# OVERTIME AND TIME OFF IN LIEU

**Best Practice** **Quality Area 4**

## PURPOSE

This policy provides guidelines to:

- Manage employees additional hours worked and time in lieu hours

## SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians and all adults involved in the service. All persons are to act in accordance with the principles set down in this policy.

## POLICY STATEMENT AND PURPOSE

This policy will provide the necessary guidelines for managing employee additional hours worked at Emma McLean Kindergarten and Daycare. Whilst we aim for all work to be completed within the designated rostered hours, at time there are requirements to complete additional work, attend training, attend meetings and or centre events outside of regular hours.

The purpose of this policy is to ensure that:

- All staff have an understanding of the use of time in lieu arrangements
- All employees are aware of the procedures for time off in lieu
- All employees are treated consistently (based on the award in which they are paid).

## BACKGROUND AND RELEVANT LEGISLATION

- Occupational Health and Safety Act 2004 (Vic)
- Fair Work Act 2009 (C'wealth)
- Working with Children's Act 2005

## RELEVANT POLICIES

- This policy should be read in conjunction with the Staffing Policy

## VALUES

Emma McLean Kindergarten and Daycare is committed to:

- Providing accountable and effective staffing and management practices
- Providing all employees a fair working environment
- Complying with current legislation in relation to the employment of staff, including the Equal Opportunity Act 2010, Fair Work Act 2009 and the Working with Children Act 2005

## OVERTIME AND TIME OFF IN LIEU PROCEDURES

From time to time employees may be required to work longer hours to accommodate a pressing work issue, attend meetings, training or represent Emma Mclean Kindergarten and Daycare outside of their normal rostered hours.

Based on advice from ELAA, Emma McLean Kindergarten and Daycare is not required to reimburse staff with time in lieu or overtime pay to attend monthly staff meetings, committee meetings or occasional working bees.

To be an employer of choice the Committee of Management would like to recognise the contribution staff make to the centre and acknowledge it appropriately.

The process:

- Additional hours worked outside of staff normal rostered hours with the view to overtime payment of time off in lieu, must be discussed with the Coordinator or second in charge prior to its completion.
- Additional hours worked will be documented in the centre Overtime/Time in Lieu (TOIL) book, which is reviewed by the Coordinator regularly.

**TIME IN LIEU OF PAY**

As discussed, in consultation with the staff on the creation of this policy, the Emma McLean Kindergarten and Daycare would encourage staff to take any planned additional hours as TOIL (ie: planned meetings, training out of hours, working bees)

- Attending working bees is provided at double time off in lieu. That being if a staff member attends a working bee for 4 hours, they will receive 8 hours TOIL. This will not be paid time.
- Approved professional development training that are attended outside of normal rostered hours and paid for by the service will accrue TOIL only at the ordinary time rate.
- An employee must not accumulate more than 30 hours of TOIL. The Coordinator will encourage employees to take their TOIL if hours are building up.
- TOIL should be redeemed as soon as possible after it has been accrued. Preferably within 4 weeks of accrual. Where excessive TOIL is not taken, the hours will be paid out in the next pay period, unless specifically discussed and signed off by the Coordinator.

**PAID OVERTIME**

- For additional hours worked to cover other staff who have been required to leave (ie illness or appointment, or in the case of an emergency), these additional hours will be paid as overtime if requested. An employee may elect to take TOIL instead of payment for these hours.
- Under the VECTEA, teaching staff do not get paid overtime unless they are required for emergency teaching (which is paid at a rate of 1.25), otherwise any additional hours are paid hour for hour
- Under the Children's Services Award, a full-time employee is entitled to paid overtime for any work performed outside of their ordinary hours of work, unless taken as TOIL. This rate is calculated as per the Children's Services Award (23.2 Overtime rates).
- A part time employee under the Children's Services Award who agrees to work in excess of their normal hours will be paid at ordinary time for up to eight hours provided that the additional time worked is during the ordinary hours of operation of the service. No part time employee may work in excess of eight hours in any day without the payment of overtime paid for at the rates prescribed.

**KEY RESPONSIBLITIES AND AUTHORITIES**

The Committee is responsible for both the implementation and compliance with this policy.
Employees are responsible for complying with the policy and assisting the Committee in its application.

**RESOURCES AND SUPPORT**

- Early Learning Association Australia (ELAA)
- Victorian Early Childhood Teachers and Educators Agreement 2020 (VECTEA)
- Children's Services Award 2010 (CSA)

**EVALUATION**

To assess whether this policy has achieved its purpose the committee will:

- Monitor compliance.
- Take into consideration feedback on this policy from employees, students, volunteers, parents and committee members.

**ATTACHMENTS**

Nil

**AUTHORISATION**

The policy was adopted by the Approved Provider of Emma McLean Kindergarten and Daycare on April 2026

**REVIEW DATE:** APRIL 2029