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Family &  
Community  
Services

# Rostering Principles for Group Homes and Respite Units Procedures

Summary: The Rostering Principles Procedures describe the roosting provisions of the Community Living Award 2010 (CLA).





## **Rostering Principles for Group Homes and Respite Units – Procedures**

### **1. Purpose**

The purpose of this document is to address procedural issues that arise in the application of the rostering principles (“the Principles”) and the rostering provisions of the *Crown Employees Ageing, Disability and Home Care - Department of Human Services NSW (Community Living Award) 2010* (“the Award”). This document is to be read in conjunction with the Principles and the Award.

The procedures apply to **Disability Support Workers and Team Leaders** employed in ADHC-operated group homes, respite units and in-home support services. They do not apply to nurses.

The procedures will be updated from time to time as operational issues with the application of the Principles.

### **2. Filling of Short-term Vacancies**

The Principles provide that a Disability Support Worker can fill a short term vacancy. The prior approval of the Team Leader or the on-call officer is not required, provided that the Principles are followed (see Section 5 of the Principles).

In order to demonstrate that the Principles have been followed and for auditing requirements, Disability Support Workers and Team Leaders are to note the following in the communication book in each Unit on each occasion action is taken to fill a short-term vacancy;

- The names of each employee contacted to fill the vacancy and the relevant category of employment i.e. additional hours, casual pool, overtime etc.
- Advice as to whether the vacancy was filled through additional hours, casual pool, overtime or agency.
- Reason for occurrence of the vacancy.

### **3. No Split Shifts – Break Between Work**

The Award does not provide for the rostering or payment of split shifts. A split shift is where staff work two shorter rostered shifts broken by a substantial unpaid break i.e. 4 hours work, 4 hour break, 4 hours work.

The Award requires that there shall be a minimum break of eight hours between ordinary rostered shifts or a break equal in length to the shift previously worked, whichever is

greater. This means that the minimum break between shifts is 8 hours, which precludes the use of split shifts.

The break provision applies to all permanent, full-time, part-time, temporary and casual employees.

#### **4. Payment of Overtime to Full-time Employees**

If a permanent or temporary full-time employee is called back to work without the provision a minimum break of 8 hours or a break equal in length to the shift previously worked, whichever is the greater, then this constitutes a 'call back' and they are entitled to a minimum payment of four hours overtime or an overtime payment for all time worked if more than 4 hours. If the minimum break has not been provided, rosters cannot be varied to avoid the payment of overtime.

Examples:

- (a) A full-time employee is rostered on a 0700 – 1500 (8 hrs) shift. He or she is asked the day before to work another shift following the 0700 – 1500 (8 hrs) shift. The second shift is to be paid as overtime because the employee will work more than 152 hours in a 4 weeks period and a minimum break is not provided between the rostered shift and the further work.

Final payment is 8 hours at ordinary and 8 hours at overtime.

- (b) A full-time employee is rostered on a 1500 – 2300 (8 hrs) shift on a Tuesday and then a 0700 – 1500 shift on Wednesday being the following day; however they are requested to work overtime from 2300 – 0200 (3 hrs) commencing on the Tuesday. Between the overtime work and the rostered shift on the Wednesday there is only a break of 5 hours i.e. between 0200 and 0700.

The additional 3 hours of work is paid at overtime rates. If the employee is directed to work the 0700-1500 rostered shift on the Wednesday, then the entire rostered shift of 0700 to 1500 is also paid at overtime rates because the minimum break is not provided. Final payment would be 8 hours ordinary + 3 hours overtime + 8 hours overtime.

If the employee is provided with the minimum break of 8 hours and returns to work to complete the remainder of the rostered shift on the Wednesday at conclusion of the break (i.e. returns to work at 1000), then they are paid for the entire ordinary hours of the rostered shift on the Wednesday i.e. they receive payment from 0700 – 1000 at ordinary rates despite the fact that they were not at work because they are entitled to the minimum break of 8 hours without loss of pay. Final payment would be 8 hours ordinary + 3 hours overtime + 8 hours ordinary.

If the employee is provided with the minimum break of 8 hours but does not return to work at the conclusion of the break to complete the rostered shift (i.e. does not attend at 1000), then they must either apply for leave to cover the 1000 - 1500 portion of the shift or they will receive leave without pay for the period 1000 – 1500. Final payment

would be 8 hours ordinary + 3 hours overtime + 3 hours ordinary and either 5 hours of leave or 5 hours of leave without pay.

- (c) A full-time employee is rostered to work a 0700 – 1500 (8 hrs) shift tomorrow, however on the day before, the rostered shift is altered with less than 24 hours notice 0900 – 1700 (8 hrs). The 2 hours worked outside the original rostered shift is paid at overtime rates.

Final payment would be 2 hours overtime + 6 hours ordinary.

## **6. Payment of Overtime to Part-time Employees**

The Award provides the following in regards to payment of overtime to part-time employees;

- “(i) A part-time staff member is to be paid at overtime rates for all time worked;
- (a) longer than the normal rostered shift length for a full-time employee for that shift, and/or
  - (b) in excess of 152 hours in a 28 day roster period, and/or
  - (c) in excess of the hours prescribed for a full-time staff member in Clause 4 Hours, and/or
  - (d) outside that shown on the staff member’s roster (prior to the alteration) where a change in roster occurs with less than 24 hours notice to the affected staff member.”

The Award provisions provide further detail. It is important to note that in regards to sub-clause (b) above the part-time staff member is to be paid at overtime rates if they have been rostered to work a number of ordinary hours and have actually worked additional hours totalling to 152 hours in the roster period. Therefore once the total rostered hours + the additional hours actually worked total 152 hours, the part-time employee is to be paid at overtime rates.

A part-time employee does not need to be given 24 hours notice of an offer of additional hours of work. The part-time employee is not obligated to work any hours in addition to their base contracted hours.

Examples:

- (a) A part-time employee is rostered to work a 0700 – 1500 (8 hrs) shift, and they are asked to work 1500 – 2300 (8hrs) on the same day. The second period of work is paid at overtime rates because the part-time employee works in excess of the rostered daily ordinary hours of work for a full-time employee.
- (b) A part-time employee is rostered to work 0700 – 1100 (4 hrs), and they are asked to work additional hours against a 1100 – 1900 (8 hrs) shift. The total continuous hours to be worked in a day is 12 hours.

The hours 1100 – 1500 are ‘additional hours’ because they were rostered work forming part of the base contract hours. The hours 1500 – 1900 are overtime hours because the time worked is in excess of the normal rostered shift length for a full-time employee.

The part-time employee is paid 4 hours ordinary + 4 hours additional + 4 hours overtime.

The employee is entitled to a break of 8 hours at the conclusion of work at 1900. Should they return to work before 0300 on the following day, then they would be entitled to a further overtime payment.

## **7. Change in Rostered Shifts**

The overtime examples provided above address changes in rostered shifts that occur with less than 24 hours notice. A roster change refers to the changing of any hours to be worked to a rostered shift .

An offer of additional hours to a part-time employee is not a change to a rostered shift for a part-time employee. Rather, it is an offer of additional work which was not initially rostered.

The Principles and the Award set out the provisions for the display of rosters, shift swaps and filling of vacancies. Those provisions are to be applied.

## **8. Casual Employees**

Casual employees are entitled to payment of overtime for all time worked;

a. longer than the normal rostered shift length for a full-time employee for that shift; and  
/ or

b. in excess of 152 hours in a 28 day roster period.

Where there is no normal rostered shift length for a full-time staff member for a shift, then overtime is to be paid for all time worked in excess of eight (8) hours in a continuous period.

Casual employees must work the 152 hours in a roster period prior to becoming eligible to a payment of overtime.

Examples:

(i) It is week 3 of a roster period and a casual employee has already worked 152 hours. They will be paid at overtime rates for all time worked for the remainder of the roster period.

(ii) A casual employee’s name is against an 8 hour shift and the shift when worked by full-time employees is normally 8 hours in length. The casual employee is asked to stay back

and work for a further 3 hours i.e. total time worked equals 11 hours. The casual employee will receive ordinary casual rates for the first 8 hours and overtime for the remaining 3 hours. If the shift when worked by full-time employees is normally 10 hours in length, the casual employee would receive ordinary casual rates for the first 10 hours and overtime for the remaining 1 hour.

## **9. Questions**

Any questions or enquiries in relation to this document may be referred in the first instance to the relevant line manager and/or the local Businesslink Human Resources advisor.