

## DIRECTIVE 06/20

Supersedes: 10/18

# Minister for Industrial Relations Directive: Sick Leave

### 1. Purpose:

To prescribe entitlements and conditions for sick leave.

### 2. Effective date: 25 September 2020

### 3. Legislative authority:

Section 54(1) of the *Public Service Act 2008*.

Sections 51 and 52 of the *Public Service Act 2008* and section 941 of the *Industrial Relations Act 2016* apply if there is a conflict with an act, regulation or industrial instrument.

### 4. Application:

This Directive applies to:

- public service officers; and
- general employees engaged under section 147(2)(a) of the *Public Service Act 2008*; and
- temporary employees engaged under section 148(2)(a) of the *Public Service Act 2008*.

This Directive does not apply to employees engaged on a casual basis under sections 147(2)(b) and 148(2)(b) of the *Public Service Act 2008*.

### 5. Previous references:

- Directives 10/18, 4/16, 4/13, 18/10, 19/05, 8/01 and 10/99
- Administrative Instructions No 1 | 62
- Section 32 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995

### 6. Related information:

- Directive: Leave without Salary Credited as Service
- Directive: Higher Duties
- Directive: Recreation Leave

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### 7. Entitlement

7.1 Entitlements for sick leave are in accordance with Schedule One.

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

7.3 Leave entitlements apply to part-time employees or officers on a pro-rata basis.

- 7.4 Leave prescribed in this Directive may be converted to an hourly basis for the purpose of applying, granting and recording of the leave. Leave is based on the number of hours that the employee would have worked. Schedule Two provides conversion formulas.
- 7.5 If an officer or 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 officer's or employee's sick leave account is to be reduced by the number of hours that the officer or employee was rostered to work on that day but did not work. This applies even where it means that the employee's sick leave account is debited by a different number of hours than the employee's daily hours (as defined by an Award or Agreement).
- (a) 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.

## 8. Taking Leave

- 8.1 An officer's or employee's entitlement to sick leave is conditional on them promptly notifying the employer of:
- (a) any illness that will cause them to be absent from work; and
- (b) the approximate period for which they will be absent.
- 8.2 An officer or employee is to submit a timely application for every absence where sick leave is sought, in a form determined by the chief executive.
- 8.3 An application for sick leave of more than three (3) days is to be supported by documentation acceptable to the chief executive.
- 8.4 A chief executive may require an officer or employee to furnish acceptable documentation where the illness is for three (3) days or less if the employee is subject to a process for monitoring performance, conduct or attendance.
- 8.5 Where an industrial instrument specifies a different requirement for the production of acceptable documentation, the industrial instrument requirement prevails.

## 9. Illness before other leave

- 9.1 Where, an officer or employee becomes ill before the start of recreation or long service leave and their illness continues into that leave, they may be granted sick leave on full pay for the period of the illness instead of the leave which had already been approved, provided they submit an application for sick leave supported by acceptable documentation.

## 10. Illness during other leave

- 10.1 An officer or employee who becomes ill after starting recreation leave, long service leave or paid parental leave may be granted sick leave for the period of the illness instead of the recreation leave, long service leave or parental leave that had already been approved provided the officer or employee:
- (a) submits a written application supported by acceptable documentation to the chief executive; and
- (b) the period of illness is more than three (3) working days.
- 10.2 Where the recreation leave, long service leave or parental leave had been previously approved on half pay, any sick leave granted in lieu shall also be at half pay.
- (a) If an officer or employee is granted sick leave while on half pay recreation leave or long service leave, the officer's or employee's sick leave account is to be reduced by half the normal daily hours for that officer or employee.
- 10.3 Paid sick leave is not available to an employee on unpaid parental leave.

## 11. Public Holidays

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 The above applies to any public holiday (or substituted day) under the *Holidays Act 1983*.

## 12. Teachers – school vacations

- 12.1 An officer who is a teacher, who is 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.

## 13. Definitions

In this Directive the following definitions apply:

**Daily hours** means:

- the number of ordinary daily working hours of an employee as specified in the relevant industrial instrument; or
- in any other case – the number of hours specified in the relevant industrial instrument as the average number of hours per working day of an employee during a pay period or other period that is reasonable in the circumstances.

**Employee** means a temporary employee engaged under section 148(2)(a) of the *Public Service Act 2008* and a general employee engaged under section 147(2)(a) of the *Public Service Act 2008*.

**Industrial instrument** means an award, certified agreement, contract, Directive or determination made under section 180 of the *Industrial Relations Act 2016*.

**Officer** means a public service officer employed under section 8 of the *Public Service Act 2008*.

**Service disease** has the meaning ascribed to it under the *Military Rehabilitation and Compensation Act 2004* (Cth).

**Service injury** has the meaning ascribed to it under the *Military Rehabilitation and Compensation Act 2004* (Cth).

**Teacher** means an employee determined by the chief executive to be a teacher for the purpose of this Directive.

**War-caused disability** includes war-caused injury, war-caused disease, defence-caused injury or defence-caused disease as referred to in the *Veterans' Entitlements Act 1986* (Cth).

## SCHEDULE ONE – SICK LEAVE ENTITLEMENTS

| Type                                     | Entitlement   | Special Conditions  |
|--|---|---|
| Sick Leave                               | 10 working days sick leave for each completed year of service and a proportionate amount for an incomplete year of service.   | <p>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.</p> <p>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.</p> <p>Temporary employees and general employees are limited to their actual sick leave accrual.</p>   |
| Meritorious Sick Leave                   | <p>13 weeks (65 working days) sick leave on full pay <b>may</b> be added to the officer or employee's sick leave account (on one occasion only) where they have completed 26 years meritorious service within the Queensland Public Sector (excluding Government Owned Corporations) including:</p> <ul style="list-style-type: none"> <li>• a Queensland government entity, as defined in section 24 of the <i>Public Service Act 2008</i>;</li> <li>• the Queensland Parliamentary Service; and</li> <li>• the Queensland Police Service.</li> </ul> <p>Service in the Australian Defence Force will be included for the purposes of calculating service for meritorious sick leave.</p>  | <p>Service length will be based on service for which credit has been given for long service leave purposes under the relevant directive. The service need not necessarily be continuous.</p> <p>An employee seeking meritorious sick leave credit must submit a written application.</p> <p>The application 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.</p> <p>If an application is approved, meritorious sick leave will be credited based on the preceding 26 years of employment from the time the application is submitted for consideration.</p>   |
| Special War Service Credit of Sick Leave | <p>65 working days sick leave on full pay for absences from duty which are attributable to:</p> <ul style="list-style-type: none"> <li>• a war-caused disability arising from Service within Operational Areas, as defined within Schedule 2 of the <i>Commonwealth Veterans' Entitlements Act 1986</i>, as amended from time to time;</li> <li>• a war-caused disability arising from service with Peacekeeping Forces, as defined within Schedule 3 of the <i>Commonwealth Veterans' Entitlements Act 1986</i>, as amended from time to time.</li> <li>• a service injury or service disease arising from Warlike or Non-Warlike Service as defined under the <i>Military Rehabilitation and Compensation Act 2004</i>, as amended from time to time.</li> </ul> <p>The special war service credit of sick leave is in addition to meritorious sick leave after 26 years.</p> <p>Sick leave charged to the special war service credit of sick leave should be recorded separately from ordinary sick leave.</p> | <p>Officers or employees awarded the special war service credit of sick leave need not exhaust their ordinary sick leave before being eligible to draw upon the special credit of sick leave for war-caused disability, service injury or service disease.</p> <p>Upon written authority from the officer or employee, particulars are to be obtained from the Department of Veterans' Affairs showing the disability, injury or disease that has been accepted by that department as being attributable to war service.</p> <p>For each absence from duty due to a disability, injury or disease that has been accepted by that department as being attributable to war service, the officer or employee is required to furnish acceptable documentation to the chief executive.</p> <p>Acceptable documentation is to be checked against the particulars obtained from the Department of Veterans' Affairs to ensure that the absence resulted from a disability, injury or disease that has been accepted by that department as being attributable to war service.</p> |
| Special sick leave                       | <p><b>Applies to officers only</b><br/>Where an officer:</p> <ul style="list-style-type: none"> <li>• is injured in the course of performing official duties; or</li> <li>• becomes ill because of performing official duties;</li> </ul> <p>the chief executive may grant that officer such special sick leave as the chief executive determines to be warranted in the circumstances.</p>   | <p>Special sick leave is not to be charged against an officer's entitlement to ordinary sick leave on full pay.</p>   |

## SCHEDULE TWO – CONVERSION FORMULAS

### 1. Conversion of entitlements

1.1. This schedule sets out the formulas to be utilised when converting sick leave accruals to an alternative accrual basis.

1.2. Converting sick leave from working days to hours

$$LE = WD \times DH$$

Where:

LE = Leave Entitlement

WD = Working Days

DH = Daily Hours (as defined by an industrial instrument)

1.3. If a department's system for recording particulars of leave granted to an employee is based on hours and the daily hours (as defined by an industrial instrument) 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) = the hours of leave to which the employee is entitled after the change.

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

HAC (daily hours after change) = the employee's daily hours (as defined by an industrial instrument) after the change.

HBC (daily hours before change) = the employee's daily hours (as defined by an industrial instrument) before the change.