

NORTHERN TERRITORY OF AUSTRALIA

Public Sector Employment and Management Act 1993

DETERMINATION NUMBER 1016 of 2020

OVERTIME AND TOIL FOR EMPLOYEES – COVID-19 PANDEMIC

I, VICKI TELFER, Commissioner for Public Employment, pursuant to section 14(2) of the *Public Sector Employment and Management Act 1993* and with reference to section 13(a) of that Act, determine that:

1. Employees employed under an enterprise agreement specified in the Schedule in classifications which are not eligible for overtime payments or time off in lieu (TOIL) under their applicable enterprise agreement, or a Determination or By-law issued under the Act, shall be entitled to overtime payments and TOIL arrangements subject to the following conditions:
 - a. the additional hours performed are related to the Northern Territory Government's response to the COVID-19 pandemic;
 - b. the employee's Chief Executive Officer will approve the circumstances that satisfy the requirements of paragraph 1.a.;
 - c. TOIL or other flexible work arrangements should be considered in the first instance, however where unavailable or unable to be used, overtime payment will be authorised;
 - d. additional duty is to be worked by prior direction or, if circumstances do not permit prior direction, subsequently approved in writing; and
 - e. the payment of overtime will be based on the employee's actual classification and all other terms and conditions (e.g. penalty rates) will be as per the overtime / TOIL provisions in the applicable enterprise agreement.
2. An employee in receipt of an allowance in lieu of overtime or an annualised salary that includes payment of overtime is not eligible to overtime payment under this Determination.
3. This Determination will have effect from 01/03/2020 and will remain in force until revoked.

Dated 30 March 2020



VICKI TELFER
Commissioner for Public Employment

SCHEDULE

Enterprise Agreement	Eligibility for Overtime - see clause
Northern Territory Public Sector 2017-2021 Enterprise Agreement	cl 55.4(b)
Northern Territory Public Sector Aboriginal Health Practitioner 2018-2022 Enterprise Agreement	cl 55.4(b)
Northern Territory Public Sector Nurses and Midwives' 2018 – 2022 Enterprise Agreement	Cl 43.8
2018-2022 Territory Generation Enterprise Agreement	cl 67.2
2018-2021 Power and Water Enterprise Agreement	cl 72.2
2017-2021 Jacana Energy Enterprise Agreement	cl 45.2