

# Civil Service Conciliation and Arbitration Scheme

## General Council Report 1399

(Meeting/s of 28 March 2001, 27 June 2001, 30 January 2002)

That overtime be calculated by reference to net hours worked rather than gross hours worked.

1. The claim was presented by the Staff Side at the meeting of 28 March 2001. The CPSU, in support of their claim, stated that the pay reference in the National Minimum Wage Act 2000 is to net hours.
2. The Official Side considered the issue in detail. The following matters were highlighted by the Official Side at the meeting of 27 June 2001:

### **Legislation**

The Official Side accepted that actual hours worked, i.e. net hours, are used when examining compliance with the National Minimum Wage Act 2000. However, the Official Side pointed out that payment for extra attendance is not covered by legislation. Rather, it is negotiated at local level. There is no statutory obligation to use "net hours" as the divisor when calculating payment for extra attendance.

### **Major Cost Increasing Claim**

The Official Side also highlighted the fact that a change to the existing overtime calculations (by the division of weekly pay by the net hours worked, i.e. 34.75,) would lead to an 18% increase in the overtime bill for the civil service. There would be knock-on claims throughout the public service which would be difficult to reject. Any knock-on Garda claim would increase the Garda overtime bill by €15m. The Prisons Service overtime bill would also increase significantly.

### **Overtime in the Private Sector**

The Official Side also highlighted the fact that there is no evidence to suggest that civil service overtime calculations are less favourable than those in the private sector. Anecdotal evidence suggests that the current method of calculating overtime is at least equal to, if not more generous than, private sector methods.

3. The Staff Side responded by stating that some public sector organisations

were already using net hours when calculating overtime and stated that such a move would not create a precedent. The Staff Side again referred to the anomaly whereby using gross hours conflicts with the national minimum wage legislation.

4. The Staff Side sought, and the Official Side agreed, to discuss the matter further bilaterally. The Staff Side decided not to pursue the matter bilaterally and instead sought to record disagreement.

5. This report recording disagreement was adopted on 30 January 2002.

Agreed Report, recording disagreement.

This report was adopted on 30 January 2002