
LEAVE PROCEDURE

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1. PURPOSE

This procedure ensures that departmental employees understand their entitlements and the process for applying for leave. This procedure also informs manager of the factors which need to be taken into consideration when approving leave.

2. AUTHORITY

- *Public Service Act 2008*
- *Industrial Relations Act 1999*
- *Commonwealth Veterans' Entitlements Act 1986*
- Family Leave Award – Queensland Public Sector 2004
- Queensland Public Service Award – State 2003
- Employees of Queensland Government Departments (Other Than Public Servants) Award - State 2003
- Conservation, Parks and Wildlife Employees Award – State Government 2003 (CPWE Award)
- State Government Department's Certified Agreement 2009
- Appeals Directive
- Bereavement Leave Directive
- Court Attendance and Jury Service Directive
- Long Service Leave Directive
- Paid Parental Leave Directive
- Recreation Leave Directive
- Sick Leave Directive
- Special Leave Directive
- Recognition of Previous Service and Employment Directive
- Leave Without Salary Credited as Service Directive

3. APPLICATION

Unless otherwise specified, this procedure applies to all permanent and temporary employees whether they are full time or part time. The procedure does not apply to contractors.

4. RESPONSIBILITIES

Managers and supervisors are responsible for approving leave for employees in their areas of responsibility in accordance with this procedure, and for ensuring that peak holiday periods or other foreseeable occasions for employee absence do not result in understaffing and failure to meet client service needs. It is also the responsibility of managers and supervisors to ensure that the employee approving leave applications has the appropriate delegation as outlined in the department's Human Resource Management delegations before approving a leave application. Where a manager/supervisor receives a timesheet that includes periods of leave the timesheet must not be approved until all applicable leave applications have been approved.

All employees are responsible for giving adequate notice of their leave plans to their manager or supervisor and for helping to ensure that a high level of client service can be maintained at all times. They are also responsible for following the specified procedures when applying for leave.

5. DELEGATIONS

The delegations relating to approval of leave are published in the Human Resource Management Delegations on the [DERM intranet](#).

6. DEFINITIONS AND GLOSSORY OF TERMS

Approving Officer is the person with the delegated authority to approve the leave as contained in the Human Resource Management Delegations.

Casual Employment is defined as someone employed on the basis of 'informal, irregular and uncertain' work. Casual employment is used predominantly to fill a short-term work requirement; it can also be used for longer periods (e.g. to meet seasonal requirements) but cannot be used for permanent employment. Casual employees are engaged on a hourly basis to work for less then the ordinary

working hours of a full time employee. Casual employees must not work regular hours on a continuing basis. Casual employees are paid an additional loading to compensate for lack of recreation and sick leave entitlements.

Child means an employee's own child (or a child of the employee's spouse) under the age of 1 year, or a child under 5 years who is adopted by an employee or an older child who have been placed with the employee for adoption. This does not apply to a child who has lived with the employee for 6 months prior to application for adoption leave.

Credited means when an amount of hours and/or minutes is added to an existing balance of leave.

Debited means when an amount of hours and/or minutes is subtracted from an existing balance of leave.

Employee comprises both Public Service Officers of the department and general employees employed under the *Public Service Act 2008* or any applicable industrial award.

Employee Self Service (ESS) or the Self Service Portal (SSP) is the electronic system for leave applications.

Excessive Leave is defined as being more than forty (40) days recreation leave or more than fifty (50) days for employees in the north and west regions of Queensland

Extended leave is continuation of already approved leave.

Immediate family includes a spouse (including a former spouse, de facto or former de facto spouse) or a child (including an adult child, adopted child, foster child, or step child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee.

Officer for the purposes of this procedure applies to a Public Service Officer as defined at section 8 of the *Public Service Act 2008* and an employee who is employed on a temporary basis and whose appointment is subject to Section 113 of the *Public Service Act 2008*.

Partner includes spouse and de facto spouse. In the case of paternity leave 'partner' also includes a former spouse (or de facto) of the employee.

Part-time employment for employees other than general employees is continuing employment, either temporary or permanent, whereby the appointment shall not be less than .2 or more than .8 of the full-time hours per week for the department. **There are no minimum specified hours for part-time employment in respect of entitlement to parental leave.**

Primary care-giver means a person who assumes the principle role of providing care and attention to a child.

Supervisor is the employee whose responsibility it is to oversee, direct and control the activities of the subordinate employee.

Temporary employee is a person who is engaged for a finite period of time, to perform a specific task and has no tenure of employment.

7. PROCEDURE

Leave entitlements and conditions are governed by the *Public Service Act 2008*, *Industrial Relations Act 1999*, Directives and Awards. While this procedure covers the general entitlements and conditions of each type of leave available to employees, more detailed information about any particular type of leave can be obtained by referring to the specific Directive or Award.

Leave is available to employees to cater for a variety of different circumstances during their employment with the department. Whether or not employees may be approved to take the different types of leave depends upon:

- their personal circumstances;
- departmental needs; and
- the amount of leave credits available to the employee concerned.

Leave entitlements are calculated from the date the employee commences employment with the Queensland Public Service. Periods of leave without salary may affect the amount of leave which an employee accrues. Advice about leave accruals should be sought from Payroll, Shared Service Agency (SSA Payroll) in such situations.

The amount of leave to which employees are entitled depends upon their employment status with the department and the award under which they are employed. Part-time employees are eligible for a proportionate equivalent of full-time employee's entitlements. Casual employees are not eligible for most forms of leave because of the short-term nature of their employment, however, long term casual employees may be entitled to long service leave and parental leave.

1. Leave applications, alteration, recall and cancellation

1.1 Establishing eligibility for leave

For specific enquiries concerning eligibility for leave, employees should contact SSA Payroll. Alternatively, employees can access information contained within directives, awards and departmental policies.

1.2 Leave application process

To apply for leave an employee must complete the online leave application and submit to their manager/supervisor or appropriate approving officer. Those employees without access to online applications must manually complete a Leave Application Form then fill in the appropriate information in the Leave Details section and submit the form to their manager/supervisor.

It is the responsibility of both the employee and the approving officer to ensure the leave application is submitted as soon as the employee returns to work or within appropriate timeframes prior to taking the leave. Where possible, sick leave and special leave applications are to be submitted to SSA Payroll in the same pay cycle that the leave was taken.

Where an employee is on leave for a significant period of time and is unable to submit a leave application, the supervisor is to submit a manual leave application to SSA Payroll by indicating all the information available to the supervisor. A follow up application by the employee will only be necessary if there is additional information to be provided on the details or the initial application needs to be amended.

1.3 Approval or rejection

Before an application for leave is approved, consideration should be given to whether:

- the employee is eligible for the leave;
- the employee has sufficient leave credits accrued to cover the period requested;
- it is departmentally convenient for the employee to take leave at the time requested (depending on the type of leave required);
- where applicable, specific evidence has been produced to support the reason for the leave.

No request for leave (other than sick leave) may be unreasonably denied, but leave is always to be taken at departmental convenience. Where an application is rejected, the employee should be informed in a timely manner, and the reasons for rejecting the leave discussed with the employee concerned. Where appropriate, new and mutually agreed dates should be made for taking the leave.

SSA Payroll has no responsibility and will not verify that the approving officer possesses the required HRM delegation to approve leave. It is the approving officer's responsibility to ensure they possess the required HRM delegation.

1.4 Leave advice

Once leave is processed (whether approved or rejected), ESS or SSP will send an email to the applicant. This notice confirms the details of the leave approved. Any discrepancies should be discussed with the approving officer and/or SSA Payroll.

1.5 Alterations to leave details

An employee must advise the approving officer of any alterations to any types of leave and to submit an amended leave application. Employees without online access must advise the approving officer in writing of any alterations to any types of leave. It is then the responsibility of the approving officer to advise SSA Payroll of alterations to the employee's leave details to ensure that any alteration to the employee's pay is made in a timely manner (i.e. full or part cancellation of leave, or extension of leave without pay) to prevent overpayments. An alteration is to be made by submitting a leave application form and selecting the appropriate box in the 'Application Type' section of the form. The employee must also provide an explanation on the leave form indicating the required amendments.

1.6 Leave Balances

Balances for sick leave, recreation leave and long service leave are displayed on the pay advice and within ESS or SSP. These balances indicate the amount of leave to which the employee is entitled at the end of the pay period except long service leave. Only employees with seven (7) years continuous service or more have long service leave balances displayed on their pay advice.

1.7 Higher duties and leave entitlements

When a public service officer or temporary employee takes leave whilst performing higher duties and the period of relieving is less than 12 months, the leave taken will be paid at the employee's normal salary rate and counted towards continuous service if the employee resumes duty in the higher position upon returning from leave. All leave taken by an employee who has continuously relieved in a higher position for at least 12 months will be paid at the higher rate. General employees should refer to the relevant award for higher duties leave entitlements.

1.8 Leave records

Legislation requires that an up-to-date and accurate record of leave entitlement and leave taken is maintained.

Supervisors and managers may access information on leave records for their employees from ESS or SSP. Such information is also available for supervisors and managers through SSA Payroll. Individual employees may either request information about their own records through their business unit's administration officer or manager, or access balances through ESS or SSP.

1.9 Recognition of prior employment

Service with certain government agencies and other Crown employment may be recognised as service for the purposes of determining sick leave and long service leave entitlements provided the employee commences duty within a period of 12 months of ceasing the

earlier employment, and termination was for other than disciplinary reasons. Details of the conditions for this are contained in the Recognition of Previous Service and Employment Directive.

An employee, who has been previously employed with an accepted organisation and wishes to have the service recognised for the purpose of crediting sick and long service leave, must apply in writing to SSA Payroll supplying details of the previous employment and a certified Statement of Service from the previous employer. Payroll will contact the previous employer to confirm the information supplied and determine eligibility in accordance with the Directive. The requesting employee will then be informed of the outcome and a copy placed on the employee's personal file.

1.10 Payment on termination

Upon termination of employment an employee is entitled to receive payment for recreation leave balances, leave loading and any public holidays they would have been entitled to had the employee taken either all their entitlements to long service leave or recreation leave (whichever is the greater period) before termination of employment.

In the case of an employee having 10 years or more continuous service, payment will also be made for long service leave balances and any public holidays covered by the period. If the employee is acting in a higher position on the last day of employment, public holidays that fall within the notice period must be paid at the higher rate.

An employee who has five (5) years or more continuous service at the time of death, age retirement (age 55 and over), or retirement on the grounds of ill health, will also receive cash equivalent for accrued long service leave. An employee who received a Voluntary Early Retirement (VER) package will receive cash equivalent for accrued long service leave if they have one (1) year or more continuous service.

An employee who:

- resigns because of ill health or incapacity that does not qualify for ill health retirement;
- is dismissed for a reason other than the employee's misconduct, incapacity or diminished performance;
- is unfairly dismissed;
- or resigns due to a domestic or other pressing necessity;

will receive the cash equivalent for accrued long service leave if they have at least seven (7) years but not more than ten (10) years of continuous service.

The approving officer must ensure that SSA Payroll is notified prior to the termination date of any outstanding leave the employee may have taken.

1.11 Recalling from or cancelling leave

If the circumstances warrant, an approving officer may recall an employee from long service, recreation or special leave, or cancel or defer requested leave. Where this occurs, arrangements should be made as soon as possible to re-schedule the leave at another mutually convenient time.

Where a public service officer or temporary employee has incurred expenses, such as deposit payments, relating to payments for accommodation and/or travel for the employee and/or their immediate family, and those expenses are lost due to a recall, cancellation or deferral of recreation leave by the chief executive, the expenses will be reimbursed by the department. Such reimbursement is conditional upon the employee producing evidence of losses incurred, in the form of receipts or other evidence to the satisfaction of the chief executive. This does not apply to general employees.

1.12 Pay in advance for recreation leave

Payment in advance for recreation leave may be approved by the delegate under exceptional circumstances such as:

- economic hardship (the employee may be required to demonstrate financial difficulties);
- travel to international or remote destinations (production of travel arrangements or ticket may be requested);
- other exceptional circumstances (employees will be required to provide a detailed explanation of why an advance is required).

1.13 Pay in advance for long service leave

Payment of long service leave in advance is at the discretion of the relevant approving officer.

1.14 Pay in advance processing

Because the payroll is prepared in advance, a pay in advance can only be processed where:

- the leave has been approved;
- the approving officer recommends pay in advance (applies to recreation leave only);
- the application is received by SSA Payroll at least four (4) weeks before the commencement date of the leave.

Limitations of Pay in Advance:

- all deductions will be forwarded to the deduction authority in a lump sum on the first pay day of the advance. Employees are responsible for advising the deduction authority that this will occur;
- payments to financial institutions (payments to other bank accounts) will only be forwarded for the first period of the advance. The remaining amounts (not deducted) will be included in the net pay;
- once a pay in advance has been processed it cannot be reversed or cancelled.

1.15 Supporting documentation

Where the leave type necessitates approving officers are to sight the required supporting documentation e.g. medical certificate, before the leave application is approved and forwarded to SSA Payroll. The approving officer is to ensure that the supporting documentation is retained or attached to the employee's relevant timesheet.

2. Long service Leave

2.1 Entitlement

Long service leave is leave granted to employees after seven (7) years of continuous service with the Queensland Public Service. Long service leave accrues at the rate of 1.3 weeks for each year of continuous service and a proportionate amount for an incomplete year of service. Refer to the Long Service Leave Directive.

Some periods of leave without pay are not recognised as service for the accrual of long service leave. For details refer to the Leave Without Salary Credited as Service Directive.

A casual employee is entitled to pro rata long service leave after seven (7) years service where their employment with the department is deemed to be continuous. A casual employee is deemed to have continuous service if the employee did not have a break of longer than twelve (12) months between two occasions of work.

Further information concerning long service leave for casual employees can be obtained from SSA Payroll.

The *Industrial Relations Act 1999* contains the ability for employees to apply to the Queensland Industrial Relations Commission (QIRC) under s.53 (3) for an order to have all or part of their entitlements to long service leave paid to them instead of taking the leave. The department has no role to play in the application process and the QIRC may only order payment if they are satisfied payment should be made on compassionate grounds or on the ground of financial hardship.

2.1.1 Entitlement – Long service leave on half pay

Subject to operational requirements and the employee having an entitlement to long service leave, all salaried, general and casual employees are entitled to long service leave on half pay. These arrangements need to be negotiated with individual managers.

2.1.2 Conditions – Long service leave on half pay

- **Period of Leave:** The minimum period of long service leave on half pay is one calendar week.
- **Leave Accrual:** Leave continues to accrue at the employee's normal rate while on long service leave on half pay.
- **Locality Allowance:** Locality allowance will be paid at half the normal rate.
- **Public Holidays:** The period of leave will be extended by the number of public holidays occurring in the period if the minimum period of long service leave is applied for. If an employee applies for more than the minimum period of leave, any Public Holidays occurring within the long service leave on half pay will be paid at half pay.
- **Salary increments:** The period of long service leave on half pay does not effect an employee's increment date. Existing increment provisions applying to full time and part time employees continue to apply.
- **Sick Leave:** An employee who becomes ill for a period of at least one (1) week and submits an application supported by a medical certificate or other evidence acceptable to the approving officer may be granted sick leave for the period of illness instead of the long service leave that has already been approved, or an extension of the long service leave. **Note:** Where the long service leave has been approved on half pay, any sick leave granted shall also be at half pay.
- **Superannuation:** A period of long service leave on half pay has the same effect on an employee's entitlements as a period of part time employment. While an employee is on long service leave on half pay, the superannuation contributions will be half of the full time amount normally payable. There is the ability to make voluntary contributions while on long service leave on half pay. If further information is required QSuper should be contacted on phone 1300 360 750.

2.2 Conditions

The minimum period of long service leave which can be taken is one (1) day.

Long service leave accrues and is recorded in hours and is based on working days (five (5) days).

Where a public holiday falls during the period of long service leave, the public holiday is not included in the calculation of days for the long service leave taken.

An employee may be granted sick leave in lieu of long service leave already approved where:

- they are ill before the commencement of the long service leave and submit an application in writing supported by a medical certificate to the approving officer before commencing the leave; or
- they are ill for a period of at least one (1) calendar week (five (5) working days) after commencing the long service leave and submit an application in writing supported by a medical certificate to the approving officer.

Long service leave records will be automatically credited for the amount of sick leave taken and sick leave records debited accordingly.

2.3 Notice required

Applications for long service leave, both full pay and half pay should be received by SSA Payroll at least two (2) weeks before the period required.

3. Parental leave

Parental leave includes maternity leave (paid and unpaid), spousal leave (paid), parental leave taken by the employee's partner and adoption leave (paid and unpaid). Refer to the Family Leave (Queensland Public Sector) Award – State 2004, the Paid Parental Leave Directive and the *Industrial Relations Act 1999*.

The employer has an obligation to advise each employee who is absent from the workplace on parental leave about any proposed significant change in the workplace before it is implemented. The employer must also give the employee a reasonable opportunity to discuss any significant effect the change will have on the employee's position.

An employee absent on parental leave has an obligation to advise their employer about particular changes, such as any change in the employee's contact details or change of address. The employee must also take reasonable steps to advise the employer of any significant change affecting the following as soon as possible after the change happens:

- the length of the employee's parental leave;
- the date the employee intends to return to work;
- an earlier decision to return to work on a full-time basis or to apply to return to work on a part-time basis.

3.1 Entitlement

The maximum period of parental leave is up to 52 weeks. However, this period may be extended once only by written application to 104 weeks or two (2) years.

3.1.1 Maternity leave

In order to be eligible for maternity leave, employees must meet the following criteria:

- be public service employees (excluding short-term casuals);
- have been employed for a continuous period of 12 months or more; and
- expected date of birth of the child has been confirmed in writing by a medical practitioner.

The following employees are ineligible to apply for maternity leave:

- short-term casual employees who have less than twelve (12) months service;
- employees who are solely remunerated by fees, allowances, or commission;
- employees who are on unauthorised absence immediately before the start of the paid leave period;
- employees who do not have a period of unbroken employment of at least twelve (12) months.

Maternity leave is applicable during pregnancy and confinement and for a period as primary care-giver following the birth. Periods of part-time employment are counted by the passage of time and not by the completion of equivalent hours as worked by a full-time employee. Absences on paid and unpaid leave which are credited towards service count towards the qualifying period.

The maternity leave entitlement is for a maximum of fourteen (14) weeks paid leave or twenty-eight (28) weeks on half pay at the commencement of the period of maternity leave. Where exceptional circumstances exist the employee may request the payment of fourteen (14) weeks salary in advance. Maternity leave may be linked to but must not overlap with a partner's paternity leave except for one (1) week at the time of confinement.

The employee may take periods of long service leave and recreation leave within the period of maternity leave. The periods of recreation and/or long service leave are considered maternity leave and are used in the calculation of the maximum period maternity leave. Paid maternity leave outlined above, is required to be utilised prior to other maternity leave (i.e. long service leave, recreation leave and unpaid leave).

Maternity leave may be taken in one unbroken period with a minimum of six (6) weeks prior to confinement and six (6) weeks after the birth as mandatory. This mandatory period may be reduced by application supported by a medical certificate stating the employee is fit for duty until a specified date prior to confinement or at an earlier date after the birth. However, the department may require the employee to commence maternity leave at any time within six weeks of the anticipated confinement by giving fourteen (14) day's written notice. Maternity leave may commence at any time up to the date of confinement outside this mandatory period.

An employee (other than a short term casual employee) who is pregnant and not on maternity leave may be granted sick leave for illness related to the pregnancy or unrelated to the pregnancy. Sick leave is not available during unpaid maternity leave. Any sick leave relating to the pregnancy is counted as maternity leave.

The employee must apply in writing giving the anticipated confinement date and as many details as possible of maternity (and other) leave plans ten (10) weeks or more before the expected date of birth or on lodgement of the leave application to the employee's supervisor or manager, whichever is earlier.

The employee must submit a leave application form four (4) weeks before the commencement date. The application is to include:

- a medical certificate stating the anticipated birth date; and
- a statement outlining details of any parental leave to be taken by the partner, and that the employee will not engage in conduct inconsistent with her contract of employment whilst on leave.

There is no limit to the number of times an employee can access paid maternity leave.

3.1.2 Pre-natal leave

Pre-natal leave is for female employees entitled to maternity leave. Employees (including long term casual employees) entitled to maternity leave also have access to this paid leave to attend medical appointments prior to the birth of the child/children. For each pregnancy, the maximum paid leave available is the total of the ordinary weekly hours, i.e. 38 hours, 36 $\frac{1}{4}$, of the regular weekly hours for long-term casual employees.

3.1.3 Spousal leave

One week paid spousal leave is available under the following conditions:

- spousal leave is available to an employee, including long term casual employee, who has completed twelve (12) months employment;
- applies to eligible employees whose spouse is giving birth to a child/children for whom the employee has accepted responsibility; and
- the entitlement is one (1) week paid spousal leave for each pregnancy. May also be taken on a half pay basis for two (2) weeks.

The employee must provide at least four (4) weeks verbal notice of the anticipated confinement date. The employee must submit a leave application as soon as possible before or after the absence. The application is to include evidence of the birth, e.g. medical certificate.

3.1.4 Parental leave

Parental leave, for employees entitled to spousal leave, is unpaid and available under the following conditions:

- may be taken in one or two periods (short and long) to a maximum of 104 weeks;
- short parental leave applies to a continuous period up to eight (8) weeks from the time of the partner's confinement and finishing no later than one (1) week from the birth;
- long parental leave is available as an unbroken period up to 96 weeks to be taken after the birth, taken separate to any short leave accessed at the time of confinement;
- long parental leave is only available if the employee is the primary care-giver for that period, and therefore must be reduced by any maternity leave taken by the partner for the same child;
- parental leave is available to a 'long term casual employee';
- may be extended where special circumstances exist but will not be extended beyond the child's second birthday;
- may overlap with the mother's maternity leave for only eight (8) weeks at confinement;
- employees on parental leave will not have access to sick leave.

The employee must submit a leave application form ten (10) weeks or more before the commencement date. The application is to include:

- anticipated starting and finishing dates of short and long parental leave;
- a medical certificate stating the partner's name; and
- the anticipated or actual birth date of the child.

If long parental leave is requested, a statement must be attached stating:

- that the employee will be the primary care giver during the long parental leave;
- details of any maternity leave taken or to be taken by the partner; and
- that the employee will not engage in conduct inconsistent with their contract of employment whilst on leave.

3.1.5 Pre-natal leave for spouses

Employees who are entitled to spousal leave also have access to paid leave to attend related medical appointments prior to the birth of the child/children. For each pregnancy, the maximum paid leave available is the total of the ordinary daily hours, i.e. 7.6, 7.25, or the regular daily hours for long term casual employees.

3.1.6 Adoption leave

Adoption leave is available under the following conditions:

- adoption leave is available to an employee, including long term casual employees, who have completed twelve (12) months employment;
- if an employee is the primary care giver at the time of adoption, the entitlement is fourteen (14) weeks paid adoption leave at the time of placement or taking custody, and then up to 90 weeks total unpaid leave;
- the employee who is the primary care giver may take periods of long service leave and recreation leave within the period of adoption leave. The periods of recreation leave and/or long service leave are considered adoption leave and are used in the calculation of the maximum period of adoption leave. Paid adoption leave outlined above, is required to be used prior to other adoption leave (i.e. long service leave, recreation leave and unpaid leave);
- if the employee is the secondary care giver at the time of adoption, the entitlement is one (1) week paid adoption leave at the time of placement or taking custody;
- this period of paid leave is inclusive of any public holidays arising within that time. The period of paid adoption leave cannot be extended other than by the employee taking the leave on a half pay basis;
- adoption leave may not begin before the placement date and not extend past the child's fifth birthday, unless an extension is approved in special circumstances;
- adoption leave may not be taken at the same time as the partner's adoption leave, but may be linked to or shared with this leave;
- sick leave is not available during adoption leave.

The employee should notify the department of the approval of adoption and any periods of planned adoption leave as soon as approval of the adoption is received.

The employee must submit a leave application form four (4) weeks or more before commencing adoption leave. The application is to include:

- the starting and finishing dates of the leave;
- a statement from the adoption agency confirming the adoption or the placement of the child until finalisation of the adoption process; and
- a statement from the employee stating the date of birth, that the employee will be the primary care giver for the period of the adoption leave, details of any adoption leave taken or to be taken by the partner, and that the employee will not engage in conduct inconsistent with their contract of employment whilst on leave.

3.1.7 Pre-adoption leave

Employees entitled to adoption leave also have access to paid leave to attend related interviews prior to the adoption of a child or children. The maximum paid leave available for each adoption for the primary care giver is the total of the ordinary weekly hours, i.e. 38 hours, 36 ¼, of the regular weekly hours for long-term casual employees. The maximum paid leave available for each adoption for the secondary care giver is the total of the ordinary daily hours, i.e. 7.6, 7.25, or the regular daily hours for long term casual employees.

3.2 Recall to duty

With agreement between the employee and the employer, the employee may be temporarily recalled to duty. This recall **does not** break or extend the period of parental leave. Instead the employee will be paid as a casual employee under a mutually exclusive second (casual) contract.

A recall to duty while on paid or unpaid leave is voluntary on the part of the employee. An employee who declines the offer of a recall is not to be discriminated against as a result of their decision.

3.3 Part time work in conjunction with parental leave

In regard to 3.3.1, 3.3.2, and 3.3.3 below, an application to return to work on a part time basis must be accompanied by a statutory declaration by the employee stating that the employee is seeking to work on a part time basis so that the employee can continue to be the child's primary care giver.

The period in relation to which an application to work part time is made cannot extend beyond the day the child (in relation to whom the parental leave was taken) is required to be enrolled for compulsory schooling under the *Education (General Provisions) Act 2006*.

Prior to full time employees commencing part time work there should be written agreement (which may be varied later by consent) between the department and the employee outlining:

- agreement to work part time;
- days, hours, starting and finishing times;
- period of part time employment; and
- designation, duties, classification and location of the part time position.

3.3.1 Pregnancy and maternity leave

A female employee may apply to work part time in one or more periods while she is pregnant and/or from the seventh (7) week after the birth until the child's second birthday.

3.3.2 Parental leave

An employee may apply before the child's second birthday to work part time in one or more periods.

3.3.3 Adoption leave

An employee may work part time in one or more periods from the date of the child's placement until the second anniversary of the placement.

3.4 Conditions

3.4.1 Transfer to a safe job

An employee may be transferred to a safe job if, in a doctor's opinion, an employee is unable to perform current duties due to illness or risk to the pregnancy. Provided this transfer is a practical option, the employee will receive the pay and conditions of the safe job until commencing maternity leave.

However, if transfer to a safe job is not practicable, the department or the employee may decide that commencing maternity leave is the only option. A medical certificate is required to verify the situation and to access leave.

3.4.2 Temporary employees and maternity leave

A temporary employee cannot be granted leave beyond the date on which the employment contract terminates (e.g. if an employee's end date is 30 June and the confinement date is 1 April, they are not entitled to any maternity leave after 30 June). Pregnancy cannot be used as a reason for terminating the employment of a temporary employee. Where an employee has experienced renewal of her temporary contract a number of times, the fact that the employee is pregnant should not be used for a failure to renew the contract if her contract would have been renewed had she not been pregnant.

3.4.3 Varying leave

Parental leave may be extended once only (provided that mother and partner do not take any more than 104 weeks combined) by giving the department fourteen (14) days written notice. Applications to shorten parental leave require fourteen (14) days written notice and will be negotiated between the employee and the department.

3.4.4 Return to work

The employee must give four (4) weeks written notice of intention to return to work. An employee returning to full time work after a period of parental leave or one period of part time employment is entitled to return to their former position. Where a position no longer exists or where the employee has worked more than one period of part time work in relation to the pregnancy or child, the employee may be deployed to a different position at the same centre and level. Where an

employee has taken a period of parental leave of more than 104 weeks, the employee may move to a different position at the same centre and level with the agreement of the employee.

3.4.5 Continuity and the effect on entitlements

Parental leave and part time work will not break the employee's continuity of service. Periods of paid leave during parental leave count as service for leave accrual and salary increment purposes. For employees with less than twelve (12) months qualifying service for paid maternity leave, the required minimum period of maternity leave counts as service for leave accrual and salary increment purposes (even though the maternity leave is unpaid).

Recreation leave, sick leave, long service leave and salary increments only accrue during the first three (3) months of unpaid parental leave. Parental leave impacts on superannuation payments and benefits. It is the responsibility of the employee to identify the implications relevant to their own situation and ensure that the necessary procedures are carried out. Information is available from the Government Superannuation Office.

4. Recreation leave

4.1 Entitlements – full time employees

Full time employees accrue recreation leave on full pay (refer to the Recreation Leave Directive). Entitlements accrue at different rates depending on where the employee is located:

- full time employees whose headquarters are located in the southern and eastern region (to the south of the 22nd parallel of south latitude and to the east of 147 degrees east longitude but excluding Moranbah) are entitled to 145 hours (4 weeks) recreation leave on full pay per year with 17.5% leave loading. The maximum accumulation is eight (8) weeks of recreation leave.
- full time employees whose headquarters are located in the northern and western region (the rest of the state) are entitled to five (5) weeks recreation leave on full pay per year with 14% leave loading (this equates to 17.5% loading on four (4) weeks). The maximum accumulation is ten (10) weeks of recreation leave.

The Director-General has determined the above maximum accumulations in consideration of employee welfare and career development opportunities. Consideration may be given to exceeding these maximums where extenuating circumstances exist.

The amount of recreation leave an employee has accrued at any time is affected by periods of leave without pay (refer to Leave Without Salary Credited as Service Directive).

4.2 Entitlements – part time employees

Part time employees accrue an amount of recreation leave proportionate to that of full time employees. For example, an employee working 40% part time in the southern and eastern region is eligible for eight (8) working days recreation leave per year and entitled to accrue a maximum of sixteen (16) working days recreation leave.

Where an employee intends to move from:

- full time to part time employment; or
- part time to a lesser percentage of part time employment,

it is preferred that the employee take any accrued recreation leave before changing status. Any accrued leave which has not been taken will remain in the employee's balance. An employee has twelve (12) months to reduce leave credits to below the maximum accrual permitted.

4.3 Entitlements for employees affected by transfers

An employee transferred to a centre which accrues recreation leave at a different rate will begin to accrue recreation leave at the new rate from the day the employee takes up duty at the new centre.

An employee transferred from the northern and western region has six (6) months from the date of transfer to reduce the balance to the maximum accumulation allowed in the southern and eastern region i.e. 40 working days.

If an employee is relieving or on special duties for a continuous period of more than three (3) months in a different region where the accrual rate is different from that in the centre where the employee normally works (either four (4) weeks or five (5) weeks per year), the employee will accrue recreation leave from the date of duty at the rate applicable to the new centre.

4.4 Entitlements – full time general employees

Full time general employees are entitled to four (4) weeks recreation leave annually. Under the Conservation, Parks and Wildlife Employees Award rangers are entitled to 152 hours of recreation leave. It is departmental policy that no more than two year's leave should be accumulated (i.e. no more than eight (8) weeks).

4.5 Entitlements – part time general employees

Part time general employees accrue a proportionate amount of recreation leave to that of a full time general employee.

Where a general employee changes status of their employment (i.e. to part time or from part time to a lesser percentage) the conditions of accrual and/or taking recreation leave set out in the section dealing with part time employees are applicable.

4.6 Conditions

Recreation leave may be taken at any time, subject to departmental convenience. An employee is to give timely notice of the date from which they wish to take leave. The employer must respond to a request to take leave in a timely manner, when recreation leave is not approved, the employee is to be advised of the anticipated date from which it is expected that leave may be taken.

An employee may take recreation leave on full pay as a part day, or a whole day on full or half pay, up to the amount of the recreation leave accrued at the commencement of the recreation leave required. If the employee is applying for part day recreation leave (full pay only) and has flexitime or time off in lieu (TOIL) credits available, consideration should be given to utilise these credits in the first instance.

Where a public holiday occurs during a period of recreation leave, it will not be counted as recreation leave, however when a public holiday occurs during a period of half pay recreation leave public holidays will be paid at the half pay rate.

An employee may be granted sick leave in lieu of recreation leave already approved where:

- the employee is ill before the commencement and during the period of the recreation leave and submits an application in writing supported by a medical certificate to the approving officer before commencing the leave; or
- the employee is ill for more than three (3) days after commencing the recreation leave and submits an application in writing supported by a medical certificate to the approving officer.

When an employee has utilised half pay recreation leave and applies for sick leave in accordance with the above conditions, sick leave will be paid at the half pay rate. Recreation leave records will be automatically credited for the amount of sick leave taken and sick leave records debited accordingly.

4.7 Maximum accrual

Employees are requested to accrue no more than forty (40) days recreation leave or no more than fifty (50) days for employees in the north and west regions of Queensland. Managers are to direct employees to take recreation leave when they have reached or are close to reaching their maximum accumulation (40/50 days).

Approving officers with the appropriate delegation may direct an employee to take recreation leave in accordance with section 12 (2) of the *Industrial Relations Act 1999*.

Where an employee is nearing their maximum accrual the manager is to discuss with the employee when they are going to take some leave or if necessary direct the employee to take some leave.

4.8 Christmas and New Year closure

All employees involved in the compulsory closure of Government establishments over the Christmas to New Year period need to apply for two (2) days leave as either recreation leave, flexi time or TOIL in accordance with award arrangements. Where sufficient recreation leave is not available, the two (2) days may be debited against future accruals. Employees should use leave already accrued before future recreation leave accruals are used.

4.9 Direction to take leave for employees and general employees

An employee who remains on the excessive leave report for six (6) months or more will be directed to take annual leave within three (3) months by their manager or a delegated officer.

Managers of employees, who have excessive annual leave accumulations and have been on the excessive leave reports for six (6) months, are to take immediate action to direct those employees to take annual leave. Managers who do not direct employees will be asked to explain why they failed to manage employees in respect of this procedure.

There will be circumstances where exemptions will be sought. Managers should consider each application on its merits and notify the Manager Business Services, Manager, Business Support, Regional Manager Business Support, QPWS Business and Asset Services and/or Divisional HR Advisor where approval is granted to accrue beyond the prescribed limits.

Any exemption must include a plan which delivers a reduction in the leave balance to an acceptable level within a reasonable timeframe. All managers are requested to take action to ensure that the annual leave entitlements of employees are managed appropriately.

4.10 Payment of recreation leave loading

Accumulated leave loading for recreation leave will be paid once a year in December. Leave loading is calculated using the base salary an employee is paid as at 1 December of each year. Payment will be made automatically in the first pay period following 1 December each year. Where the employee is relieving in a higher position as at 1 December, the employee is to be paid leave loading calculated at the salary rate normally payable under the Higher Duties Directive as if the employee has actually taken recreation leave commencing on 1 December.

4.11 Advance on leave

An employee and an approving officer with the appropriate delegation may agree that the employee takes all or any part of the employee's annual leave before becoming entitled to it. However, the employee is only entitled, at the end of the completed year of employment, to the balance of the leave that would be due at the end of the year. The approving officer should only agree to an advance on leave where the employee agrees to authorise, that in the event of termination of employment prior to the accrual of any leave advanced, such cash equivalent amount to advanced leave not accrued shall be withheld from any monies owing, including salary, paid leave, public holidays or redundancy payments.

4.12 Recreation leave payments on termination of employment

On termination, employees will be paid a cash equivalent for the balance of their recreation leave. This cash payment will include the relevant leave loading. It will also include payment for any public or special holidays to which the employees would have been entitled if they had still been employed and actually taken the leave. The public or special holidays will not be included if they have been taken into account in calculating any cash equivalent of long service leave.

However, the rate of payment received at the date of cessation for recreation leave purposes will include higher duties allowance where the employee is acting in a higher position on the last day of employment (i.e. date of termination).

4.13 Movement of employees across/within departments (excluding machinery of government changes)

Where an employee moves between/within departments due to a promotion or transfer at level, the recreation leave accrual shall automatically transfer with no movement of funds between the former and new department's/work areas. However, for a movement between departments where the recreation leave balance exceeds two (2) years accrual, funds representing the total recreation leave balance shall be paid by the former department to the new department.

4.14 Temporary employees and recreation leave

Where a temporary employee obtains either another temporary position or permanent public service officer position in a different department, all recreation leave accrued as at the date of ceasing employment with the former department shall be paid out by the former department to the temporary employee. However with consent of the employee concerned, and where the former and new departments agree, the total recreation leave balance may be transferred from the former department to the new department together with a transfer of funds representing the leave transferred.

Where a temporary employee obtains another temporary position or permanent public service officer position or a new temporary contract of employment in the same temporary position within the same department and without any break in service, all recreation leave accrued shall automatically transfer with the employee.

5. Sick leave

5.1 Entitlement

Leave on full pay is available to an employee who is too ill to attend work, provided the illness is due to a cause which does not entitle the employee to workers' compensation benefits (Refer to Sick Leave Directive). Sick leave is not available for an employee to attend a medical or dental appointment during working hours if the employee is fit to attend work. However, where an employee becomes ill at work and needs to attend a medical appointment, they can access sick leave for these purposes.

Full time employees accrue ten (10) days sick leave on full pay per year and a proportionate amount for an incomplete year of service. Sick leave taken is deducted from credits accumulated.

Sick leave can be taken for any period of time. Where an employee works for part of a day, it is important that the hours actually worked are indicated on the leave application form to enable the sick leave period to be accurately determined. For example, a full time employee works from 8:30 am to 11:30 am (3:00 hrs) then goes home sick. The employee will need to claim the difference between 7 hrs 15 min (employee's standard day) and 3:00 hrs (time worked) as sick leave, which is 4 hrs 15 min. The employee's application for leave form should indicate 3 hrs 0 min as the hours actually worked before commencing sick leave. An employee cannot accrue flexitime on a day where a portion of the day was taken as sick leave.

An employee's accrual of sick leave is affected by periods of leave without pay. In these circumstances, reference should be made to the Leave Without Salary Credited as Service Directive to ascertain eligibility, or advice may be sought from SSA Payroll.

5.2 Conditions

Where the absence is greater than the periods prescribed in the NOTE below, the employee must present to the approving officer a medical certificate or any other evidence of the illness that is acceptable to the chief executive stating:

- the medical practitioners name (e.g. letterhead);
- statement that the employee was not fit for work on the day's specified;
- description of the illness in general terms; and
- the expected duration of the absence.

However, a chief executive may require an employee to furnish a medical certificate or other evidence of the illness where the illness is for three (3) days or less if the employee is subject to a process for monitoring performance, conduct or attendance.

NOTE:

- Queensland Public Service Award – State 2003 (i.e. employees and temporaries):- more than three (3) consecutive working days;
- Employees of Queensland Government Departments (Other Than Public Servants) Award – State 2003: more than three (3) consecutive working days;
- Conservation, Parks and Wildlife Employees Award – State Government 2003: more than three (3) consecutive working days;
- Civil Construction, Operations and Maintenance General Award – State 2003: more than two (2) consecutive working days;
- Engineering Award – State 2002 – more than two (2) consecutive working days.

5.3 Notice required

An employee must promptly notify their supervisor on the day that sickness or injury will prevent the employee's attendance at work. A leave application must be submitted during the same pay cycle that the leave was taken.

5.4 When sick leave credits are exhausted

When an employee exhausts all sick leave on full salary, the employee may apply for recreation leave to be used to cover the period of sick leave (this reduction will be the number of hours that the employee was rostered to work on that day but did not). Where sick leave accruals are insufficient to cover the period or the employee does not wish to use recreation leave, then sick leave without pay will be granted.

Where the period of sick leave without pay is in excess of ten (10) working days, the employee may be eligible to claim incapacity benefits from the Government Superannuation Office (Q-Super). Incapacity benefits, if approved may be payable to members of Q-Super schemes. The benefit payable is 75% of the employee's fortnightly salary. Further information concerning incapacity benefits can be obtained from SSA Payroll.

5.4 When sick whilst on recreation, long service or maternity leave

When an employee is ill immediately before or during recreation, long service or paid maternity leave, sick leave may be granted for the period of illness, provided:

- in the case of recreation leave, the period of illness is in excess of three (3) working days; or
- in the case of long service leave, the period of illness is at least one (1) calendar week (five (5) working days).

The employee must present a supporting medical certificate to the approving officer.

Paid sick leave is not available to an employee on unpaid parental leave.

5.6 Meritorious sick leave

A full time employee who has completed 26 years of meritorious service in the public service may be entitled to an additional 65 working days sick leave on full salary to be added to the employee's sick leave entitlement.

The granting of the credit of sick leave applies once only after the completion of 26 years of service which has been determined as meritorious and therefore, entitled to this leave, consideration shall be given to factors such as, the employee's past record of service, conduct and performance. An employee is eligible to apply for access to this leave upon the completion of the 26 years of meritorious service.

An application for credit of meritorious sick leave, after 26 years of meritorious service, is to be approved by an employee possessing a Level 3 HRM delegation as well as:

- Manager, Business Services,
- Manager, Business Support,
- Regional Manager, Business Support only.

Before the application can be approved, the employee's immediate manager must endorse the application and forward it to SSA Payroll to ensure the employee has been employed for the required period. Applications to access meritorious sick leave already credited shall be subject to approval by HR delegates to approve ordinary sick leave.

5.7 Special war service sick leave

Employees who have service with the armed forces in Korea, Vietnam, etc. are granted a special war service sick leave credit of 65 days on full pay. **This leave is only granted in those cases where the disabilities are the result of the individual's participation in a war and have been confirmed by the Department of Veteran's Affairs.**

An employee must apply for this leave, in writing, to the approving officer. If approved, each application for war service sick leave must be supported by a medical certificate which states that the illness is war-related.

An application for credit of war service sick leave, after 26 years of meritorious service, is to be approved by an employee possessing a Level 3 HRM delegation as well as:

- Manager, Business Services,
- Manager, Business Support,
- Regional Manager, Business Support only.

Before the application can be approved, the employee's immediate manager must endorse the application and forward it to SSA Payroll to ensure the employee has been employed for the required period. Applications to access war service sick leave already credited shall be subject to approval by the approving officer.

Further information can be obtained from SSA Payroll.

6. Carer's Leave

6.1 Entitlement

Refer to the Family Leave Award – Queensland Public Sector 2004.

An employee with responsibilities in relation to either member of their immediate family or members of their household who need their care and support are entitled to use any sick leave entitlement which accrues after 1 July 1995 for absences to provide care and support for such persons when they are ill.

A long term casual employee (as defined at section 15A of the *Industrial Relations Act 1999*) with responsibilities in relation to either members of their immediate family or members of their household who need their care and support are entitled to ten (10) days unpaid leave on the same conditions set out above;

A short term casual employee (as defined at section 15A of the *Industrial Relations Act 1999*) with responsibilities in relation to either members of their immediate family or members of their household who need their care and support are entitled to two (2) days unpaid leave on the same conditions set out above;

The employee or casual employee must establish, by production of a medical certificate or statutory declaration, that the person concerned is ill, if the department required them to do so.

The entitlement to use sick leave as carer's leave is subject to:

- i. The employee being responsible for the care of the person concerned;
- ii. The person concerned being either a member of the employee's immediate family; or a member of the employee's household.

'Immediate family' includes:

- a spouse of the employee (including a former spouse, de facto spouse and a former de facto spouse);
- a child (including an adult child, adopted child, foster child, step child and ex nuptial child) of the employee or the employee's spouse
- parent of the employee or employee's spouse
- grandchild of the employee or employee's spouse
- sibling or sibling of spouse.

The employee must, wherever practicable, give the department notice prior to the absence of the intention to take leave, including the name of the person requiring care and their relationship to the employee, the reasons for taking leave and the employee must notify the department by telephone of such absence. If it is not practicable for the employee to give prior notice of absence, the employee must notify the department by telephone of such absence at the first opportunity on the day of absence.

6.2 Use of recreation leave for caring purposes

An employee may elect, with the consent of the department to use up to five (5) days recreation leave for the purpose of caring for a member of their immediate family or household.

6.3 Unpaid leave for caring purposes

An employee may elect, with the consent of the employer, to take unpaid leave for the purpose of providing care to a family member who is ill.

6.4 Time off in lieu of payment for overtime

An employee may elect, with the department's consent, to take time off in lieu for payment for overtime at a time mutually agreed with the department to discharge a responsibility to care for or support a member of the employee's immediate family or household whether sick or not.

Overtime taken as time off during ordinary time hours is to be taken at the ordinary time rate i.e. time for time.

6.5 Flexitime

Employees can use accrued flexitime for caring purposes. Access to flexitime in accordance with the department's Hours of Work Policy and Procedure will be managed locally and recorded on the employee's timesheet.

7. Special leave without pay

Special leave without pay may be granted to employees and temporary employees engaged under section 148 (2) (a) of the *Public Service Act 2008*, for any reason and for any length of time at the department's convenience. Refer to the Special Leave Directive.

When granting this form of leave, consideration should be given to the following factors:

- the reasons for leave;
- the length of leave;
- cost of replacement (training, allowances, recruitment costs);
- value of the employee to the department (length of service, special skills); and
- consequences if leave is not granted.

Generally such employees are to resume work in his or her permanent position at the end of the period of special leave without pay. If the leave without pay extends beyond a six (6) month period, the department may choose to deploy such employees (excluding employees on workers compensation) upon resumption of duty, to another position of the same classification and in the same centre, but in a different office or location.

An applications for an extended period of leave without pay must be submitted to the approving officer at least six (6) weeks in advance, and received by SSA Payroll at least four (4) weeks in advance to avoid any possibility of overpayment.

7.1 Cancellation of special leave without pay

Should an employee wish to cancel any part of the approved special leave, written confirmation of this must be provided to the approving officer along with the date on which the employee wishes to return to work. The approving officer must advise SSA Payroll. **This is important so that any unused part of the leave without pay can be cancelled and the employee re-commenced on the payroll.**

7.2 Payroll deductions while on leave without pay

Before employees commence special leave without pay, it is their responsibility to advise all organisations (e.g. Superannuation, Medical Funds, Credit Unions, Ambulance, Social Club etc.), to which payroll deductions are paid on their behalf that these payments will cease owing to their leave without pay.

It should be noted any payments made to an employee during a period of special leave without pay, e.g. payment of recreation leave loading, back pay due to an increase in base pay, or any current deductions will be taken out of that payment. It is advisable, that if an employee does not want this to happen then an email cancelling all deductions must be forwarded to SSA Payroll prior to the leave. It is the employee's responsibility to ensure when returning from leave without pay that advice is again forwarded to SSA Payroll to commence the deductions.

8. Special leave with pay

Special leave on full pay may be granted because of involvement in the events listed below. Unless otherwise stated the following special leave provisions apply only to employees.

- national or international sporting competitions;
- Returning Officer in a State election (entitled to the working day before and working day after the election);
- Floods, cyclonic disturbances, severe storms or bushfires preventing the performance of duties (employees and general employees);
- Defence Reserve Forces Training (employees and general employees);

- Counter Disaster Courses (employees and general employees);
- Emergencies e.g. SES, fire or ambulance (employees and general employees);
- Donations of blood or platelets, etc. (employees and general employees);
- Pre-retirement seminars (employees and general employees);
- Bereavement (refer to section 8.1 below);
- Emergency and/or compassionate circumstances (refer to section 8.2 below);
- Study and examinations (refer to Study and Research Assistance Scheme (SARAS) Policy);
- Transfer arrangements (refer to Transfer and Appointment Expenses Directive);
- Jury service (refer to Court Attendance and Jury Service Directive);
- Seminars, conferences & workshops (refer to section 8.5 below);
- Isolated situations (refer to section 8.6 below); and
- Other exceptional circumstances (employees at the Director-General's discretion).

Conditions and timeframes apply to these circumstances, refer to Part A and C of the Special Leave Directive for details.

Conditions for approval for other forms of special leave, which may not be on full salary, are listed below and details are contained in Part B of the Special Leave Directive.

- election leave (advice should be obtained from the Public Service Commission regarding employees who wish to contest State or Federal elections);
- local government leave;
- leave to undertake service overseas with the Australian Volunteers Abroad Association; and
- leave to assist in a Declared Emergency Situation or State of Disaster.

8.1 Bereavement

8.1.1 Entitlement

An employee, irrespective of date of commencement of duty, is entitled to up to two (2) days paid bereavement leave for each occasion of the death of a member of their household or the employee's immediate family in Australia or overseas.

A casual employee (short term and long term), as defined at section 15A of the *Industrial Relations Act 1999*, is entitled to up to two (2) days unpaid bereavement leave on the death of a member of the employee's immediate family or household in Australia.

8.1.2 Conditions

This leave applies where the deceased person is the employee's:

- spouse (including a person who lives with the employee as a bona fide de facto spouse including a spouse of the same sex as the employee and a former spouse);
- father, step-father or father-in-law;
- mother, step-mother or mother-in-law;
- brother, half-brother, step-brother or brother-in-law;
- sister, half-sister, step-sister or sister-in-law;
- daughter, step-daughter, daughter-in-law or step-daughter-in-law;
- son, step-son, son-in-law or step-son-in-law;
- grandfather or grandfather-in-law;
- grandmother or grandmother-in-law;
- grandson or grandson-in-law;
- granddaughter or granddaughter-in-law;
- member of household.

Supervisors should ensure that satisfactory proof of the details of the funeral (e.g. copy of funeral notice or a statutory declaration) is provided to the approving officer for recording.

8.1.3 Notice required

The employee must notify his or her supervisor as soon as possible if unable to report for duty because of the death of a relative. Upon return to work the employee must submit a leave application form to the approving officer as soon as possible.

8.2 Emergent or compassionate leave

Where a public service officer or a temporary employee requires leave because of an unexpected emergency or on compassionate grounds, leave may be granted on full pay for up to three (3) days in any 12 month period (refer to the Special Leave Directive). This leave is known as emergent or compassionate leave. This concession does not apply to general

Comment [S1]: The directive specifies evidence of death or funeral arrangements. Are we willing to accept a statutory declaration as sufficient evidence?

employees, although rangers under the CPWE Award can apply for up to three (3) days unpaid leave for any purpose.. This leave includes, but is not limited to:

- death of a family member or close friend not covered by bereavement leave provisions;
- house is burgled;
- storm damage;
- an employee is involved in a car accident.

It does not include planned or foreseen absences (e.g. scheduled surgery) or sickness of employees.

Carer's leave should be taken where possible before emergent or compassionate leave. Looking after sick children or sick relatives can also be taken as carer's leave.

Where a pregnant employee is hospitalised due to pregnancy complications, sick leave applies rather than emergent or compassionate leave.

Emergent or compassionate leave may be approved where the absence relates to the birth of a partner's child. Generally, this absence will be of a single day's duration, except where the birth is long and/or complications occur. The alternative is to use parental leave.

8.2.1 Entitlement

A public service officer or a temporary employee, irrespective of length of service, is entitled to take up to three (3) working days on full salary in any 12 month period (non cumulative) for compassionate reasons. The amount of leave granted at any one time is dependent on the circumstances of each case.

8.2.2 Conditions

There is no minimum period of service required to have access to this type of leave. Where a public service officer or a temporary employee has exhausted the entitlement for any 12 month period, any further leave required for these reasons may then be taken either without pay or debited against recreation leave.

All applications for emergent or compassionate leave are to be supported by a written explanation outlining the circumstances of the leave.

When approving applications for emergent or compassionate leave, emphasis must be placed upon the sense of emergency.

8.2.3 Notice required

Employees must notify their supervisor as soon as possible if they are unable to report for duty in these circumstances.

8.3 Transfer arrangements leave

An employee may be granted time off on full salary, where necessary to complete arrangements which directly relate to the employee's transfer (Transfer and Appointment Expenses Directive). General employees are not entitled to this concession unless it is prescribed under their relevant award or certified agreement.

8.3.1 Entitlement

An employee on transfer is entitled to up to two (2) working days on full salary before departure, and up to two (2) working days on full salary on arrival at the new centre and the time necessary for the journey. An employee is also entitled to one (1) working day on full salary where they pack their own household and personal effects.

8.3.2 Conditions

There is no minimum period of service required to have access to this type of leave. Refer to the Transfer and Appointment Expenses Directive for further information.

8.4 Jury service and court attendance

8.4.1 Entitlement

When an employee is required to undertake service as a juror or to attend court as a witness, the employee will be granted special leave on full salary for the duration of the attendance.

8.4.2 Conditions

An employee is required to apply for leave of absence for jury service or court attendance using the applicable Leave Application process.

When the jury service or court attendance occurs in broken periods, a leave form must be completed for each period of absence. For example, if an employee is absent on jury service on 7 March for 3.00 hours then returns to work, and is also absent on 8 March for 7.25 hours, the employee is required to apply for these periods of leave on two separate leave applications.

When the absence is a continuous period (e.g. absent 7 and 8 March – 14.30 hours) only one (1) leave application is required.

To support the application for jury service or court attendance, a copy of the 'Summons to be a Juror' or 'Summons to be a Witness' must be provided to the approving officer for recording.

Casual employees are entitled to receive payment for the hours they would have worked if not for the jury service or court attendance but have no entitlement to travel, accommodation or meal expenses.

Any monies paid to the employee in respect of service as a juror during the period for which leave is granted, must be paid to the department. This excludes monies received as compensation for excess travelling or meal costs.

Where an employee attends court in their official capacity as employee of the department, they must pay any fees received to the department. The department must pay all reasonable travel, accommodation and meal expenses as the employee is entitled to. For further information please refer to the Court Attendance and Jury Service Directive.

8.5 Attendance at seminars, conferences and workshops

8.5.1 Attendance as an official departmental representative

All recommendations for employees to attend a conference, seminar or workshop as an official departmental representative are to be referred to the relevant approving officer for approval.

8.5.2 Attendance other than as an official departmental representative

8.5.2.1 Entitlement

An employee may be entitled to a maximum of five (5) working days on full pay per calendar year non cumulative, to attend a seminar, conference or workshop where:

- the event is associated with the employee's area of employment; and/or
- the employee is a member of the Society or Association responsible for the event; and/or
- the employee is a substantial contributor to the event by way of delivery of a paper or some other means.

8.5.2.2 Conditions

Attendance at conferences other than as an official departmental representative is to be recommended by the relevant approving officer. Refer to the Special Leave Directive for further information.

8.6 Leave concessions – isolated centres

Special leave applies to employees who are stationed in some isolated centres. This concession does **not** apply to general employees or temporary employees engaged under section 112 and 113 of the *Public Service Act 2008*.

Employees appointed to the relevant centres as listed in the Leave and Travel Concessions – Isolated Centres Directive are entitled to leave and/or travel concessions.

Isolated leave is given as recognition of the need for employees and their families to visit major coastal centres to relieve the hardship and disabilities associated with living in remote and isolated areas of the State. Employees and their families are also given the opportunity to visit larger centres to transact business and to attend to those matters which are not possible at the centre where they work.

8.6.1 Entitlement

Isolated leave concession comprises five (5) working days paid leave each year and operates on a **12 monthly basis from the date of commencement at the isolated centre**. New entitlements become available on the anniversary of the commencement in the centre. The concession is non cumulative.

Employees who have served at the isolated centre for less than 12 months are also eligible for the concession. Employees may apply for the concession at any time during the year.

In considering approval of a leave application, the approving officer should take into account:

- the employee's individual circumstances and the time employed has been at the isolated centre; and

- the operational requirements of the work area.

8.6.2 Conditions

Isolated leave may be taken either separately or with recreation leave or long service leave.

The leave may be approved to allow the employee to transact business, receive medical treatment or attend to other personal matters which cannot be undertaken at the centre at which the employee works.

A part time employee accrues an isolated leave concession on a proportionate basis equivalent to the percentage of the time worked.

Before applying for an isolated leave concession, employees should check with SSA Payroll to ensure that the leave credit available is sufficient to cover the leave to be taken.

Employee's application for an isolated leave concession should be forwarded through their supervisor to the approving officer for approval. The approving officer will forward the application to SSA Payroll for processing.

8.6.3 Air fares

Public service officers and temporary employees are entitled to one return air fare each year from the centre of appointment to the designated major coastal centre each year. In addition, one return air fare from the centre of appointment to the Brisbane or equivalent fares to any other centre within the state. Both entitlements are non cumulative. The entitlement accumulates on a **12 monthly basis from the date of commencement at the isolated centre** and is to be used in the subsequent 12 months. New entitlements become available on the next anniversary of commencement in the centre.

Rangers working in areas specified in the supplementary arrangements to the CPWE Award are entitled to one (1) return air fare from the centre of engagement to the designated major centre each year. This is non cumulative. Where a ranger and spouse are both employed in the areas specified in the supplementary arrangements only one (1) set of travel arrangements shall apply.

8.7 Union delegates and industrial relations education leave

Refer to Part 13 and Part 14 of the State Government Departments Certified Agreement 2009.

8.7.1 Union delegates

The department acknowledges and supports the role of union delegates. Provided service delivery and work requirements are not unduly affected, delegates and employees will be given full access during working hours to discuss any employment matters as outlined in Part 13 of the State Government Departments Certified Agreement 2009.

8.7.2 Industrial relations education leave

Employees may be granted up to five (5) working days paid time off per calendar year to attend industrial relations education sessions which is to be approved by the chief executive (or delegated approving officer). Additional leave is available subject to consultation between the parties as outlined in Part 12 of the State Government Departments Certified Agreement 2009. The leave may also include Management Committee Meetings, Union Conferences and ACTU Congress.

8.8 Cultural leave

In recognition of the benefits of a culturally diverse workplace and where operational circumstances permit, leave for cultural reasons will be available for employees whose cultural heritage requires the observance of special cultural and spiritual events. The employee must, if practicable, give the employer reasonable notice of intention to take cultural leave before taking the leave and the reason for taking the leave. Cultural leave must not be unreasonably denied.

An employee may take up to five (5) days cultural leave in each year in accordance with the following conditions:

- as unpaid special leave;
- as recreation leave;
- as authorised accrued flexitime; or
- as authorised time off in lieu (TOIL).

8.9 Sunsmart leave

The department recognises its duty of care to employees who may be at risk because of the nature of their duties by the provision of appropriate Personal Protective Equipment – sunscreen, sunglasses and uniforms. The Division of Workplace Health and Safety's website states *"people who spend a lot of time in the sun risk developing skin cancer, other skin disorders*

and eye injuries... It is vital that workers be protected against harmful UV exposure as Queenslanders have the highest rate of skin cancer in the world."

8.9.1 Entitlement

Access to four (4) hours paid special leave each calendar year (non cumulative) for the purpose of attending an appointment relating to skin cancer prevention or treatment. The four (4) hours may be taken in one block or spread over a number of occasions. Each occasion requires a separate leave application.

8.9.2 Conditions

This leave is at departmental convenience so appointments should be scheduled at times that minimise disruption to service delivery and inconvenience to the work unit. However, approval of an application for Sunsmart leave should not be unreasonably withheld. If the employee already has approval to undertake ration runs, every attempt should be made to synchronise the appointment/s with the ration run times.

The employee must provide evidence, such as a signed appointment card or similar evidence covering the period during which the Sunsmart leave was taken. It is the responsibility of the manager/supervisor to ensure they have sighted this evidence when approving the leave and the relevant timesheet.

9. Leave without pay

All employee requests for leave without pay will be considered fairly, equitably and without bias. While such requests are approved on the basis of operational convenience, the department will not unreasonably withhold such approval.

9.1 Conditions

Leave without pay is not an entitlement and will not normally be approved for periods in excess of 12 months. The approving officer may approve a shorter period of leave without pay than requested by the employee if the shorter period is more operationally convenient. The department, with reasonable notice, may terminate an approved period of leave without pay prior to its expiration should circumstances change so that the leave without pay is no longer operationally convenient.

An application for an extended period of leave with pay must be submitted to the approving officer at least six (6) weeks in advance, and received by SSA Payroll at least four (4) weeks in advance to avoid the possibility of overpayment.

Requests for leave without pay will not normally be granted for periods in excess of twelve (12) months unless there are compelling compassionate grounds such as a requirement for an employee to act as a primary care giver to a dependent relative/partner (Family Leave Award – Queensland Public Sector 2004, clause 3.2) or where a partner has been compulsorily transferred e.g. teachers or defence force member.

Requests for an extension to an approved period of leave without pay to care for a sick dependent (Family Leave Award – Queensland Public Sector 2004, clause 3.2) or because of compulsory transfer of a partner will be considered but not normally granted beyond two (2) years absence in total. Employees with such circumstances are encouraged to explore the feasibility of transfer to assist them to meet their responsibilities.

In considering leave without pay applications the following factors will be taken into account:

- family reunion reasons e.g. partner transferred interstate/overseas for a fixed period;
- any legislative basis for the request (i.e. is the request made under an Award provision such as the Family Leave Award);
- impact on the work unit or critical project outcome;
- operational convenience (e.g. the ability to achieve business outcomes within agreed timeframes, ease of backfilling the position, other operational requirements such as a major project nearing completion);
- benefit to the public sector;
- benefit to the department;
- benefit to the employee;
- the availability of people with suitable skills, knowledge and experience to backfill the role;
- a clear intention to return by a fixed date (e.g. request supported by a partner's interstate/overseas work contract);
- previous development opportunities provided (if request relates to professional development);
- employee's performance and workplace behaviour including any current disciplinary action;
- opportunity for gaining the desired skill/knowledge using other means;
- employee's ability to apply or transfer the newly acquired skill/knowledge to be gained on their return to the department;
- the employee's Achievement and Development Plan (i.e., has the skill/knowledge to be gained been agreed as a priority training/development need?).

Procedural fairness and natural justice principles must be applied to all decisions with reasons for refusal of a request provided to the employee in writing. The employee must be provided with the opportunity to respond to these reasons and/or provide further information and to seek a review of the decision by a higher-level decision-maker.

8. GRIEVANCES AND APPEALS

Should an employee be dissatisfied with the reasons given for the rejection of a leave application, they are entitled to submit a grievance as it is an administrative decision. The grievance must be lodged in accordance with the Grievance and Workplace Conflict Resolution Policy & Procedure.

9. EFFECTIVE DATE

This procedure applies to all leave applications approved from October 2010.

10. TRANSITIONAL ARRANGEMENTS

Leave already approved prior to the commencement of this procedure will be applied according to the previously applicable policy or procedure.

11. FURTHER INFORMATION

Should you require any further information, please contact:

- your supervisor or manager;
- your Region's HR officer;
- SSA Payroll;
- Human Resources, Corporate Services.

12. STORAGE OF INFORMATION

Leave application forms must be retained for one (1) year from the date of the last action relating to application. Leave records for the previous year can be accessed through the electronic leave system. Consolidated leave records must be kept for 70 years from the employee's date of birth or seven (7) years from the date of separation whichever is later. Consolidated leave records for temporary employees must be kept for ten (10) years from the date of separation.

13. APPROVAL

Signed:

Debbie Best
Deputy Director-General
Department of Environment and Resource Management

Date:

VERSION HISTORY

| Date | Action | Description / comments |
|------|--------------------|------------------------|
| | Approved version 1 | New DERM Policy |
| | | • |