Christmas Close Down Days for Day Workers

Overview

Christmas close down days is a separate entitlement for dayworkers to be absent from the workplace with pay where the Head of Agency makes a determination to close the Agency (or parts of an Agency) for the usual working days between Christmas and New Year.

This means that where a Head of Agency declares their Agency (or part of) closed for the period commencing from Christmas Day and ending on New Year's Day (including days that are not State Service Holidays with Pay), day workers who work in that Agency or parts of that Agency that are closed will be entitled to those Christmas close down days with pay to cover those usual working days with pay-without deduction from their recreation leave.

Christmas close down days – other Agreements

The entitlement to Christmas Close Down Days applies to day workers who are employed under the:

- *Public Sector Union Wages Agreement 2022*
- *Allied Health Professionals Agreement;*
- *AWU Public Sector Union Wages Agreement;*
- *Radiation Therapists Agreement;*
- *Building Tasmania Engineers Industrial Agreement;*
- *Port Arthur Historic Site Management Authority Staff Agreement;*
- *Correctional Officers Agreement;*
- *Ministerial Drivers Agreement;* and
- *Nurses and Midwives Agreement*.

As provided for in Employment Direction No.17 the Christmas close down days also apply to Senior Executives and officers with an SES equivalent classification.

Access to the Christmas close down days

Where a day worker entitled to the Christmas close down days is directed to attend work on any or all three Christmas close down days, they will be able to take any of those Christmas close down days worked, off by agreement with their manager within the period up until 30 June of the following year. The time taken off work is commensurate with the ordinary hours of work that were undertaken on the Christmas close down day or days.

Any Christmas close down days not taken by 30 June the following year, are forfeited. These days are not paid out if employees do not access these before 30 June the following year or cease employment with the State Service before taking these.

Employees who work on the Christmas close down days, will receive their normal rate of pay.

Agency (or part of it) open or closed

The Head of Agency will advise employees what areas of the Agency have been declared closed or open by 1 November each year.

Frequently Asked Questions

I work part-time, do the Christmas close down days apply to me?

Yes, if your workplace has been declared closed, you will be paid for any of the Christmas close down days that you would normally work at your normal rate of pay.

I am a shift worker – do the Christmas close down days apply to me?

No - there is a separate arrangement for shift workers in the following agreement and classification:

- up to the equivalent of the top of Band 4 who are covered by the Public Sector Union Wages Agreement (PSUWA) paid at their normal salary rate and;
- employees classified up to First-Class Correctional Officer Level 3 of the Correctional Officers Agreement paid on the annualised salary rate;
- who are entitled to receive a time and a half additional payment for working on the days between Christmas and New Year.

Note – The entitlement does not apply to Correctional Officers working overtime shifts on the week day/s (non-Holidays with Pay) between the period commencing from Christmas Day and ending on New Year's Day.

What pay will I receive on a Christmas close down day?

If your workplace has been declared closed, regardless of whether you work the Christmas close down days or not, you will receive the normal rate of pay you would otherwise have been paid for the Christmas close down days.

Do I need to submit a leave application?

- If your workplace has been declared closed, you do not need to apply for any form of leave to cover the Christmas close down days.
- If your workplace remains open, but you wish to take recreation leave, you will need to apply for recreation leave in the normal manner.
- If you have already put in a recreation leave application that covers only the close down period, but your workplace has now been declared closed, you will need to log on to ESS and delete the application.
- If your recreation leave application is for a period longer than the Christmas close down period, you will need to resubmit the application without the three days.

Am I entitled to leave loading on the Christmas close down days?

Leave loading is not payable on the Christmas close down days as employees are not on recreation leave.

What happens if I am on-call/ availability?

If you are directed to be on call/available during a period when your workplace is closed due to Christmas close down days, you will still be paid any availability/on-call allowance relevant to you in the normal way in accordance with the award or agreement.

What happens if I am re-called to work?

If you work in a workplace that has been declared 'closed' but are on an on-call/availability roster and you are re-called to work on any or all of the Christmas close down days, you will be paid the relevant recall rates in accordance with the award/agreement provisions and will be able to access the Christmas close down day/s at a time that is mutually agreed between you and your manager before 30 June of the following year for the period of the recall.

You will need to claim your recall using the regular payroll process.

What happens if I don't take my Christmas close down days by 30 June of the following year?

Any Christmas close down day/s or time for Christmas close down days not taken by 30 June of the following year will be forfeited and no longer able to be used.

My workplace has been closed but my manager has said I need to be part of minimal staffing levels for the purposes of providing essential services during the Christmas close down period. What does this mean?

Some employees may be directed to work to maintain minimal staffing levels required to deliver limited or reduced services in a particular part of the Agency. This ensures essential services can still be provided to our community.

Where your workplace has been declared **closed** and you have been directed to attend work as part of minimal staffing during the Christmas close down period, you will be able to access the Christmas close down days at a time that is mutually agreed between you and your manager before 30 June of the following year.

I am in a workplace that has not been declared as being closed over Christmas. What does this mean?

If your workplace has not been declared closed over the Christmas close down period, you will be required to attend work as usual.

You will **not** be able to access the Christmas close down days later.

In some circumstances, based on operational requirements, you may be able to apply for and be granted leave (such as recreation leave) through negotiation with your manager.

If you are in an operational area and you are not sure of your arrangements, it is recommended that you discuss your situation with your manager.

Can I choose to work over Christmas and accrue the Christmas close down days to take at another time?

If your workplace has been declared closed, you are not able to work over the Christmas close down period unless directed to.

You cannot choose to come in to work and then take the Christmas close down days for another time.

My workplace is closed but I am required to work on a Christmas close down day. What if I fall sick on one or more of the Christmas close down days I am required to work?

You would submit a personal leave application and any required evidence in accordance with the award and you are able to access the Christmas close down day/s for any of the days you have been approved personal leave on another date, as mutually between you and your manager before 30 June of the following year in the normal way.

My workplace is closed, and I am not required to work on any of the three Christmas close down days. What happens if I fall sick on one or more of the Christmas close down days?

No action is required. You are not required at work (on what would usually be a workday) and you do not need to make application for personal leave.

You are not able to use Christmas close down day/s on another date.

I work part-time and my workplace is closed. I would not have ordinarily worked on any of the three Christmas close down days. What happens if I fall sick on one or more of the Christmas close down days?

No action is required. The day you were sick was ordinarily a non-workday for you and therefore you are not entitled to the Christmas close down days.

You are not required to make application for personal leave nor are you eligible to use Christmas close down day/s on another date.

What if there is an emergency over the Christmas to New Year period?

Exceptional circumstances such as emergencies may impact the arrangements regarding the Christmas close down days. Your Head of Agency will provide further advice in these circumstances.