



## When Do Part Time Employees Get Paid Overtime?

### DID YOU KNOW???

Once an employee works outside of their contracted rostered days, you are required to pay them overtime. This occurs when there has been an agreement between the parties that the employee will be contracted to work particular days and not expected to work outside of them. In the case which they are required to, overtime must be paid by their employer in the next pay run.

The issue of when overtime is payable is covered by **clause 24** of the **Vehicle Repair, Services and Retail Award 2020**. This clause excludes overtime in the following instances:

- A person principally employed to perform vehicle sales related duties; or
- Permanent and casual employees employed as driveway attendants, roadhouse attendants and console operators working in fuel retailing establishments (for overtime rates, see clause 27.5); and
- Where “stand by time” applies under Clause 24.7

### Overtime rates

An employee required to work outside the ordinary hours as prescribed by the award will be paid as follows:

- On a Sunday—at the rate of **200%** of the minimum hourly rate;
- On a public holiday—at the rate of **250%** of the minimum hourly rate; and
- On any other day:
  - (i) **150%** of the minimum hourly rate for the first 3 hours; and
  - (ii) **200%** of the minimum hourly rate after 3 hours.
  - (iii) Payment at **200%** of the minimum hourly rate is to continue until the completion of the overtime work.

In addition, the overtime **Clause 24.3** of the **Vehicle Repairs, Services and Retail Award 2020** will not apply when the time is worked:

- By arrangement between the employees themselves;
- For the purposes of effecting the customary rotation of shifts; or
- Make-up time.

The following examples will assist members in understanding when overtime is payable and how it is calculated.

### **Scenario 1**

Jane works as a Service receptionist, her contracted workdays are Monday, Thursday & Friday, a total of 22.8 hours per week. She has been asked to work on Saturday, to which, she has agreed to work 11am till 4pm = 5 hours. As this day is not stipulated as her usual working day anywhere in her contract, this will result in overtime to be paid to her for the entire shift. This shift will include the penalty rate of 150% of the minimum hourly rate for the first 3 hours and 200% of the minimum hourly rate for 3 hours, these overtime rates will also be paid on top of the employees Saturday Ordinary (hourly rate) and Saturday penalty rates.

### **Scenario 2**

Mark works as a qualified mechanic, his contracted workdays are Tuesday & Friday (7:30 am till 4:36pm) a total of 15.2 hours per week. He has been asked to work on Wednesday for 7.6 hours, he has agreed to this extra workday. His employer is obligated to pay him overtime for the entire shift he works outside of his contract. This means for the extra shift he will be paid 7.6 hours at an overtime rate of 150% of the minimum hourly rate for the first 3 hours and 200% of the minimum hourly rate for the remainder of the shift.

For more information contact our ER team to discuss on (02) 9016 9000 or at [eradvice@mtansw.com.au](mailto:eradvice@mtansw.com.au)