

- 1. TITLE:** **Recreation Leave**
- 2. PURPOSE:** To prescribe the entitlements and conditions for recreation leave.
- 3. LEGISLATIVE PROVISION:** Section 34(2) of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to –
 - public service officers; and
 - temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996*.

This directive **does not apply** to –

 - general employees engaged under section 112(2)(a) of the *Public Service Act 1996*; or
 - employees engaged on a casual basis under sections 112(2)(b) and 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 November 2001**.
- 7. VARIATION:** The provisions of 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:** Directive 9/99: “Recreation Leave”
- 10. PREVIOUS REFERENCES:** Sections 24 and 31 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.
Administrative Instruction Nos. 1 | 58 and 1 | 61
- 11. SEE ALSO:** Directive 6/01: “Leave without Salary Credited as Service”
Directive 11/01: “Higher Duties”

SCHEDULE

RECREATION LEAVE

GENERAL CONDITIONS

Entitlement

A public service officer or temporary employee engaged under section 113(2)(a) of the *Public Service Act 1996* (referred to as “employee” in this schedule) is entitled to recreation leave on full salary as provided in this schedule.

Non-application to teachers

The provisions of this directive do not apply to teachers.

Timing of leave

An employee and chief executive may agree when the employee is to take recreation leave.

If the employee and the chief executive cannot agree, the chief executive –

- (a) may decide when the employee is to take leave keeping in mind the needs of the department; and
- (b) must give the employee at least 14 days written notice of the starting date of the leave.

Recall or cancellation of leave

A chief executive may, if departmental circumstances so require –

- recall an employee from recreation leave; or
- cancel the approval or granting of any recreation; or
- defer the taking of that leave.

An employee is to be allowed to take any recreation leave from which he or she has been recalled or which was cancelled or deferred. This leave may be taken at the earliest time that is mutually convenient to the employee and the chief executive.

Conversion to hourly basis

Leave prescribed in this directive may be converted to hours for the purpose of accrual and the granting and recording of leave. Employees are encouraged to use other forms of leave designed for short absences (less than one day) before seeking to take recreation leave for such purposes. In any event a chief executive may require leave to be taken in whole days.

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:

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 the directive.

DH (daily hours)

means the employee's daily hours (as defined) or the average number of hours in the relevant industrial instrument (as defined) for an employee during a pay period or other period that is reasonable in the circumstances.

Leave 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 (as defined).

Example 1

If an employee, working 7.25 hours a day, becomes ill and is absent for 4 hours then 4 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 7.6 hours is deducted from that employee's sick leave balance.

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 (as defined) 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 –

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

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.

Definitions

“**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 the relevant industrial instrument (as defined) as the average number of hours of an employee during a pay period or other period reasonable in the circumstances.

“**industrial instrument**” for the purposes of this directive means an award, agreement (including a certified agreement), contract, former determination of the Governor-in-Council or directive.

“**Northern and Western Region**” consists of any part of the State not contained within the Southern and Eastern Region.

“**Southern and Eastern Region**” consists of any part of the State, which is both –

- (i) south of the 22nd parallel of south latitude; and
- (ii) east of 147° east longitude; but excluding the township of Moranbah.

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

RECREATION LEAVE

Accrual of leave

An employee is entitled to recreation leave on full salary in accordance with the following –

- **Southern and Eastern Region - 20** working days (calculated in hours depending on the hours of duty prescribed) for each completed year of service and a proportionate amount for an incomplete year of service if the employee's headquarters are in the Southern and Eastern Region.
- **Northern and Western Region - 25** working days (calculated in hours depending on the hours of duty prescribed) for each completed year of service and a proportionate amount for an incomplete year of service if the employee's headquarters are in the Northern and Western Region.

Irregular Week – additional recreation leave

An employee, not working a regular 5 day week, is entitled to such additional recreation leave as prescribed in an applicable directive.

However, in the absence of an applicable directive, the entitlement to recreation leave for the employee is as applied immediately before the commencement of the *Public Service Management and Employment Regulation 1988* (i.e. before 15 July 1988).

Loading on recreation leave payments

A loading is to be paid to employees on recreation leave. Where an award does not cover employees and there is no provision for the payment of the leave loading in the relevant industrial instrument (including a certified agreement) the following applies.

The loading is calculated on the following basis-

Shift workers –subject to the rate of wage or salary prescribed in the relevant industrial agreement and paid to the employee at the ordinary time rate and in accordance with the employee's roster or projected roster including weekend or holiday shifts.

For employees other than shift workers covered by this directive – subject to the rate of wage or salary in the relevant industrial agreement or certified agreement.

An employee's payment is to be the sum of the following amounts:

- (a) the employee's ordinary wage or salary as prescribed by the relevant industrial agreement or certified agreement for the period of the leave (excluding shift premiums and weekly penalty rates) and
- (b) a further amount calculated at the rate of 17.5% of the amount referred to in (a) above except where an agreement states otherwise.

The payment of the loading applies only to five weeks recreation leave per annum in the case of employees employed on continuous shift work and four weeks per annum in any other case.

Advance on leave

An employee and the chief executive 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.

Application for recreation leave

Applications for leave are to be made in writing or some other form determined by the chief executive.

Timely notice

An employee is to give timely notice of the date from which leave is to take effect.

The employee is to be given timely notice as to whether the leave applied for has been approved or not. If the leave has not been approved, the employee is to be advised of the anticipated date from which it is expected that leave may be taken.

Deduction from accumulated balance

Recreation leave granted to an employee is to be deducted from the employee's accumulated balance. The balance of leave not taken is to be taken into account when determining the employee's next leave entitlement.

Leave deferred for departmental reasons

Where an employee applies for leave and it is deferred for departmental reasons the deferred leave is to be taken at a mutually agreeable opportunity. If no mutually convenient time can be agreed the deferred leave is to be taken no later than a date determined by the chief executive.

Undrawn recreation leave accrued before 1 July 1999

Undrawn recreation leave accrued before 1 July 1999 may be made available for sick leave or other purposes (other than for recreation leave) as the chief executive may determine.

Payment upon departure from the service

A person who ceases to be an employee is to be paid, instead of recreation leave accrued, an amount equal to salary at the rate the employee was receiving at the date of cessation. This is the full pay rate payable to the employee at his or her substantive position unless the conditions in ministerial directive: *Higher Duties* apply. The payment is to be made for the periods of recreation leave accrued as at this date. Leave loading is paid in accordance with the relevant industrial instrument.

Additionally, the person is to be paid for any public holiday, special holiday or substituted day under the *Holidays Act 1983* to which they would have been entitled if they had still been an employee and had actually taken the leave.

If the person also has an entitlement to a cash equivalent of long service leave, the additional payment for public or special holidays, shall only be made for the one type of leave.