

in accordance with this paragraph the General Manager may grant such leave of absence to compensate therefor as he may deem equitable in each case.

"(2) In the case of employees in Division I who are entitled to the payment of overtime, ordinary time shall be defined as follows:—

"(a) At such stations and offices and in respect of such positions as may be specified in that behalf by the General Manager, thirty-eight hours per week.

"(b) In all other cases forty hours per week.

"(3) Ordinary time shall be exclusive of meal-times and time worked on Sundays.

"98. (1) Subject to the provisions of this regulation which applies only to employees in Division I, time worked in excess of forty hours in any week shall be overtime and shall be paid for as hereinafter prescribed by this regulation.

"(2) Payment for overtime shall not be made to any employee who is in receipt of remuneration at a rate equivalent to not less than £470 per annum or who is regularly employed as an inspector.

"(3) Time worked by any employee while engaged in inspectorial or other duties the nature of which precludes the allotment of specified hours of duty shall not be included in reckoning the weekly total of hours for overtime purposes.

"(4) The rate of payment for each hour of overtime shall be one-fortieth of the salary ordinarily payable to the employee for the week during which the overtime is worked, and, in calculating such salary, no allowances or additional payments shall be included other than the following:—

"(a) Allowance for performing duties in a higher capacity than that in which the employee is ordinarily engaged;

"(b) Allowance for the purpose of giving effect to the Public Service Remuneration Order 1938, which provides minimum rates of remuneration for adult and married employees.

"(5) (a) The maximum sum payable to any employee for overtime during any four-weekly accounting period shall not exceed the difference between the salary ordinarily payable to him for such period (calculated in accordance with paragraph (4) of this regulation) and the amount of salary which, for the same period, would be paid to an employee who is in receipt of a salary of £470 per annum.

"(b) In every case where it is proposed to make retrospectively any adjustment in the salary, allowances, or overtime payments of any employee in respect of any four-weekly accounting period, regard shall be had to the payments already made to such employee in respect of that period in order that effect shall be given to subparagraph (a) of this paragraph.

"(6) Time worked in excess of forty hours in any week shall be taken into account for payment purposes only:—

"(a) If the working thereof is due to a special emergency or to unavoidable circumstances including, in the case of any employee who is required to be on duty in connection with the running of trains, the late or altered running of any train or the running of any special train; or

"(b) If the hours specified in the employee's duty roster for the week amount to more than forty, including any time allowance to which he may be entitled under paragraphs (8), (9), or (10) of this regulation: Provided that this subparagraph shall apply only to the number of hours in excess of forty specified in the roster and provided further that the provisions of this subparagraph shall not deprive any employee of his right to the payment of overtime under any other provision of these regulations; or

"(c) In the case of any foreman or subforeman, if such employee is required to be on duty outside of his scheduled or customary hours of attendance for the purpose of supervising the work of Division II employees under his control; or

"(d) In any case not otherwise specified, if the employee is specially ordered by his controlling officer to be on duty at a time when he is not required by the duty roster to be in attendance: Provided that periods of less than fifteen minutes worked in excess of any scheduled daily shift under the provisions of this subparagraph, shall not be taken into account.

"(7) Except as provided in subparagraph (d) of paragraph (6) of this regulation, payment for overtime shall be calculated to the nearest quarter-hour.

"(8) (a) In the weeks which include any of the following days, namely, Anzac Day, the Sovereign's Birthday, and Labour Day, time worked on any of such days shall be included in reckoning the weekly total of hours for overtime purposes.

"(b) In the weeks which include Christmas Day or Good Friday, time worked on either of such days shall (subject to the provisions of subparagraph (a) of paragraph (3) of Regulation 101) be included in reckoning the weekly total of hours for overtime purposes notwithstanding that the employee elects to be paid for the time worked on such days in accordance with paragraphs (1) and (2) of Regulation 101 in lieu of being granted additional leave under the provisions of Regulation 125.

"(c) If any employee is booked off duty on a departmental holiday (being one of the days specified in subparagraphs (a) and (b) hereof) and such holiday falls on a day on which such employee would ordinarily have been on duty, there shall for overtime purposes be added to the weekly total of hours worked by such employee the time which he would ordinarily have been scheduled to work on such day, subject, however, to a limitation of eight hours.

"(d) If an employee who is booked off duty on a departmental holiday defined as aforesaid would, in any case, have been booked off for the purpose of adjusting his hours of work for the week, such employee shall be entitled, at his option:—

"(i) To have six hours forty minutes added for overtime purposes to the number of hours actually worked by him during the week in which such holiday occurs; or

"(ii) To have one day added to the period of his next ordinary leave of absence.

"(9) In respect of any working day on which any employee is granted leave without pay or upon which he takes a portion of his ordinary leave of absence, there may for overtime purposes be added to the weekly total of hours worked by him the time which he would ordinarily have been scheduled to work on such day subject, however, to a limitation of eight hours.

"(10) In respect of periods of time during which any employee is travelling on duty there may for overtime purposes be added to the weekly total of hours worked by him an allowance equal to the time he is actually occupied in travelling: Provided, however, that no account shall be taken of any time in excess of an aggregate period of six hours forty minutes occupied in travelling on duty during any period of twenty-four hours calculated from the time of departure in pursuance of the duty on which the employee is required to travel.

"(11) The time to be taken into account for overtime purposes shall not include time during which any employee is on duty on Sunday or time during which any employee is granted leave on pay on account of emergency or sickness.

"(12) Payment for overtime claimed shall be subject to the employee's controlling officer certifying that the overtime was actually worked and that the working thereof was essential and subject also to the head of the branch or the district officer, as the case may be, being satisfied as to the merit of the claim.

"(13) If any question shall arise in any particular case as to whether or not any employee in Division I is entitled to payment for overtime, such question shall be determined by the General Manager."

3. By revoking Regulation 100.

4. By revoking Regulation 101 and substituting in lieu thereof the following:—

"101. (1) Time worked by any employee in Division I on Sundays in pursuance of authority given in that behalf by the General Manager, and time worked on Sundays by any such employee when commencing or continuing a shift forming part of his ordinary week's work shall be paid for at rate and one-half of the overtime rate as defined in paragraph (4) of Regulation 98: Provided that in no case shall the rate of payment be less than 2s. 3d. per hour nor more than 6s. 9d. per hour.

"(2) Payment for work performed by employees in Division I on Sundays (except in the case of the commencement or continuation of a shift as aforesaid) shall be subject to the following minima, namely:—

"(a) In respect of one attendance only: Two hours.

"(b) In respect of two attendances on the same Sunday:

Four hours:

Provided that for the purpose of computing such minimum period of four hours the time worked during both attendances shall be taken into account; and provided always that if the employee is booked off duty during either attendance to enable him to obtain meals, such booking off shall not, to the extent of one hour for each meal, be deemed to be a break in the continuity of attendance.