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# Commissioner's Information Sheet

## **NTPS EMPLOYEE VOLUNTEERS IN NTG DECLARED EMERGENCY**

*This information sheet is intended as a guide in relation to employees who volunteer as part of the NTG Declared Emergency response and provides employees and agencies with advice on how leave and overtime should be treated in the situation of an NTG Declared Emergency. This is not for those employees who choose to do volunteer work in their own time.*

An NTG Declared Emergency relates to any of the following situations in accordance with the Emergency Management Act 2013:

- Emergency Situation
- State of Emergency
- State of Disaster.

### **Background**

On occasion, areas of the Northern Territory have been affected by events causing an NTG Declared Emergency, and may result in significant damage and/or residents having to be evacuated. These events may include cyclones, flooding and bushfires. In situations where residents are evacuated or where areas of a town or community require an emergency response, there is often a call for NTPS employees to volunteer to assist. Some employees may return from period of leave, and some employees may be asked to work shifts that are outside their normal working hours.

### **Effect on approved periods of leave**

If employees have been recalled from leave (e.g. recreation leave, long service leave) or if an employee volunteers to return to duty from a period of leave to assist with the response, and their return from leave is approved by the appropriate delegate, then that leave should be recredited to the employee. The recredit of the leave should be subject to the equivalent time being worked, and appropriately recorded.

### **Payment for work – including volunteering for NTPS response programs**

Where an employee has been recalled from leave, or responds to an NTPS call for employees to perform NTPS work during the emergency, and that work is carried out during normal working hours, the work will be paid as ordinary hours of work.

If NTPS work extends beyond, or is required to be performed outside of ordinary hours, the work may be subject to an overtime payment.

## **Payment of overtime or TOIL**

- For employees whose minimum salary does not exceed the maximum salary of an AO6:

Staff on duty or those who volunteer and who perform overtime by prior direction (or subsequently approved in writing) in accordance with Schedule 1 clause 7.1(c) of the Agreement (reference) [e.g. outside the span 6am – 6pm, in addition to ordinary hours, on a weekend or public holiday], shall be entitled to overtime payments in accordance with Schedule 1, clause 7 of the Agreement.

Time off in lieu (TOIL) arrangements may be granted with the agreement of the Employee, in accordance with Schedule 1, clause 7.2 of the Agreement.

- For employees whose minimum salary exceeds the maximum salary of an AO6:

Employees in this category are not entitled to overtime payments or TOIL arrangements without the approval of the Commissioner for Public Employment (CPE) except in the situation of an NTG Declared Emergency, these employees may be entitled to overtime or TOIL arrangements under the Commissioner's Determination. This entitlement will be subject to the approval of the employee's CEO, either in their home agency or the agency they are working for in response to the emergency.

In situations where an emergency response is required but where a NTG Declared Emergency has not been called, CEOs must make application to the CPE where extra duties performed by such employees are part of the required duties associated with the emergency response and, the request should clarify if such employees are given the choice of an overtime payment or TOIL, or TOIL only.

## **Responsibilities**

Where an employee is performing work in an agency outside of their usual agency, in response to an NTG Declared Emergency, there is an onus on the employee and the manager/supervisor they are reporting to as a volunteer to keep an accurate record of attendance that can be verified for the purposes of any potential claim for payment.