



Understand how `Excessive Hours' for members on Commuted Overtime works

COT it is not designed to cover overtime at planned exercises, such as training or emergency management exercises. This overtime must be paid. It is also not designed to cover excessive hours of work.

The Enterprise agreement deals with excessive hours for members who receive COT. This is how it works.

Excessive hours are an hourly penalty applied after a member on COT2 works 12 hours. That means 12 hours of work – not 12 hours of overtime! (Replace 12 hours with 11 if you are on COT1)

It is a common misconception that this 12 hour period needs to be continuous but this is not the case. The clock for the 12 hour rule starts when a member commences work, and every hour of work, or overtime is counted until a member has received a clear 8 hour break.

The excessive hour's penalty is then paid until the member receives an eight hour break.

Let's see how this works in practice for a member on COT2.

Example 1

On Monday, a member on COT 2 works 0800 – 1600. At the end of the shift the member goes home for seven hours but is recalled at 2300 and works through till 0300. At 0800 on the Tuesday, the member commences a rostered eight hour shift.

Entitlement: The Monday shift and overtime are counted towards twelve



hours as the member only receives a seven hour break between them. As the overtime worked does not **exceed** twelve hours no penalty is applied to it.

The member goes home again but does not receive an eight hour break before the rostered Tuesday shift. As there has now been more than 12 hours worked without an 8 hour break (Monday's shift + overtime) the whole rostered shift on Tuesday attracts the excessive hour penalty.*

Example 2

On Monday, a member on COT 2 works 0800 – 1600. At the end of the shift the member goes home for five hours but is recalled at 2100 and works through till 0300. At 0800 on the Tuesday, the member commences a rostered eight hour shift.

Entitlement: The Monday shift and overtime are counted towards twelve hours as the member only receives a five hour break between them. The hours worked exceed twelve hours from 0100. All hours worked between 0100 -0300 attract excessive hour's penalty. As there is less than an eight hour break between the end of the overtime and the next shift, Tuesday's rostered shift also attracts the excessive hour penalty.*

*(NB: In the above examples replace reference to 12 with 11 hours for members on COT1.)

Of course, the objective should always be for members to receive adequate rest between shifts, and paying the excessive hour's penalty can always be avoided by managers ensuring that our members are not directed to commence work until they receive a clear eight hour break.

This could be achieved by standing a member down with pay, or to delay a member's shift and pay the change of shift allowance to manage fatigue.

Commuted overtime can be a confusing issue – if you want more information don't hesitate to ask our Industrial Relations team for more information by calling on **9468 2600**.



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