

Nurses and Midwives - permanent part-time - overtime provisions

Summary The purpose of this Policy Directive is to clarify the overtime provisions of Subclause 25(ii)(b) of the Public Health System Nurses' and Midwives' (State) Award (the Award) applying to permanent part-time (PPT) nurses and midwives, including those who participate in an 'on-call' roster.

Document type Policy Directive

Document number PD2018_033

Publication date 21 September 2018

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Replaces PD2014_039

Review date 21 September 2023

Policy manual Not applicable

File number 18/4014

Status Active

Functional group Personnel/Workforce - Conditions of employment, Industrial and Employee Relations

Applies to Public Health Units, Local Health Districts, Board Governed Statutory Health Corporations, Chief Executive Governed Statutory Health Corporations, Specialty Network Governed Statutory Health Corporations, Affiliated Health Organisations, NSW Health Pathology, Public Health System Support Division, Cancer Institute, Community Health Centres, NSW Ambulance Service, Dental Schools and Clinics, Public Hospitals

Distributed to Ministry of Health, Public Health System, NSW Ambulance Service, Health Associations Unions

Audience Nursing, Workforce, Human Resources

Secretary, NSW Health

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is mandatory for NSW Health and is a condition of subsidy for public health organisations.

NURSES AND MIDWIVES - PERMANENT PART-TIME - OVERTIME PROVISIONS

PURPOSE

The purpose of this Policy Directive is to clarify the overtime provisions of Subclause 25(ii)(b) of the Public Health System Nurses' and Midwives' (State) Award (the Award) applying to permanent part-time (PPT) nurses and midwives, including those who participate in an 'on-call' roster.

MANDATORY REQUIREMENTS

PPT nurses and midwives are employees appointed to work a specified number of hours which are less than those prescribed for a fulltime employee in the Award (38 hours per week). On an ad hoc basis, such employees may also agree to work additional rostered hours/shifts up to a maximum of 38 ordinary hours per week.

PPT nurses and midwives who work more than fulltime hours during a single pay period (most commonly 2 weeks) are entitled to be paid overtime in accordance with clause 25 of the Award for the hours worked in excess of 38 hours per week (or 76 hours per fortnight). PPT nurses and midwives weekly hours may not be 'pay averaged' across more than a single pay period for the purposes of calculating overtime entitlements.

In addition to the above, a PPT nurse or midwife who is recalled to work, whether through participation in an on call roster or not, should be paid overtime whenever the circumstances arise which would result in a full-time nurse or midwife being paid overtime if the full-time nurse or midwife were in the same circumstances.

Further, a PPT nurse or midwife may also be requested to work additional hours following the completion of their rostered shift, which on occasion may result in a shift length that exceeds the usual shift length worked by full time employees in the department/unit. In this situation, the PPT nurse or midwife is entitled to be paid overtime for the hours worked that exceeds the usual shift duration of those worked by full time employees.

IMPLEMENTATION

Chief Executives are required to ensure that this Policy Directive is communicated to and implemented by all staff involved in nursing and midwifery rostering and staffing. Any enquiries regarding this Policy Directive should be directed to the human resource or industrial personnel in the relevant organisation. Only human resource or industrial personnel are to contact the NSW Ministry of Health.

REVISION HISTORY

Version	Approved by	Amendment notes
September 2018 (PD2018_033)	Deputy Secretary, People Culture and Governance	Updated to clarify maximum 38 ordinary hour week and overtime arrangements

November 2014 (PD2014_039)	Deputy Secretary. Governance, Workplace and Corporate	Updated to new format and examples removed. No substantive change in content.
January 2005 (PD2005_439)	DDG	New policy.