

PSC CIRCULAR

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PSC CIRCULAR NO. 32/05

To: Chief Executive Officers and
Heads of Departments

File: C29/460/73-4
Date: 11/08/05

**SUBJECT: VERIFICATION OF OVERTIME RECORDS
FOR GOVERNMENT WAGE EMPLOYEES**

1.0 **Introduction**

1.1 The Commission had resolved last year, 31st March, 2004 vide PSC Circular No.11/04 to restore overtime payment to Government wage employees in view of an earlier decision made by the Trade Dispute Committee on 9th March, 2004.

2.0 **Background**

2.1 The issue of overtime and overtime payment has been an on-going challenge as far as the Commission is concerned.

2.2 In 1994, a trade dispute arose over the union's disagreement over PSC's decision to grant time-off in lieu of overtime rather than the overtime payment. As a result, the Permanent Arbitrator ruled that time-off in lieu of overtime payment for overtime worked was in order.

2.3 A year later in 1995, PSC reviewed its overtime policy to reflect the following:

“except for essential services and areas where overtime work is unavoidable and worked on regular basis, time-off in lieu of overtime payment be granted for overtime worked.”

2.4 In practice, overtime work in areas of essential services are normally paid overtime whilst overtime work in non-essential services and where no budgetary provisions exist, time-off in lieu of overtime, on hourly basis are applied. The only exception is when there is an emergency, then overtime payment is made but with prior approval of the Public Service Commission.

2.5 The Commission revised the overtime policy in 2004 which is read concurrently with Section IV Clause 45 of the revised JIC Agreement. It is revised as follows:

- “ 1. *Overtime should only be worked once an approval is secured from the Employee’s Chief Executive Officer*
2. *Overtime Approval should only be authorized where overtime funds are available.*
3. *Overtime approval should be considered if overtime request confirms that the work in question is of high importance and very urgent in nature, which requires immediate attention .”*

3.0 **Trade Dispute**

3.1 A trade dispute over the alleged non payment of overtime pay by PSC and other government Ministries and Departments in accordance with Section IV of the JIC Agreement and non-compliance of the Award of the Disputes Committee of 09th March, 2004 was reported by PEU to the Ministry of Labour, Industrial Relations and Productivity.

3.2 As a result of conciliation meetings held on 22/06/05 and 23/06/05, PEU, PWD on behalf of PSC and Ministry of Labour, Industrial Relations & Productivity endorsed a Memorandum of Agreement which provides as follows:

- “ i) *all overtime entitlements will be verified over a two week period with effect from 27th June, 2005, from relevant documents such as time cards, attendance register and so forth, in consultation with each other and in the presence of a Ministry of Labour IR & Productivity official and payments made accordingly;*
- ii) *all overpayment deductions will cease for two weeks to allow for the verification process;*
- iii) *in cases where source documents are not available, the parties will negotiate on how payments are to be effected;*
- iv) *that no union member or union official will be victimized by the employer. ”*

4.0 **Verification Of Overtime Records**

4.1 Arising out of the Memorandum of Agreement, a verification exercise was to be conducted initially for two weeks from 27th June, 2005. However, Ministry

of Labour has approved PEU's request to extend the verification period until 11th October, 2005.

4.2 The Commission requires all Ministries and Departments to facilitate and assist in verifying overtime records of government wage employees for the period 2002 to 2004 so that owed overtime payments are settled without delay.

5.0 **Clarification**

5.1 Any further clarification required may be obtained from Mrs. Elizabeth Mua of the Employee Relations Division, Public Service Commission, on telephone 3314588 extension 218 and e-mail address: emua@psc.gov.fj



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