

Minister for Industrial Relations Directive: Study and Examination Leave

1. Purpose:

To prescribe entitlements and conditions for study and examination leave.

2. Effective date: 30 September 2024

3. Legislative authority:

3.1 Section 223 of the Public Sector Act 2022 (PS Act).

3.2 Section 228 of the PS Act outlines the relationship between a directive and an Act or subordinate legislation, including how to deal with inconsistencies.

3.3 Section 229 of the PS Act outlines the relationship between a directive and industrial instrument, including how to deal with inconsistencies.

4. Application:

4.1 This directive applies to industrial instrument employees (i.e., employees who are covered by an award, certified agreement or arbitration determination) who are:

(a) public service employees; or

(b) general employees covered by the *General Employees (Queensland Government Departments) and Other Employees Award – State 2015* in the following departments and callings:

(i) Department of Agriculture and Fisheries employees employed on motor vessels owned and operated by the Fisheries Research Branch or employed as gardeners;
or

(ii) Storepersons employed by any department;

(c) public sector employees employed under the establishing legislation¹ of the following entities:

(i) Queensland Building Construction Commission;

(ii) Queensland Building Construction Commission Employing Office;

(iii) Residential Tenancies Authority;

(iv) Residential Tenancies Employing Office; or

(v) Office of the Queensland Integrity Commissioner.

¹ For example, the establishing legislation of the Queensland Building and Construction Employing Office is the *Queensland Building and Construction Commission Act 1991*.

- 4.2 This directive does not apply to:
- (d) general employees (employed under section 13 of the PS Act) other than those mentioned in clause 4.1(b); or
 - (e) casual employees.

5. Entitlement

- 5.1 An employee may be granted leave in accordance with Schedule One to:
- (a) undertake study or research (study leave); and/or
 - (b) attend examinations (examination leave).
- 5.2 Leave shall always be subject to the demands of a particular situation and shall be taken at the entity's convenience.
- 5.3 Leave prescribed in this directive may be converted to an hourly basis for the purpose of granting and recording of leave. Schedule Two provides conversion formulas.
- 5.4 Leave is based on the number of hours that the employee would have worked. If an employee is rostered to work a specific number of hours on a day and the employee is absent from duty on that day, or for part of it, the employee's leave account is to be reduced. This reduction will be the number of hours that the employee was rostered to work on that day but did not work. This applies even though the employee's leave account is debited by a different number of hours from the employee's daily hours or notional daily hours.

6. Tier System

- 6.1 The Study and Research Assistance Scheme (SARAS) is designed to assist employees who are pursuing courses of study or research projects.
- 6.2 This assistance provides financial support and leave arrangements available within the following three tier system encompassing part-time and full-time study or research –
- (a) "Essential"
 - (b) "Highly Desirable"
 - (c) "Desirable"
- 6.3 Each relevant entity should ensure information on the assistance available to eligible employees is accessible, including the process to claim such assistance.

7. Chief Executive Discretion and Leave Arrangements

- 7.1 A chief executive has total discretion in deciding whether to grant or refuse assistance under SARAS and overall responsibility for determining the tier of assistance.
- 7.2 An employee may take only one form of leave at any one time, irrespective of whether the leave is provided under SARAS or other administrative arrangements, industrial instruments, acts, etc (e.g. long service leave, recreation leave, family leave).
- 7.3 Set out in Schedule One are the approved arrangements for leave assistance which are subject to entity business requirements and convenience. Complete details of arrangements for study assistance may be set out in a guideline.

8. Definitions

Except where otherwise defined, terms in this directive are consistent with their meanings in the *Industrial Relations Act 2016* and/or the *Public Sector Act 2022*.

Daily hours or notional daily hours, means –

- the number of ordinary daily working hours of an employee as specified in an award, certified agreement, contract, former determination of the Governor-in-Council or directive.
- in any other case – the number of hours ascertainable from the relevant award, certified agreement, contract, former determination of the Governor-in-Council or directive as the average number of hours per working day of an employee during a pay period or other period reasonable in the circumstances.

Teacher means an officer determined by the chief executive to be a teacher for the purpose of this directive

SCHEDULE ONE – LEAVE ASSISTANCE

Type	Entitlement
<p>1. Examination Leave with Salary For all employees, including teachers.</p>	<p>Leave with salary, including necessary travel time, is available for examinations held on work days between 9.00 am and 5.00 pm or other approved standard hours of duty, excluding the minimum period allowed for lunch (or equivalent), provided the examination requirements cannot be satisfied outside these hours.</p>
<p>2. Course Attendance Leave with Salary Lectures, tutorials, practical classes, discussions with course supervisors, online and virtual learning etc.</p>	<p>Where course attendance requirements cannot be satisfied outside the hours of duty detailed below and where it is convenient to the entity, the chief executive may grant leave with salary (including necessary travel time) to -</p> <ul style="list-style-type: none"> • employees on variable working hours, between the hours of 9.00 am and 5.00 pm to a maximum of 8 hours per working week, providing that a maximum of 1.5 hours leave only is allowed between 12 noon and 2.00 pm. <p>With the exception of "essential" part-time study or research, employees shall be required to work standard hours in those weeks where the leave exceeds 5 hours per week. Standard hours shall be based on relevant legislation, awards, agreements etc and normally are 9.00 am to 5.00 pm with 3/4 hours lunch between 12 noon and 2.00 pm.</p> <ul style="list-style-type: none"> • employees not on variable working hours (e.g. those on standard hours, shift work etc.) to a maximum of 8 hours per working week during their normal hours of duty, excluding the minimum period allowed for lunch (or equivalent). <p>An employee on variable working hours can seek course attendance leave for the whole or part of course attendance requirements. In this way, the employee can avoid exceeding 5 hours leave per week and having to work standard hours.</p> <p>Regarding the compulsory minimum of 30 minutes for lunch under variable working hours arrangements, an employee granted course attendance leave (including travel) from 1.30 pm to 4.30 pm, for example, would take no less than 30 minutes lunch between 12 noon and 1.30 pm.</p> <p>Under normal circumstances, course attendance leave for teachers may not be approved during school hours.</p>
<p>3. Study Leave</p>	<p>Study leave with or without pay to prepare for examinations, assignments and other course assessment requirements may be granted for any period, at the discretion of the chief executive.</p> <p>The employee may choose that study leave be deducted from recreation leave on a half day or full day debit basis. Alternatively, an employee might seek ordinary recreation leave without debit to study leave.</p>
<p>4. Compulsory and Non-compulsory Residential School Attendance Also for vacation schools, practical classes or equivalent.</p>	<p>"Essential" - compulsory residential schools can be attended through leave with salary for up to 20 working days per annum and at the discretion of the chief executive in all other circumstances.</p> <p>Teachers can attend such schools normally during school vacation periods only</p>

Type	Entitlement
5. Leave without Salary for the purpose of study and/or research	“Part-time study” - at the discretion of the chief executive, an employee may be granted leave in addition to that specified under the other types of leave assistance. “Full-time study” - leave without salary may be granted for any period of full-time study or research as considered appropriate by the chief executive

SCHEDULE TWO – LEAVE CONVERSION FORMULAS

1. Conversion of entitlements

1.1. This schedule sets out the formulas to be utilised when converting leave entitlements to an hourly or alternative hourly basis.

2. Leave entitlement in hours

2.1. If an employee's leave entitlement in a directive is expressed in working days, the leave entitlement may be read as if it were expressed in working hours using the following formula:

$$LE = WD \times DH$$

Where:

LE = Leave Entitlement (means the amount of leave entitlement expressed in hours to which the employee is entitled)

WD = Working Days (means the number of working days set out in the directive)

DH = Daily Hours (means the employee's daily hours or notional daily hours)

3. Variation of ordinary working hours

3.1. If an entity's system for recording particulars of leave granted to an employee is based on working hours and the daily hours or notional daily hours of an employee change, the leave entitlements accumulated by the employee are also to be recorded in hours.

$$LAC = LBC \times \frac{HAC}{HBC}$$

Where:

LAC = leave entitlement after change (means the hours of leave to which the employee is entitled after the change).

LBC = leave entitlement before change (means the employee's leave entitlement expressed in hours before the change).

HAC = daily hours after change (means the employee's daily hours or notional daily hours after the change).

HBC = daily hours before change (means the employee's daily hours or notional daily hours before the change).