



ACTPS Flextime Policy

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ISSUED BY:

Office of Industrial Relations
and Workforce Strategy

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Introduction

1. The ACT Public Service (ACTPS) is committed to providing flexible working arrangements to employees, which allows them to effectively balance their work with their personal commitments.
2. An employee's flexible working arrangement, including participation in flextime, must be balanced against their business area's operational requirements. This is a necessity to ensure that the ACTPS is well-placed to deliver its services to the Canberra community.
3. The ACTPS recognises that its employees may work hours outside the ACTPS operational service hours within their work area and continue to fulfil their duties and responsibilities in delivering these services to the Canberra community. An employees work area may include their team, branch or division.
4. The ACTPS also acknowledges that it has a responsibility to ensure the health and safety of employees, including, but not limited to, all of the following:
 - a. Establishing expectations about working arrangements, including reasonable hours of work.
 - b. Minimising the extent to which any additional hours are worked by employees, so that they can maintain a sustainable work-life balance.
 - c. Supporting an employee's right to disconnect.
5. Flextime is available to eligible employees to facilitate flexible working conditions while ensuring employees maintain productivity. Flextime allows employees to:
 - a. Vary their pattern of attendance at work in consultation with their managers.
 - b. Have more flexibility in allowing for the adjustment of their working day to suit their individual circumstances.
6. Flextime can also assist with organisational flexibility to allow business areas to better meet their operational needs. It is not a system that is designed to increase or reduce the total number of hours that an employee works.
7. Flextime operates on a system of honesty and trust, where employees and managers are expected to ensure hours of work are accurately recorded each day. There is an expectation that all ACTPS employees undertake their work productively in the agreed hours of employment.
8. The purpose of the ACTPS Flextime Policy (the policy) is to provide guidance to employees and their managers on eligibility and access to flextime arrangements.
9. Noting that the ACTPS is in a period of transition between enterprise agreements, references to sections and clauses will be listed for both the 2021-2022 enterprise agreements and future 2023-2026 enterprise agreements. It is recommended that the following policy is read in conjunction with the enterprise agreement that is current to the classification of the employee.

Application

10. This policy is a whole-of-government strategy issued by the Head of Service under section 17(2)(a) of the *Public Sector Management Act 1994* (PSM Act) and applies to all employees engaged under the PSM Act.

11. Flextime arrangements are available to Senior Officer Grade A level (or equivalent) and below classifications, unless otherwise specified in their relevant enterprise agreement.
12. Flextime arrangements do not apply to any of the following:
 - a. Casual employees.
 - b. Shift workers whose hours of work are provided for in clause B6 (2021-2022 EA) or clause B16 (2023-2026 EA) or the equivalent section of the relevant enterprise agreement.
 - c. Employees who are entitled to accrued days off in accordance with clause B8 (2021-2022 EA), clause B16 (2023-2026 EA) or the equivalent section of the relevant enterprise agreement.
 - d. Classifications which are entitled to Recovery Leave provisions.
 - e. Classifications excluded in the relevant enterprise agreements.
 - f. Where flextime arrangements are not provided for within the relevant enterprise agreement.

Key Legislative Provisions

13. The key enterprise agreement provisions are contained in Section B: Working in the ACT Public Service or, for agreements which vary from the core conditions template, the equivalent section in the relevant enterprise agreement.

Principles

14. Flextime is an arrangement available to employees that may assist them to meet work and life balance and personal responsibilities.
15. Flextime allows the ability for employees to vary the starting and finishing times of their workday while still providing service delivery and meeting the requirements of their role.
16. Hours of work and flextime arrangements will be in accordance with operational service delivery requirements and work health and safety principles.
17. Other provisions available under the relevant enterprise agreement, such as meal breaks, higher duties, and hours of work will still apply to an employee under flextime arrangements.
18. An employee and their manager may agree on an arrangement for the employee to work a pattern of attendance where extra hours worked on some days are compensated by lesser hours on other days. For example, this may include the employee needing a longer lunch break to meet their friends or finishing half a day early to attend a school concert.
19. Flextime management plays an important role in ensuring employees are not potentially burnt out from working excessive hours. Managers have a duty to ensure that excessive hours of work and risk of fatigue is managed and reduced appropriately. If employees are accruing their maximum allowable flextime credits on a regular basis and consistently working additional hours, managers should consider the strategies listed in accordance with clause E3 (2021-2022 EA) or clause B12 (2023-26 EA) Management of Excessive/Working Hours provisions of the relevant enterprise agreement and may need to consider looking into other aspects of the work environment including all of the following:
 - a. Are teams appropriately resourced?
 - b. Are workloads appropriate?

- c. Do employees require additional training or support to overcome issues of efficiency or productivity?

Procedure

Ordinary hours of work

- 20. Ordinary hours of work are the hours that are regularly worked each week by full-time and part-time employees, and excludes overtime.
- 21. A non-shift work position may have ordinary weekly hours of either 36.75 or 38.00 hours per week.
 - a. For a 36.75 hours per week position, the ordinary daily hours are 7 hours and 21 minutes for a full-time employee.
 - b. For a 38.00 hours per week position, the ordinary daily hours are 7 hours and 36 minutes for a full-time employee.
- 22. Ordinary daily hours must be worked within the span of hours limits of 7:00 am to 7:00 pm Monday to Friday unless otherwise agreed between the employee and their manager.
- 23. Flextime arrangements are available to employees during this span of hours unless otherwise agreed between the employee and manager. An employee may also seek to make a regular and ongoing change to their default ordinary daily hours. There are provisions under the relevant enterprise agreement to average ordinary weekly hours over a period no longer than 12 months at a time as agreed by the employee and their manager. This agreement will need to be in writing and provided to payroll through the [Changing Working Hours form](#) to ensure leave applications are processed correctly. This agreement must be reviewed for renewal every 12 months.

Standard hours of work

- 24. Standard hours of work for non-shift workers are captured in the Payroll system (HRIMS) only for the purposes of calculating salary and leave entitlements.
 - a. For a 36.75 hours per week position standard hours are from 8:30 am to 12:30 pm and from 1:30 pm to 4:51 pm Monday to Friday, unless otherwise agreed in writing by the employee and the manager or supervisor.
 - b. For a 38.00 hours per week position standard hours are from 8:30 am to 12:30 pm and from 1:30 pm to 5:06pm pm Monday to Friday, unless otherwise agreed in writing by the employee and the manager or supervisor.
- 25. If an employee has a permanent pattern of work that differs from the standard hours then amendments to these standard hours must be established in the HRIMS to ensure accurate record keeping. For example, if an employee and manger agree that an employee will work a compressed work week on a long term basis, then their standard hours should be amended to reflect this agreement.

Operational Service Hours

- 26. Operational service hours means the starting and finishing times of an individual work area within the span of hours which have been determined by the delegate based on internal and external service delivery needs. This may include a workplace requirement for specific hours of service delivery, resulting in the work area having operational service hours requiring employee attendance to ensure there is adequate staffing available.

27. The delegate may propose to change operational service hours. When this occurs, reasonable notice periods will apply, and the delegate must do all of the following (as per clause G1.9 (2021-2022 EA) or clause F1.9 (2023-2026 EA) of the relevant enterprise agreement):
- Notify the employees of the proposed change.
 - Recognise the affected employees' union or other representative.
 - Provide the employees relevant information about the change, what is believed to be the effect of the change and any other matters that may affect the employees.
 - Invite employees to give their views of the impact of the change.
28. If a dispute is raised under clause G6 (2021-2022 EA) or clause F6 (2023-2026 EA) of the relevant enterprise agreement in relation to the proposed change of hours, the employee must continue to perform their work as they normally would while the dispute is on foot unless they have a reasonable concern about an imminent risk to their health and safety. The employee must also comply with any directions given by the head of service to perform other available work unless:
- The work is not safe.
 - There are work health and safety concerns.
 - The work is not appropriate.
- There are reasonable grounds for the employee to refuse to comply with the direction.

Designing an individual employee pattern of attendance at work

29. An employee and their manager will together design and reach written agreement on the employee's pattern of attendance at work.
30. In considering flexible working arrangements and an employee's pattern of attendance at work, the employee and their manager will take into account all of the following:
- The operational service requirements and workload demands of the ACTPS or the relevant business unit.
 - Any client service requirements of the business unit.
 - Any work health and safety requirements.
 - The personal commitments and needs of an employee in achieving a reasonable work-life balance.
31. Flexitime accrual may not be appropriate in circumstances where the employee is on a graduated return to work plan or has not complied with flexitime provisions.
32. Although flexible working provisions provide scope to vary hours of attendance, operational service requirements may require resources to be concentrated to meet specific business needs. This may result in the delegate determining that business requirements can limit access to flexitime or time off in certain periods. This should be clearly communicated to staff and managers. However, managers should continue to work with employees to support flexible working arrangements during operational service hours where practicable.
33. Where the employee and manager cannot reach an agreement on the employee's regular pattern of attendance at work, the employee may request for individual flexible working arrangements under clause E2 (2021-2022 EA) or clause B20 (2023-2026 EA) of the relevant

enterprise agreement. Employees are supported to request flexible work under the National Employment Standards (the NES).

34. If an agreement cannot be reached on an employee's individual flexible working arrangement, the employee also has a right to seek a review of the decision in accordance with the Internal Review Procedures under Section I of the relevant enterprise agreement. While the review is underway, if no agreed pattern of work has been established or there are reasonable work health and safety concerns, the employee will work the existing operational service hours in their work area. Otherwise, the employee will continue to work in accordance with the pattern of work that applied to the employee immediately before there was a disagreement with the employee's pattern of work.

Managing accrual of flextime

35. Additional hours may be accrued through flextime when there are urgent tasks or deadlines to be met that cannot be completed within the ordinary daily hours. Employees and managers should explore other options together before additional hours are worked, including all of the following:
 - a. Re-prioritisation of tasks.
 - b. Re-allocation of work.
 - c. Allocation of extra resources.
36. Managers should consider all the following points when considering the use of additional hours:
 - d. The nature of the work - It is important to limit working additional hours to essential circumstances only. Managers need to consider the importance and urgency of the work to be performed in light of the necessity for employees to work these extra hours.
 - e. The employee – additional hours can impose a burden on an employee. Managers should consider the need to support their employees' work-life balance, particularly where this relates to their personal wellbeing and family responsibilities.
37. Flextime accrual is on an hour-for-hour basis and employees utilising flextime arrangements must record their hours worked on an attendance record form (or flextime sheet). This record will be approved by the employee's supervisor at the end of every flex sheet period. A manager should not approve flextime leave requests where the employee has failed to keep suitable records of attendance.
38. As flextime is intended to ensure work and life balance, employees and their managers have a responsibility to manage hours of work to ensure that individuals are not building up excessive credits without:
 - a. The opportunity to access flextime credit.
 - b. Being productively employed, i.e. a manager may require an employee not to accumulate flextime credits before or after their local workplace operational

service hours where there is insufficient work or an employee cannot be sufficiently managed.

For example: Joe performs a role where he is required to serve customers. The office is open to customers from 9am to 4pm, and these are the local operational service hours. There is work that can be done in the office from 8:30am to 5:30pm. Joe is expected to be in the office serving customers from 9am to 4pm, and take a one hour lunch break. As there is work available to do before the office opens, Joe likes to start work most days at 8:30am. Sometimes when it gets busy, he stays in the office longer than 7 hours 21 minutes, and he accrues flextime. This has enabled him to leave work at 4pm on some days so that he can take his children to the park.

39. Patterns of attendance at work must be in accordance with work health and safety principles. This means that patterns that have the potential to impact on the health of an employee, such as working long hours in a condensed period or avoiding meal breaks so as to depart early from work, should be avoided.
40. Managers may approve overtime during occasions where flextime accrual may not be appropriate. Overtime may be appropriate where an employee is required or requested to work reasonable additional hours of duty, subject to the payment for overtime and where the employee has received prior approval to undertake overtime in accordance with the relevant enterprise agreement at clause C9.

Using flextime credits

41. Flextime will be granted as soon as practicable after it is accrued.
42. Access to flextime credits is subject to operational requirements; however, in the interest of a healthy work and life balance, no reasonable request to use flextime credits should be refused by the manager. There is a mutual obligation for both employees and managers to monitor and manage flextime credits. Where flextime cannot be approved due to operational requirements, managers and employees should determine a mutually convenient alternative time for the employee to take the flextime.
43. Flextime credits can be taken as a full day or a partial day and may be taken in conjunction with approved leave. Flextime must be taken at full pay. While flextime can be used in conjunction with periods of leave, the principle of flextime is that any flextime credits should be utilised as soon as practicable after they have been accrued. Flextime credits should not be accumulated for the purposes of taking extended absences, as annual leave and long service leave are available for that purpose.
44. An employee may have a maximum flextime credit equal to their normal weekly hours of duty, at the end of the settlement period (2 pay periods, i.e. 4 weeks). This may be varied by agreement between the delegate and the employee in exceptional circumstances. For example, exceptional circumstances may include situations where an employee has taken personal leave during the settlement period, resulting in them being unable to minimise their flex credit below the maximum allowed by the end of the settlement period.

Managing high flextime credits

45. An employee may carry over a flex credit of more than their weekly hours of duty for no more than 1 settlement period in exceptional circumstances.

46. If the employee accrues more than their normal weekly hours of duty at the end of a settlement period, the employee and manager must agree and implement a flex usage plan to do both of the following:
 - a. Prevent any further credits accruing.
 - b. Ensure that the employee is facilitated to have time off in the next settlement period.
47. If an employee does not agree to a reasonable flex usage plan, the delegate may direct an employee to take enough flextime to reduce the accrued flextime credits to the equivalent of the employee's maximum flextime credit.
48. A Director General may, in exceptional circumstances, approve the cash out of flextime credits of up to an employee's ordinary weekly hours at any time during the course of a person's employment, including on cessation. Cashing out of flextime must be in conjunction with a flex usage plan.

Managing flextime debits

49. An employee may only have a maximum flextime debit of 10 hours at the end of the settlement period, or pro rata for a part-time employee. Any debit in excess of the maximum debit at the end of a settlement period may be considered as leave without pay and the manager and employee must agree and implement a plan to do both of the following:
 - a. Prevent any further debit accruing.
 - b. Reach a zero-flextime debit.
50. If an employee does not agree to a reasonable plan to reduce their flextime debit, the overpayment process may be commenced to recover the overpayment debt.
51. The maximum flextime debit may be varied in exceptional circumstances by agreement between the employee and delegate.

Moving to a new ACTPS role or where the role entitlements have changed

52. An employee moving from a previous role with flextime conditions to a new role (with or without flextime conditions) in the ACTPS must make all reasonable attempts to settle any flextime credits or debits prior to transferring to the new role.
53. Any flextime debit remaining upon a transfer may be treated as an overpayment.
54. Any uncleared flextime credits or debits from their old role cannot be transferred to their new role, unless approved by the gaining delegate and where the new role provides for flextime arrangements in accordance with the relevant enterprise agreement or employment contract.
55. The gaining manager may seek journaling arrangements of the uncleared flextime credits/debits from the employee's previous workplace.
56. Employees who become eligible for flextime arrangements by moving into a new role or where their role becomes entitled to flex time arrangements through a new enterprise agreement, must commence with a zero balance on their flexsheet. Managers should provide opportunities to the employee to enable them to utilise and exhaust their TOIL or Recovery

Leave where they are eligible for the leave, before transferring to the new role or where those entitlements will no longer apply due to upcoming changes to the enterprise agreement.

57. Any uncleared TOIL balances or Recovery Leave balances which employees are entitled to under the old role or the previous enterprise agreement cannot be transferred into flextime balances, unless approved by the delegate due to exceptional circumstances and the arrangements are provided for under the enterprise agreement. Please see Transition from Recovery Leave to Flextime – Interim Advice for further guidance.

Flextime balances on cessation

58. In circumstances where an employee is ceasing employment, managers must provide opportunities to the employee to enable them to use and exhaust their available flextime credits. Employees should also take all reasonable steps to exhaust their flextime credits.
59. Where any flextime credits are outstanding at cessation of employment, credits up to a maximum equal to the employee's normal weekly hours of duty will be paid out to the employee.
60. Any flextime debit on cessation will be treated as a debt in accordance with clause D5 of the relevant enterprise agreement and will be recovered by deduction from any final entitlements payable to the employee.

Non-compliance with flextime provisions

61. Employees will need to be managed appropriately where they are found to be non-compliant with their hours of work and flextime provisions.
62. Where an employee is not complying with flextime provisions in accordance with B7 (2021-2022 EA) or clause B18 (2023-2026 EA) of the relevant enterprise agreement and this policy, one option is that the delegate may direct them to work operational service hours, which means the standard working pattern of the local working area and as defined in the relevant enterprise agreement. This does not reduce an employee's entitlement to request individual flexible work arrangements under clause E2 (2021-2022 EA) or clause B20 (2023-2026 EA) of the relevant enterprise agreement.
63. This arrangement must be reviewed every 90 calendar days to assess if a return to flextime arrangements is suitable.
64. At any time, the relevant delegate may manage hours of work and flextime concerns through other appropriate mechanisms available in section H (2021-2022 EA) or section G (2023-2026 EA) Workplace Values and Behaviours in the relevant enterprise agreement, including misconduct proceedings.

Responsibilities

Employees

65. The employee is responsible for all of the following:
 - a. Accurately recording hours worked on an attendance record form in accordance with relevant Directorate/Agency record keeping requirements.
 - b. At the end of each settlement period or fortnight seeking their manager's approval of their attendance record form.

- c. Seeking their manager's approval, generally in advance, to utilise flextime credits.
- d. Managing their flextime hours within the parameters of the policy.
- e. Identifying and reporting WHS concerns.

Managers

66. The manager is responsible for:

- a. Approving employee requests to utilise flextime within operational requirements and work health and safety considerations.
- b. Monitoring and approving flextime as recorded by employees on the attendance record form in a timely manner and maintaining the records in accordance with record management requirements.
- c. Modelling a commitment to the work-life balance of their employees and respecting times when it is reasonable for an employee to disconnect from work.
- d. Monitoring the health and wellbeing of their employees.
- e. Addressing concerns regarding flex time use with the staff member in a timely manner, such as at the end of the relevant settlement period.
- f. Identifying and reporting WHS concerns.
- g. Support employees to minimise excessive flextime accrual or debts and implement a flextime management plan where required.

Consultation

67. This policy was developed in consultation with the ACTPS People Forum, unions, the Workforce Capability and Governance Division, Chief Ministers Treasury and Economic Development Directorate and the Head of Service.

References

68. The relevant legislation, policy and employment arrangements underlying this operational guidance are:

- [Public Sector Management Act 1994](#)
- [ACTPS Enterprise Agreements](#)

Further Information

- 69. For further information about this policy, please contact the Office of Industrial Relations and Workforce Strategy on eba@act.gov.au.
- 70. For advice about specific individual matters, please refer to your Directorate HR team.

Review

71. This policy is due for review 3 years from the last issued or reviewed date, or earlier where there are changes that affect the operation of the policy.

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| Document name: ACTPS Flextime Policy | Prepared by: Senior Director, Public Sector Industrial Relations, Whole of Government Public Sector Employment |
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Approval Authority

72. This policy is approved by:
 Margaret McKinnon
 Acting Deputy Director General
 Office of Industrial Relations and Workforce Strategy
 Chief Minister, Treasury and Economic Development Directorate
 On behalf of the Head of Service
 7 September 2023



Office of Industrial Relations and Workforce
Strategy

7 September 2023