



MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

DIRECTIVE No. 10/99
July 1999

- 1. TITLE:** **Sick Leave**
- 2. PURPOSE:** To prescribe the entitlements for sick leave.
- 3. LEGISLATIVE PROVISION:** Section 34(2) of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to –
- public service officers;
 - temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996*; and
 - general employees engaged under section 112(2)(a) of the *Public Service Act 1996* where indicated in the Schedule.
- This directive does not apply to casual employees engaged on a casual basis under sections 112(2)(b) or 113(2)(b) of the *Public Service Act 1996*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 1999**.
- 7. VARIATION:** The provisions in the Schedule may be varied in accordance with certified agreements made under Chapter 6, Part 1 of the *Industrial Relations Act 1999* or decisions of an industrial tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Section 32 of the *Public Service Management and Employment Regulation 1988* Administrative Instruction No. 1 | 62

SCHEDULE

SICK LEAVE

GENERAL CONDITIONS

Entitlement

An officer or employee as defined in this schedule will be granted sick leave as provided and where indicated in this schedule.

Conversion to hourly basis

Leave prescribed in this directive may be converted to an hourly basis for the purpose of accrual, granting and recording of the leave.

Leave entitlement in hours

If an employee's leave entitlement 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:

DH (daily hours) means the employee's daily hours or notional daily hours.

LE (leave entitlement) means the amount of leave entitlement expressed in working hours to which the employee is entitled.

WD (working days) means the number of working days set out in this directive.

Leave to be granted on an hourly basis

If an employee applies for leave on a basis other than an hourly basis, the leave may be granted on an hourly basis.

Leave 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.

Variation of ordinary working hours

If a department'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.

The formula for this conversion is as follows -

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

Where:

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.

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.

Definitions

"daily hours or notional daily hours", means –

- The number of ordinary daily working hours of an employee as specified in an award, industrial agreement (including a 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, industrial agreement (including 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.

"employees" includes public service officers, temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996* and general employees engaged under section 112(2)(a) of the *Public Service Act 1996*.

"medical certificate", means a certificate issued by a duly registered medical practitioner stating –

- the nature of the illness; and
- the period, or approximate period, for which sick leave is necessary.

"officers" means public service officers or temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996*.

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

SICK LEAVE – PROVISIONS RELATING TO OFFICERS

Ordinary sick leave

An officer working a 5 day week shall accumulate sick leave (leave of absence on account of illness) on full salary at the rate of 10 working days for each completed year of service and a proportionate amount for an incomplete year of service.

Notification of sick leave

An employee's entitlement to sick leave is conditional on the employee promptly notifying the employer of –

- (i) any illness that will cause the employee to be absent from work; and
- (ii) the approximate period for which the employee will be absent.

Application for sick leave

A written application by or on behalf of the officer shall be submitted for every absence for which sick leave is sought. The application shall be in a form determined by the chief executive.

Sick leave for any period of absence may be granted upon one or more applications covering the period of absence.

Medical certificate

Applications for sick leave shall be supported by a medical certificate or any other evidence of the illness that is acceptable to the chief executive.

Where the absence is not longer than 2 consecutive working days, the chief executive may dispense with the requirement to furnish a medical certificate or other evidence of the illness.

Deduction from accumulated balance

Sick leave granted to an officer shall be deducted from the officer's accumulated entitlement in the case of ordinary sick leave or from the special war service credit of sick leave for absences attributable to war-caused disabilities.

Undrawn recreation leave

Undrawn recreation leave under the directive, "*Recreation Leave*", may be used as sick leave only when the officer's entitlement to accrued sick leave on full salary has been exhausted.

Sick leave without salary

Sick leave without salary may be granted where all sick leave on full salary, and all undrawn recreation leave to which an officer is entitled, have been exhausted.

Advance in first year of service

Newly appointed officers who are absent from duty because of illness, and who have not accumulated the necessary sick leave on full salary, may have up to 10 working days sick leave on full salary advanced to them in their first year of service. This is at the discretion of the chief executive.

In considering whether to grant such an application the chief executive makes a decision on the merits of each case. In any case not warranting an advance, sick leave on full salary should be restricted to the actual leave accrued.

Temporary employees appointed for an unlimited period (i.e. to complete a specific task) may also be advanced up to ten working days sick leave on full pay. However, when appointed for a specific period only, any sick leave on full salary granted should be restricted to the actual leave accrued.

Where an officer resigns during the first year of service, after having been advanced sick leave on full salary in excess of the accumulated entitlement, no action should be taken to recover any overpayments resulting from the sick leave granted.

Teachers – school vacations

A teacher absent on sick leave immediately before the start of a school vacation shall not be taken to be on sick leave during that vacation, except where the teacher -

- was, immediately before the start of the corresponding vacation in the previous year, absent on sick leave; and
- has, since the end of that corresponding vacation in the previous year, been absent on sick leave on every day that the teacher would otherwise have been required to be on duty;

in which case the teacher shall be taken to be on sick leave during that vacation.

Special sick leave

Where an officer -

- (a) is injured in the course of performing official duties; or
- (b) becomes ill because of performing official duties the chief executive may grant that officer such special sick leave as the chief executive determines to be warranted in the circumstances.

Special sick leave shall mean leave on full pay which is not to be charged against an officer's entitlement to ordinary sick leave on full pay.

SICK LEAVE – PROVISIONS RELATING TO EMPLOYEES AND OFFICERS

Ordinary Sick leave

Employees other than officers, shall accumulate sick leave in accordance with the relevant awards, agreements or other sources of competent authority.

Meritorious service sick leave

Where employees in full-time employment have completed 26 years meritorious service for which recognition has been given for long service leave purposes under the relevant directive an additional 13 weeks (65 working days) sick leave on full pay may be added to their sick leave account. The service being recognised for this purpose need not necessarily be continuous.

An employee is eligible to draw upon this meritorious service sick leave after ordinary sick leave on full pay (including undrawn recreation leave) has been exhausted.

The credit of sick leave shall apply once only after the completion of 26 years of service. Where an employee exhausts that credit, either by a continuous period or by a number of periods of sick leave on full pay, he or she shall then be granted leave without pay.

The granting of the additional credit of sick leave is an administrative concession.

The concession may be refused in the case of an employee who, in the opinion of the chief executive, does not warrant the granting of this leave.

Special war service credit of sick leave

(a) eligible war service

An employee who has undertaken war service in one of the situations set out below shall be awarded a special war service credit of 65 working days sick leave on full pay for absences from duty which are attributable to a war-caused disability –

(i) Second World War

- Employed in the public sector at the date of enlistment and service subsequent to enlistment is recognisable for long service leave purposes under the relevant directive - applies to all absences.

- Joined in the service of the public sector subsequent to enlistment - only applies to absences from 1 December 1980.

(ii) Special Armed Force sent to Korea

- Employed in the public sector at the date of enlistment and service subsequent to enlistment is recognisable for long service leave purposes under the relevant directive - applies to all absences.

- Joined the public sector subsequent to enlistment - only applies to absences from 1 December 1980.

(iii) Armed Forces in Vietnam while undergoing National Service Training

- Employed in the public sector at the date of enlistment and service subsequent to enlistment is recognised for long service leave purposes under the relevant directive – applies to all absences.

- Joined the public sector subsequent to enlistment - only applies to absences from 1 December 1980.

(iv) Regular Army in Vietnam

- Employed in the public sector on or after 1 July 1983.

This leave only applies to absences from 1 December 1980.

SICK LEAVE - PROVISIONS RELATING TO EMPLOYEES AND OFFICERS

(v) Armed Forces in Malaya and Singapore –

<u>Period</u>		<u>Area</u>	<u>Personnel</u>
<u>From</u>	<u>To</u>		
29.6.50	31.8.57	Malaya	Army and RAAF
1.9.57	27.5.63	Malaya and Singapore	Army, RAAF and certain land-based Naval personnel
8.12.62	30.9.67	Sabah, Brunei and Sarawak	All personnel
28.5.63	30.9.67	Malaya (Northern area)	All personnel
7.7.65	30.9.67	Malaya and Singapore	All personnel

- Employed in the public sector on or after 1 April 1985 – only applies to absences from 1 December 1980.

(b) Specific conditions attaching to the special war service credit of sick leave

Employees awarded the special war service credit of sick leave need not exhaust their ordinary sick leave or sick leave on full salary chargeable against undrawn recreation leave before being eligible to draw upon the special credit of sick leave for war-caused disabilities.

The granting of sick leave chargeable against the special war service credit of sick leave is dependent upon the production of evidence that the absence from duty was as a result of a war-caused disability.

Upon written authority from the employee, particulars should be obtained from the Department of Veterans' Affairs showing the disabilities that have been accepted by that department as being attributable to war service.

For each absence from duty due to a war-caused disability, the employee is required to furnish a medical certificate or other evidence of the illness acceptable to the chief executive. The medical certificate or other evidence is to be checked against the particulars obtained from the Department of Veterans' Affairs to ensure that the absence resulted from a disability attributable to one of the eligible theatres of war set out above.

The special war service credit of sick leave is in addition to the meritorious service sick leave after 26 years service.

Sick leave charged to the special war service credit of sick leave should be recorded separately from ordinary sick leave.

Illness prior to starting other leave

An employee who becomes ill before the start of recreation leave or long service leave and submits an application supported by a medical certificate or other evidence of the illness acceptable to the chief executive before starting the leave may be granted sick leave instead of the recreation leave or long service leave which has already been approved.

Illness during other leave

An employee who becomes ill after starting recreation leave or long service leave and submits a written application supported by a medical certificate or other acceptable evidence of the illness to the chief executive and –

- in the case of recreation leave - the period of illness is in excess of 2 working days; or
- in the case of long service leave - the period of illness is at least one week;

may be granted sick leave for the period of the illness instead of the recreation leave or long service leave that has already been approved.

Pregnancy and maternity leave

An employee who is pregnant and has not commenced maternity leave may be granted sick leave for an illness which is related to the pregnancy.

An employee on maternity leave may be granted sick leave for an illness that is not related to the pregnancy.

Payment for public holidays

Normal salary is to be paid to an employee for a public holiday that occurs immediately before, during or after an absence on sick leave where the employee is in receipt of full pay. No debit should be made to the employee's sick leave account.

If a public holiday occurs during an absence on sick leave without pay, the employee is not to be paid for the public holiday and no debit is to be made to the employee's sick leave account.

Normal pay is to be paid to an employee for a public holiday that occurs immediately before or after an absence on sick leave without salary. No debit is to be made to the employee's sick leave account.

The above also applies to any public holiday (or substituted day) under the *Holidays Act 1983*.