

DETERMINATION NO. 32.

TRAVELLING COMPENSATION

Note: Where the terms "Commission" and/or "Board" are used, these are to be read as "Director-General".

EDUCATION COMMISSION OF NEW SOUTH WALES

SECTION 25 DETERMINATION NO. 32, 1982

TRAVELLING COMPENSATION

Pursuant to section 25 of the Education Commission Act, 1980, the Education Commission has determined certain conditions of employment of officers and employees in the Education Teaching Service and the Technical and Further Education Teaching Service.

This Determination will apply to all officers hereunder defined on and from the 5th day of July, 1982.

This Determination replaces any determination made pursuant to Section 26 of the Teaching Service Act, 1970, as amended, and all or any parts of the Regulations, Determinations or approvals adopted by the Education Commission on 20th October, 1980, covering officers who are members of the Technical and Further Education Teaching Service, to the extent of their inconsistency with this Determination.

Definitions

1. For the purpose of this Determination:-

"Commission", shall mean the Education Commission of New South Wales.

"Director-General", shall mean the Director-General of Education or the Director-General of Technical and Further Education.

"Officer", means and shall include all persons who work administrative hours and conditions and are either permanently or temporarily employed under the provisions of the Education Commission Act, 1980 and whose services are wholly at the disposal of the Commission and who are members of the Education Teaching Service or the Technical and Further Education Teaching Service.

"Headquarters", means the administrative centre where the major part of the officer's work is performed or where the officer normally reports.

"Field Officer", means an officer who is required to work in schools, colleges or elsewhere as directed away from the officer's headquarters as a regular part of the officer's duties.

"Normal Hours of Duty", means the actual number of hours that the officer is required to work in any week. Provided that in the case of field officers and other officers for whom normal hours are not specified normal hours of duties shall be deemed to commence when the officer commences work at the first work locality or at 8:30 am whichever is the earlier and shall continue until one fifth of their ordinary hours of work per week has been worked on that day.

"Working day", means a day on which an officer is required to perform duties.

Excess Travelling Time

- 2.(1) Where an officer in order to perform duties at a location other than the officer's headquarters is required to travel outside his normal hours of duty, the officer may apply to the appropriate Director-General for payment for the time so taken. Provided that if payment is declined the officer may apply to the Commission.
- (2) Subject to the convenience of the appropriate Director-General, if payment is declined by the Commission under sub-clause (1) of this clause or if the officer so desires the officer may apply to the appropriate Director-General for an equivalent amount of time off in lieu of excess time occupied in travelling in the circumstances outlined in sub-clause (1).

Provided always that payment in lieu of leave provided for in sub-clause (1) may only be authorised in exceptional circumstances as approved by the appropriate Director-General.

Provided further that this Determination shall not apply to officers whose salary includes compensation for travel or duty outside normal hours or for whom special provision is made in another Award, Agreement or Determination.

- (3) Payment shall only be made for excess time occupied in travelling or there shall be granted time off in lieu thereof subject to the following conditions:
- (i) Where travel is on a non working day-
 - (a) time spent in travelling after 7.30 a.m.; and
 - (b) travel so undertaken by direction of the appropriate Director-General or responsible officer.
 - (ii) Where travel is on a working day-
 - (a) subject to sub-clause (iii) of this sub-clause in the case of any officer other than a field officer or an officer whose hours are not defined and who is able to regulate his/her own commencing and finishing time - time spent in travelling before his/her ordinary commencing time or after his/her ordinary ceasing time; and
 - (b) in the case of a field officer or an officer whose hours are not defined and who is able to regulate his/her own commencing and finishing times - time spent in travelling after 6 p.m. subject to the appropriate Director-General certifying that the time so spent was necessary and reasonable and arose on or in connection with official business.

- (iii) (a) There shall be deducted from an officer's travelling time on any one day, other than a non-working day, the time normally taken for the periodic journey from home to headquarters and return;
- (b) periods of less than one-quarter of an hour on any day shall be disregarded;
- (c) travelling time shall not include any period of travel between 11.00 p.m. on any one day and 7.30 a.m. on the following day where the officer has travelled overnight and sleeping facilities have been provided for him/her;
- (d) travelling time shall be calculated by reference to the time that might reasonably have been taken by the use of the most practical and economic means of transport available;
- (e) travelling time shall not include time spent in travelling-
- on permanent transfer where the transfer involves promotion which carries increased salary or where the transfer is for disciplinary reasons or where the transfer is made at the officer's request;
 - by ship on which meals and accommodation are provided.
- (4) Unless otherwise specifically approved by the Commission compensatory leave provided for in sub-clause (2) of this clause shall be taken within two months of the officer being accredited with that leave.

Provided that field officers who are required to work in schools or colleges as a regular part of their duties may accumulate compensatory leave until the next school or college holidays and also may subject to the appropriate Director-General's approval accumulate and take leave in lieu of the Bank Holiday on the Tuesday following Easter.

Waiting Time

3. Where an officer qualifies for time off in lieu or is eligible for payment in accordance with Clause 2 of this Determination for excess time occupied in travelling and necessary waiting time occurs, such waiting time shall be treated as travelling time subject to the following conditions:-
- (i) Where there is no overnight stay with accommodation at a centre away from home or headquarters, one hour shall be deducted from the necessary waiting time between the time of arrival at the centre and the commencement of duty, and one hour shall be deducted from the necessary waiting time between the time of ceasing duty and the time of departure for home or headquarters or another centre.

- (ii) Where overnight accommodation is provided at a centre any time from the completion of arrival at the centre until departure for home or headquarters or another centre shall not count as waiting time except that-
- (a) where duty is performed on the day of such departure, any necessary waiting time (less 1 hour) from completion of such duty until departure shall be counted;
 - (b) where no duty is performed on the day of such departure, necessary waiting time less 1 hour after an officer's normal commencing time until such departure shall be counted.

Calculation of Payments

- 4.(1) Payment for travelling time and waiting time calculated in accordance with the provisions of Clause 2 Excess Travelling Time, and 3 Waiting Time, of this Determination shall be at the officer's ordinary rate of pay on an hourly basis calculated as follows:

$$\frac{\text{Annual Salary}}{1} \times \frac{1}{52.17857} \times \frac{1}{\text{Normal hours of work}}$$

- (2) The rate of payment for travel or waiting time on a non-working day shall be the same as that applying to a working day.
- (3) Officers who are in receipt of a salary in excess of the rate applicable to the maximum rate payable to the third year of a Class 1 Senior Education Officer or a Senior Guidance Officer, shall not be eligible for travelling time or waiting time.

Officers who are in receipt of a salary in excess of the rate applicable to the maximum rate for the 9th Year of the Graduate Education Officers' scale or the 9th Year of the Guidance Officers' General Scale, but not more than the maximum rate payable to the third year of a Class 1 Senior Education Officer or a Senior Guidance Officer, shall be paid travelling time or waiting time calculated at the rate applicable for the 9th Year of the Graduate Education Officer or the 9th Year of the Guidance Officer, General Scale, plus \$1.00 per annum, as adjusted from time to time.

- (4) Time off in lieu or payment, as the case may be, for excess travelling time and waiting time will not be granted or made for more than eight hours in any period of 24 consecutive hours.