

MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

- 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 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 **5 December 2005**.
- 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 sections 686 and 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Ministerial Directive 8/01: “*Sick Leave*”.
- 10. PREVIOUS REFERENCES:** Ministerial Directive 10/99: “*Sick Leave*”
Section 32 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995
Administrative Instruction No. 1 | 62
- 11. SEE ALSO:** Directive 6/01: “*Leave without Salary Credited as Service*”
Directive 8/04: “*Recreation Leave*”
Family Leave (Queensland Public Sector) Award – State 2004

SCHEDULE

GENERAL CONDITIONS APPLYING TO OFFICERS AND EMPLOYEES

1. Entitlement

1.1 An officer or employee will be granted sick leave as follows –

(a) An officer or a temporary employee engaged under section 113 (2)(a) of the *Public Service Act 1996* working a five day week will 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.

(b) General employees engaged under section 112(2)(a) of the *Public Service Act 1996* will accumulate sick leave in accordance with the relevant awards or agreements, or at the rate of 10 working days for each completed year of service and a proportionate amount for an incomplete year of service.

1.2 Provided that the leave entitlement applies to part-time employees on a pro rata basis.

2. Definitions

2.1 “**daily hours**” means –

- the number of ordinary daily working hours of an employee as specified in an industrial instrument (as defined);
- in any other case – the number of hours determined from an industrial instrument as the average number of hours per working day of an employee during a pay period or other period reasonable in the circumstances.

2.2 “**employees**” means 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*.

2.3 “**industrial instrument**” means an award, industrial agreement, certified agreement, contract, former determination of the Governor-in-Council, directive or determination made under section 149 of the *Industrial Relations Act 1999*.

2.4 “**officers**” means public service officers employed under section 8 of the *Public Service Act 1996*.

2.5 “**teacher**” means an officer determined by the chief executive to be a teacher for the purpose of this directive.

2.6 “**war-caused disability**” includes war-caused injury, war-caused disease, defence-caused injury or defence-caused disease as referred to in the *Commonwealth Veterans’ Entitlements Act 1986*.

3. Conversion to hourly basis

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

4. Leave to be granted on an hourly basis

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

5. Leave based on the number of hours that the employee would have worked

5.1 If an officer or employee is rostered to work a specific number of hours on a day and the officer or employee is absent from duty on that day, or for part of it, the officer’s or employee’s leave account is to be reduced.

5.2 This reduction will be the number of hours that the officer or 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 (as defined).

Example 1

If an employee, working 7.25 hours a day, becomes ill and departs from work after working 4 hours then 3.25 hours is deducted from the employee’s sick leave balance.

Example 2

If an employee is rostered to work 7.6 hours and is absent on that day then 7.6 hours is deducted from that employee's sick leave balance.

Example 3

If an employee is rostered to work five 8 hour days in a particular week (eg. 19 day month under 38 hour week arrangements) and is absent on sick leave for that week, then 40 hours is deducted from that employee's sick leave balance. The employee's RDO would still occur within the work cycle.

- 5.3 Where sick leave on half pay is granted instead of recreation leave on half pay or long service leave on half pay as provided for at Section 15 below, the officer's or employee's leave account is to be reduced by half the normal daily hours for that officer or employee.

6. Deduction from accumulated balance

- 6.1 Sick leave granted to an officer or employee is to be deducted from the officer's or employee'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.

7. Sick leave without salary

- 7.1 Sick leave without salary may be granted where all sick leave on full salary has been exhausted.

8. Notification of sick leave

- 8.1 An officer's or employee's entitlement to sick leave is conditional on their promptly notifying the employer of –
- (a) any illness that will cause the employee to be absent from work; and
 - (b) the approximate period for which the employee will be absent.

9. Application for sick leave

- 9.1 A written application by or on behalf of the officer or employee is to be submitted for

every absence where sick leave is sought. The application is to be in a form determined by the chief executive.

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

10. Medical certificate

- 10.1 An application for sick leave of more than three days is to be supported by a medical certificate or any other evidence of the illness that is acceptable to the chief executive.
- 10.2 However, a chief executive may require an officer or employee to furnish a medical certificate or other evidence of the illness where the illness is for 3 days or less if the employee is subject to a process for monitoring performance, conduct or attendance.
- 10.3 Where an industrial instrument specifies a different requirement for the production of a medical certificate, the industrial instrument requirement prevails.

11. Meritorious service sick leave

- 11.1 Where officers or employees have completed 26 years meritorious service within the Queensland Public Sector (excluding Government Owned Corporations) including
- a Queensland government entity, as defined in section 21 of the *Public Service Act 1996*;
 - a public sector unit, as defined in section 20 of the *Public Service Act 1996*;
 - the Queensland Parliamentary Service;
 - the Queensland Police 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.
- 11.2 Permanent part-time employees, or employees working in various combinations of permanent full-time, part-time or temporary arrangements, may be granted meritorious service sick leave on a pro rata basis after completing 26 years meritorious service within a Queensland government entity, as defined in section 21

of the *Public Service Act 1996*.

- 11.3 An officer or 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.
- 11.4 Meritorious sick leave credits are to apply once only after the completion of 26 years of service. When an officer or employee exhausts that credit, either by a continuous period or by a number of periods of sick leave on full pay, the officer or employee is then to be granted leave without pay.
- 11.5 The granting of the additional credit of meritorious service sick leave is an administrative concession.
- 11.6 The concession may be refused in the case of an officer or employee who, in the opinion of the chief executive, does not warrant the granting of this leave i.e. has not completed 26 years meritorious service.

12. Special war service credit of sick leave

- 12.1 Eligible war service – An officer employed under section 8 of the *Public Service Act 1996* on a full-time or part-time basis or an employee engaged on tenure, on a full-time or part-time basis, under section 112(2)(a) of the *Public Service Act 1996* who has undertaken war service in one of the situations set out in 12.2 of this directive is to 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.
- 12.2 Eligibility criteria for special war service credit of sick leave are as follows:
 - (a) Service within Operational Areas, as defined within Schedule 2 of the Commonwealth *Veterans' Entitlements Act 1986*, as amended from time to time.
 - (b) Service with Peacekeeping Forces, as defined within Schedule 3 of the Commonwealth *Veterans' Entitlements Act 1986*, as amended from time to time.

13. Specific conditions attaching to the special war service credit of sick leave

- 13.1 Officers or 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.
- 13.2 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.
- 13.3 Upon written authority from the officer or employee, particulars are to be obtained from the Department of Veterans' Affairs showing the disabilities that have been accepted by that department as being attributable to war service.
- 13.4 For each absence from duty due to a war-caused disability, the officer or 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 criteria set out above.
- 13.5 The special war service credit of sick leave is in addition to the meritorious service sick leave after 26 years service.
- 13.6 Sick leave charged to the special war service credit of sick leave should be recorded separately from ordinary sick leave.
- 13.7 An eligible part-time officer or employee is to be awarded a special war service credit of sick leave on a pro rata basis.

14. Illness before starting other leave

- 14.1 An officer or 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 on full pay

instead of the recreation leave or long service leave which has already been approved.

15. Illness during other leave

15.1 An officer or 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 more than 3 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.

15.2 Where the recreation leave or long service leave had been previously approved on half pay, any sick leave granted in lieu shall also be at half pay.

16. Pregnancy and maternity leave

16.1 Paid sick leave is available to an employee on paid parental leave. Sick leave may be granted instead of paid parental leave already approved where:

- an employee submits a written application for sick leave, supported by a medical certificate or other evidence of the illness acceptable to the chief executive; and
- the period of illness is at least 1 calendar week.

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

17. Payment for public holidays

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

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

account.

17.3 Normal salary is to be paid to an officer or 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 officer's or employee's sick leave account.

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

18. Leave entitlement in hours

18.1 If an officer's or 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:

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.

DH (daily hours) means the employee's daily hours (as defined).

19. Variation of ordinary working hours

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

19.2 The formula for this conversion is as follows –

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

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 (as defined) after the change.

HBC (daily hours before change) means the employee's daily hours (as defined) before the change.

Superseded

CONDITIONS APPLYING TO OFFICERS ONLY

20. Teachers – school vacations

20.1 A teacher, absent on sick leave immediately before the start of a school vacation, is not 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.

21. Special sick leave

21.1 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.

21.2 Special sick leave means leave on full pay that is not to be charged against an officer's entitlement to ordinary sick leave on full pay.

22. Advance in first year of service

22.1 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.

22.2 In considering whether to grant such an application the chief executive must make 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.

22.3 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.

22.4 Temporary employees appointed under section 113(2)(a) of the *Public Service Act 1996* for an unspecified 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.