

# State Service Act 2000



## Ministerial Direction No. 6: 2002

**Title: NURSES (TASMANIAN PUBLIC SECTOR) AWARD 1992**

**Issue Date: 31 October 2002**

**Operation Date: 1 May 2001**

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### Purpose (Intent/Outcome)

This Direction specifies entitlements and administrative procedures in relation to calculation of salary and certain types of leave for persons employed or appointed under the *Nurses (Tasmanian Public Sector) Award 1992*.

### Legislative Basis and Related Documents

- *State Service Act 2000* Section 14(1)
- *Nurses (Tasmanian Public Sector) Award 1992*
- *Nurses (Tasmanian Public Sector) Enterprise Agreement 1998*

### Directive

Pursuant to Section 14 of the *State Service Act 2000* I hereby direct that the following administrative arrangements with regard to persons employed or appointed under the *Nurses (Tasmanian Public Sector) Award 1992* shall have effect:

#### 1. Interpretation

For the purposes of this Direction:

“Commissioner” has the meaning assigned by *the State Service Act 2000*.

“relevant Award” means the *Nurses (Tasmanian Public Sector) Award 1992*.

A person who is employed or appointed as a temporary employee as defined in the *Tasmanian State Service Act 1984* is deemed to be employed or appointed as a fixed-term employee as defined in the *State Service Act 2000*.

## **2. Calculation of fortnightly and hourly salary**

- (1) An employee's fortnightly salary is to be calculated by the following formula:

$$\frac{\text{Annual Salary}}{1} \times \frac{10}{\text{Total Number of Working Days}} = \text{Fortnightly Salary}$$

where the total number of working days represents the number of calendar days, exclusive of Saturdays and Sundays, within the financial year commencing 1 July each year (ie 260, 261 or 262).

- (2) An employee's hourly salary is to be calculated by dividing the fortnightly salary contained in paragraph (1) by the number of ordinary working hours per fortnight.

## **3. Part-time employees**

- (1) Notwithstanding any other provision of this Direction or the relevant Award-

(a) a part-time employee -

- (i) is entitled to such leave as bears to the leave to which a full-time employee is entitled in the same proportion as the number of hours worked by that part-time employee bears to the normal number of hours worked by a full-time employee; and
- (ii) is entitled to such allowances, other than allowances to reimburse costs incurred, as bears to the allowances to which a full-time employee is entitled in the same proportion as the number of hours worked by the part-time employee bears to the normal number of hours worked by a full-time employee; and
- (iii) is entitled to the same allowances to reimburse costs incurred to which a full-time employee is entitled; and

(b) the terms and conditions of service not referred to in paragraph (a), specified in the relevant provisions of any Minister's Direction, Commissioner's Direction and the relevant Award apply to a part-time employee in the same manner as they apply to a full-time employee.

## **4. Jury service**

- (1) An employee who is called for jury service is allowed the necessary leave of absence, on full pay, and is not to be paid jury fees but only out-of-pocket expenses allowed by the Crown.
- (2) An employee who is called for jury service must advise the relevant Head of Agency as soon as the notification that that employee is required for jury service is received.
- (3) Where an employee who is called upon for jury service is on leave, that employee shall not lose the benefit of that leave, but is to be credited with the time occupied with the jury service and shall be permitted to take such extra leave with pay at the end of the original period of leave or at a later date according to the exigencies of the Agency in which that employee is employed.

## **5. Use of sick leave for maternity leave purposes**

- (1) Where an employee is granted leave of absence for the purposes of maternity leave, that employee may notify the relevant Head of Agency that she desires to treat as leave of absence on account of sickness such amount of leave of absence for maternity leave purposes granted under the relevant award as is equal to the amount of leave of absence on the grounds of sickness to which she is entitled under the relevant Award.
- (2) The period of leave of absence which may, under subclause (1), be treated as leave of absence on account of sickness shall not exceed 61 working days.
- (3) A reference in subclause (1) to sickness shall be deemed not to include references to sickness arising out of or in the course of the employment of an employee or arising from her default or misconduct.

## **6. Leave in lieu of overtime**

An employee who has been required to perform overtime work in respect of which an allowance is payable, may, at the discretion of the relevant Head of Agency and with the agreement of the employee, be granted leave of absence for a period equivalent to the period during which that overtime work was performed.

## **7. Verification of illness**

Leave on account of illness shall not be granted to an employee who is suspected of being absent from duty without sufficient cause, and in order to satisfy himself or herself that there was or was not sufficient cause, the relevant Head of Agency may direct that employee to undergo a medical examination by a legally-qualified medical practitioner selected by the Commissioner or that Head.

## **Application**

This Direction applies to all persons employed or appointed under the *Nurses (Tasmanian Public Sector) Award 1992*.

## **Date of period of operation**

This direction will come into effect upon the date of proclamation of the *State Service Act 2000* and remain in force until such time that amendments are made to the *Nurses (Tasmanian Public Sector) Award 1992* with respect to the contents of this direction.

Issued by authority of the Minister administering the *State Service Act 2000* pursuant to Section 14(1).

Date 31/10/2002

Signed

Jim Bacon MHA  
*Premier*