

From: Theresa Hodges
Sent: Tuesday, 22 May 2018 7:16 PM
To: John Cosgrove
Subject: FW: RMOs Right to Claim Overtime

Hi John

Thank you for your email below, my apologies for the delay in responding. I hope the following provides clarification for when the payment of overtime is provided to Resident Medical Officers (RMOs):

The hours of work arrangements and overtime provisions can be found in the *Medical Officers' (Queensland Health) Certified Agreement (No. 4) 2015* (MOCA4). For background and context purposes I have lifted the relevant sections of MOCA4 and copied them into this email below.

It is Queensland Health's position that overtime is applicable and payable to RMOs when they are directed to work outside their rostered ordinary hours.

This includes:

- when RMOs are directed to start their shift before the specified start time;
- when RMOs are directed to work beyond their specified finish time;
- when RMOs are requested to work an additional overtime shift beyond their rostered ordinary hours.

In circumstance outlined at number three of your email, overtime can only be paid if it is pre-approved before the overtime is worked. Seeking the payment of overtime after it is worked could be challenging and may not be approved. In these circumstances the RMO would need to justify that the time worked beyond the end of the shift was urgently or unavoidably required and could not be rescheduled during later ordinary hours.

PART 4– EMPLOYMENT CONDITIONS

4.1 Hours of Work - Resident Medical Officers

4.1.1 The ordinary hours of work of resident medical officers (RMO) are 76 hours a fortnight (pay period). The ordinary hours of work may be performed on one of the following bases, most suitable to the particular work location, after consultation with, and giving reasonable consideration to the wishes of the employee concerned:

- a) By officers working 7.6 continuous ordinary hours (excluding the meal break) each day;
- b) By officers working less than 7.6 continuous ordinary hours (excluding the meal break) each day on one or more days each work cycle; or
- c) By officers working more than 7.6 continuous ordinary hours (excluding the meal break) and rostering employees off on various days of the week during a particular work cycle, so that each employee has one work day off during the cycle.

4.4 Overtime –Medical Officers

4.4.1 Resident Medical Officers

A RMO performing additional hours of duty in excess of the ordinary hours specified in Clause 4.1, of this agreement shall be, **subject to approval by the authorised manager**, paid for such excess duty hours as follows:

- (a) Monday to Saturday – time and one-half of the ordinary rate for the first 3 hours and double time thereafter;
- (b) Sunday – double time of the ordinary rate;

(c) Public holidays – double time and one-half of the ordinary rate.

Hope this is of assistance.

regards
Theresa



Theresa Hodges

A/Chief Human Resources Officer

Human Resources Branch,
Corporate Services Division | Department of Health



Queensland's health vision | *By 2026 Queenslanders will be among the healthiest people in the world.*

Queensland Health acknowledges the Traditional Owners of the land, and pays respect to Elders past, present and future.

From: John Cosgrove
Sent: Thursday, 17 May 2018 12:37 PM
To: Theresa Hodges
Subject: RMOs Right to Claim Overtime
Importance: High

"without prejudice"

Dear Theresa,

AMAQ/ASMOFQ members continue to inform us of instances where the claiming of overtime by Resident Medical Officers (RMOs) is discouraged, overtime not being approved and/or told not to claim for overtime. This conduct should not be occurring and Queensland Health should be promoting the right for RMOs to claim overtime when worked.

As per the *Medical Officers (Queensland Health) Certified Agreement (No. 4) 2015*:

4.4 Overtime –Medical Officers

4.4.1 Resident Medical Officers

*A RMO performing additional hours of duty in excess of the ordinary hours specified in Clause 4.1, of this agreement shall be, **subject to approval by the authorised manager (emphasis added)**, paid for such excess duty hours as follows:*

- (a) Monday to Saturday – time and one-half of the ordinary rate for the first 3 hours and double time thereafter;*
- (b) Sunday – double time of the ordinary rate;*
- (c) Public holidays – double time and one-half of the ordinary rate*

Examples:

1. RMOs are directed, requested or expected to commence ward rounds prior to the commence of their shift.

Outcome: If RMOs are directed, requested or expected to commence their shift early, then the time before the commencement of their ordinary shift is approved overtime.

2. The RMO is in surgery and continues to work beyond the finishing time of their shift.

Outcome: The RMO requesting for overtime to be paid for time worked beyond their shift, the request must be treated as approved overtime.

3. The RMO has an excessive workload and works beyond the finishing time of their shift.

Outcome: The RMO requesting for overtime to be paid for time worked beyond their shift, the request must be treated as approved overtime.

Accordingly, we seek from Queensland Health, a commitment in writing confirming that RMOs have a right to claim overtime when worked, and no request will be unreasonably refused or be discouraged in any way from claiming overtime when worked.

Regards,

John Cosgrove
SNR Industrial Advocate
AMA Queensland