  Rate effective 09/01/20: <b>\$36,992</b>  Rate effective 07/01/21: <b>\$37,917</b></p> <p>See cls 40.6(d), 40.7(d), Sch 3 cl 3.1.4 and Second Roster Allowance rates in Sch 1.</p>
<p><b>5. Home Duty</b></p> <p>“requires the Medical Officer to ‘perform intermittent duties <b>at home</b> on an ad hoc or predetermined basis normally involving receiving and/or making telephone calls, and may also be required to be available for <b>immediate recall to duty</b>”</p> <p><i>At home</i>  <i>Rural Medical Practitioners may be available to meet this restriction while being away from their home by: remaining contactable by the telephone; where provided, remaining in an area that the mobile telephone is operational; and not traveling beyond a distance where they cannot meet the response times, to the airport or hospital, as developed by the work unit.</i></p>	<p>31% of MOs ordinary rate of salary, converted to hourly rate, for period of restriction.</p>	<p>Home duty will cease upon commencement of the new agreement.</p> <p>Home Duty is rarely used. As a category of restriction it has very limited application in contemporary times and other categories adequately provide for standby and on-call afterhours.</p>

<p><i>Immediate recall to duty</i> <i>The MO is available to return to duty without delay using their professional judgement as to time frame the medical intervention is required for the patient.</i></p>		
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*Appendix on next page.*

## NEW Fixed Hourly Call Back Rate for Specialists on First Roster

### Used for calculating overtime (OT) payments when recalled to duty at the workplace

**CURRENT:** Where a Staff Specialist/Senior Staff Specialist on First Roster is required to return to the workplace to perform duty, that duty is paid in accordance with the OT provisions using the Specialist's ordinary hourly base salary (includes higher duties and any allowances in the nature of salary). OT worked on weekdays is paid at the rate of time and a half (150%); double time on Saturday/Sundays (200%), and double time and a half on public holidays (250%). A minimum OT payment of 3 hours applies (e.g. MO performs 2 hours actual duty but will receive 3 hours of OT payments at the applicable rate).

**NEW:** It is proposed to calculate a Staff Specialist/Senior Staff Specialist's OT payments (150%, 200% or 250%) on a new higher hourly rate. The higher hourly rate will be known as the 'Specialist Fixed Hourly Call Back Rate'. The new rates will apply to OT worked on and from commencement of the new agreement (i.e. there is no back payment of these higher rates for OT worked before the proposed agreement commences). The formula used to set the rates is explained below.

**TABLE 1**

		<b>Specialist Fixed Hourly Call Back Rate (cl 37.16)</b>		
	Current hourly rate to calculate OT 17.01.2017 \$	Proposed hourly rate to calculate OT effective commencement of proposed EA \$	Proposed hourly rate to calculate OT 09.01.2020 \$	Proposed hourly rate to calculate OT 07.01.2021 \$
<b>Staff Specialist</b>				
SMO1.1	86.64	100	102	104
SMO1.2	90.52	104	106	108
SMO1.3	94.39	108	110	112
SMO1.4	98.27	112	114	116
SMO1.5	102.14	116	118	120
SMO1.6	106.02	120	123	126
<b>Snr Staff Specialist</b>				
SMO2.1	109.65	124	127	130
SMO2.2	115.47	130	133	136
SMO2.3	121.29	136	139	142

*Note: In accordance with clause 37.6 of the proposed agreement, a Medical Officer's salary for the purpose of calculation of overtime will include higher duties and other allowances in the nature of salary that expressly state that they are to be included in overtime calculations. Consequently, total OT payments may be higher for an individual Specialist if they receive an allowance in the nature of salary that is to be included in their OT calculations. Employees should contact their Health Service's HR Unit for further information about their specific entitlements.*

Applying the proposed new Specialist Fixed Hourly Call Back Rates, the overtime hourly rates upon commencement of the proposed agreement will be:

**TABLE 2 – Rates as at commencement of proposed agreement**

Staff Specialist	Specialist Fixed Hourly Call Back \$	OT wkd M-F @150% x hrly rate (\$per OT hour worked)	OT wkd Sat & Sun @200% x hrly rate (\$per OT hour worked)	OT wkd PH @250% x hrly rate (\$per OT hour worked)
SMO1.1	100	150	200	250
SMO1.2	104	156	208	260
SMO1.3	108	162	216	270
SMO1.4	112	168	224	280
SMO1.5	116	174	232	290
SMO1.6	120	180	240	300
<b>Snr Staff Specialist</b>				
SMO2.1	124	186	248	310
SMO2.2	130	195	260	325
SMO2.3	136	204	272	340

**Examples upon commencement of proposed agreement:**

1. **A Specialist (SMO1.1) on First Roster is recalled to duty on Tuesday 7pm to 11pm:** Total Current OT is \$519.86. **Proposed total OT is \$600.** The Specialist would currently be paid 150% of their ordinary hourly base salary for 4 hours OT (i.e.  $(150\% \times \$86.64) \times 4$ ). Under the proposed agreement:  $(150\% \times \$100) \times 4 = \$600$ .

- A Specialist (SMO1.6) on First Roster is recalled to duty on Saturday 1pm to 3pm.** Total Current OT is \$636.12. **Proposed total OT is \$720.** The Specialist would currently be paid 200% of their ordinary hourly base salary and be entitled to a 3 hour minimum payment (i.e.  $(200\% \times \$106.02) \times 3$ ). Under the proposed agreement:  $(200\% \times \$120) \times 3 = \$720$ .
- A Specialist (SMO2.3) on First Roster is recalled to duty on a public holiday 5pm to 11pm.** Total Current OT is \$1819.35. **Proposed total OT is \$2040.** Current OT payment is 250% of their ordinary hourly base salary for 6 hours (i.e.  $(250\% \times \$121.29) \times 6$ ). Under the proposed agreement:  $(250\% \times \$136) \times 6 = \$2040$ .

TABLE 3 – Rates from 9 January 2020

Staff Specialist	Specialist Fixed Hourly Call Back 09.01.20 \$	Hourly OT Rates Effective 09.01.2020		
		OT wkd M-F @150% x hrly rate (\$per OT hour worked)	OT wkd Sat & Sun @200% x hrly rate (\$per OT hour worked)	OT wkd PH @250% x hrly rate (\$per OT hour worked)
SMO1.1	102	153	204	255
SMO1.2	106	159	212	265
SMO1.3	110	165	220	275
SMO1.4	114	171	228	285
SMO1.5	118	177	236	295
SMO1.6	123	184.5	246	307.5
<b>Snr Staff Specialist</b>				
SMO2.1	127	190.5	254	317.5
SMO2.2	133	199.5	266	332.5
SMO2.3	139	208.5	278	347.5

**TABLE 4 –Rates from 7 January 2021**

<b>Staff Specialist</b>	<b>Specialist Fixed Hourly Call Back 07.01.21 \$</b>	<b>Hourly OT Rates Effective 07.01.2021</b>		
		<b>OT wkd M-F @150% x hrly rate (\$per OT hour worked)</b>	<b>OT wkd Sat &amp; Sun @200% x hrly rate (\$per OT hour worked)</b>	<b>OT wkd PH @250% x hrly rate (\$per OT hour worked)</b>
SMO1.1	104	156	208	260
SMO1.2	108	162	216	270
SMO1.3	112	168	224	280
SMO1.4	116	174	232	290
SMO1.5	120	180	240	300
SMO1.6	126	189	252	315
<b>Snr Staff Specialist</b>				
SMO2.1	130	195	260	325
SMO2.2	136	204	272	340
SMO2.3	142	213	284	355

**The following formula is used to determine the ‘Fixed Hourly Call Back Rate’ for each Specialist level under cl 37.16 of the proposed agreement:**

1. The ordinary hourly base rate for each SMO level, as at 11.01.2018 under the proposed agreement, is increased by a ‘reference rate’ and rounded down to the nearest whole dollar.
2. The ‘reference rate’ is equivalent to 10% of the SMO2.3 ordinary hourly base rate, as at 11.01.2018 under proposed agreement, rounded down to the nearest whole dollar.
3. The rates effective upon commencement of the proposed agreement are increased by 2.5% in January 2020 and 2021.

**For example:** To calculate the Fixed Hourly Call Back Rate for the SMO1.1 level upon commencement of the enterprise agreement:-

Step 1: Calculate the SMO2.3 ordinary hourly base rate as at 11.01.2018  $(\$246,446/313) \times (6/38)$  = \$124.32

Step 2: Calculate the reference rate: 10% of SMO2.3 ordinary hourly base rate rounded down to the nearest whole dollar =  $(\$124.32 \times 10\%)$ , rounded = \$12

Step 2: Add the reference rate to SMO1.1 ordinary hourly base rate\*, as at 11.01.2018 under proposed agreement, rounding down to the nearest whole dollar =  $(\$12 + \$88.81)$ , rounded = \$100

\*SMO1.1 ordinary hourly base rate is  $(\$176,049/313) \times (6/38)$  = \$88.81

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