

DIRECTIVE 01/19

Supersedes: 15/18

Minister for Industrial Relations Directive: Leave without Salary Credited as Service

1. Purpose:

To prescribe the entitlements for leave without pay being credited as service for leave and salary purposes.

2. Effective date: 13 September 2019

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
- employees engaged under sections 147(2)(a) and 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 15/18, 07/08, 06/06, 06/01: “*Leave without Salary Credited as Service*”.
- Directive 8/99: “*Leave Credited as Service*”
- Section 23 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.
- Determination No. 5
- Administrative Instructions No. 1 I 55, 1 I 60

6. Related information:

- Directive relating to “Retrenchment”
- Directive relating to “Voluntary Early Retirement (VER)”

DIRECTIVE

SCHEDULE – LEAVE CREDITED AS SERVICE

GENERAL CONDITIONS

7. Entitlement

- 7.1 Public service officers employed under section 8 of the *Public Service Act 2008* and employees engaged under sections 147(2)(a) and 148(2)(a) of the *Act* are to have leave without salary credited as service for leave and salary purposes as provided in this schedule.

LEAVE CREDITED AS SERVICE				
Type of leave without salary	Period of leave without salary recognised for:			
	Recreation leave	Sick leave	Long service leave	Salary increments
Sick leave (1)	The first 3 months of any continuous period.	The first 3 months of any continuous period.	The first 3 months of any continuous period.	The first 3 months of any continuous period.
Parental leave (2)	The first 3 months of any continuous period.	The first 3 months of any continuous period.	The first 3 months of any continuous period.	The first 3 months of any continuous period.
Special leave	The first 3 months of any continuous period.	Any continuous period not exceeding 9 working days (3).	Any continuous period not exceeding 9 working days (3).	Any continuous period not exceeding 1 month (3).
Purchased leave (5)	The first 3 months of any continuous period.	Any continuous period not exceeding 9 working days (3).	Any continuous period not exceeding 9 working days (3).	Any continuous period not exceeding 1 month (3).
Study leave; residential school; attendance leave; and SARAS leave.	The first 3 months of any continuous period.	Any continuous period not exceeding 9 working days (3).	Any period provided that the course of study is successfully completed. For cash equivalent purposes successful periods of study shall only be recognised in the case of retirement under sections 136 and 178 of the <i>Public Service Act 2008</i>, retrenchment under section 138 of the <i>Public Service Act 2008</i> or in the case of death.	Any continuous period not exceeding 1 month. (3) OR Any period where a Staff Scholarship, equal to part or full salary is granted.

LEAVE CREDITED AS SERVICE				
Type of leave without salary	Period of leave without salary recognised for:			
	Recreation leave	Sick leave	Long service leave	Salary increments
Special leave to undertake service overseas with the Australian Volunteers International	The first 3 months of any continuous period.	Any period	Any period	Any continuous period not exceeding 1 month (3).
Special leave to claim Workers' Compensation (4)	Any period.	Any period.	Any period.	Any period.
Defence Reserve Forces leave	The first 3 months of any continuous period.	The first 3 months of any continuous period.	Any period.	The first 3 months of any continuous period.

- (1) An employee on unpaid sick leave, who is receiving Income Protection through QSuper, receives entitlements associated with unpaid sick leave.
- (2) An employee on unpaid maternity leave (a form of parental leave) continues to receive entitlements associated with this leave as well as entitlements due when working as a casual employee whilst on unpaid maternity leave. These two contracts of employment are mutually exclusive and the entitlements accrued under the second (casual) contract cannot be transferred to the first contract of employment.
- (3) Where the total period of continuous leave exceeds the specified period, the total period of leave shall not be credited as service.
- (4) Where an employee returns to work on a graduated "suitable duties program" and is paid by the employer (i.e. is not receiving workers' compensation benefits paid by the insurer under the *Workers' Compensation and Rehabilitation Act 2003*) the employer is to credit attendance at work for leave purposes in accordance with the relevant directive.
- (5) Leave credited as service when an employee is on Purchased Leave arrangements shall be based on actual leave absences, not on the cumulative leave period over the length of the cycle.