

DIRECTIVE No. 09/13

Supersedes: 12/99, 12/10 & 02/12

Minister Assisting the Premier Directive: Special Leave**1. Purpose:**

To prescribe the entitlements for special leave.

2. Effective date: 30 August 2013**3. Legislative authority:**

Section 54(1)(a) of the *Public Service Act 2008* and section 686 of the *Industrial Relations Act 1999*.

The provisions in the Schedules 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. Sections 51 and 52 of the *Public Service Act 2008* and sections 686 and 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.

4. Application:

This directive applies to public service employees, as specified below, excluding employees engaged on a casual basis under sections 147(2)(b) or 148(2)(b) of the *Public Service Act 2008* (except in relation to Bereavement Leave).

5. Previous references:

- Directives: 18/09, 8/06, 1/06, 10/01, 14/99 and 8/97: Special Leave
- Directives: 5/06, 13/05, 3/02, 9/01 and 13/99: Bereavement Leave
- Administrative Instruction No 2 VII 1

6. Related information:

- Directive relating to recreation and long service leave
- Directive relating to overtime and excess travel
- Directive relating to critical incident entitlements and conditions
- *Family Leave (Queensland Public Sector) Award – State 2012*

DIRECTIVE:**7. Entitlement**

7.1. An officer or an employee, as defined in this directive:

- (a) may be granted special leave either on full-pay or without pay as provided for in clause 8;
- (b) must be granted special leave of absence either on full-pay or without pay as provided and where indicated in Schedule One.

7.2. Unless otherwise indicated, leave entitlements apply to part-time employees on a pro-rata basis.

7.3. Leave prescribed in this directive may be converted to an hourly basis for the purpose of

entitlement, granting and recording of leave. Leave is based on the number of hours that the employee would have worked. Schedule Two provides conversion formulas.

- 7.4. 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 part of it, the period of leave 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 period of leave may be different to the employee's daily hours (as defined).
- 7.5. Where a public holiday or substituted day under the Holidays Act 1983 occurs, during an absence on special leave without pay, officers and employees are not entitled to be paid for the public holiday.

8. Discretionary leave

- 8.1. A chief executive may approve paid leave for employees for any purpose, with duration appropriate to the purpose of the leave.
 - (a) Leave approved under clause 8.1 must not exceed more than five (5) days per year per reason unless the chief executive considers that circumstances warrant the granting of additional paid leave. Any additional leave must be reasonable and proportionate to the circumstances.
 - (i) Reasons could include, but are not limited to compassionate situations, representation of state or national sporting teams, blood or aphaeresis donation, situations where an employee is precluded from attending or remaining at work due to natural disasters, work related study, following deployment for critical incidents, domestic or family violence etc.
- 8.2. A chief executive may approve unpaid leave for employees for any purpose and for any duration.
- 8.3. A chief executive may approve a combination of paid and unpaid leave under this directive.
- 8.4. In determining an application for leave under clause 8.1 or clause 8.2, a chief executive must consider:
 - (a) the reason the leave is requested
 - (b) the duration of the requested leave
 - (c) whether alternative forms of leave are more appropriate
 - (d) for temporary or casual employees, the duration of the person's employment (including end date)
 - (e) the impact of the absence on the performance of the employee's role and the department's objectives
 - (f) the impact on the employee if the requested leave is not approved.

9. Taking leave

- 9.1. Other than as provided for in Schedule One, leave is always to be subject to the demands of a particular situation and is to be taken at departmental convenience.

10. Recall from or cancellation of leave

- 10.1. Section 10 does not apply to leave granted in accordance with Schedule One.
- 10.2. A chief executive may, if departmental circumstances require it:
 - (a) recall an employee from special leave; or
 - (b) cancel the approval or granting of any special leave; or
 - (c) defer the taking of that leave.

11. DICTIONARY:

Unless otherwise specified the terms in this directive have the meaning prescribed in the *Public Service Act 2008*.

casual employee includes both long term casual employees and short term casual employees.

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 public service officer, temporary employee (engaged under section 148(2)(a) of the *Public Service Act 2008*) and general employee (engaged under section 147(2)(a) of the *Public Service Act 2008*)

full-pay for the purpose of this directive (excluding sections listed below) means the employee's ordinary rate of pay and is inclusive of any fixed allowances that are part of the regular fortnightly pay, excluding shift penalties and consolidated shift allowance payments.

immediate family includes:

- the employee's spouse; or
- a child, ex-nuptial child, step-child, adopted child, ex-foster child of the employee or employees' spouse; or
- parent, grandparent, grandchild, sister or brother of the employee and of the employee's spouse (such as the employee's mother-in-law, father-in-law, grandparent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law).

The list of family members provided for in this definition is not exhaustive. Agencies have the discretion to grant bereavement leave to employees on the death of family members that are not expressly provided for in this definition. Cultural and personal reasons may be taken into consideration when an agency makes a decision.

industrial instrument means an award, certified agreement, contract, directive or determination made under section 149 of the *Industrial Relations Act 1999*.

SCHEDULE ONE – NON-DISCRETIONARY SPECIAL LEAVE

Category	Entitlement	Conditions of Approval
<p>1. Election Leave</p> <p>An employee who contests a state or local government election shall be granted leave for campaigning purposes.</p>	<p>Total period not exceeding two (2) months.</p>	<p>Applies to employees.</p> <p>Leave may be granted either as a charge against accrued recreation leave, long service leave or without salary.</p>
<p>2. Local Government Leave</p> <p>An employee who has been elected to hold office as mayor, chair or member of a council is to be granted special leave for attendance at council meetings or for undertaking council business.</p>	<p><u>Leave on Full Salary</u></p> <ul style="list-style-type: none"> • Employee elected as mayor, commissioner or chair – Up to a maximum of five (5) working days per calendar year non-cumulative. • Employee elected to other positions – Up to a maximum of three (3) working days per calendar year non-cumulative. <p><u>Leave Without Salary</u> Additional leave as required.</p>	<p>Applies to employees.</p> <p>An employee who has been granted special leave on full salary to attend council meetings or business and who receives payment by the council for attending must submit the payment to the chief executive for reimbursement to departmental funds.</p> <p>Except where the salary of the employee is less than the amount received for the time spent on council business, the employee is entitled to retain the difference between the salary and the amount paid by the council.</p> <p>When determining the amount paid by council, expenses for travel and accommodation are not to be taken into account</p> <p>Where an absence may cause disruption to transport or essential services, the granting of leave is subject to approval having regard to all the circumstances.</p> <p>These conditions do not apply to employees who are elected as full-time councillors, and who are paid a salary for holding such office.</p>
<p>3. Australian Volunteers International</p> <p>An officer who desires to undertake service overseas with the Australian Volunteers International shall be granted leave without salary.</p>	<p>Up to two (2) years without salary.</p>	<p>Applies to officers only.</p> <p>The officer shall make arrangements with the QSuper regarding contributions in accordance with the superannuation legislation.</p>

Category	Entitlement	Conditions of Approval
<p>4. Declared Emergency Situation or Disaster Situation</p> <p>An employee who has been directed to assist in an emergency situation or a disaster situation in accordance with the <i>Public Safety Preservation Act 1986</i> or the <i>Disaster Management Act 2003</i> shall be granted leave for this purpose.</p>	<p>Leave on full salary as required.</p>	<p>Applies to employees.</p>
<p>5. Defence Reserve Forces Leave</p> <p>An employee who is a member of the Reserve Forces is to be granted leave for –</p> <p>(a) attendance for reserve service, including but not limited to; training, camps, field exercises, schools, classes or courses and/or deployment situations and may involve more than one (1) absence in a financial year</p> <p>(b) travel from and to the employee's place of residence to attend continuous training</p> <p>OR</p> <p>to participate in an advance or rear party in connection with a period of continuous training.</p>	<p><u>Leave on Full Salary</u> (The periods of leave below apply from 1 July 2004)</p> <p>Up to a maximum of –</p> <p>(a) 32 calendar days per financial year (Army Reserve, Naval Reserve and Air Reserve) plus an additional 14 calendar days per financial year during employee's first year of reserve service, where attending recruit/initial training.</p> <p>(b) Up to a maximum of four (4) days per financial year.</p> <p><u>Leave Without Salary</u> Additional leave for training, deployment and travel as required</p>	<p>Applies to employees.</p> <p>Where possible, at least three (3) months notice prior to commencement of leave should be provided.</p> <p>Evidence of the necessity for the employee's attendance and proposed length for reserve service in the form of a Training or Deployment Notice must be submitted with the employee's application and, at the conclusion of the event, the employee must submit a certificate of attendance from the Commanding Officer.</p> <p>Additional leave is subject to certification by the Commanding Officer that the additional days are required.</p> <p>Note: The <i>Defence Reserve Service (Protection) Act 2001</i> at section 17 states that "an employer must not hinder or prevent a person in the employer's employment from volunteering to render defence service or rendering defence service". When a requirement for an employee Reservist to undertake defence service (which includes training) causes serious difficulties for a department or agency, the department or agency should request the Australian Defence Service to identify alternative dates for the defence service.</p>
<p><u>Employer Support Payments</u></p>		
<p>Agencies are expected to pursue Employer Support Payment entitlements from the Department of Defence when an employee accesses paid or unpaid Defence Reserve Forces Leave. Details of the financial benefits for employers of reservists provided under the Employer Support Payment Scheme can be obtained from the Defence Reserve Support Council on 1800 803 485 or their website www.defencereservessupport.gov.au.</p>		

Category	Entitlement	Conditions of Approval
<p>6. Bereavement Leave</p> <p>(a) An employee is entitled to bereavement leave on full pay on the death of a member of the employee's immediate family or household. The leave is to be granted for a death occurring either within Australia or overseas.</p> <p>(b) A casual employee is entitled to bereavement leave on the death of a member of the employee's immediate family or household. The leave is to be granted for a death occurring either within Australia or overseas.</p> <p>(c) An employee (including a casual) may be granted additional bereavement leave without pay.</p> <p>(d) If an employee (including a casual) reasonably requires extra time to travel to and from the funeral or other ceremony for the death.</p>	<p>(a) In relation to each deceased person – two (2) days bereavement leave on full pay.</p> <p>(b) In relation to each deceased person – two (2) days unpaid bereavement leave.</p> <p>(c) As determined by the chief executive.</p> <p>(d) An amount of unpaid bereavement leave equal to the time reasonably required for the travel.</p>	<p>Applies to employees (including casual employees)</p> <p>The employee is to furnish evidence of the death or funeral arrangements that are satisfactory to the chief executive.</p>

Superseded by Directive 01/16 and 05/16

SCHEDULE TWO – LEAVE CONVERSION FORMULAS

1. Conversion of entitlements

1.1. This schedule sets out the formulas to be utilised when converting recreation leave or long service leave accruals to an alternative accrual basis.

2. Leave entitlement in hours

2.1. If an employee's leave entitlement in a directive 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

WD = Working Days

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

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

3. Variation of ordinary working hours

3.1. 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.