

Together Fact Sheet: Hours of Work and ADO Agreements – School Staff

The special requirements of working around a Term time schedule mean that ADO arrangements for public servants in schools are different to other departments. ADO means “accrued days off” and you take the days off usually in the school holiday period. However, you can take ADO at other times.

Knowing your rights when negotiating and signing off on your ADO agreement is really important. Below is some information about your rights and if you have any questions please get in touch with your industrial staff at the union office at schools@together.org.au or on 1800 177 244.

Where are the rules about my ADO agreement set out?

In your EB agreement – *Department of Education Certified Agreement 2019*.

What period of time should an ADO agreement cover?

A school year. It should start on the first day of the pupil free days in January and go through to that day in the following year. (s3.7.1.3).

Do I have a say about how my hours work in my ADO agreement?

Yes! Your ADO agreement is not something to be simply presented to you for sign off. ADO agreements should be designed in consultation with all the relevant employees. (s3.7.1.4). The purpose of the consultation with you is to decide on the best way to have your hours and ADO time worked that works for you and for the school. (s3.7.1.9(e))

Should my ADO agreement be written down?

Yes. (s3.7.1.7) Usually it will be a form that sets out how many hours and minutes you work each ordinary day in term time and you will sign the document and so will the Principal or BM. You shouldn't sign it until you are happy that it reflects the outcome of your consultation and agreement. If you alter the ADO agreement during the year, with both you and the principal agreeing to the change you should alter the written agreement and both sign it again.

How much ADO time do I need to accrue?

Most ADO agreements are designed to have you accrue 12 days over the year to take paid time off during school holidays. (s3.7.1.11) However, you can take leave during term time consistent with the department's work-life balance policy and subject to 'operational convenience' if you accrue extra time. (s3.7.1.1) The Agreement says that if you want to 'opt out' of working extra hours you may apply for leave without pay to cover school holiday periods rather than accrue time in addition to your annual leave. (s3.7.1.10)

What happens if I can't take all of my time off during the school holidays?

At the end of the year you should have been able to take all of your accrued time off. At the end of Term 3 you should apply to take all the accrued time you have banked and your projected time. If there is time left that you can't take then you can decide if you want the time to be paid out to you or if you carry it over to the next year. The decision to have the time paid out or rolled over is up to you as the employee. The school does not get to decide this for you. (s3.7.4)

What are the general guidelines for ADO agreements?

Here is what the agreement says about deciding and signing off on an ADO agreement (s3.7.1.9):

In determining the ADO agreement the employer shall:

- ensure ADO arrangements meet the needs of the School;
- consider the health and safety of staff when requiring staff to work during vacation periods;
- consult on the requirement to work specific hours before directing an employee to work those hours;
- where the working of particular hours is not suitable to an employee on a given day, take into account whether other staff are available and competent to perform this work;
- take into account the employee's work-life balance including community commitments;
- consider other leave that is to be taken throughout the year;
- provide the ability to accrue sufficient ADO to cover leave on vacation periods whilst avoiding accrual of excessive leave balances; and
- provide access to a minimum of 12 days ADO accrual in a year for employees working a 38 hour week.

What if I leave my school?

The employer must ensure an employee who resigns, retires or otherwise ceases duty has utilised all accumulated time upon cessation of duty. (s3.7.1.12) If you change schools however and are still working for the Department then your ADO balance goes with you. (s3.7.1.13)

ADO and Workers Compensation

Any ADO time that you were rostered to work must be credited to you if you are off work on workers compensation. If you are not able to take your ADO days because you have been injured at work and are on workers compensation then you may take the ADO hours at another time mutually convenient to you and the Principal. (s3.7.6)

Remember – know your rights, you have a say, consultation means a meaningful exchange of views and information, it should be reasonable!