

# Commissioner's Information Sheet

This information only applies to employees in the following designations covered by the following enterprise agreements:

- Administrative Officers, Professionals, Technicals, Physicals, Senior Correctional Officers covered by the **Northern Territory Public Sector 2017 - 2021 Enterprise Agreement** – Effective 30 May 2018
- **2017 – 2021 Jacana Energy Enterprise Agreement** – effective 23 April 2018

## Part-Time Arrangements and Overtime – changes to provisions

1. What is a part-time arrangement?
2. Who is entitled?
3. Overtime entitlements
4. Review of part-time arrangements
5. Frequently asked questions
6. Relevant Legislation

### 1. What is a part-time arrangement?

Part-time employees work less than full-time hours. The hours and days worked are agreed by the CEO (or delegate) and the employees.

This arrangement will be in writing and shall include:

- a regular pattern of part-time work;
- the hours to be worked each day;
- the starting and finishing times, each day; and
- whether the part-time arrangement is ongoing or for a fixed period (which must be specified).

Changes to the agreed hours of work may be made by mutual agreement. These changes need to be in writing.

The span of hours for part-time employees will be the same as the span for the equivalent full-time employees.

### 2. Who is entitled?

Subject to mutual agreement, fixed or ongoing employees in the NTPS are eligible for part-time employment arrangements.

### **3. Overtime entitlements**

Overtime is worked by prior direction or, if circumstances do not permit prior direction, is subsequently approved in writing.

Unless authorised by the Commissioner for Public Employment, an employee in a classification in which the minimum salary exceeds the maximum salary of the classification of Administrative Officer 6 is not eligible to receive overtime payment or time off in lieu.

Part-time employees will continue to be paid overtime if they work outside the span of hours or above the daily or weekly hours of full-time equivalent employees.

Part-time employees would be paid overtime penalties where they are directed to work after reaching their agreed part-time hours but are less than the full-time equivalent hours.

Part-time employees who elect to work additional hours will be paid at single time rates for the additional hours up until they reach the equivalent full-time hours. After that, they will be paid at the appropriate overtime rates.

### **4. Review of part-time arrangements**

If part-time employees are working extra hours on a regular basis there would generally be a review mechanism in place to see if the 'agreed hours' need to be changed or increased.

If part-time employees are working extra hours on a regular basis and are agreeable to increase their hours, this will then attract superannuation and accrual of other leave entitlements which will be more beneficial to part-time employees.

A change to the part-time arrangement must be by mutual agreement and must be in writing. This subsequent part-time arrangement would cover the same matters set out in section 1 of this information sheet.

### **5. Frequently asked questions**

#### **Question 1**

- My delegate has given me prior direction to work additional hours, what does this mean?

'Prior direction' means that you have been directed or ordered to work additional hours. Unless you have reasonable grounds to refuse the additional hours, you would be expected to work them and be paid at the overtime rates.

### **Question 2**

- If I am given prior direction to work how am I paid?

The effect of prior direction is that, subject to the overtime barrier, your additional hours would be at the applicable overtime rate.

### **Question 3**

- My delegate asks people in my work area if they are available to work additional hours and I voluntarily agree, how am I paid?

In circumstances in which you volunteer to work additional hours. You will be paid at single time until you reach the equivalent of full-time hours or one of the other triggers for overtime provisions such as working outside the span of hours. If you are asked whether you would like to work additional hours, you should clarify whether you are being directed to work those hours or whether you are being invited to work them only if you wanted to.

### **Question 4**

- What happens to my superannuation if I change from full-time to part-time employment?

It can depend on the rules of your particular superannuation fund. You should therefore enquire with your superannuation fund on the financial implications, consider these and if necessary obtain independent advice, prior to entering into a part-time arrangement.

If, as a part time employee you work additional hours and paid the applicable overtime rates, this payment does not attract superannuation.

## **6. Relevant Legislation**

- [Northern Territory Public Sector 2017 – 2021 Enterprise Agreement](#) clauses 28, 55.6 and 70.3
- [2017 – 2021 Jacana Energy Enterprise Agreement](#) clauses 20 and 45