

Tasmanian State Service – Leave because of COVID-19

– October 2022

The following scenarios are provided to support Tasmanian State Service agencies manage the common types of workforce absences relating to COVID-19. Individual circumstances need to be considered on a case-by-case basis.

Supervisors/managers who are unsure on what specific action to take should contact their Human Resources team. The scenarios reflect the latest public health advice and has been updated following the end of the Public Health Emergency Declaration from 30 June 2022, and the subsequent rescission of Public Health orders effective 14 October 2022.

This document is current as at 14 October 2022. The State Service Management Office will continue to update this document as required.

For the purpose of this document, the following definitions apply:

- 'Regulation 24' means 'Leave because of COVID-19' provided under Regulation 24 of the *State Service Regulations 2021*

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	Scenario	Health Advice	Evidentiary Requirement	Leave Arrangement
1	<ul style="list-style-type: none"> Employee tests positive for COVID-19, or is experiencing side effects following COVID-19 vaccination; and Employee is symptomatic 	Encouraged to stay home while unwell	<p>Apply award/agreement provisions</p> <p>It is recognised that it is not reasonably practicable for an employee to provide a medical certificate in the current circumstances. Given this, an employee can provide a statutory declaration as evidence of their inability to work. Evidence of the RAT result or PCR result notification can be attached to the statutory declaration to outline the circumstances and reasons for which leave is required, if relevant.</p> <p>There may be circumstances where an employee is unable to complete a statutory declaration, due to specific Agency requirements for lodging timesheets/processing of pay etc.</p> <p>In these limited circumstances, an employee could provide evidence of registration of a positive RAT result or positive PCR test notification to support an application for personal leave. On return to the workplace, an employee should then complete a statutory declaration for the personal leave period.</p>	<ol style="list-style-type: none"> Personal leave If personal leave is exhausted, COVID-19 leave may be provided by Regulation 24, paid at normal rate of salary (base rate exclusive of allowances and loadings)
2	<ul style="list-style-type: none"> Employee tests positive for COVID-19; Employee is not symptomatic or unwell (despite positive test); and Employee is ready, willing and able to work 	Encouraged to stay home while unwell	N/A	<ol style="list-style-type: none"> Working from home If working from home is not possible, the employee may be able to attend work. The employee should discuss with their manager in the first instance. If requested not to attend the workplace, the employee will continue to be paid at the salary rate the employee would have received had they been working (including

				<p>allowances and loadings), as the employee is ready, will and able to work</p> <p>3. The employee should utilise leave in line with scenario 1 if they become symptomatic or unwell at any point</p>
3	<ul style="list-style-type: none"> Employee is caring for household or family member who has COVID-19, or who is experiencing side effects following COVID-19 vaccination. 	N/A	Apply award/agreement provisions	<p>1. Working from home where possible; or</p> <p>2. Personal leave (carers)</p> <p>3. If personal leave is exhausted, COVID-19 leave may be provided by Regulation 24, paid at normal rate of salary (base rate exclusive of allowances and loadings).</p>
4	<ul style="list-style-type: none"> Employee as a parent or guardian remains at home to provide care for a child/children who is unable to attend school or care arrangements, due to those arrangements being unavailable due to COVID-19 (eg. school closure) 	N/A	Apply award/agreement provisions	<p>1. Working from home; or</p> <p>2. COVID-19 leave may be provided by Regulation 24, paid at the salary rate the employee would have received had they been working (including allowances and loadings).</p>
5	<ul style="list-style-type: none"> Employee is ready, willing and able to come to work; and The workplace requests, for whatever reason related to COVID-19, that the employee does not attend the workplace. 	N/A	N/A	<p>1. Working from home; or</p> <p>2. If working from home is not possible, the employee will continue to be paid at the salary rate the employee would have received had they been working (including allowances and loadings), as the employee is ready, will and able to work</p>

6	<ul style="list-style-type: none"> Employee is a fixed-term casual, sessional, seasonal or relief employee; and Employee is granted COVID-19 leave as a result of any of the above scenarios 	N/A	N/A	<p>I. Any COVID-19 leave is to be paid to the employee at the salary rate the employee would have received had they been working (including allowances and penalties).</p>
7	<ul style="list-style-type: none"> Employee is employed on a specified contract of hours arrangement but works a regular pattern of additional hours each fortnight (pay cycle); and Employee is granted COVID-19 leave as a result of any of the above scenarios 	N/A	N/A	<p>I. All leave is to be paid to the employee for the regular pattern of hours the employee would have expected to work during the period</p>