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Working Hours and Arrangements

Policy Statement

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1. Purpose

- 1.1.1 This policy statement (PS) covers the provisions for working hours and arrangements under section 5 of the [Department of Home Affairs Enterprise Agreement 2024-27](#) (EA) and [National Employment Standards](#) (NES).

2. Scope

- 2.1.1 This PS applies to all non-SES employees of the Department of Home Affairs (the Department), including the Australian Border Force (ABF). This PS does not apply to sea-going employees of the National Marine Unit and employees of the National Surveillance Unit.

3. Review rights

- 3.1.1 If you are not satisfied with a decision or action that relates to working arrangements or hours, you should seek to resolve this with your manager in the first instance. If this is unsuccessful, you may request a review of actions under section 33 of the Public Service Act 1999 (PS Act). Refer to the [Consultation, Representation, Dispute Resolution and Review of Actions – Policy Statement \(HR-7116\)](#) for more information.
- 3.1.2 A category of flexible work that is not reviewable are employee-initiated requests to work from a different place, such as working from home (WFH) (whether on a full-time or hybrid basis). A decision about the place(s) where an employee performs their duties is made under section 25 of the PS Act and an employee-initiated application to work in a different place does not fall into one of the exceptions, which permit review.
- 3.1.3 You may also seek to resolve your dispute through the dispute resolution provisions outlined in section 10 of the EA and under [Appeal of Decisions](#) of this PS.

4. Principles

- 4.1.1 The Department recognises that you work in a range of patterns and environments, and that you achieve your best when supported to balance personal and professional responsibilities. The Department will:
- meet our operational requirements while striving to support your personal requirements.
 - seek to accommodate your preference for working full-time or part-time, where possible.
 - approve reasonable requests to access flex or Time Off in Lieu (TOIL), subject to genuine operational requirements.
 - consider requests for flexible working arrangements (FWA) on a case by case basis, with bias towards approval.

5. Policy Statement

5.1. Employment types

Full-time employee

- 5.1.1 Standard full-time hours are seven hours and 30 minutes (7.5 hours) or 37.5 hours per week. You can be full-time and ongoing, non-ongoing, or undertake shift work or rostered duty.

Part-time employee

- 5.1.2 Standard part time hours are at least three hours per agreed working day, but less than full time standard weekly hours. Both ongoing and non-ongoing employees are eligible to apply for part-time working arrangements, including shift workers.
- 5.1.3 Salary, leave, allowances and other entitlements under the EA apply on a pro-rata basis, unless otherwise specified in the EA or relevant policy.
- 5.1.4 Where you have approval to work part-time for personal reasons, you are able to revert to full-time employment at the level you occupied prior to entering the part-time work arrangement after providing written notice to your Executive Level (EL) 1 or above.

Casual employees

- 5.1.5 For further information on casual employees, including working arrangements, casual conversions and conditions of service, see the [Casual Employees – Policy Statement \(HR-6593\)](#).

5.2. Working hours

Standard working day

- 5.2.1 Employment conditions and entitlements are generally based on a standard working day unless otherwise outlined in the EA.
- 5.2.2 Where you have an approved FWA and work additional hours, the additional hours will count for flex-time (for APS 1-6 classifications) or may count for EL Time Off In Lieu (TOIL), unless the additional duty meets the overtime provisions under the EA.

Standard hours of duty

- 5.2.3 The standard hours of duty are:
 - 08:30 hours to 12:30 hours and 13:30 hours to 17:00 hours, Monday to Friday (all states and territories except the Northern Territory (NT)) or
 - 08:00 hours to 12:00 hours and 13:00 hours to 16:30 hours, Monday to Friday in the NT.
- 5.2.4 APS Level 1-6 employees working under flex-time arrangements may, with their manager's approval, vary their standard hours of duty or use flex for absences in lieu of other types of leave.
- 5.2.5 Where you have a FWA in place, your standard hours of duty will be the hours agreed between you and your manager and should be within the [flex-time bandwidth](#) where possible.

Example

Standard hours of duty under a FWA may vary from day to day (e.g. a part-time employee may work two days for eight hours per day and three days for five hours per day; these would be considered the agreed standard working hours on each respective day).

- 5.2.6 To meet operational requirements, EL1 and above employees may determine that APS Level 1-6 employees in certain work areas within the Department may not access flex-time arrangements. This can be on a short-term or permanent basis. This means the employee or group of employees work the relevant standard hours of duty for their state or territory or may work alternative standard hours of duty, if they are in place. The following processes must be followed:
 - Where your current team is considering requiring you to work standard working hours or alternative standard hours of duty, you will be consulted.
 - Where you transfer to, or are engaged by, a work area that operates under standard hours of duty or alternative standard hours of duty, you will not have access to flex-time arrangements and will be required to work in accordance with the established standard working hours.

- Where you are required to work longer than your standard hours, overtime is payable for the additional hours (i.e. after 7.5 hours for full-time employees). For overtime outside of your standard hours, overtime is payable to the start of the flex bandwidth (07:00 hours) and after the flex bandwidth (19:00) or where your hours have surpassed 7.5 hours. Overtime is also payable for working on public holidays.
- You may also be required to work standard hours for a period in circumstances including (but not limited to), where there is insufficient work to justify additional hours, concerns about your performance, behaviour and/or concerns about the misuse of flex-time. For further information refer to the [Performance and Behaviour – Policy Statement \(TBC\)](#) and the [Integrity and Professional Standards Framework](#).

Meal breaks

- 5.2.7 You will not be required to work more than five continuous hours without a meal break of at least 30 minutes.
- 5.2.8 You may choose to work longer than five continuous hours without an unpaid meal break subject to your manager's approval and where health and safety concerns have been appropriately considered. Your manager must ensure you are taking appropriate meal breaks.
- 5.2.9 Note: All FWA applications, including for full-time employees working condensed hours, must include a 30-minute unpaid meal break after five hours of duty irrespective of whether the employee chooses to work through this period.
- 5.2.10 Where appropriate, your manager, in consultation with you, may schedule (or rotate) meal breaks to meet operational requirements. For example, in:
- a shift work environment to ensure coverage over a shift roster
 - a work area that provides client facing customer service or counter service
 - call centres to ensure phone coverage.

Reasonable additional hours

- 5.2.11 You may be requested to work reasonable additional hours (including overtime) where operational reasons exist and in line with subsection 62(3) of the FW Act. What is reasonable for one work area might not be for another. In these circumstances, the Department will compensate you with appropriate remuneration or TOIL. You should work with your manager to manage your hours, which may include:
- monitoring workload and staffing levels, or
 - prioritising and delegating work.
- 5.2.12 You may refuse to work unreasonable additional hours, especially where your flex credits are above the maximum carryover limit - refer to [managing flex credits](#) in this PS. Any additional hours offered must be performed as overtime, until such time as the employee is provided the opportunity to take flex-time.

Employee right to disconnect

- 5.2.13 The FW Act provides employees with the right to disconnect, commencing on 26 August 2024. This legislated update to the Act grants employees the right to refuse to monitor, read or respond to contact, or attempted contact, from an employer or work-related contact from a third party, outside of their ordinary working hours, unless such refusal is unreasonable.
- 5.2.14 You may refuse to monitor, read or respond to contact, or attempted contact from:
- the Department outside of your standard working hours, except where the terms of your employment explicitly state otherwise, or the refusal is deemed unreasonable.
 - a third party if the contact or attempted contact relates to your work and is outside of your working hours unless the refusal is unreasonable.

- 5.2.15 To determine whether refusal is unreasonable, the following matters must be considered:
- the extent to which you are compensated to remain available to perform work during the period in which the contact or attempted contact occurred
 - the reason for the contact or attempted contact
 - how the contact or attempted contact is made and the level of disruption the contact or attempted contact causes you
 - the nature of your role and your level of responsibility
 - your personal circumstances (including family and caring responsibilities)
- 5.2.16 A manager or third party should consider the extent to which they can reasonably expect employees to monitor, respond and engage with work outside of their working hours on an ongoing basis including the development of restriction or on-call rosters where applicable.
- 5.2.17 Employees should utilise methods to communicate to third parties such as out of office messages and updating their Teams status. Managers should ensure they know when their employees may exercise their right to disconnect.
- 5.2.18 Managers and employees should have regular discussions on the type of circumstances when the employee may be expected to monitor, read or respond to out of hours contact and what form of communication this might take.

5.3. Recording attendance

- 5.3.1 You must keep accurate records of your start and finish times, including any flex-time. The required method of recording attendance will vary depending on your working arrangements.
- 5.3.2 For APS level employees, refer to [flex sheet completion](#) in this PS. For EL level employees, refer to [Executive Level Employees](#) in this PS.

5.4. Flex for APS 1-6 classifications

Flex-time arrangements

- 5.4.1 Flex-time is a system of flexible working hours that enables an APS Level 1-6 employees to vary their standard hours of duty within the flex-time bandwidth over the settlement period (four weeks), providing organisational flexibility to accommodate an employee's personal circumstance and operational and business requirements.

Example

Jason is a full-time flex employee. He and his manager have an informal arrangement where Jason generally starts at around 08:00 hours, has a 30-minute lunch break and finishes around 16:00 hours. For the most part, Jason's manager can accommodate this within operational requirements. However, on occasion, Jason is required to commence or finish at a later time to conduct training and/or assist with meeting the work area priorities.

Jason also uses flex-time to vary his working hours to accommodate personal circumstances such as starting late as a result of a car break down, taking a longer lunch to attend a colleague's farewell party, leaving early, taking an absence in the middle of the day to attend a child's school assembly, or leaving early to travel over the weekend.

When Jason has sufficient flex credit and with his manager's approval, he occasionally takes flex-time for full days instead of using annual leave for reasons such as moving house.

- 5.4.2 Flex-time is available to all APS Level 1-6 employees except those who:
- are casual
 - work shift work

- are on overseas postings (including short term missions and long-term postings)
- are required to work standard hours
- are required by their manager (EL1 and above) to work standard hours (e.g. where there is insufficient work, or flex-time has been suspended due to misuse or performance).

Flex credits

- 5.4.3 Flex credits and debits are accumulated when you work more than your standard hours over the settlement period and used on a 1:1 ratio (single time rate).
- 5.4.4 You must not work more than 10 hours in a day, unless in exceptional circumstances, noting there may be situations where this is unavoidable.
- 5.4.5 At the end of a settlement period, the maximum credit that may be carried over is the equivalent of your standard weekly working hours. The maximum flex debit is 10 hours, or 5 hours if you work less than 25 hours per week.
- 5.4.6 Employees promoted to an Executive Level classification from APS levels will have existing flex credits, converted to TOIL on a 1:1 basis up to a maximum of 37.5 hours at the time of their promotion.
- 5.4.7 Refer to [Executive Level Employees](#) in this PS for details regarding working arrangements for EL employees.

Flex-time bandwidth

- 5.4.8 The flex-time bandwidth is:
- 07:00 hours to 19:00 hours – Monday to Friday (all states and territories except the NT), or
 - 06:30 hours to 18:30 hours, Monday to Friday in the NT.
- 5.4.9 Unless overtime is approved, duties performed within the bandwidth above your standard working day accumulate as flex credits. You can use flex credits for full or part day absences.
- 5.4.10 Where you request to work times outside the flex-time bandwidth, you will be required to submit an application for a FWA.

Flex sheet completion and acquittal

- 5.4.11 You must record your attendance and absences in the electronic flex sheet in easySAP. If your flex sheet is not kept up to date, this may be considered a misuse of flex-time.
- 5.4.12 Where accurate attendance records are not maintained, flex-time must not be approved and your manager may withdraw flex-time arrangements, in accordance with clause 5.47 of the [EA](#), until your flex sheet is updated and accurately reflects your attendance.
- 5.4.13 At the end of each settlement period, you must submit your flex sheet for approval as soon as possible.
- 5.4.14 Your manager must review the flex sheet and ensure that:
- the attendance times recorded reflect your actual attendance
 - leave applications have been submitted and approved in easySAP to cover any absences during the settlement period
 - this includes acquitting any unscheduled absences entered on your behalf with the appropriate leave type. Refer to [Leave – Policy Statement \(HR-7184\)](#) for further information
 - the flex sheet is approved in easySAP and any discrepancies or concerns are discussed with you in a timely manner (generally within 7 days of the end of the settlement period).
- 5.4.15 Your manager is responsible for approving applications for leave as soon as practicable, to ensure salary payments are correct. Payment of leave will reflect the type of leave approved. Where leave

applications are submitted and approved outside the relevant pay cycle, retrospective adjustments that result in an overpayment will be recovered in accordance with the recovery of overpayments provisions under the [EA](#).

- 5.4.16 On cessation of employment with the Department, your final entitlements may be delayed or impacted where flex sheets have not been submitted and approved.

Managing flex credits

- 5.4.17 Managers must ensure that APS 1-6 employees, who have reached the maximum flex credit do not continue to accrue flex credits where this can be avoided. This can be achieved by:
- re-ordering work priorities and/or re-delegating work to allow you to take flex-time
 - requesting you to work reduced hours for a temporary period.
- 5.4.18 Where, due to operational requirements, your manager requires you to continue to work additional hours resulting in the maximum flex credit being exceeded at the end of a settlement period, the following options are available:
- the delegate (EL1s or above) may approve a higher flex credit to be carried over on a temporary basis to the end of the next settlement period.
 - you must work with your manager to plan to use sufficient flex credits before the end of the next settlement period to enable you to reduce your credits below the allowable carryover balance. Employee burn out must be considered with a bias to allowing you to use flex credits to take reasonable rest and recovery.
 - your supervisor may approve payment of overtime for any additional hours worked until you have an opportunity to have time off to reduce your flex credit below the allowable carryover balance.
 - TOIL instead of overtime payment should not be approved where you have a maximum flex credit or excess debit flex balance
 - If an overtime request is not approved, it would be reasonable for you to refuse to work hours above your standard working hours until you have reduced your flex credit below the allowable carryover balance. You must not be disadvantaged by reasonably refusing to undertake additional hours in such circumstances.

Cashing out flex credits

- 5.4.19 Flex credits cannot be cashed out at the end of the settlement period. You and your manager must work together to balance operational requirements and reasonable additional hours.
- 5.4.20 Where you are ceasing employment with the Department, and your manager agrees, your accrued flex credits up to the maximum allowable flex credits permitted for one settlement period (37.5 hours) will be paid out. Any credits accrued over this maximum amount will lapse.

Using flex credits

- 5.4.21 You can use flex credits for full or part-day absences and may use flex credits for more than one consecutive day.
- 5.4.22 Generally, you must obtain prior manager approval where you want to use flex credits.
- 5.4.23 In considering requests to use flex, managers should consider operational requirements and your personal circumstances, with a bias towards approval.
- 5.4.24 Managers may approve flex where it will result in you going into flex debit. In these cases, you and your manager should work together to ensure that any flex debit will not exceed the maximum allowable by the end of the settlement period and the debit is reduced as soon as is reasonably practicable.
- 5.4.25 It may be appropriate for managers to approve flex in unforeseen circumstances where other appropriate leave is not available.

- 5.4.26 Full-day flex is to be recorded on your flex sheet. A leave request is not required in easySAP.
- 5.4.27 Part-day flex will be recorded by entering the actual hours worked into the flex sheet. The difference between the standard hours and hours worked will automatically be deducted.
- 5.4.28 If you unexpectedly become eligible for personal leave whilst you are on a flex day, you may enter the appropriate leave instead and use the flex credit at another agreed upon time.

Flex debits

- 5.4.29 You accumulate a flex debit when you work less than your standard hours over the settlement period.
- 5.4.30 The maximum allowable flex debit is:
- 5 hours for employees working less than 25 hours per week
 - 10 hours for all other employees.
- 5.4.31 Where you have a debit in excess of the maximum allowable debit at the end of the settlement period, you must reduce the excess debit in the 4 weeks before the end of the next settlement period where it is reasonable to do so.
- 5.4.32 Your manager can require you to work additional hours to reduce the flex debit, in consultation with you and considering your personal circumstances.

Example

A full-time employee has a flex debit of 15 hours at the end of the settlement period. The employee is required to reduce this debt by at least 5 hours by the end of the next settlement period. It may be reasonable for the manager to require the employee to work an additional 15 minutes each day during the 4-week period to make up the 5 hours.

Flex debits and overtime

- 5.4.33 Employees who have a flex debit may use approved overtime to offset the debit or bring it below the maximum instead of claiming the overtime payment.
- 5.4.34 When using overtime to acquit a flex debit, you must enter the request in easySAP to ensure that overtime meal allowance is still paid where eligible. Refer to [Attachment F](#) in this PS for details.
- 5.4.35 Managers (APS4 and above) hold the delegation to approve overtime. Once the overtime request is approved, you will need to manually adjust your flex sheets by entering the amount of overtime worked in the Adjustments field and entering 'To acquit flex debit' or a similar comment in the Reason/Comments field.

Example

Chris has an excess flex debit of 14 hours. He is required to perform overtime on a Saturday for 4 hours. He chooses to use the Saturday overtime payment rate to calculate the flex debit offset:

- First 3 hours at 150 per cent, or 4.5 normal hours
- 4th hour at 200 per cent, or 2 normal hours.

Chris can offset his flex debit by a total of 6.5 hours.

Instead of requesting an overtime payment in easySAP, Chris should select Overtime - flex acquittal and enter the overtime details.

Once the overtime is approved, Chris must adjust his flex sheet by 6.5 hours to offset the excess flex debit. The reason for the offset should be entered on the flex sheet as "OT on (Day Month Year) of 4 hours to offset flex debit".

Following the overtime offset, Chris's flex debit is 7.5 hours, now within the 10-hour allowable debit limit.

- 5.4.36 The table below sets out examples of how to calculate the offset adjustment for flex debits. Calculations are based on the overtime payment rates set out at clause 5.57 of the EA.

Day	Overtime payment rate for calculating offset adjustment	Offset adjustment for flex debit
Monday to Saturday	150 per cent (time and one half) for the first 3 hours	Employee works 3 hours: 3 hours x 1.5 = 4.5 hours
	200 per cent (double time) for hours greater than 3 hours	Employee works 5 hours: 3 hours x 1.5 = 4.5 hours 2 hours x 2 = 4 hours Total offset = 8.5 hours
Sunday	200 per cent (double time) from commencement of duty	Employee works 4 hours: 4 hours x 2 = 8 hours
Public holiday	250 per cent (double time and one half)	Employee works 7 hours: hours x 2.5 = 17.5 hours

- 5.4.37 Managers must review any offset adjustments to ensure they are consistent with the approved overtime period and minimum payment due depending on the overtime type prior to approving flex sheets.
- 5.4.38 You cannot submit an overtime payment request and offset adjustments cannot be submitted for the same period of overtime.
- 5.4.39 Where you have exceeded the maximum allowable debit at the end of 2 consecutive settlement periods, you may choose to offset all, or the excess part, of the flex debit with annual leave credits or your salary. A written request, including your manager's approval, must be sent through the [HR Help Portal](#) for action, and should detail the flex debit to be offset and the mechanism for offsetting the debit (e.g. annual leave or salary).
- 5.4.40 Where you have not reduced or acquitted your excess flex debit at the end of 2 consecutive settlement periods, your manager may consider:
- whether the flex debit over the maximum allowable limit can be considered an unauthorised absence and/or
 - require you to work standard hours of duty where agreement cannot be reached to reduce the excess debit and to ensure no further debit is accrued.

Flex on promotion to Executive Level classification

- 5.4.41 Where an APS employee is promoted to an Executive Level classification, existing flex credits, will be converted to TOIL on a 1:1 basis.
- 5.4.42 Flex sheets should be submitted and approved prior to the effective date of the promotion or at the time of requesting conversion if on Higher Duties Allowance (HDA).
- 5.4.43 Requests to access converted TOIL are to be supported, subject to operational requirements. TOIL is to be taken as soon as practical.
- 5.4.44 Where you have a flex debit and are not able to achieve a neutral flex balance prior to the promotion, the Department reserves the right to recover the debt. Refer to [flex debits](#) in this PS or the [Remuneration, Salary and Overpayments – Policy Statement \(HR-2174\)](#).

Reversion to standard hours of duty

5.4.45 Access to flex-time arrangements will be ceased:

- where a manager reasonably considers that you are misusing the arrangements
- where you have had an unauthorised absence.

5.4.46 Managers (EL1 and above) considering reverting an employee to standard hours of duty must:

- identify and discuss their concerns with you
- consider any relevant issues or circumstances raised in response
- provide you with written advice as soon as practicable.

5.4.47 You must be provided an opportunity, generally 7 days, to respond to the written advice.

5.4.48 Your manager must consider your response and make a final decision within 7 days of receiving it. You should be notified of their final decision in writing and be provided with at least 7 days' notice that the reversion to standard hours of duty will take effect.

5.4.49 Access to flex-time arrangements may be restored when your manager is satisfied that the circumstances requiring the removal of access to flex-time no longer apply.

Recording part-day absences

5.4.50 In situations where you request a part-day absence, the absence must be covered by either an appropriate leave application or flex (with manager approval). Any hours worked for the remaining period should be accurately reflected on your flex sheet. Refer to the ([Leave – Policy Statement \(HR-7184\)](#)) for further information.

5.4.51 In most cases, where you request a part-day absence which combines approved leave and attendance hours, the total hours for the day will equal your standard daily working hours (see [Working Hours](#) in this PS).

Example

Penny is a full-time flex employee. She commences work at 8:00 hours, but by 12:00 hours she is not feeling well and advises her manager that she needs to go home. Penny finalises some work prior to leaving at 12:30 hours.

To cover her part day absence Penny can utilise personal leave to cover the absence. On her return to work the next day, Penny enters a personal leave application from 13:30 hours to 16:30 hours. Penny's total hours for the day add up to 7.5 hours (4.5 hours work and 3 hours personal leave in the afternoon).

5.4.52 Where you have a part day absence and work a full day, your hours may not equal your standard daily working hours. This will result in either flex being accrued or debited. This should not be a regular occurrence, and your direct reporting line manager must agree in advance.

Example

Mohammed is a full-time flex employee. He has a medical appointment from 08:30 hours to 10:30 hours and his manager has agreed in advance to this absence.

Mohammed comes into work at 10:30 hours and works until 18:00 hours, because he has sufficient work to justify working until then.

Mohammed records his day as follows:

- personal leave in easySAP (2 hours)
- attendance hours recorded on his flex sheet from 10:30 hours to 12:30 hours (2 hours) and from 13:00 hours to 18:00 hours (5 hours).

Mohammed's attendance for the day is 9 hours, excluding the 30 minutes he took for lunch therefore accruing 1.5 hour of flex credit.

Example

Omari is a full-time flex employee. She commences duty at 09:30 hours, but after her one-hour lunch break she becomes unwell and goes home at 14:00 hours. Omari enters personal leave to cover the absence from 14:00 hours to 17:00 hours. Omari's total hours for the day are as follows:

- attendance hours recorded on the flex sheet of 09:30 hours to 12:00 hours and 13:00 hours to 14:00 hours (3.5 hours)
- personal leave in easySAP (3 hours).

The total hours for the day are 6.5 hours therefore 1 hour of flex will be deducted from Omari's balance.

Moving to a new work area

- 5.4.53 Where you move to a new work area or from a non-shift environment to a shift work roster, it is expected that you and your manager will work together to reduce your flex credits to zero, or as close as possible, prior to the move.

Adjustment on termination of employment

- 5.4.54 Prior to ceasing employment with the Department, you may, with your manager's written approval, choose to offset any flex debit with annual leave credits to reduce the impact on final pay.
- A request, with manager's written approval, should be lodged through the [HR Help portal](#), at least 2 weeks prior to cessation of employment. The request should state that 'any flex debit on cessation of employment may be offset using available annual leave credits, prior to any adjustment to final pay (if insufficient annual leave credit to cover the debit)'.
- 5.4.55 Where you cease employment with the Department with a flex debit and choose not to offset it with annual leave, your salary or final payment will be adjusted accordingly.

5.5. Executive Level Employees

- 5.5.1 You and your manager should work together to determine appropriate and required attendance patterns within the flex-time bandwidth. You should not work significant additional hours without prior agreement from your manager.

Example

Peter is an EL employee who works part-time from 8:30am to 12:30pm, five days a week. Peter has been asked to assist with clearing a backlog and has agreed to work additional hours. Peter agrees with his manager to work until 17:00pm for three days, and his manager has agreed that he can take time off in lieu at a later date.

- 5.5.2 The Department sometimes requires Executive Level (EL) employees to work variable and additional hours. Consistent with the National Employment Standards (NES) and the right to disconnect provisions, you may refuse to work unreasonable additional hours.
- 5.5.3 TOIL is available in recognition of additional hours worked. You and your manager should discuss the specifics of the arrangement including length of time, how much TOIL will be accrued and how you will use TOIL if known. EL time-off arrangements are not expected to recompense for additional hours on a 1:1 basis and balances cannot be cashed out.
- 5.5.4 When considering making a request for EL TOIL, you must discuss your request with your manager and provide evidence, where requested, of the additional hours you have worked and why these additional hours were accumulated.

- 5.5.5 Like all other leave and time-off provisions prior approval must be sought before taking EL TOIL. Your manager will consider operational priorities, the additional hours you performed and your personal circumstances.
- 5.5.6 To access TOIL, you must keep records of your attendance and have regular discussions with your manager on working arrangements as per clause 5.49 in the EA. All EL TOIL taken must be recorded in easySAP under employees > leave > leave request and selecting "EL flexible time-off" in the other drop-down box.
- 5.5.7 If you use easySAP, flex sheets for EL employees are automatically approved when submitted. The non-cumulative (NC) total at the end of the settlement period can be carried over onto the next flex sheet by entering a manual adjustment when creating the new flex sheet and entering "NC carryover" in the reason box.

Requesting time-off

- 5.5.8 Requests from EL employees to access flexible time off that are consistent with their agreed working arrangements are to be supported, subject to operational requirements.

5.6. Travel to and from work

- 5.6.1 Travel to and from work is not considered time on duty unless otherwise specified in the EA or this PS. You are responsible for your own personal travel time to and from your usual place of work, regardless of where you choose to live, and for any travel related expenses (e.g. parking, tolls, fines, and fares) associated with travel to and from your usual place of work.

5.7. Flexible working arrangements

General conditions

- 5.7.1 There are different types of FWA available under clauses 5.82 to 5.109 of the EA and you can access more than one arrangement at a time. All requests are considered on a case-by-case basis. Managers and delegates will have a bias towards approving these requests and provide flexibility wherever possible.
- 5.7.2 All employees are able to request FWA. You may also have a legal right under the [Fair Work Act 2009](#) (FW Act). All requests will be considered through the same process.
- 5.7.3 Where you have a FWA, you will have the same opportunity to perform higher duties as other employees, whether you are full-time or part-time. In some cases, this may mean working standard full-time hours, or varying your agreed hours, for the period of higher duties.
- 5.7.4 Training will be within your working hours, where possible. You may need to be flexible with WFH arrangements and attend the office where training cannot be done remotely.
- 5.7.5 For APS levels 1-6, where training is only available on a day you are not working, you are eligible for payment of overtime. You may request to swap another workday with the training day instead of receiving an overtime payment.
- 5.7.6 You and your manager may agree to short-term variations to your hours without altering a formal agreement. The variations should be confirmed in writing prior to taking effect. Variations can include agreeing to swap working days to meet operational requirements or personal circumstances but should not be made to purposely obtain an additional benefit (e.g. payment of a public holiday) or to avoid payment of an entitlement (e.g. overtime).
- 5.7.7 FWAs should be cost neutral to the Department, if there is a cost associated with an FWA, the employee will in most cases bear the responsibility for the cost and the employee is also responsible for making claims for relevant tax deductions. The Department will only fund:
- a laptop to use at home and in the office (where you have been issued a laptop under the [ICT Asset Management Single Device – Procedural Instruction \(TI-6900\)](#)).
 - monitors, a keyboard, mouse and docking station for use in the office only.

- Specialist health and safety ergonomic equipment requested as a reasonable adjustment for employees with disability to safely perform their role in accordance with the [Workplace Adjustment - Procedural Instruction \(HR-2166\)](#).

5.7.8 Unless considered an item the Department will fund as specified in clause 5.7.7, the Department will not fund or be responsible for home-based setups. This includes desks, chairs, monitor/s, keyboards, mouse or internet services.

5.7.9 Where movable items are paid for or supplied by the Department:

- they are provided on a loan basis for the duration of the WFH agreement.
- you must return the items once the agreement ends or your employment ceases.
- Where IT assets (software/hardware) are paid for or supplied by the Department, all assets should be logged to you within Connected Services and assets must be returned/disposed/transferred once the agreement has ended or at the time of ceasing employment. See [Connected Services - Connected Services - Requests for held ICT Hardware/Software Assets](#).

Working from home – Additional considerations

- 5.7.10 There are no caps on the time that may be approved to work from home or remotely, however, some roles may not be compatible with either. For example, operational and some customer-facing roles can only be done in person at a Home Affairs' work location. Employees and managers must consider identifying solutions to meeting both operational and employee needs for flexibility.
- 5.7.11 If you WFH you will need to make sure your internet connection is adequate to perform your role. As part of discussing a WFH arrangement, you and your manager need to discuss how you will manage interruptions to your connection. If you have frequent or extended connectivity issues you may not be able to WFH.
- 5.7.12 Delegates will consider each request on its own merits with a bias towards approval. Managers (EL2 level) will decide on requests to work from home for less than 100% of the time. Any requests for 100% working from home will need to be considered by an SESB1 officer or above.
- 5.7.13 Both the manager and employee need to consider the security, health, work and safety risks of the working from home location when considering the request. Where a WHS or security risk (e.g. a conflict of interest living arrangement) has been identified during the request, it must be evaluated in consultation with the WHS Section and/or the Security Branch prior to commencement of the WFH arrangement.
- 5.7.14 Employees who have been granted temporary access pending the grant of a security clearance must be supervised at all times and are not eligible to work remotely until their security clearance has been granted.
- 5.7.15 WFH arrangements are generally not appropriate for employees who are formally classified as not fit for duty due to illness and injury. Refer to the [Fitness for Duty – Procedural Instruction \(HR-2130\)](#) and [Workplace Adjustment - Procedural Instruction \(HR-2166\)](#) for further information.
- 5.7.16 Where you are requesting to WFH as part of the Graduated Return to Work (GRTW) program, contact Case Management Services via email for further advice and support on the GRTW program (Refer to the intranet page [Case Management Services](#), under Rehabilitation & Compensation Management for more information).
- 5.7.17 Where you primarily WFH, your usual office workstation may be shared with other employees or used as part of hot-desk arrangements (Refer to the intranet page [Agile Ways of Working](#)). Where this occurs, you will be consulted on any formal changes to seating arrangements or implementation of hot-desking arrangements in your work area.

Job sharing arrangements – Additional considerations

- 5.7.18 Job sharing arrangements are subject to:

- operational requirements
- written confirmation of what would occur where one party no longer wishes to participate in the arrangements
- manager agreement.

5.7.19 In considering the proposal, you and your manager will need to confirm:

- the division of duties to best meet operational requirements
- the responsibilities and requirements of both employees
- the degree of flexibility needed to ensure the success of the arrangement
- communication and handover arrangements.

Ad hoc flexible working arrangements

5.7.20 You may request to work flexibly on an ad hoc basis. Ad hoc arrangements have no pattern or regularity, being one-off or short-term for circumstances that are not ongoing.

5.7.21 Any informal arrangement, including short-term variations to formal approved FWAs, should be requested with as much notice as possible, preferably in writing, and must be approved by the employee's manager prior to the work occurring.

5.7.22 An online WFH Agreement is not required to be completed for an ad-hoc WFH arrangement, however, the [Working from home – WHS and Security checklist – Supporting Material \(HR-7180\)](#) should be completed by you and can be used for future informal WFH arrangement for 12 months providing there are no changes to your home arrangements.

Requesting a flexible working arrangement

5.7.23 You must discuss your proposal for FWA with your manager prior to formalising the FWA with the relevant delegate. Refer to [Attachment E](#) in this PS for a flow chart of requesting a FWA.

5.7.24 Managers and delegates must consider the employee's requests for FWAs on its merits with a bias towards approval unless the request cannot be supported on reasonable business grounds.

Example

Jim is a delegate considering a request for 100% working from home. He notes that the role has no operational requirements preventing the job from being performed remotely and that the proposed working from home location is outside commuting distance to the employee's home office. There is an annual planning day and face to face training that is arranged in advance. Jim discusses the request with the employee and together agree:

- the employee will work from home 100%.
- that employee will attend the planning day and face-to-face training; details will be provided to him in advance to allow them to make personal travel arrangements.
- the employee will be responsible for costs to travel to/from the nearest airport and the cost centre will fund travel from the airport onwards.
- the arrangement will be reviewed informally after the first month to ensure the employee has adequate support in place.

Jim approves the request for 12 months, with agreement that the arrangement will be reviewed after the first month.

Example

Jasmine is a delegate who has received a few requests for two days working from home. She notes that the role involves scheduled interviews through the week that must occur in the office face-to-face but there

is also administrative work that can be done remotely. Knowing that flexibility is important to people in her team, she arranges a workshop with her team to discuss how to achieve this. As a result of the workshop:

- it was identified that the administrative work component of the team could be grouped to two days with the rest being scheduled interviews.
- the administrative days would need to be spread out or rotated across the whole team.
- the team as a whole agrees to trial it for three months initially.

Jasmine approves the request for three months with the intention to make it ongoing if the trial is successful.

Example

Anita is a delegate considering a request for 100% working from home from an ABF Chief of Staff. She notes the role is responsible for events that occur on site, but that most of the work can be done remotely. This means there is an operational requirement to be on site for events. There's no pattern to the timing of events but they are always planned well in advance. Anita discusses the request with the employee and together agree:

- the employee will be provided advance notice of events so they can plan to be on site.
- the employee will be responsible for costs to travel to/from site.
- the arrangement will be reviewed informally after the next event to ensure the employee has adequate support in place.

Anita approves the request for 12 months.

- 5.7.25 For more information, see the [Manager and delegate's guide to considering flexible working arrangements \(ADD2025/5144263\)](#) and [Managers guide to flexible working arrangements requests FAQ \(ADD2025/5144239\)](#).
- 5.7.26 FWA's should be reviewed at least every 12 months to ensure it is still meeting your needs and operational requirements, and to make adjustments where necessary. Where changes are made, reasonable notice (usually four weeks) should be provided, unless agreed to by you and the delegate.
- 5.7.27 A delegate can only cease a FWA in line with clause 5.96 of the EA. You may choose to end the FWA early.

Working in a different location/transferring to another work area or team

- 5.7.28 Where there is an opportunity for you to perform FWA in another work area and/or location, your current work area and proposed new work area must agree with this move and determine whether it is temporary or permanent.
- 5.7.29 If the work area does not have an allocation of desks at that location, the relevant region/regional office should be contacted prior to agreeing to a move.
- 5.7.30 Where you are approved to work in a different location the relevant Regional Director or Chief of Staff executive mailbox will need to be informed of the effective date of the transfer.
- 5.7.31 Where you commence working in another location you should ensure that your location details are updated in easySAP via > Employees > Personal Details > Personal Profile > Work Address.
- 5.7.32 Following approval of this arrangement, the manager is required to inform spatial.management@homeaffairs.gov.au to ensure your location details are reflected in Serraview.

Appeal of decisions

- 5.7.33 A dispute regarding requests for FWA may be pursued in line with the [Dispute Resolution – Procedural Instruction \(HR-7040\)](#).
- 5.7.34 Certain decisions regarding APS employee initiated FWA's that are unable to be resolved at the workplace level may be referred via email to the Merit Protection Commissioner (MPC), these include part-time work agreement, rostered hours or overtime decisions.
- 5.7.35 Disputes relating to decisions on employee-initiated requests to work from another location or to work from home on a full-time or part-time basis are not reviewable under the *Public Service Act 1999*, and in accordance with 37(2) item 11 of the *Public Service Regulations 2023*, as these are considered an action relating to the determination of duties of an APS employee.
- 5.7.36 Where you have a legislated right to request flexible work (refer to [General Conditions](#) in this PS for flexible working arrangements), and either:
- the delegate refuses a request for FWA in accordance with section 65A (3) of the FW Act or,
 - a written response is not provided within 21 days,
- then the following avenues may be pursued:
- you and the delegate must first attempt to resolve the dispute through discussion. Where you cannot resolve the issue then you can raise it with your delegate's manager
 - if this does not resolve the dispute, you may escalate in line with the [Dispute Resolution – Procedural Instruction \(HR-7040\)](#)
 - if this does not resolve the dispute, either party may refer the dispute to the Fair Work Commission (FWC)
 - the FWC must deal with the dispute by means other than arbitration at first instance (e.g. conciliation), unless there are exceptional circumstances. If this is unsuccessful, the FWC may then deal with the dispute by arbitration, making orders in accordance with section 65C of the FW Act,
 - you and/or the Department may appoint a representative for the purpose of resolving the dispute or the FWC dealing with the dispute.
- 5.7.37 Employee and workplace support services are available through the [Employee Assistance Program](#).

5.8. Public holidays

- 5.8.1 You are entitled to observe the following public holidays each year:

Date	Public Holiday
1 January	New Year's Day
26 January	Australia Day
Variable	Good Friday
Variable	Easter Monday
25 April	Anzac Day
Variable	The King's Birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory)

Date	Public Holiday
25 December	Christmas Day
26 December	Boxing Day
Any other day or part day, declared or prescribed under a law to be observed generally within the state or territory, or a region of the state or territory, as a public holiday, other than a day or part day, or a kind of day or part day, that is excluded by the Fair Work Regulations 2009 from counting as a public holiday.	

- 5.8.2 If a public holiday listed above falls on a Saturday or Sunday, and if under a state or territory law, it is substituted, the substitution is the public holiday.
- 5.8.3 When you work on the Saturday following Good Friday, it will be paid as if it were a public holiday.
- 5.8.4 You are entitled to an additional holiday, treated as if it were a public holiday, each year in accordance with the following table:

Christmas Day falls on	Additional Holiday
Sunday	Wednesday 28 December
Monday	Wednesday 27 December
Tuesday	Thursday 27 December
Wednesday	Friday 27 December
Thursday	Monday 29 December
Friday	Tuesday 29 December
Saturday	Wednesday 29 December

- 5.8.5 Where a public holiday falls on a day that isn't your ordinary hours of work, you will not be paid for the public holiday, unless you work overtime.

Example

Claudia works part-time on Tuesdays and Wednesdays. The next Monday is a public holiday. As this day is not a working day for Claudia, she is not paid for the public holiday. However, Claudia has agreed to work on the Monday due to an urgent project. Claudia is therefore entitled to overtime.

- 5.8.6 HDA is paid where the approved period of higher duties includes the public holiday (e.g. where higher duties is performed before, during and after the public holiday).
- 5.8.7 Casual employees are entitled to payment (base pay plus public holiday penalty rates) for a public holiday where they are rostered to work, and do work, on the public holiday.

Observing public holidays

- 5.8.8 You are entitled to observe public holidays in the place that you are usually based for work, including when you travel or work interstate and it is a public holiday in your home location.
- 5.8.9 Where you are travelling for work, you may claim the travel time on a one for one basis. Refer to Business related travel - out of hours in the [Official Travel and Locations-based - Policy Statement \(HR-TBC\)](#) for further information.
- 5.8.10 Where you work in another location and it is a public holiday in your home location, you are eligible for overtime or may take a day in lieu when you return to your home location.

- 5.8.11 If you are on temporary assignment, deployment or term transfer, you can request to substitute public holidays to align with the new work region. Refer to [Substitution of public holidays](#) in this PS for further information.
- 5.8.12 If you are posted to another location under the [ABF Postings Program](#), you will be entitled to observe public holidays in the posting location.
- 5.8.13 If you are working interstate on a public holiday, you are not entitled to observe the public holiday if it is not a public holiday in your home location. If it is not practical for you to perform duty on that day, you can substitute it with one from your home location on your return or request leave or flex.

Substitution of public holidays

- 5.8.14 You and your EL2 or higher may agree on the substitution of a public holiday, having regard to operational requirements. Part-time employees who have a planned day off falling on a public holiday are not deemed to be observing the public holiday and are not eligible for substitution.
- 5.8.15 Where a full-time employee has a regular planned day off (for example, through compressed hours) which would fall on a public holiday, your manager can agree to change the planned day off so that it does not fall on a public holiday. If it cannot be changed, the employee will be credited an equivalent amount of time for that day in flex credits or EL TOIL.
- 5.8.16 You may substitute a day or part day gazetted public holiday with another day including a day that is of cultural or religious significance as per clauses 6.56, 6.57 and 6.62 of the EA, with the written approval of your EL2 or higher. This substitution does not reduce your entitlement to First Nations ceremonial leave, NAIDOC leave or cultural leave. This will be subject to operational requirements.
- 5.8.17 The public holiday provisions will apply to the substituted day as if it were a public holiday. Where you substitute a public holiday for another day, you will not be paid penalty rates for working your normal hours on the public holiday.
- 5.8.18 You must contact HR Help through the [HR Help Portal](#) with EL2 or higher approval to arrange for the public holiday to be substituted. Following this, you must reflect this change in your flex sheet, refer to [Attachment H](#).

Leave and public holidays

- 5.8.19 If a public holiday falls when you are on leave, your entitlement depends on whether you are on paid leave or unpaid leave.
- Where unpaid leave falls on both sides of a public holiday you will not be entitled to payment for the public holiday.
 - Where it is during a period of annual leave, personal/carers leave, purchased leave, paid cultural leave, emergency response leave, defence service sick leave or parental leave:
 - you will be paid for the public holiday
 - payment will be at your base pay whether the leave has been taken at full or half pay
 - leave will not be deducted from your leave balance for the public holiday
 - leave will not be deducted for the Christmas closedown period
 - If a public holiday falls during a period of long service leave, maternity leave or adoption and long-term foster leave the leave will continue to be paid at the same rate that the leave is taken e.g. full pay or at the rate the payments are spread (i.e. half pay), and leave will be deducted from the relevant leave balance.

Christmas closedown

- 5.8.20 You are entitled to time off for the working days between Christmas Day and New Year's Day without loss of pay or leave being deducted.

- 5.8.21 Where reasonably practicable, you will be provided with at least one month's notice if you need to work on one or more of those days and you will receive overtime (for non-shift workers) and penalties (for shift workers) as if those days were public holidays.
- 5.8.22 If you are a non-shift EL employee required to work during this period, you will be paid standard salary and receive TOIL at public holiday rates (time and a half), to be taken at an agreed time before the end of April of the following year.
- 5.8.23 Offshore employees will observe public holidays per the Department of Foreign Affairs and Trade (DFAT) calendar. Any embassies that do not observe the DFAT holidays between Christmas and New Year will retain these days as standard work days and no penalties or overtime will apply.

5.9. Overtime

- 5.9.1 Overtime is worked only with the prior approval of your manager.
- 5.9.2 To meet operational requirements, your manager may request you to work reasonable additional hours as overtime. You may refuse overtime. Managers should consider employees individual circumstances when considering whether they are able to perform overtime.
- 5.9.3 If you are on approved leave or a GRTW, you may not be asked to perform overtime.
- 5.9.4 Where overtime has been agreed, and you have taken personal/carer's leave or flex immediately before the overtime is scheduled to occur, your manager must have a discussion with you before cancelling or withdrawing the overtime.
- 5.9.5 All requests for overtime must be submitted in easySAP. Refer to [Attachment F](#) for further details.

Overtime eligibility

- 5.9.6 Employees in APS 1-6 and training classifications will be entitled to payment of overtime with manager approval. In these cases, payment will be made as follows:

Category of employee	When you may be eligible for payment of overtime
Full-time employees whether working flex-time arrangements or standard hours (other than casual employees)	For work approved by the manager to be performed: - in excess of 7.5 hours between Monday and Friday or the employee's agreed regular daily hours - outside the flex-time bandwidth - on a public holiday.
Part-time employees (other than casual employees)	For work approved by the manager to be performed: - in excess of the employee's agreed regular daily hours - outside the flex-time bandwidth - on a public holiday.
Shift employees (including casual employees on shift arrangements)	For work approved by the manager to be performed*: - on any day outside the normal rostered ordinary hours of work on that day, or - in excess of the weekly hours of ordinary duty, or an average of the standard weekly hours of duty over a cycle of shifts. *Casual loading is not paid for overtime.

Category of employee	When you may be eligible for payment of overtime
Casual employees (not on shift arrangements)	For work approved by the manager to be performed*: • in excess of 37.5 hours in a week, or • outside the flex-time bandwidth, or • on a public holiday. *Casual loading is not paid when a casual employee works overtime.

5.9.7 EL employees are not eligible for overtime but may claim EL TOIL per [Executive Level Employees](#) in this PS.

Overtime payment rate

5.9.8 Eligible employees will be paid for approved overtime at the following rates:

Day	Rate
Monday to Saturday	• 150 per cent (time and one half) for the first 3 hours. • 200 per cent (double time) for hours greater than 3 hours For shift employees performing overtime on a Saturday, the rate of payment is 200 per cent (double time) from the commencement of overtime.
Sunday	• 200 per cent (double time)
Public holidays	• 250 per cent (double time and one half)* *For overtime performed within an employee's standard hours of duty, double time and one half on public holidays comprises the single time payment payable whether or not the employee works overtime, plus an additional time and one-half payment. Overtime outside of standard hours will be paid at a standalone 250 per cent.

5.9.9 For the purpose of calculating overtime, salary will include higher duties allowance but no other allowances.

5.9.10 Shift penalties are not paid on overtime.

5.9.11 Overtime payments do not count as salary for superannuation or long service leave purposes, subject to the provisions in the superannuation and long service leave legislation.

5.9.12 If you are on annual leave and are requested to return to duty, the recall from annual leave provisions will apply per clauses 5.71 and 6.6 - 6.7 of the EA.

Payment for continuous overtime

5.9.13 Overtime is continuous where it is directly prior to, or after, normal duty i.e. there is no break between commencing or ceasing ordinary duty (including flex-time) and commencing or ceasing overtime.

5.9.14 Overtime is still considered continuous when the only break between ordinary duty and overtime is a meal break.

5.9.15 There are no minimum payment provisions for continuous overtime.

Minimum payment for non-continuous overtime

- 5.9.16 Where you are required to separately attend work for the purposes of undertaking overtime (that is where the overtime is not continuous with ordinary duty, including any meal period immediately following ordinary duty), you will receive a minimum payment of 4 hours overtime.

Example

Anh works pre-arranged overtime from 06:00 hours to 9:00 hours in order to complete an urgent report drafting, on a day when Anh is not scheduled to work. At 14:00 hours Anh's manager calls him to ask if he has capacity to complete another urgent task that will require a number of clearances. Anh agrees and performs additional overtime from 14:30 hours to 16:00 hours. The overtime would be calculated as follows:

- 06:00 hours – 09:00 hours =
 - 3 hours overtime at 150 per cent + 1 hour overtime at 200 per cent
- 14:30 hours – 16:00 hours =
 - 4 hours overtime at 200 per cent

- 5.9.17 Where the separate attendances wholly occur within the minimum 4-hour period, they will form part of the same single minimum 4 hour period.

Example

Koa works pre-arranged overtime on a Saturday from 07:00 hours to 10:00 hours to perform user acceptance testing which is not possible during business hours. After logging off Koa realises that they made a mistake and completed one test incorrectly. Koa logs back on at 10:15 hours and re-performs the test which they complete at 10:45 hours. The overtime would be calculated as:

- 07:00 hours – 10:00 hours =
 - 3 hours overtime at 150 per cent + 1 hour overtime at 200 per cent
- 10:15 hours – 10:45 hours =
 - no additional payment as additional overtime was conducted within the original 4-hour minimum payment period

- 5.9.18 Overtime duty broken for a meal period will not constitute more than one attendance.

- 5.9.19 When entering multiple overtime attendances in easySAP for the same day, you must select the same compensation for each period of overtime performed (i.e. either all paid overtime or all TOIL).

Time off in lieu

- 5.9.20 Where requested by an employee, TOIL may be granted as compensation for overtime at the applicable overtime rate, subject to operational requirements.
- 5.9.21 To take TOIL instead of being paid for overtime, you should select this option when entering your overtime in easySAP. This will convert the overtime worked into a TOIL balance that you can access at a later date.
- 5.9.22 When requesting TOIL in easySAP, you should access the Employee > Leave > Request function.
- 5.9.23 TOIL should be taken within 3 months. Where this is not possible you may request to cash TOIL out at the applicable overtime rate through the [HR Help Portal](#).
- 5.9.24 Where you are going to move to a new work area, you and your manager are expected to work together to reduce TOIL credits to zero or, at least, to minimise them. Any remaining TOIL credit will transfer with you.

Overtime formulas

5.9.25 Overtime is based on hourly rate of pay calculated using the following formula:

$$(\text{annual rate of pay} \times 12 \div 313) \div 75.$$

5.9.26 Higher duties allowance is included when calculating overtime payments i.e. hourly rate of pay will be calculated on the employee's salary on higher duties.

Meal breaks

5.9.27 You are not required to work more than 5 hours without an unpaid meal break of at least 30 minutes including when you perform overtime, except in exceptional circumstances.

Example

Chun is a shift employee rostered to work 04:30 hours to 14:30 hours. She was provided with an unpaid meal break at 09:30 hours until 10:00 hours. Due to workload, Chun agrees to perform overtime from 14:30 hours until 16:00 hours. Chun should be provided with a meal break at or before 15:00.

Example

Rohan performs overtime on a rostered day off commencing at 05:00 hours until 11:00 hours. An unpaid meal break of at least 30 minutes should be provided at or before 10:00 hours.

5.9.28 Where appropriate, you and your manager may discuss options to schedule (or rotate) meal breaks to meet the operational requirements of the work area.

5.9.29 You must record details of meal breaks in your overtime application in easySAP.

Overtime meal allowance

5.9.30 A meal allowance period means the following periods:

- 06:30 hours to 07:00 hours
- 12:00 hours to 14:00 hours
- 19:00 hours to 19:30 hours
- midnight to 01:00 hours.

5.9.31 A meal allowance will be paid to an APS 1-6 employee who:

- works approved overtime
- works over a meal allowance period, and
- does not break for a meal or takes an unpaid meal break.

5.9.32 You will receive a meal allowance where eligible even if you opt for TOIL compensation.

5.9.33 The rate of meal allowance will be reviewed and updated over the life of the EA to reflect changes to the [Taxation Determination](#) for reasonable overtime meal allowances.

Examples of overtime meal allowance

Overtime Details	Overtime Meal Allowance	Comments
Separate overtime attendance commencing at 08:00 hours and finishing at 13:00 hours	No	Employee has not worked over the entire meal allowance period

Overtime Details	Overtime Meal Allowance	Comments
Separate overtime attendance commencing at 10:00 hours and finishing at 14:00 hours	Yes	Employee has worked over the entire meal allowance period
Continuous overtime from 17:00 hours to 19:30 hours	Yes	Employee has worked over the entire meal allowance period

5.9.34 If you are an EL employee who is directed to perform additional hours to supervise employees on overtime who are eligible for a meal allowance, you will also be eligible for a meal allowance.

5.9.35 Requests for EL meal allowance must be submitted in easySAP through *Employees > Time and Attendance > Overtime Request > New Overtime Request*. The meal allowance category will automatically populate.

Restriction and Restriction allowance

5.9.36 Where necessary to meet operational requirements, your EL1 or above may direct you to be contactable and available to attend work to perform extra duty (at your usual workplace or at another workplace including at home) outside your normal work hours.

5.9.37 When considering restriction, your EL1 or above should consider the health and safety implications including but not limited to, the length of time on restriction, potential for being on duty and rest relief.

5.9.38 If you are restricted in this way, you are entitled to payment of a restriction allowance. If you are required to perform duty while restricted, you will also be entitled to payment of overtime in accordance with 5.70 of the EA.

5.9.39 You will receive \$46 per 24-hour period (or part thereof) that you are restricted. The 24-hour period commences from the time that you commence restriction.

5.9.40 Managers should only direct you to be restricted if alternative arrangements, like 24/7 shift operation centres, are not operationally viable.

5.9.41 Unless there are exceptional circumstances, managers must not direct employees who are on approved leave to be restricted. Employees may consent to be restricted once they have returned.

5.9.42 If your restriction has been agreed to, and you take unplanned personal/carer's leave of flex immediately before the restriction is scheduled to occur, your manager will discuss with you whether you are able to perform extra duty before cancelling or withdrawing the restriction.

Example

Jamie is a flex worker and is placed on restriction from 17:00 on Monday, 20 May 2024 until Wednesday 22 May 2024. Jamie is unwell and takes personal leave on Tuesday and returns to work on Wednesday. An alternative employee was placed on restriction for Tuesday, and Jaime was placed on restriction on Wednesday after he had returned to work. Jamie is eligible for payment of restriction allowance on Monday and Wednesday only.

Jamie should not be placed on restriction again until she has returned to work.

Example

Amina is a flex worker and agrees to be on restriction from 18:00 on Wednesday 18 September 2024 until Thursday 19 September 2024. She uses flex from 14:00 – 17:00 on Wednesday to pick her sick daughter up from school and care for her at home. Once her partner arrives home from work at 17:30 and assumes caring responsibilities, Amina is able to fulfil her restriction responsibilities as scheduled.

- 5.9.43 You will need to reach out to Payroll, with your manager or relevant delegate's approval, to receive restriction allowance payment for a completed restriction period on the same day immediately following personal/carer's leave due to system capability.
- 5.9.44 If the restriction agreement is cancelled or withdrawn, and the allowance has already been approved in easySAP, you or your manager should arrange for payment of the allowance to cease.
- 5.9.45 Requests for restriction allowance must be submitted in easySAP through *Employees > Pay > Restriction Duty Claim Application*. Where it will workflow to your EL1 or above for approval.
- 5.9.46 Requests for restriction allowance which span overnight and/or where the total restriction period is less than 24-hours should be entered as 24-hours period (one day). Delegates should ensure that restriction allowance is only approved for the relevant 24-hour period.
- 5.9.47 The entered request in easySAP should not replace the line area's records of restriction. It is only used as a means of payment for restricted employees.

Example

Frankie is placed on restriction commencing at 17:00 hrs on Monday 21 October 2024 until 08:30 hrs on Tuesday 22 October 2024. The 24-hour period for payment commences at 17:00 hrs on 21/10/2024 and ends at 17:00 hrs on 22/10/2024.

When entering the request for restriction allowance in easySAP, Frankie should request payment for the allowance for 21/10/24 to 21/10/24 in order to correctly be paid for 1 x 24-hour period as easySAP calculates a 24-hour payment per day.

Despite the restriction spanning over two dates, the period applicable for payment is 1 x 24-hour. Entering 21/10/2024 to 22/10/2024 would see Frankie paid for 2 x 24-hour periods and they would be inadvertently overpaid.

Overtime payments during periods of restriction

5.9.48 APS Level 1-6 employees on restriction will be entitled to overtime in these circumstances:

- when recalled to the workplace or another workplace to perform duty
- business-related phone calls received while on restriction requiring the employee to provide advice or make a business-related decision
- business-related texts received while on restriction requiring the employee to provide advice or make a business-related decision
- business-related emails relating to the reason they have been placed on restriction requiring you to provide advice or make a business-related decision.

5.9.49 Overtime while on restriction will not be paid in circumstances including (but not limited to):

- a phone call to a restricted employee where the sole purpose of the call is to call them in to duty - there is no duty being performed
- performing WFH (such as checking emails or catching up on other tasks) that is not directly related to the restriction and requirement to perform extra duty.

5.9.50 APS 1-6 employees who are required to perform overtime while on restriction will be entitled to a minimum overtime payment of:

- one hour, where the duty is performed at home and does not require a recall to the workplace or
- 4 hours, where duty requires a recall to the workplace including time spent travelling to and from the workplace

Example

Lou is on restriction and receives a call at 09:30 hours advising he is required to attend for duty at the workplace. After performing the required duty, Lou returns home at 12:30 hours. The overtime should be entered from 09:30 hours until 12:30 hours and Lou will receive the minimum payment of 4 hours.

5.9.51 EL employees cannot access overtime, however, may be granted EL TOIL.

Applying for overtime on restriction

5.9.52 If you are required to perform extra duty while on restriction, you must request overtime through easySAP. Refer to [Attachment F](#) for further details.

5.10. Emergency duty

5.10.1 If you are an APS Level 1-6 employee and are directed to meet a work-related emergency as determined by the relevant EL2 or above delegate:

- at a time when you would not ordinarily have been on duty and
- you were not given notice prior to ceasing duty,

you will be paid at 200 per cent (double time) for a minimum period of 4 hours. The employee will be paid for time necessarily spent travelling to and from duty. Any subsequent attendance on the same day will be paid overtime.

5.10.2 Emergency duty provisions do not apply to:

- EL employees (and equivalents)
- an employee who is recalled to duty while they are on restriction
- a shift employee whose duty for the day is varied by alteration of the commencement of the scheduled shift to meet an emergency
- requests to perform overtime on a RDO without prior notice
- requests to perform overtime due to employee absences.

5.10.3 You must enter requests for emergency duty in easySAP through Employee > Time and Attendance > Overtime Request > New Overtime Request > Emergency Duty.

5.11. Rest relief

5.11.1 Employees, other than casual employees, are entitled to a break of at least 8 consecutive hours off duty, plus reasonable travelling time, between 2 periods of ordinary duty i.e. ceasing normal duty on one day and commencing ordinary duty on the next day. For further information on provisions relating to casual employees, refer to the [Casual employees – Policy Statement \(HR-6593\)](#).

5.11.2 Non-shift employees absenting themselves from work for rest relief purposes should record the absence on their flex sheets in easySAP - Refer to [Attachment G](#). The arrangements for shift employees recording rest relief are contained in the [Shift Work Arrangements – Policy Statement \(HR-7182\)](#).

5.11.3 Generally, reasonable travelling time is up to one hour travel time each way. However, individual circumstances may be taken into account.

5.11.4 For the purposes of rest relief, ordinary duty is as follows:

Working arrangement	Ordinary duty
Flex-time employees/employees working standard hours	Standard hours of duty, or alternative hours of duty as determined by the delegate, or the hours of duty agreed between an employee and their manager

Working arrangement	Ordinary duty
Employees with a flexible working hours arrangement (full or part-time)	Nominated start and finish times as per the part-time/variable work arrangement
Shift employees	Rostered shift start and cessation times

- 5.11.5 Where you are required to perform overtime between two periods of ordinary duty, the rest relief period must be calculated taking into account your standard hours of duty, the overtime start and finish time and reasonable travel time of up to one hour each way.

Example

A flex-time employee with standard hours of duty being 08:30 hours to 17:00 hours is required to perform continuous overtime from 17:00 hours until midnight.

In order to provide the employee with the required rest relief between the 2 periods of ordinary duty, the employee must be provided at least eight hours rest relief plus reasonable travelling time (up to one hour each way).

- Where one-hour of travel time is required, the employee would not be required to commence duty until 10:00 hours the next day and would be able to claim rest relief for the period between 08:30 hours to 10:00 hours.
- Where 30 minutes travel time is required, the employee would not be required to commence duty until 09:00 hours the next day and would be able to claim rest relief for the period between 08:30 hours to 09:00 hours

- 5.11.6 Generally, rest relief should be provided to an employee after they have performed additional duties/overtime exceeding three hours and before they are required to perform ordinary duty.

Example

A flex-time employee with standard hours of duty being 08:30 hours to 17:00 hours is required to perform overtime from 21:00 hours on Monday evening until 06:30 hours the following morning due to an operation.

The employee is required to have their rest relief period between 17:00 hours Monday and 08:30 hours Tuesday. However, as the employee will be performing overtime until 06:30 hours Tuesday, the employee should be provided rest relief after finishing at 06:30 hours and prior to commencing ordinary duty.

- Where one-hour travel time is required, the employee would not be required to perform ordinary duty again until 16:30 hours on Tuesday afternoon.
- Where 30 minutes travel time is required, the employee would not be required to perform ordinary duty again until 15:30 hours on Tuesday afternoon.

In both scenarios the manager should consider providing the employee with the whole next working day as rest relief and not expect them to return to duty until 08:30 hours on the Wednesday morning. Rest relief should be recorded on the employee's flex sheet.

- 5.11.7 Employees who are on rest relief will be paid as though they were performing their ordinary duties.
- 5.11.8 Rest relief is not applicable in circumstances where an employee is required to work overtime immediately before commencing duty or following duty (inclusive of the flex bandwidth).

Example

Anthony is a flex-time employee with standard hours of duty being 08:30 hours to 17:00 hours who has been asked by his manager to perform overtime commencing at 05:00 hours in the morning prior to

commencing his standard working day. Anthony agrees to perform the overtime and the manager approves the following arrangements:

- overtime from 05:00 hours until 07:00 hours (2 hours)
- flex and normal duty from 07:00 hours until the time that Anthony ceases duty for the day (including a 30-minute unpaid meal break).

As this overtime is immediately prior to commencing ordinary duty, no rest relief provisions are applicable.

- 5.11.9 Employees who work overtime on a Saturday, Sunday or public holiday which is not an ordinary working day, or an RDO, are entitled to a break of at least 8 consecutive hours plus reasonable travelling time in the 24 hours preceding the commencement of ordinary duty.

Example

Priyanka is a flex-time employee with standard hours of duty being 08:30 hours to 17:00 hours and is required to perform overtime on a Saturday from 23:00 hours until 05:00 hours on the Sunday morning.

The period between Priyanka ceasing her non-continuous overtime and commencing her standard duty on Monday is 27.5 hours. This meets the rest relief requirement of at least 8 hours plus reasonable travelling time, within the 24 hours preceding her commencement of ordinary duty at 08:30 hours on the Monday. Priyanka would be expected to commence duty on Monday morning as usual.

The latest time Priyanka could finish overtime on Sunday would be 22:30 hours so as to ensure the minimum rest relief provision is met prior to her commencement of standard duty at 08:30 hours on Monday.

- 5.11.10 Where operational requirements necessitate, and having considered the WHS impacts, the delegate (EL2 and above) may request an employee to resume work without having the required rest relief. In this situation, employees will be paid double ordinary time rates for the time worked until they have had eight consecutive hours off duty, plus reasonable travelling time.

Example

Markos is a flex-time employee who generally works a standard working day of 08:30 hours to 17:00 hours Monday to Friday. An urgent matter arises late on Monday afternoon and his director requests him to perform overtime from midnight until 08:30 hours the following morning (including a 30-minute unpaid meal break).

Markos leaves work at 17:00 hours and returns for overtime duty at midnight (7-hour break). Due to complications with the urgent matter, the situation has not been resolved by 08:30 hours the following morning when he is due to commence ordinary duty.

As Markos was only provided with a total of 7 hours break between his 2 periods of standard duty, he is not required to commence standard duty again until a full 8-hour rest relief period plus reasonable travel time has been provided.

Any duty Markos is required to continue to perform after 08:30 hours on Tuesday will be paid at double time.

Even though Markos may wish to continue the task, having considered his health and wellbeing, his director asks if he can stay for another hour to provide a hand over to his colleague who commenced work at 08:30 hours.

Markos agrees to stay to provide the handover and the additional hour he works is paid at double time.

Markos is then relieved from duty at 09:30 hours and claims rest relief from 09:30 hours to 17:00 hours.

Markos's rest relief period during standard working hours is calculated as follows:

- 08:30 hours – 09:30 hours = one hour of duty paid at double time

- 09:30 hours – 12:30 hours = rest relief (3 hours)
- 12:30 hours – 13:30 hours = unpaid meal break
- 13:30 hours – 17:00 hours = rest relief (3 hours 30 minutes)

Marko's claims a total of 6 hours 30 minutes rest relief during the standard working day.

Markos is not required to perform his standard hours of duty again until 08:30 hours on Wednesday, providing a total period of rest relief of 23 hours.

5.11.11 Where employees are directed to continue to perform duty or return to duty without the required rest relief period, the employee must submit a request as soon as practical through the [HR Help Portal](#) for manual payment with the following details:

- EL2 manager confirmation that the employee was directed to resume or continue work without the required rest relief period and is eligible to be paid at double time
- name and AGS number
- date and hours to be paid at double time
- any other relevant details.

6. Accountabilities and Responsibilities

Role	Description
Delegate	Delegates are accountable and responsible for: • considering all flexible working proposals with an open mind, including exploring the possibilities of new ways of working • being aware of, and equitably applying, relevant legislation and internal supporting documentation that may influence decision making • communicating with managers and employees regarding all aspects and impacts of the request, including exploring alternative proposals to meet operational requirements • providing approval or non-approval of flexible working arrangement requests, and the reasons for those decisions, in writing to the employee within 21 days from the date of their request • recognising that flexibility applies to all roles and different types of flexible working arrangements may be suitable for different types of roles or circumstances • documenting and reviewing flexible working arrangements where managers and/or employees identify issues that cannot be resolved
Employees	Employees are responsible for: • accurately recording their attendances times on a daily basis (all employees) and submitting for manager approval at the end of each 4-week settlement period (APS 1-6 full-time and part-time employees) • working with their managers and colleagues so that their times of attendance ensure appropriate staffing covering at times where operational and client responsibilities must be met (all employees) • managing their flex balances to minimise accruing excess flex credits and flex debits (flex employees) • seeking prior approval for taking flex where appropriate (flex employees) • notifying of any absences in accordance with Departmental policy and ensuring that appropriate leave is entered as soon as practicable on return to the workplace (all employees) • familiarising themselves with this PS and understanding the process and considerations required as part of flexible working arrangements in the Department • understanding that while flexibility can apply to all roles, different types of flexibility may suit different roles or circumstances • developing, and discussing with their manager, a proposal for flexible working arrangements that addresses the needs of the work area and the impact the arrangements may have • communicating with their manager and delegate regarding all aspects and impacts of their request, remaining open to explore alternative proposals to meet operational requirements • engaging in regular reviews of the flexible working arrangement to ensure it remains sustainable to business requirements

Role	Description
	• reasonably adjusting their arrangements in response to operational requirements if needed • working with their manager to develop strategies to ensure effective implementation and ongoing management of the arrangement • seeking advice and support from their manager to enable their performance and behaviour to meet operational requirements and the requirements of their job while undertaking a flexible working arrangement • ensuring their Performance and Development Agreement (PDA) is updated to reflect any changes to their performance and behaviour expectations while working flexibly.
Managers	Managers are responsible for: • ensuring their staff are accurately recording their attendances times on a daily basis • discussing any concerns regarding attendance and/or flex times with the employee as soon as possible • approving agreed usual attendance times with staff which accommodate both personal circumstances and the operational efficiency of the work area • managing employee flex balances to minimise accruing excess flex credits and flex debits • providing opportunities for employees with flex credits to use these for full day or part day absences • applying consistent and transparent decision making when managing employee attendance times and working from home requests • advising HR Help if an employee's absence is deemed authorised for each day the employee does not return to duty or have approved leave. • considering all flexible working proposals with an open mind and willingness to explore new ideas engaging with employees about flexible work options and discussing with teams the reasons why particular flexible work options may or may not be suited to the work area • being aware of, and equitably applying, relevant legislation and internal supporting documentation that may influence decision making • communicating with employees regarding all aspects and impacts of their request • making a genuine attempt with the employee to explore alternative proposals to meet the employee's circumstances and operational requirements • progressing their considerations to the delegate in a timely manner to ensure the delegate can respond to the employee within 21 days from the date of their request

Role	Description
	- incorporating flexible work options into team planning to ensure workloads are managed and the team remains supportive and cohesive when implementing such arrangements - documenting and regularly reviewing flexible working arrangements to ensure continuing benefit to all parties involved - providing support and guidance to employees to enable them to meet performance and behaviour expectations - ensuring the employee's PDA is updated to reflect any changes to performance and behaviour expectations while working flexibly.
Workplace Relations	Workplace Relations is responsible for: - providing policy guidance and advice on working hours and arrangements - developing and updating relevant policy and procedural instructions to ensure currency.
Payroll Delivery & Resolution Section People Division	Payroll Delivery & Resolution is responsible for: managing requests from managers in relation to recording unauthorised absences.

7. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.1	April 2024	Enterprise Agreement Delivery Section, Transformation Branch	Initial draft to align with Department of Home Affairs Enterprise Agreement 2024-27
1.2	July 2024	Enterprise Agreement Delivery Section, Transformation Branch	Streamlined version incorporating internal and all staff consultation feedback
1.3	September 2024	Enterprise Agreement Delivery Section, Transformation Branch	Second round of all staff consultation feedback incorporated.
1.4	March 2025	Enterprise Agreement Delivery Section, Transformation Branch	Cleared for publication.

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Ad hoc flexible working arrangement		An arrangement where an employee works flexibility on an ad hoc basis with no pattern or regularity. This type of arrangement is an exception that may occur for a one-off type situation. Any informal arrangement: • should generally not be for a period of greater than one day • must be proposed and approved by email between the employee and their manager prior to the work occurring. Ad hoc requests to WFH require a Working from home – WHS and Security checklist – Supporting Material (HR-7180) form to be completed by the employee and manager.
Australian Border Force	ABF	As defined in section 4 of the Australian Border Force Act 2015, the Australian Border Force means that part of the Department known as the Australian Border Force. The Australian Border Force, an operationally independent body within the Department of Home Affairs, is Australia's frontline border law enforcement agency and Australia's customs service. The Australian Border Force delivers critical border protection and national security outcomes while facilitating the movement of people and goods across the border.
Australian Public Service	APS	The APS is established under the PS Act . People employed in the APS work in public administration roles within Australian Government departments and agencies.
Casual employee	Casual	An employee engaged under section 22(2)(c) of the PS Act who is; a casual employee as defined by the FW Act and works on an irregular or intermittent basis.
Continuous		Overtime which is performed immediately prior to commencing ordinary duty and/or immediately after ceasing ordinary duty.
Delegate		Someone to whom a power or function has been delegated. Refer HR Delegations .
Department of Home Affairs	The Department	The Department of Home Affairs, including the Australia Border Force
Department of Home Affairs Enterprise Agreement 2024-27	EA	The EA outlines conditions for all employees in the Department of Home Affairs and the Australian Border Force employed under the <i>Public Service Act 1999 (Cth)</i> other than Senior Executive Service employees.

Term	Acronym (if applicable)	Definition
Employee		An employee of the Commonwealth engaged under section 22(2) of the Public Services Act 1999 who is covered by the EA (whether full-time, part-time or casual, ongoing or non-ongoing).
Fair Work Act 2009	FW Act	The FW Act is the key piece of Commonwealth legislation about employer and employee rights and responsibilities at work. This Act provides the minimum employment standards and conditions that apply to most people employed in Australia. The Act may be amended from time to time.
Family and Domestic Violence		Family and domestic violence is defined in section 106B of the FW Act as violent, threatening or other abusive behaviour by a close relative of an employee, a member of an employee's household, or a current or former intimate partner of an employee, that: • seeks to coerce or control the employee, and • causes the employee harm or to be fearful.
Family or household member		Means: • a former or current partner, child, parent, grand-parent, grand-child or sibling of the employee • a child, parent, grand-parent, grand-child or sibling of a former or current partner of the employee • a person for whom the employee has a caring responsibility through a relationship or obligation under the customs and traditions of the community or group to which the employee belongs • any person dependent on the employee for care and support.
Flex employee		An APS 1-6 level employee working under flex-time arrangements (non-shift).
Flex-time		A system of flexible working hours which enables employees, work groups and delegates to vary working hours, patterns and arrangements to provide maximum organisational flexibility which benefits employees and enables the Department to meet operational requirements.
Flex-time bandwidth		Flex-time is worked within the bandwidth of: • 07:00 hours to 19:00 hours Monday to Friday for all states and territories except the Northern Territory (NT) • 06:30 hours to 18:30 hours Monday to Friday in the NT
Flexible working hours arrangement	FWA	An arrangement between an employee and their manager to achieving appropriate balance between the employee's personal and working lives. Flexible working arrangements

Term	Acronym (if applicable)	Definition
		include, but are not limited to, changes in hours of work, changes in patterns of work and changes in location of work.
WFH arrangement	WFH	An arrangement to facilitate a regular pattern of WFH subject to eligibility requirements. WFH arrangements: • require a WFH Agreement that specifies the time to be spent at home and the time to be spent at work • will not exceed a period of 12 months • must be supported by the employee's manager • must receive delegate approval • will be monitored and reviewed on a regular basis, with a formal review to be undertaken every 12 months
Full-time employee		An employee who works an average of 37.5 hours per week or 75 hours per fortnight.
Home		An employee's primary place of residence, the location of which enables an employee to attend the office where their substantive position is located for the required portion of their working time.
Job sharing		Where two or more part time employees share the responsibility of a full-time position.
Location		A zone that encompasses all Department of Home Affairs installations in the geographic location where the employee normally works. Each capital city is considered one discrete locality.
Informal WFH arrangement	Informal WFH	An arrangement where an employee works from home on an ad hoc basis with no pattern or regularity. This type of arrangement is an exception that may occur for a one-off proposition. Any informal arrangement: • should generally not be for a period of greater than one day • must be proposed and approved by email between the employee and their manager prior to the work occurring.
Manager		Means an employee's direct manager who is usually the person to whom an employee reports to on a day-to-day basis for work related matters and may include a person referred to as a supervisor.
Meal break		A period of uninterrupted rest that allows an employee to rest for a time during work hours, particularly to eat a meal.
National Employment Standards	NES	The NES are minimum standards of employment under Part 2.2 of the FW Act . The national minimum wage and the NES

Term	Acronym (if applicable)	Definition
		make up the minimum entitlements for employees in Australia.
Nominated work area contact – for shift employees		Alternate point of contact as determined by a work area for an employee to notify an unplanned absence to.
Non-continuous		Performance of duty or overtime which is separated by a break (excluding meal breaks) from another period of duty or overtime.
Non-continuous overtime		Performance of duty or overtime which is separated by a break (excluding meal breaks) from another period of duty or overtime.
Non-ongoing employee		Means a non-ongoing employee who is not engaged under paragraph 22(2)(a) of the PS Act, and may be engaged under paragraphs 22(2)(b) or 22(2)(c) of the PS Act.
Ongoing employee		Means an ongoing employee engaged under paragraph 22(2)(a) of the PS Act.
Ordinary duty		Means the hours of duty applicable to the type of employment arrangements an employee has with the Department.
Overtime		Approved additional hours for which the employee is entitled to payment.
Paid leave		Approved leave for which the employee receives salary payments and eligible allowances, including but not limited to annual leave, long service leave, paid personal/carer's leave and miscellaneous leave with pay.
Part-time employee	PT	An employee who works less than a standard working week of 37 hours 30 minutes (or 75 hours per fortnight), or average thereof.
Part-time hours		Where an employee works less than 37.5 hours per week (or 75 hours per fortnight), or average thereof.
Performance and Development Agreement	PDA	Is an agreement made between an employee and their manager for each Performance Management Cycle. The PDA sets out the outcomes to be achieved, how the outcomes will be achieved, planned development activities, and how performance and behaviour will be measured. PDAs are online documents that are held in OurPeople .
Public Governance, Performance and Accountability Act 2013	PGPA Act	The PGPA Act requires that Commonwealth entities meet high standards of governance, performance and accountability, provide meaningful information to the Parliament and the public, and use and manage public resources properly.

Term	Acronym (if applicable)	Definition
<u>Public Service Act 1999</u>	PS Act	The PS Act governs the establishment and operation of, and employment in, the APS. It also sets out the rights and obligations of APS employees, including the expected standards of integrity and behaviour.
Registered health practitioner		The following are registered health practitioners according to the Australian Health Practitioner Regulation Agency: • Medical practitioner • Nurse • Midwife • Optometrist • Osteopath • Paramedicine practitioner • Dental practitioner (including dentists, dental hygienists, dental prosthetists and dental therapists) • Chiropractor • Optometrist • Pharmacist • Physiotherapist • Psychologist • Podiatrist • Aboriginal and Torres strait islander health practitioner • Chinese medicine practitioner (including acupuncturists, Chinese herbal medicine practitioners and Chinese herbal dispensers) • Medical radiation practitioner (including diagnostic radiographers, radiation therapists and nuclear medicine technologists) • Occupational therapist
Sea-going marine employee		Means an employee whose primary role is to perform duty as a member of a crew on a sea-going vessel including an employee who is required to undertake marine compliance and audits – but does not include a temporary sea-going marine employee.
Secretary		Means the Secretary of the Department of Home Affairs or the person authorised by the Secretary as their delegate.
Settlement period		A flex sheet settlement period is the equivalent of 4 standard working weeks: • full-time employees - 150 hours over a 4-week period

Term	Acronym (if applicable)	Definition
		part-time employees - the equivalent of the employees working hours over a 4-week period as agreed in their part-time FWA.
Shift employee		An employee whose ordinary hours of work rostered for duty within a roster or cycle of shifts that do not exceed an average of the ordinary weekly hours applicable to employees working that roster. This does not include employees who are eligible to access flex-time arrangements in accordance with clause 5.35 of the EA or employees on standard hours of duty.
Shift		The scheduled hours of duty for a day or period of attendance within a roster (including scheduled unpaid meal breaks).
Shift work employee		An employee whose ordinary hours of work rostered for duty within a roster or cycle of shifts that do not exceed an average of the ordinary weekly hours applicable to employees working that roster. This does not include employees who are eligible to access flex-time arrangements in accordance with clause 5.34 of the EA or employees on standard hours of duty.
Standard hours of duty	Standard Hours	The standard hours of duty that full-time employees are expected to work unless alternative arrangements are in place: 08:30 hrs to 12:30 hrs and 13:30 hrs to 17:00 hrs, Monday to Friday, or 08:00 hrs to 12:00 hrs and 13:00 hrs to 16:30 hrs, Monday to Friday in the Northern Territory.
Time in lieu	TIL	Time earned at single time or hour for hour other than with respect to Executive Level employees.
Time off in lieu	TOIL	Time off in lieu of overtime, calculated at the rate that the overtime would have been paid other than with respect to Executive Level employees.
Unauthorised absence		An unauthorised absence is not a form of leave, it is an absence from the workplace that is not supported by an appropriate leave application/approval. An employee will be considered to be on an unauthorised absence when they are absent from the workplace, and have not notified and/or obtained approval from their manager, including failure to submit the appropriate leave applications in easySAP on return from unplanned leave. All pay and entitlements under the EA cease to apply during an unauthorised absence. The absence will not count for service for any purpose
Unscheduled absence		An unscheduled absence:

Term	Acronym (if applicable)	Definition
		- is a type of administrative arrangement used as a placeholder within easySAP to ensure employees are not overpaid - is not leave and does not deduct leave credits from an employees leave balance. It is a placeholder only - is unpaid - must be acquitted with the appropriate leave type when the employee returns to duty. Where an unscheduled absence is not acquitted with the appropriate leave type within 30 days of the absence occurring, the absence will be reflected on the employees record as an unauthorised absence.
Unpaid leave		Approved leave for which the employee does not receive salary payments and eligible allowances including, but not limited to, unpaid personal/carer's leave, unpaid maternity or parental leave, ceremonial leave and miscellaneous leave without pay. Unless specified in the EA, unpaid leave does not count as service for any purpose.
Working day		A day that an employee is rostered and expected to perform duty. - for employees who are full-time flex employees or work standard hours, working days are Monday to Friday - for employees who have flexible working arrangements (full-time or part-time), working days are those agreed in the flexible working arrangement - for shift employees or sea-going marine employees, working days are the days the employees are rostered for duty
Working from home	WFH	A voluntary arrangement that enables employees to WFH for a part of their working week or fortnight. WFH arrangements are subject to employees: - meeting the relevant eligibility requirements - completing a WFH Agreement that acknowledges and accepts WHS, security and IT obligations - obtaining the relevant delegate approval.
Working from home site	WFH site	The employee's residence where they undertake their work in accordance with the eligibility requirements of this policy.
Work health and safety	WHS	The term used to describe the function of ensuring people are safe while at a workplace or undertaking work. This includes both physical and psychological (mental) health.

Term	Acronym (if applicable)	Definition
<i>Work Health and Safety Act 2011 (Cth)</i>	WHS Act	Is the Commonwealth work, health and safety legislation that is applied to all federal government agencies and departments regardless of the physical location of the workplaces.
<i>Work Health and Safety Regulations 2011 (Cth)</i>	WHS Regs	Is the supplementary Commonwealth work, health and safety legislation that is applied to all federal government agencies and departments regardless of the physical location of the workplaces.

Attachment B – Related Documents

- [Casual employees – Policy Statement \(HR-6593\)](#)
- [Consultation, Representation, Dispute Resolution and Review of Actions – Policy Statement \(HR-7116\)](#)
- [ICT Asset Management Single Device – Procedural Instruction \(TI-6900\)](#)
- [Travel and Locations-based - Policy Statement \(HR-TBC\)](#)
- [Parental Leave – Policy Statement \(HR-7181\)](#)
- [Performance and Behaviour – Policy Statement \(TBC\)](#)
- [Performance Management – Procedural Instruction \(TBC\)](#)
- [Procedures for determining suspected breaches of the Code of Conduct – Procedural Instruction \(SM-1547\)](#)
- [Rehabilitation and recovery at work – Procedural Instruction \(HR-1219\)](#)
- [Sea-going Marine Employee Working Arrangements and Conditions – Policy Statement \(HR-TBC\)](#)
- [Shift Work Arrangements - Policy Statement \(HR-7182\)](#)
- [Support, Diversity, Equity and Inclusion – Policy Statement \(HR-7217\)](#)
- [Working from home – WHS and Security Checklist – Supporting Material \(HR-7180\)](#)

Attachment C – Related Legislation

- [Archives Act 1983](#)
- [Fair Work Act 2009](#)
- [Public Service Act 1999](#)
- [Maternity Leave \(Commonwealth Employees\) Act 1973](#)
- [Long Service Leave \(Commonwealth Employees\) Act 1976](#)
- [Work Health and Safety Act 2011](#)
- [Department of Home Affairs Enterprise Agreement 2024-27](#)
- [National Employment Standards](#)

Attachment D – Consultation

1.1 Internal Consultation

- Workplace Relations
- ABF Industrial Relations
- Review of Action
- Legal Group
- Integrity and Professional Standards Branch
- All Department of Home Affairs' employees including Australian Border Force employees.

1.2 External Consultation

- Community and Public Sector Union (CPSU)
- Australian Institute of Marine and Power Engineers (AIMPE)

Attachment E – Flow Chart (Flexible Working Arrangements)

Considerations as part of developing, discussing, submitting, responding and refusing a flexible working arrangement request should include:

Step	Action
Developing a request for a flexible work arrangement:	
1. Initial discussions	Employees and managers should consider: - whether the reasons for the request relate to circumstances set out at subsection 65(1A) of the FW Act. - does the length of the proposed working days meet operational requirements? - can the work directly related to the job role be performed in the hours proposed? - personal security and WHS risks and mitigation strategies For First Nations employees, has their connection to country and cultural obligations been considered?
Submitting requests for formal flexible working arrangements	
2. Submitting request	Requests for flexible working arrangements must be in writing to your manager who will make recommendations to the relevant delegate, and include: - details of the change sought (including the type of arrangement sought and the proposed period the arrangement will operate for), and, - the reason for the change, including but not limited to, if the reason for the change relates to circumstances set out at subsection 65(1A) of the FW Act. Once agreed, flexible work hours and WFH agreements need to be submitted in easySAP: - Employees - Time and Attendance - Flexible Work Hours, and/or - Employees - Time and Attendance – Work From Home Agreement
Responding to a formal request for a flexible working arrangement (EL2 and above, except for 100% WFH, which is SESB1 and above.	
3. Assessing requests	When assessing a request managers and delegates should consider: - the personal requirements of the employee - the operational demands of the work area - the impact on efficiency, productivity or customer service - any expenditure required by the relevant subs23(3) <i>Public Governance, Performance and Accountability Act 2013</i> (PGPAA) financial delegate - The employee and the manager (in relation to reasonable workplace adjustments) are responsible for any modification required to bring the new location or WFH site up to, or maintain, a standard that meets WHS requirements.

Step	Action
	• if it would be impractical to change the working arrangements of other employees, or to recruit new employees, to accommodate the working arrangements, and • other arrangements that may need to be put in place to accommodate the employee's request.
4. What are reasonable grounds for refusal	Your manager can only refuse your request on reasonable business grounds, including: • the new working arrangements requested would be too costly for the Department • there is no capacity to change the working arrangements of other employees to accommodate your requested working arrangements • it would be impractical to change the working arrangements of other employees, or to recruit new employees, to accommodate your requested working arrangements • your requested working arrangements may result in a significant loss in efficiency or productivity • your requested working arrangements may have a significant negative impact on customer service • it would not be possible to accommodate the working arrangements without significant changes to security requirements, or where work health and safety risks cannot be mitigated.
5. Responding to request where there are reasonable grounds for refusal	If a request for a FWA is refused, the delegate must provide you with written reasons of why the request has been refused, including but not limited to: • details of the reasons for the refusal • set out the agency's particular business grounds for refusing the request and an explanation of how the grounds apply to the request • any alternative changes the delegate can provide you to better accommodate your personal circumstances • where an alternative arrangement is offered, provide details of the alternative arrangement. Written advice of a refusal must include an overview of the dispute resolution avenues available to the employee, refer to section Review rights for further information.
6. Discussing requests	As required by subsection 65A(3) of the FW Act, before responding to the request, the delegate must first have a discussion with you about the request and try to reach an agreement about the requested changes to working arrangements. The delegate must take into consideration: • your needs • consequences to you if changes in working arrangements are not made • any reasonable business grounds being considered for refusing the request, and

Step	Action
	any other options that may be suitable to both you and the work area that enables an alternative arrangement to be approved if the request is not likely to be granted.
7. Delegate responding to the request	The delegate must provide a written response on whether or not the request is approved within 21 days of the request being lodged. Where a request is refused, the response must also include: - details of the reasons for the refusal - set out the agency's particular business grounds for refusing the request and an explanation of how the grounds apply to the request - any alternative changes the delegate can provide to the employee to better accommodate their personal circumstances, or state there are no such changes - where an alternative arrangement is offered, provide details of the alternative arrangement - an overview of the dispute resolution avenues available to the employee, refer to section Review rights for further information.

Attachment F – Requesting overtime in easySAP

All requests for overtime must be submitted in easySAP through *Employees > Time and Attendance -> Overtime Request*.

Select **New Overtime Request** and complete the required details, including the appropriate overtime type:

Overtime type in easySAP	Details
Continuous OT-Paid (APS1-6 or Equivalent)	For overtime continuous to duty for payment
Continuous OT-TIL (APS1-6 or Equivalent)	For overtime continuous to duty for TOIL
Non-Continuous OT-Pd (APS1-6 or Equivalent)	For a separate overtime attendance for payment
Non-Continuous OT-TIL (APS1-6 or Equivalent)	For a separate overtime attendance for TOIL
Overtime - flex acquittal	To use overtime to offset a flex debit (refer to Overtime and flex debits for further information)
Emergency duty	For duty where an employee has been directed to return to duty to meet a work-related emergency (refer to Emergency duty for further information)

Overtime requests should be entered and approved as soon as practicable to comply with internal budgeting and financial reporting requirements.

When entering overtime, enter the actual times the overtime is worked; easySAP will calculate minimum payments.

The overtime request will workflow for approval. Employees performing duties for a different work area must enter the alternative cost centre details in their overtime application. Managers should confirm that the overtime details are correct including date, times and the type of overtime requested.

Applying for overtime on restriction

If you are required to perform extra duty while on restriction, you must request overtime *in easySAP through Employees > Time and Attendance > Overtime Request > New Request*.

In the Overtime Type, employees should select which option is applicable:

What	When
Restriction - Non-Attendance	The overtime does not require a return to the workplace.
Restriction - Attendance	When the employee is required to return to the workplace. The overtime start and finish times should include travel to and from the workplace.

When entering overtime, enter the times actually worked; easySAP will calculate minimum payments.

Applying for overtime to offset flex debit

When using overtime to acquit a flex debit, you must enter the request in easySAP by selecting:

- Employees - Time and Attendance - Overtime Request
- Select New Overtime Request, then select Overtime - flex acquittal and enter the relevant details.

Attachment G – Recording rest relief in easySAP

Non-shift employees absenting themselves from work for rest relief purposes should record the absence on their flex sheets in easySAP.

Date	Flex Day	Start	Finish	Subtot	Start	Finish	Subtot	Abs Hrs	Reason	Lve/PH	Lve Type	Total	Std Hrs
Th 13.12	☐	08:30	12:30	4:00				-3:30	Reason...			7:30	7:30

☒ Absence reason:
Please enter a reason for the flex absence (20 character limit).

Rest relief

1. Enter your start time - the time you commenced duty (after the overtime ceased).
2. Enter your finish time for the day - the time you commenced rest relief.
3. In the **Abs Hours** field, enter the number of hours on paid rest relief. In the screen shot above, the employee was sent home at 12:30 hours, so in order to reflect a 7.5-hour day, 3.5 hours needs to be entered
 - this must be entered as a **minus**, or it will deduct the hours from the employee's flex balance
 - it needs to be entered in hours and minutes i.e. -3.5 hours needs to be entered as -3:30.
4. In the **Absence Reason** field, enter Rest Relief.
5. The daily total* for a full-time employee should equal 7.5 hours which shows as a total of 7.30.

*Note: The daily total hours claimed, including any hours worked and paid at double time, must not exceed the standard working day for the employee (i.e. the standard hours the employee would have worked on that day but for the rest relief provisions).

Attachment H – Substituting a public holiday in easySAP

APS and EL employees including shift workers must seek the written approval of their EL2 or above in writing, then send this approval to HR Help. APS employees (excluding shift workers) must reflect this change in their flex sheets and submit at the end of the settlement period. To do this:

1. Open easySAP from the Intranet home page.
2. Navigate to the flex sheet hyperlink from the Employee's page, or quick Links page.
3. On the public holiday date, enter your hours worked
 - this will increase the flex balance total to include both the public holiday hours and hours worked.
4. In the Absence Hours field make a negative adjustment for the hours worked on the public holiday
 - this will ensure the flex balance only reflects the correct hours actually worked.
5. On the date you chose to swap for the public holiday enter the reason for the flex absence as – 'Public Holiday Swap'.
6. Add the hours which you deducted from the Absence Hours field on the public holiday date to the Flex Balance field of the swapped date, to reflect the correct hours overall
 - do not record any working hours on the elected day of the swap.
7. In the Absence Hours field enter the public holiday hours with a comment 'PH observed' and include the date of the actual public holiday.