

Know Your Agreement

ES/SSO Overtime

Education Support Staff and School Support Officers have clearly regulated overtime arrangements, which should not be confused with the new time in lieu provisions for teachers.

The default arrangement for ES/SSO staff is overtime payment for hours worked outside their regular contracted hours, with a loading paid on top of their normal hourly rate (see boxes on right for details).

Time in lieu applies instead of overtime payments **only if mutually agreed** between the employer and the individual employee. If it is agreed that an employee will take time in lieu instead of overtime, but they do not take the time in lieu within four weeks of accruing it, they have the right to ask for it to instead be paid out with the appropriate overtime loading.

ES & SSO staff may, if their employer agrees, take time off during normal hours and make up this time later. Importantly, they cannot be directed to do so.

While ES / SSO staff can be directed by their employer not to work when there is no meaningful and relevant work for them to undertake (for example on student-free days), this does not create an obligation on the employee to 'make up' the time later.

Education Support Staff – Overtime Entitlements

Education Support Staff cannot be required (but can agree) to undertake more than three hours of overtime on any occasion or to work outside weekday hours of 8am-6pm. By default, overtime hours are paid with an additional 33.3% loading, unless it is mutually agreed that the employee will take it as time in lieu (without a loading).

School Services Officers – Overtime Entitlements

School Services Officers are entitled to a range of loadings and penalties for overtime hours worked. The basic loading is 50% for hours worked in addition to a normal full-time day or not adjacent to a regular shift. Further loadings are added for work performed before 7am or after 6pm, and higher rates are paid on Sundays and public holidays. Contact the IEU for further details.

End of year arrangements

Category B ES/SSO staff can only be required to work beyond the last day of attendance for teachers if they are needed to perform meaningful tasks commensurate with their skills and experience. Staff classified below Level 3 cannot be required to work in isolation or in the absence of a responsible manager.

If there is not meaningful, safe, and appropriately supervised work to undertake, staff cannot be required to work and **do not need to have an accumulated time in lieu 'balance'** in order to finish before the end of the gazetted school year.

Camps

Because ES staff cannot be required to work more than three hours of overtime on any occasion or to work on weekends or outside the hours of 8am-6pm, they cannot be required to attend school camps. If they agree to attend, they are entitled to overtime payments (with a 33.3% loading) and/or time in lieu.

The school should clarify the combination of overtime and time in lieu they propose to apply when asking whether an ES staff member is prepared to attend camp. Note that the 'on call' rate for camp attendance applies overnight when a staff member is not on duty. When 'on call', entitlements accrue at 50% of the normal rate.

School camp – case study

The Principal at St. Mary's School invites Amita, an Education Support Staff employee, to attend a school camp running from Monday to Wednesday. The Principal proposes that additional 'on duty' working hours will be paid as overtime with a loading, and the overnight 'on call' hours between 10pm and 6am will be taken as time in lieu. Amita considers this and agrees.

As she normally works 9am-3pm on these three days, Amita is paid as usual for these hours, and earns her normal hourly rate plus a 33.3% loading for the hours of 3pm-10pm on Monday and Tuesday and 6am-9am on Tuesday and Wednesday (a total of 20 hours). She would also accrue time in lieu at a 50% rate for the total of 16 hours 'on call', granting them 8 hours of time in lieu.

On the Tuesday night, a student cannot sleep and Amita is called on to help until midnight. As a result, these two hours are converted to 'on duty' time – this means that Amita's entitlement is adjusted to a total of 22 hours paid as overtime with a 33.3% loading and 7 hours of time in lieu.

Over the four weeks following the camp, Amita and her principal agree on 4 hours of time off during her normal working hours. This leaves her with a balance of 3 hours of accrued time in lieu, which she asks to have paid out as normal time with a 33.3% loading.