



AFP National Guideline on the operations working pattern

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1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

AFP	Australian Federal Police
CA	Australian Federal Police Collective Agreement 2007-2011
HR	Human Resources
TOIL	Time off in lieu

3. Definitions

Anticipated regular hours - means planned hours of attendance either due to regular hours within the bandwidth or directed and planned hours outside the bandwidth with greater than 12 hours notice provided.

Calendar day - 0000-2400 on a particular day

Composite - means a non-discretionary annualised composite allowance paid fortnightly in regular pay for an employee assigned and working in a pattern described as either operations or rostered operations.

Delegate - means an AFP appointee with delegated authority under [CA Determination No 1 of 2007](#), or another instrument to which this guideline refers.

Employee - means a person engaged under s. 24 of the [Australian Federal Police Act 1979](#) (Cth).

Operations working pattern - means the working pattern of specific roles identified in Attachment C of the AFP Collective Agreement 2007-2011.

Part-time employee - has the same meaning as in clause 10 (xxxii) of the [AFP Collective Agreement 2007-2011](#).

Support working pattern - refers to roles that are either administrative or clerical in nature. Any role that is not assigned rostered operations or operations is assigned a support working pattern by default.

4. Authority to create guideline

This guide was issued by Manager People Strategies using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

5. Introduction

This guideline provides advice on the operations working pattern under the [AFP Collective Agreement 2007-2011](#) (CA). Each section should be read in conjunction with the relevant provision of the CA.

6. Application

This guideline covers all employees up to and including band 8 performing roles assigned the operations working pattern as per Attachment C of the AFP Collective Agreement 2007-2011 (CA) (as varied from time to time).

Employees performing administrative or clerical duties, even within a role or team listed in Attachment C of the CA are not entitled to the provisions of the operations working pattern. For these purposes administrative or clerical duties includes but is not limited to duties performed primarily within normal business hours as outlined below:

- advice
- analysis
- data entry
- disbursement
- document development
- filing
- finance
- logistics
- managing
- organisation
- planning
- preparation of management briefs
- processing
- research
- supervising
- support.

Employees performing higher duties at the band 9 level are excluded from these provisions.

7. Operations working pattern

Employees working under the operations working pattern work 520 hours per quarter.

There are no core hours in the operations working pattern and employees must work flexibly in patterns determined by their team leader.

Where an employee undertakes routine operational work or administrative tasks as part of their normal duties, it is expected that this will be performed within the hours of 0600 - 2000 Monday to Friday. However, an employee must be available and to and work flexibly at any time for operational reasons at the direction of their team leader.

All hours worked must be approved hours and an employee is expected to seek approval before working in patterns that exceed their anticipated regular hours. Failure to seek approval may

result in no payment for the hours worked.

There is no ability to carry over either a debit or a credit to the next quarter.

Employees performing a role assigned to the operational working pattern receive a composite payment of 22% of their base salary (paid fortnightly in arrears).

7.1 High volume working pattern

Employees working an operations working pattern in an identified high volume area (as outlined in Attachment C of the AFP Collective Agreement 2007-2011 (CA)) work 611 hours in the 3 calendar month averaging period (an average of 47 hours per week).

Employees performing a role assigned to the high volume operations working pattern receive an additional composite payment of 35% of their base salary. This additional composite is based on 5% of their base salary per additional hour over the minimum 520 hours in a quarter and equates to approximately the same as the overtime rate payable with emergency extra duty.

Only those roles assigned the high volume operations working pattern on lodgement of the CA will operate under these arrangements. No other roles will be added to this working pattern. Where other operations roles require additional hours, the emergency extra duty provision will be used.

7.2 Averaging periods

Whilst employees under this working pattern should work 520 (611) hours each quarter, the length of averaging periods vary from 512 to 528 hours for operations and 601.6 to 620.4 hours for high volume operations. When a longer or shorter quarter occurs, employees and managers must adjust the work hours to not exceed 520 (611) hours.

If an employee is directed by the relevant delegate to exceed the hours for the quarter, the additional hours will need to be paid using the emergency extra duty provision (clause 20.2.8 of the AFP Collective Agreement 2007-2011).

7.3 Part-time employees

Part-time employees can work under the working pattern. They reduce their total hours over the averaging period and confirm those anticipated regular hours if they expect to perform routine operational work or administrative tasks.

Part-time employees must remain flexible and be available outside regular hours for operational reasons if directed by their team leader.

Where a part-time employee is unable to provide the required flexibility, they will need to transfer into another role under an alternative working pattern.

Where possible, the Coordinator may seek to vary the role sufficiently in order to remove the elements requiring flexibility and enable it to be worked under the support working pattern. Where this occurs, the employee will no longer receive an operations composite payment.

8. Reasonable additional hours

The [Fair Work Act 2009](#) (Cth) determines that an employer must not request or require an employee to work more than 38 hours per week unless the additional hours are reasonable. Therefore, directing more than 38 hours per week to be worked needs to take into account the guidelines at s. 62.3 of the Act.

9. Assignment to the operations working pattern

Each Functional National Manager determined the roles to be assigned the operations working pattern effective from date of CA lodgement. Over the life of the CA, variations to the assignment of roles can occur. Such variations may result in more roles being assigned the operations working pattern or previously assigned roles being moved from the operations working pattern to either rostered operations or support working patterns.

The Commissioner can authorise variation to assign a working pattern. To seek authorisation a business case must be progressed through Human Resources demonstrating:

- why the particular position or role requires a different working pattern in order to meet operational outcomes
- which working pattern is needed (operations, rostered operations or support)
- what change in the operating environment requires the new working pattern.

All affected employees must be consulted and given an opportunity to respond to any proposed variation.

9.1 Operational activity

To determine that a role is assigned to the operations working pattern it must be linked to operational activity including:

- investigations
- surveillance
- national security
- covert actions
- close personal protection
- air security
- activity required to meet the AFP's contingent operational responsibilities where flexible rostered duty is required.

9.2 Required working pattern

For a role to meet the requirements of the operations working pattern, the business area must confirm that employees must be regularly available outside normal business hours to meet operational demands.

To assess this need, business areas should consider if:

- there are peaks and troughs in the work flow that could result in:
 - up to 16 hours being worked in any given day due to operational activity as defined

above

- the capacity to schedule employees time off in order to preserve hours for future planned intensive activity.
- the work activity results in employees working through the night, on weekends and public holidays in order to meet operational imperatives (this consideration is not based on work volume but on time critical outcomes)
- it is possible to manage the majority of employees' attendance requirements providing no less than 12 hours notice of variation to the employees expected attendance patterns.

Unplanned or unforeseen events are compensated through on-call and recalled to duty provisions under any working pattern and do not form part of the considerations under an operations working pattern.

9.3 Cost analysis

Any variation to a working pattern requires a cost analysis exercise. This includes analysis of the:

- number of hours required (or that have been worked) outside the bandwidth
- costs associated with these hours if they were directed hours under the support working pattern.

Further analysis against the various working patterns and associated flexibilities would then determine the optimal working pattern for the given role.

10. Working under the operations working pattern

10.1 Safety net provisions

Wherever possible, team leaders must manage their resources within reasonable limits, if not, additional compensation is applied where safety net provisions are exceeded.

Safety net provisions guide a team leader on what are reasonable limits to the operations working pattern.

Under these provisions, only one penalty is applicable even where multiple safety net provisions are exceeded. On these occasions, hours actually worked will continue to count towards future safety net breaches.

Compensation for exceeding safety nets as provided by the AFP Collective Agreement (CA) is as follows:

CA clause	Safety net	Outcome	Further information
20.2.4 (b)	Excess hours in 24 hour , 7 day or 28 day period	Overtime rate for every hour in excess, however, these hours do not count towards	Double time hours to be counted towards the 520 hours may be approved upon request from an employee in lieu of overtime

		the 520 hours	payment.
(c)	Greater than 520 or 611 hours in a quarter	Emergency extra duty paid at the overtime rate	Any additional hours are subject to the reasonable hours considerations in sub clause 18.1.
(e)	Insufficient rest period after duty	Double time hours	Double time hours continue to accrue against the 520 hours until the minimum rest period has been realised.
(f)	Greater than 10 consecutive days worked	Double time hours count towards 520 hours until employee is able to be stood down	An employee must be stood down for two weekdays in order to break this cycle. Weekend days do not count.
(h)	On average over the 3 calendar month averaging period, more than 1 in 2 weekends are worked	Base salary hourly penalty rate for each extra weekend day worked	The earliest this can occur is at weekend number 7 in the averaging period. A weekend includes a total of one shift worked on one or both weekend days. All hours count towards the 520 hours.
(i)	Greater than 7 night shifts in a 28 day period	No penalty	An employee cannot be required to exceed these limits however, may do so where genuine agreement exists.
(j)	Greater than 7 consecutive 8 hour shifts or 3 consecutive 12 hour shifts	No penalty	An employee cannot be required to exceed these limits however, may do so where genuine agreement exists.
(k)	No less than 2 consecutive night shifts and no more than 3 consecutive 12 hour night shifts	No penalty	An employee cannot be required to exceed these limits however, may do so where genuine agreement exists.
(m)	Shifts less than 8 hours (excluding recall to duty and emergency extra duty)	No penalty	An employee cannot be required to work a normal shift less than 8 hours however, may do so where genuine agreement exists.
(n)	Split shifts	No penalty	An employee cannot be required to work split shifts however, may do so where genuine agreement exists.

All 8 hour shifts must allow for a minimum rest period of 11 hours. Where the minimum rest period is not provided, the following shift will be deemed recall to duty with less than 12 hours notice until the rest period has been provided.

10.2 Changes of shift

Where the business area identifies a need to vary an employees anticipated regular hours and **less than 12 hours** notice is given, the employee may be stood down to work later that day, or through the night, or to avoid exceeding the maximum hours under the safety net provisions.

Where this occurs the hours the employee would have otherwise worked count towards their 520 hours but do not count towards any time worked under the safety net provisions. Further, the maximum hours recorded is the lesser of 8 hours or the number of hours that would otherwise have been worked up until the 12 hour notice period has been met.

For example: 2200 on Wednesday the business area determines that they will need increased capacity on Thursday evening.

A decision is made to stand down an employee from their anticipated regular hours on Thursday to commence work at 1700 Thursday evening.

As the notice period for the new shift is greater than 12 hours the time is recorded as a normal shift. However, the notice period for the original anticipated regular hours not being required is less than 12 hours, therefore the employee would record regular stand-down hours between 0800 - 1000 (1000 being 12 hours from notification of the change of their anticipated regular hours) then regular hours worked from 1700 until the completion of the new shift (minimum 8 hours, maximum 16 hours).

Where an employee is notified of a change of shift with less than 12 hours notice and the change in shift incorporates part or all of their anticipated regular hours (such as being requested to commence 1 hour earlier) then only the varied hours accrue in accordance with the recalled to duty provision with travelling time to count only one way.

Where 12 hours notice has been provided for a change in anticipated regular hours, stand-down hours are not acquitted against the 520 hours in the quarter.

10.3 Operations recalled to duty provision

Recalled to duty hours are directed hours worked outside employees anticipated regular hours where those additional hours are not consecutive to an employees anticipated regular hours (these hours are change of shift hours).

The recalled to duty provision in the Collective Agreement (CA) is applied as follows:

On call	More than 12 hours notice	Less than 12 hours notice	Outcome
No	Yes		This is a standard change of anticipated regular hours and equates to a normal attendance (subject to the safety net provisions)
			This is deemed recalled to duty consistent with clause 20.2.7 of the CA. Double time hours towards total hours

No	Yes	worked accrue (based on actual hours worked plus 30 mins travelling time each way where travel to the work location is required). If the total of double time hours is less than 5 hours (i.e. less than 2.5 hours worked including travel time), then a total minimum of 5 hours is recorded.
Yes	Yes	Double time hours towards total hours worked (based on actual hours worked plus 30 mins travelling time each way where travel to the work location is required).

For an employee to be eligible to claim recall to duty they will need to work at least 30 minutes within a calendar day. For example, this can be made up of 3 x 10 minute phone calls.

Similarly, where an employee is not on call and responds to a number of recall to duty requests, the cumulative time across all recall to duty occasions over a calendar day will be used to determine whether the minimum 5 hour provision applies.

For example: An employee was recalled for duty at 0700 for one hour. They then worked an anticipated regular shift of 8 hours from 1000 until 1800. They were then recalled again at 1900 for 30 mins. The total period of recalled to duty over the calendar day equals 1.5 hours (exclusive of travel time) plus 2 hours travel time for the 2 call outs. Therefore the employee would be recognised for a total of 7 hours (3.5 hours double time).

10.4 Emergency extra duty

Emergency extra duty should not be needed on a regular basis under the operations working pattern. Regular use of emergency extra duty under the operations working pattern may indicate insufficient staffing allocations or poor planning.

Emergency extra duty is essentially like an overtime provision, however, there are some differences under the operations working pattern.

Emergency extra duty may:

- form part of the longer term planning process where, due to known foreseen activity over the averaging period it is anticipated that additional hours will be required
- be used in retrospect where excess hours have already been used and the business area cannot afford to reduce their capacity later in the quarter
- be used for early acquittal of hours where an employee is moving out of the operations working pattern prior to the conclusion of the 3 calendar month averaging period
- be directed to be worked at **any time** and must be acquitted within the 3 calendar month averaging period.

Where the team leader identifies short peaks in workload of not more than 1 month, a team leader and employee may agree to purchase emergency extra duty to be paid at the overtime rate for each additional hour (or part thereof). The delegation to approve this purchase sits with the SES band 1 manager.

10.5 Night shift premium

A night shift premium of \$5.50 will be paid for each hour worked between 0000 and 0600 hours. This amount will increase in line with pay rises provided by the CA.

11. Public holidays and leave

11.1 Public holidays

Each public holiday in an averaging period automatically acquits 8 hours (9 hours 24 minutes for the high volume working pattern) against the 520 (or 611) hours required to be worked in the quarter. Public holidays must be factored into an employee's total capacity for the quarter.

For example: Where an employee has worked 520 hours prior to the conclusion of the 3 calendar month averaging period and a public holiday is scheduled subsequent to these hours being worked, the business area must purchase emergency extra duty hours for the public holiday to be realised.

Under the operations working pattern an employee cannot be stood down on the public holiday. Where an employee is required to work on a public holiday, double time hours will count towards their total hours worked.

For example: Where an employee is required to work for 5 hours on a public holiday they will be paid a total of eight hours, and 13 hours will count towards their total acquittal for the day. (8 hours of which 5 hours were worked $(8-5) + (5 \times 2) = 13$)

11.2 Recreation leave and mandatory rest days

Mandatory rest days and recreation leave may only be taken out of the employees 520 hours in a quarter. Leave should be planned and booked early in each quarter.

Recreation leave is deducted based on a 7 hour 36 minute working day, Monday through to Friday excluding public holidays and stand down (part-time employee and flexible work arrangement deductions will occur consistent with the agreed general attendance patterns).

Where there is approved leave and, due to the demands in working patterns the employee does not have sufficient hours left in the quarter to take the leave, the business area may either:

- purchase the excess hours that have already been worked as emergency extra duty
- cancel the approved leave as the employee will have reached their 520 hours and will not be required to attend work during the previously approved leave period.

If an employee is directed to take recreation leave after accruing 40 days balance but has insufficient hours left in the quarter, the business area **must** purchase the excess hours as emergency extra duty in order for the employee to take the required leave.

In making these decisions, the business area must consider the employee's current and projected leave balance and the increasing cost of the employee's leave liability.

11.3 Personal leave

Personal leave may only be taken during anticipated regular hours. Where an employee has

worked their 520 hours in the quarter, no leave application is required for personal leave purposes.

12. Travel

Where an employee travels for approved work purposes within the bandwidth (0600-2000 Monday to Friday) they will be deemed to be on duty and their travel time will count towards their 520 hours in the quarter. However, travel hours are not hours worked for the purpose of the safety net provisions.

Where an employee travels for approved work purposes outside the bandwidth they will receive an additional payment calculated at single time for time spent necessarily in work related travel however, the time will not be counted towards the 520 hours in the quarter. Alternatively an employee may request approval for this time to be taken as time off in lieu (TOIL).

TOIL accrued under this provision can be carried over to the next averaging period; however, the date for the TOIL to be taken must be agreed at the time of approval and must be taken within a reasonable period from the date of travel.

Where an employee has time off in lieu approved, these hours add to the TOIL balance in time recording. When TOIL is actually taken the hours adds to the 520 at that point.

Travel time related to a recall to duty is not covered by this provision.

Travel cannot be claimed at a higher rate than single time (either paid or hours).

13. Review of decisions

The Dispute Avoidance and Settlement Procedure at clause 47 of the [AFP Collective Agreement 2007-2011](#) (CA) will deal with the prevention and settlement of disputes arising from an interpretation of the provisions of the CA.

14. Further advice

Any queries relating to the content of this National Guideline should be referred to your [local HR team or HR Business Adviser](#).

15. References

[Australian Federal Police Act 1979](#) (Cth)
[Fair Work Act 2009](#) (Cth)
[AFP Collective Agreement 2007-2011](#)
[200701 - Determination No 1 of 2007 - CA](#)