

# Bayside Council

Serving Our Community

## Hours of Work & Flexible Working Policy

June 2018



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Hours of Work Policy

File: ???/??? XXX Document: ???/????

Class of document: Administrative Policy

Enquiries: Manager People & Organisational Culture



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# 1 Introduction

## 1.1 Background

Bayside Council ('Council') is committed to providing a workplace that facilitates a healthy work/ life balance for all employees. This policy provides the framework for Council employees to utilise additional leave that is accrued through working additional hours per day, not classified as overtime, as well as meeting the expectations of the community for the delivery of the services we provide.

## 1.2 Policy Statement

The purpose of this policy is to facilitate flexibility within the workplace and allow Council employees to enjoy a work/ life balance. This policy is designed with regard to Councils Equal Employment Opportunity Management Plan in order to attract and retain all people, and minimise possible barriers to employment.

## 1.3 Scope of Policy

This policy applies to the following groups of employees:

- Permanent full-time employees; or
- Fixed-term full-time employees (contract length of more than 3 months).

This policy does not apply to the General Manager, Directors or Managers (Managers should refer to the [Manager Leave Days Policy](#)) of Bayside Council. Casual employees and contractors engaged by Council to carry out works on behalf of Council are also not covered by this policy.

Due to the Airport Business Unit (ABU) individual Council Agreement, staff within the ABU are also not covered by this policy.

# 2 Flexible Working Hours Scheme (35 Hour Staff)

## 2.1 General Conditions

As with other forms of leave, Council employees should take their 'Flex day' at a time that is mutually agreeable to Council and the employee. When taking a flex day, employees must ensure their absence is not going to have an adverse impact on customer service or the operational needs of Council.

Coordinators/ Managers have discretion to deny a request for a flex day and re-schedule with the employee for operational reasons such as, but not limited to, team resourcing, impacts on customer service or meeting project deadlines. When an application for core time leave is not approved for operational reasons, the Business Unit Manager and employee should meet to discuss alternate leave arrangements.

Council expects employees, in regards to taking a flex day to avoid the following behaviours:

- Moving meetings or not attending meetings that are scheduled on a day an employee wishes to take as a flex day; and/ or
- Requesting extensions on projects, or delivering work late due to the taking of flex days.
- Requesting another employee to attend meetings in order to facilitate a flex day.

Employees found to be undertaking these behaviours may be subject to performance management and/or disciplinary proceedings.

Accrued flex time is not payable for any type of termination of employment.

## **2.2 Flexible Working Hours Scheme Definitions**

Employees working 35 hours per week in a full time permanent or fixed term (contract of more than 3 months) are entitled to participate in the Flexible Working Hours (FWH) Scheme.

### **2.2.1 Standard Day**

Unless otherwise stated, the standard working day is 8.30 am to 4.30 p.m., Monday to Friday.

The library standard hours are as per the opening hours of each library / branch library.

### **2.2.2 Standard Hours**

Standard working hours are 7 hours per day.

### **2.2.3 Bandwidth**

For indoor staff, 8.00 am to 6.00 p.m. is the maximum span of daily hours during which normal duty is performed, i.e. the earliest starting time and the latest finishing time. Hours worked outside the bandwidth are not to be claimed as flexible hours.

### **2.2.4 Core Time**

9:30am to 4.00p.m is considered the core time period of the day when all staff are required to be on duty unless on approved leave or at lunch.

It should be noted that staff in Business Units undertaking the Flexible Working Hours Scheme are expected to work 35 hours per week. Simply working core hours will not fulfil this requirement.

*Note:* Libraries core time is the opening hours of the library / branch library.

### **2.2.5 Meal Break**

An unpaid meal break of a minimum 30 minutes must be taken by an employee immediately after 5 hours of continuous work.

By agreement, or in the case of unforeseen circumstances (including where the taking of the meal break would cause unreasonable interference in operations), the meal break may be delayed and shall be taken as soon as practicable.

At Branch Libraries, lunchbreak is of 30 or 60 minutes duration between 12.00pm to 1.00pm or 1.00pm to 2.00pm

### **2.2.6 Flexible Hours**

Flexible hours are the periods outside core time, but within the bandwidth, 8.00 am to 9:30 am and 4.00 pm to 6 pm, and include the optional half-hour at lunch time, instead of hour long lunch.

*Please note: a 30 minute meal break is compulsory and must be taken each day.*

Subject to the requirements of the employee's position and the approval of the Business Unit Manager, employees may vary their working hours during the flexible times.

At Libraries the flexible hours are between 8.00 am to 10am, or as approved by Coordinator or Manager.

### **2.2.7 Settlement Period**

This is the period over which the attendance record is finalised in order to compare total hours worked under flexible working hours with standard hours (i.e. 7 hours per day) for the same period.

The settlement period will start on the first day of each month ending on the fifteenth (15<sup>th</sup>) day of each month and the last day of each month. The settlement period will re-start on the Sixteenth (16<sup>th</sup>) day of each month and end on the final day of the month.

With prior Coordinator or Manager approval, staff may roll their flex day over to the next period, and take two (2) flex days within one period when operational reasons prevent the taking of a flex day. Coordinators and Managers should consult POC for information where appropriate.

For staff in the Children's Services the settlement period is one (1) month and staff in Libraries the settlement period is three (3) weeks.

### **2.2.8 Credit/Debit Time**

This is the difference between the standard 7 working hours per day and actual hours worked during a settlement period.

Calculations of credit/ debit time are made at the end of each settlement period. The credit/ debit balance is then carried into the next settlement period.

Credit time shall accumulate in blocks of no less than 15 minutes.

All claims for recognition of credit hours must be approved by the employee's immediate supervisor and recorded on the employees timesheet kept by the employee's immediate supervisor.

### **2.2.9 Credit Balance**

The total credit balance must not exceed 7 hours between settlement periods. Any credit in excess of 7 hours will lapse unless special arrangements have been pre-approved in writing by the employee's Director.

### **2.2.10 Debit Balance**

Employees with a debit balance are not entitled to a Flex day. Flex leave can only be taken by an employee with a credit balance of flex hours.

If the flex hours required to take a flex day are not available, the leave cannot be taken, unless approved by the employee's Director on a case by case basis.

Employees who cease employment with Council for any reason with a debit balance of Flex Hours shall have their final payment debited to clear their Flexi hours debit balance.

### **2.2.11 Taking Flexi Leave**

Any Flexi leave during core working hours is subject to workload requirements being met, availability of sufficient staff to meet departmental demands and approval of the Director, Business Unit Manager or Coordinator.

The maximum Flexi Leave available to be taken in any month is 14 hours. Not more than 7 hours may be taken in any week (Monday to Sunday). i.e. an employee may wish to take 14 hours of leave in the first settlement period of the month, however, will not be entitled to any Flexi Leave for the second settlement period of the month.

Except for emergency situations, at least two days' notice must be given by the employee of intention to take Flexi Leave.

## **2.3 Childcare & Libraries Staff**

Staff employed in Children's Services are not eligible to participate in the Flexible Working Hours Scheme due to legislative requirements in child care relating to ratio of carers to children. In lieu of participating in the Flexible Working Hours Scheme, staff in affected teams will be provided one (1) flexi day per month. However, staff employed in Children's Services will be entitled to receive three (3) additional days of paid leave each year, with such leave to be taken within an employee's service year.

A new Children's Services employee will receive their entitlement to additional leave following successful completion of probation.

The rules of the Flexible Working Hours Scheme outlined in [Section 2.2](#) will continue to apply to and staff will have a settlement period of one (1) month.

However, due to the nature of the work conducted by staff within these teams, Council requires staff to provide at least one (1) week notice of intent to take a flexi day.

Staff employed in the Library Services will be eligible for a flex day every three (3) weeks with the flex day falling between Monday and Friday. All other flex conditions are as described in Section 2.2 of this policy.

## **2.4 Timesheets**

Council employees are to submit a time sheet at the completion of each settlement period (every 2 weeks). For staff not in the Childcare or Libraries Teams, timesheets must be submitted in line with their nominated settlement period to the employee's immediate supervisor. The immediate supervisor will then TRIM the record of attendance.

The Council Timesheet is made available to staff on the Bayside Intranet.

# **3 Rostered Day Off (RDO) Scheme (38 Hour Staff)**

## **3.1 Eligible Employees**

Section 3 of this policy shall apply to full time permanent and fixed term employees of Bayside Council who are employed on wages (38 hour week) in the following Business Units/ Teams:

- a) Parks and Open Spaces
- b) City Works
- c) Waste & Cleansing

- d) Business Operations (City Presentation)
- e) Regulations
- f) Sports & Recreation

In addition to the above, the following positions are entitled to a 9 day fortnight:

- a) Senior Operations Technician
- b) Operations Technician
- c) Community Services Transport Officer

### **3.2 Working Hours and 9 Day Fortnight**

Applicable staff are required to work a **total of 76 hours per fortnight** over 9 days to take an RDO. Staff working 76 hours per fortnight will be required to work 8.44 hours with a 30 minute lunch break per day.

An employee's RDO will be rostered each fortnight on either a Monday or Friday, and will be rostered on a crew / team basis to ensure that service expectations of the community are met.

### **3.3 Standard Start Times**

The standard start time for employees in the RDO Scheme will be 6.30am, unless otherwise identified by Council due to operational reasons.

### **3.4 Leave Entitlement Recording**

All leave taken will be recorded on an hourly basis. Should leave be taken during the fortnight, the employees' leave balance will be reduced by the rostered hours for that day, which would be the ordinary time that the staff member would have worked under the 9 day fortnight scheme.

### **3.5 RDO and Sick/ Carers Leave**

An RDO will be considered a non-working day. Accordingly, sick/carers leave will not be granted if a staff member is sick/ caring for a family member on an RDO.

### **3.6 RDO and Public Holidays**

An RDO that falls on a public holiday will be re-scheduled to the following working day after the public holiday unless the next scheduled working day falls into the next pay period in which it will be re-scheduled to the working day prior to the public holiday.

### **3.7 RDO and Overtime**

Overtime approved to be worked on an RDO will be paid as overtime or time in lieu in accordance with the Local Government (State) Award.

### **3.8 Rescheduling an RDO**

Employees are provided the opportunity to request their RDO to be rescheduled for exceptional circumstances only (excluding circumstances referred to in clause 3.4) and should be rescheduled within the same pay period. The rescheduling of an RDO is to be pre-approved by the Manager (sign off by Team Leaders / Coordinators only will not be accepted).

Council also retains the right to request a staff member to reschedule their RDO within the same pay period due to operational requirements. This shall be mutually agreed by both parties.



## **4 Flexible Working Arrangements**

### **4.1 Employee's Right to Flexible Working Arrangements**

Council provides for flexibility within the workplace through the use of core time, flexible working hours scheme and a variety of leave types. In some instances, where an employee requires more flexibility, they are entitled to request a Flexible Working Arrangement (FWA) in accordance with the Local Government (State) Award.

An employee is not entitled to make a FWA if the employee has not completed twelve (12) months continuous service with Council immediately prior to making the request.

### **4.2 Considering the Flexible Working Arrangements Request**

When considering the FWA Council may only refuse the request on reasonable business grounds. Business grounds will include, but are not limited to:

- a) That the new working arrangements requested by the employee would be too costly for the Council;
- b) That there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested by the employee;
- c) That it would be impractical to change the working arrangement of other employees, or recruit new employees, to accommodate the new working arrangements requested by the employee;
- d) That the new working arrangements requested by the employee would be likely to result in a significant loss in efficiency or productivity; and
- e) That the new working arrangements requested by the employee would be likely to have significant negative impact on customer service.

Council may amend a FWA application during the course of the FWA agreement with the consent of the employee. Council may also refuse an application for the reasons listed above.

A written response will be provided by Council to the employee on approval or refusal of the FWA. If a refusal is communicated, the reasons for the refusal will be provided in writing to the employee.

### **4.3 Making Application for Flexible Working Arrangements**

Employees who wish to make a Flexible Working Arrangement request are required to complete the FWA application form attached at [Appendix 1](#).

It is recommended that staff have a preliminary discussion with their supervisor to discuss the proposed flexible working arrangements and availability of any alternative options, prior to completing this form.

The employee's immediate supervisor will consider the request in conjunction with POC and the Business Unit Manager and respond to the staff member within 21 days of receiving the request.

### **4.4 Working from Home Application**

Where the request for FWA requires the consideration of a working from home arrangement, completion of a Working from Home agreement (found on Council's intranet) will also be required. Employees entering into a Working from Home Arrangement will also need to agree to pre-defined performance measures to ensure the arrangement provides benefits both operationally and to the employee. This may include, but is not limited to:

- a) Keeping logs of work completed at home; and/ or
- b) Defining the defined scope of work that is due to be completed while working from home; and/ or
- c) Random network access checks to ensure compliance with the Working from Home agreement.

Council requires an ergonomic assessment of the home workspace, and an assessment regarding the WHS risks/ hazards associated with the home working area. If it is determined that the work workspace would increase the employee's risk of harm, Council will notify the employee and may refuse the application. Council retains the right to refuse an application on the grounds that the home workspace is determined to be unsafe as determined by the ergonomic assessment process.

If an employee is found to not be performing their duties at an acceptable level while working from home, Council retains the right to terminate the Working from Home agreement through the performance management process and require the employee to work from Council's designated office location.

Council retains the right to refuse or cease a Working from Home request on business grounds. These are further explored within Councils Working from Home Procedure.

Additional information can be found in Council's Working from Home Procedure.

## **5 Overtime**

### **5.1 Claiming Overtime**

Any overtime worked by an employee must be pre-approved by the employee's Business Unit Manager. Any work conducted without the prior approval of the Business Unit Manager may not be payable as Overtime and may be referred to the employees Flexi-Leave balance.

### **5.2 Time in Lieu**

Flex Time is not Time in Lieu of Overtime. Time in Lieu is the facility employees may use to accumulate Time in Lieu of overtime payable. As above, Overtime is appropriate for additional hours worked at the request of the Business Unit Manager/ Director, which are pre-approved by the employees Business Unit Manager/ Director.

Flex time is designed to provide a flexible working environment for staff when exercising discretionary effort at work. Any overtime hours worked, must be approved by the business Unit Manager prior to the hours being worked.

Flex time is not payable on termination for any reason, and is not the same as Time in Lieu or Overtime.

## **6 Secondary Employment**

### **6.1 General Provisions**

Any form of other employment undertaken by an employee, must be approved in accordance with this policy and such approval must be prior to commencement of the other employment.

Where a staff member already has other employment at the time of commencing work with the Council, such employment should be disclosed when commencing work with Council.

All requests for approval of other employment will be treated confidentially for all purposes other than review and action by appropriate officers. Other employment is considered a confidential matter in all other respects.

If approved, the other employment will be reviewed bi-annually to ensure continued compliance with this policy.

No other employment arrangements are to be undertaken in the Local Government Area in regard to work undertaken by or in connection with Council, unless otherwise approved by the General Manager.

Employees should consult with Council's Code of Conduct and the Governance Business Unit for any information that is not explicitly stated in this policy.

All secondary employment must be declared and approved to ensure that WHS risk is also managed appropriately by Council and employee. Failure to declare any secondary employment may be dealt with as a disciplinary matter.

## **6.2 Real or Perceived Conflict of interest**

Conflicts of interest may be real or perceived. If employment in a role other than the employee's Council role, is deemed to pose a real or perceived conflict of interest, the General Manager shall be notified of the request/ disclosure of employment for approval/ disapproval.

## **6.3 No Real or Perceived Conflict of Interest**

Where no conflict of interest is clearly demonstrated during a request/ disclosure of secondary employment, the employee's Manager will make recommendation to the employee's Director who will provide a final approval/ disapproval. In this scenario, the General Manager is not required for approval of secondary employment.

If a conflict is not clear, the matter should be referred to the General Manager for a final determination.

# **7 Policy Implementation**

## **7.1 Policy Responsibilities**

Managers and Coordinators are responsible for making sure staff are informed about the content and enforcing the provisions of this policy.

All staff are responsible for complying with the content of this policy.

## **7.2 Breaches**

Breaches of this policy may be dealt with as performance management issues, and/ or may result in Council applying the progressive disciplinary procedure of the Local Government (State) Award.

Misconduct and Serious Misconduct relating to this policy such as, but not limited to, claiming hours not actually worked, may result in Council applying penalties to employment up to and including dismissal, in accordance with the Local Government (State) Award.

## 8 Document Control

### 8.1 Review

This policy will be reviewed within 2 years from the date of adoption.

### 8.2 Related Documents

- Bayside Council Local Council Agreement
- Local Government (State) Award
- Local Government Act 1993
- Bayside Council Working from Home Procedure
- Bayside Council Leave Policy

### 8.3 Version History

Include the details of the original adoption / approval and subsequent changes. Version 1.0 is the initial adopted/approved version.

Version	Release Date	Author	Reason for Change
1.0	TBA	Kristina Forsberg	New document

## 9 Appendix 1

### 9.1 Flexible Working Arrangement Application Form

Section 1 – Staff Details			
Title:		First Name:	
Second Name:		Family Name:	

Section 2 – Staff Contact Details	
Email:	
Contact Number	After Hours: _____

Section 3 – Employment Details			
Directorate:		Business Unit:	
Position Title:		Supervisor:	
Position Type:	<input type="checkbox"/> Permanent <input type="checkbox"/> Fixed-Term <input type="checkbox"/> Casual	Classification:	<input type="checkbox"/> Indoor <input type="checkbox"/> Outdoor

Section 4 – Flexible Working Arrangement						
<b>Please indicate the type of arrangement you are applying for:</b>						
<input type="checkbox"/> Part-time (P/T)	<input type="checkbox"/> Job Share	<input type="checkbox"/> Flexible Working Hours	<input type="checkbox"/> Work from Home	<input type="checkbox"/> Make up Time	<input type="checkbox"/> Variation to ordinary hours	<input type="checkbox"/> Use of leave for P/T work
<input type="checkbox"/> Other (describe):						
Proposed Start Date:	____ / ____ / ____	Proposed End Date: (No more than 12 months)	____ / ____ / ____			
<b>Please provide details of the proposed flexible working arrangement (e.g. hours, times, locations etc.):</b>						

<b>Section 5 – Eligibility</b>		
<b>On what basis are you requesting a flexible working arrangement?</b>		
<b>Are you the parent, or do you have responsibility for the care, of a child who is school aged or younger?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Are you a carer within the meaning of the <i>Carer Recognition Act 2010 (Cth)</i>?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Do you have a disability, physical, psychological or neurological disease or disorder illness, whether temporary or permanent injury, including work-related injuries?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Are you 55 years old or older?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Are you experiencing family or domestic violence?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Are you providing care to a member of your household or immediate family who requires care and support because of family or domestic violence?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Other (please specify):</b>		

<b>Section 6 – Additional Information</b>
<b>What is the nature of your personal responsibilities and to whom do they relate? Please provide evidence if appropriate (e.g. letter from medical practitioner, birth certificate, letter from NSW Police Officer).</b>
<b>What is the likely impact upon your duties and your work role if the proposed flexible working arrangement is approved?</b>

**What is the likely impact upon your work unit and other staff if the proposed flexible working arrangement is approved? Who will be affected and how?**

**Do you have any suggestions for how the impact of the requested flexible working arrangement on your work role and/or the work role of others can be addressed?**

**What advantages and disadvantages (including any additional cost) do you think the requested flexible working arrangement involves?**

**Do you have any other comments that you wish to have taken into consideration?**

**Section 7 – Acknowledgement and Signature of Worker**

1. I declare that the information I have provided is accurate;
2. Notwithstanding any representation to the contrary, I acknowledge that Council may refuse to approve my request for a flexible working arrangement on reasonable grounds;
3. I acknowledge that this request is conditional upon and subject to approval by the relevant officers of Council;
4. I acknowledge that request for a flexible work arrangement is for an agreed period and that Council is under no obligation to continue the arrangement beyond the agreed period. Upon expiry of this agreed period I acknowledge that I will return to my substantive terms and conditions of employment unless otherwise agreed.

<b>Signature:</b>		<b>Print Name:</b>		<b>Date:</b>	___ / ___ / _____
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Section 8 – Authorisation of Flexible Working Arrangement					
<b>Supervisor</b>					
Recommended as per the proposal in section 4 of this application		<input type="checkbox"/> Yes		<input type="checkbox"/> No (refer to section 9)	
Signature:		Print Name:		Date:	___ / ___ / _____
Position:		Contact Number:			
<b>Business Unit Manager</b>					
Approved as per the proposal in section 4 of this application		<input type="checkbox"/> Yes		<input type="checkbox"/> No (refer to section 9)	
Signature:		Print Name:		Date:	___ / ___ / _____
Position:		Contact Number:			
<b>People &amp; Organisational Culture</b>					
Request Received:		Notification of Outcome:		Date:	

Section 9 – Refusal of Flexible Working Arrangement on Reasonable Grounds					
Reason for Refusal <b>(A letter must be attached outlining the reasons for refusal):</b>					
<b>Supervisor</b>					
Signature:		Print Name:		Date:	___ / ___ / _____
<b>Business Unit Manager/ Director</b>					
Signature:		Print Name:		Date:	___ / ___ / _____
<b>Section 10 - For POC Use Only</b>					
Date Received:		Date Processed:		Processed By:	