

State Service Act 2000



Ministerial Direction No. 2: 2002

Title: WORK ARRANGEMENTS AND LEAVE

Issue Date: August 2002

Operation Date: August 2002

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Purpose (Intent/Outcome)

This Direction specifies certain administrative procedures and monetary entitlements in relation to:

- Work arrangements
- Leave

Legislative Basis and Related Documents

- *State Service Act 2000 Section 14*
- State Service Regulations 2001

Directive

This Ministerial Direction No 2 supersedes the previous Ministerial Direction No.2 issued on 1 May 2001, which is hereby revoked.

The provisions of this Ministerial Direction will be included in appropriate Awards as soon as practicable.

Where a subject contained in this Ministerial Direction is also dealt with in Awards or Agreements the provisions of this Direction do not apply unless specifically stated.

Interpretation

"care" includes physical, medical and emotional care and support;

"carer's leave" means leave referred to in clause 2.6;

"child" includes any adult child, adopted child, step-child, foster child or ex-nuptial child;

"Commissioner's Direction" means a direction issued pursuant to section 20 of the *State Service Act 2000*;

"household", in respect of an employee, means any person or persons who usually reside with the employee;

"immediate family", in respect of an employee, means a spouse, child, parent, grandparent, grandchild or sibling of the employee or employee's spouse;

"leave year" means the period commencing on 1 October in each year and ending on 30 September in the following year

"Minister " means the Minister administering the *State Service Act 2000*;

"Ministerial Direction" means a direction issued pursuant to section 14 of the *State Service Act 2000*;

"parent" includes a foster parent, step-parent or legal guardian;

"part-time employee" means a person engaged to work on a regular basis for a lesser number of ordinary weekly hours than is applicable to an equivalent full-time employee.

"relative", in relation to an employee, means -

- (a) the husband or wife of the employee; and
- (b) a person with whom the employee has cohabited for substantially the whole of the period of 12 months immediately preceding that person's illness or death; and
- (c) the parent or step-parent of the employee; and
- (d) the father-in-law or mother-in-law of the employee; and
- (e) a child or step-child of the employee; and
- (f) a brother or sister, or step-brother or sister of the employee; and
- (g) a grandparent of the employee.

"sick leave year" means, in relation to an employee, the period of 12 months commencing on-

- (a) the day on which the employee first reports for duty, whether on probation or not; or
- (b) such other day as determined by the relevant Head of Agency after taking into account a period of leave of absence without pay, but not unpaid maternity leave, amounting to more than 20 working days; or
- (c) the anniversary of a day specified in paragraph (a) or (b), as the case requires.

"spouse" includes a de facto spouse, former spouse or former de facto spouse.

"working day", in relation to an employee not on shift work, means a day other than -

- (a) a Saturday; or
- (b) a Sunday; or
- (c) a State Service holiday.

1 Administrative matters

1.1 Hours of attendance

- (1) Except as otherwise provided by any Award or as determined by the Minister, an employee shall work 73 ½ hours in each fortnight.
- (2) Except as otherwise provided by any Award or as determined by the relevant Head of Agency, an employee shall take a lunch break each working day of a duration of not less than one half hour and not more than one hour to be taken between the hours of 12 noon and 2.00 pm.
- (3) The Head of Agency may determine an attendance record that suits the requirements of the Agency.

Provided that employees who are subject to the Fire Service Award S105 shall work 72½ hours each fortnight.

1.2 Calculation of fortnightly and hourly salary

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

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

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 derived from paragraph (1) by the number of ordinary working hours per fortnight of that employee
- (3) On the death of an employee, any salary owing to that employee shall be paid to that employee's legal representative or, if the Head of Agency so directs, to that employee's spouse or to any person who the Head of Agency is satisfied was dependent on the employee at the time of the employee's death.

1.3 Increments

- (1) If the relevant Head of Agency is of the opinion that an employee is not entitled to receive an annual increment referred to in the relevant Award that Head may issue an order depriving that employee of that increment.
- (2) A copy of an order issued under subclause (1) shall be served on the employee affected by that order.

1.4 Part-time employees

- (1) Notwithstanding any other provision of this Direction-
- (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), but otherwise specified in the relevant provisions of this Direction, or in any other Minister's Direction, or in any Commissioner's Direction or in any relevant Award apply to a part-time employee in the same manner as they apply to a full-time employee.

2 Leave

2.1 Recreation leave

2.1.1 *Period of recreation leave*

- (1) Subject to the convenience of the Agency in which the employee is employed, recreation leave shall be granted to an employee for the period in subclause (2) in every leave year.
- (2) For the purposes of subclause (1), the recreation leave in each leave year of -
- (a) an employee on shift work, other than an employee referred to in paragraph (b), means a period of 35 consecutive days, inclusive of Saturdays, Sundays, days that are State Service holidays within the locality in which that employee is employed, rostered days off and a number of days equivalent to the number of days, not being State Service holidays, on which State Public offices are closed during the period commencing on Christmas Day and ending on New Year's Day (inclusive); and
 - (b) an employee on shift work employed pursuant to the *Tasmanian Museum Act 1950*, means a period of 28 consecutive days inclusive of Saturdays, Sundays, days that are State Service holidays within the locality in which that employee is employed, rostered days off and a number of days equivalent to the number of days, not being State Service holidays, on which State Public offices are closed during the period commencing on Christmas Day and ending on New Year's Day (inclusive); and
 - (c) an employee, other than an employee on shift work, who is required to work on the days, not being State Service holidays, on which State Public Offices are closed during the period commencing on Christmas Day and ending on New Year's Day (inclusive), means a period of 20 working days, exclusive of any of

those days when State Public Offices are so closed and on which that employee is required to work; and

- (d) any other employee, means a period of 20 working days, inclusive of any days, not being State Service holidays, on which State Public Offices are closed during the period commencing on Christmas Day and ending on the day after New Year's Day (inclusive).

2.1.2 The accruing of recreation leave

- (1) The recreation leave due to an employee shall be deemed to accrue due to that employee on 1 October in each year.
- (2) Where any employee has, on 1 October in any year, completed less than 12 months' continuous service in any Agency or Agencies, the recreation leave that accrues to that employee on that date pursuant to subclause (1) shall be the period that bears the same proportion to that employee's period of continuous service as the recreation leave to which that employee is entitled under clause 2.1.1 or 2.1.5, or under both those clauses, as the case may be, bears to 12 months.
- (3) Where an employee has been granted a period of leave without pay exceeding 20 days, but not unpaid maternity leave, the employee is not entitled to accrue recreation leave for that period.

2.1.3 Leave on resignation, retirement, dismissal or death

- (1) Where the employment of an employee is terminated by the employee's resignation, retirement, dismissal, or death and the employee's period of service exceeds 20 consecutive working days, the relevant Head of Agency may approve the payment to the employee or in the case of the death of the employee, to a person specified in clause 1.2(3), an allowance in lieu of leave calculated in accordance with the following formula:-

- (a) $A = \frac{D + P}{260} \times \frac{S}{1}$ in the case of employees in respect of whom recreation leave is recorded and granted in working days; and
- (b) $A = \frac{D + P}{365} \times \frac{S}{1}$ in the case of employees in respect of whom recreation leave is recorded and granted in consecutive days.

Provided that in the case of the death of an employee this subclause also applies to person who are subject to the Electrical/Electronic Trades (Public Sector) Award (S150), the Port Arthur Authority Award (S149) the Tasmanian Ambulance Service Award (S004), the Metal Trades (State Employees) Award (S146) or the Medical Practitioners' (Public Sector) Award (S099).

- (2) For the purposes of the formula prescribed in subclause (1), with respect to an allowance payable to an employee -

"A" means the allowance payable to that employee; and

"D" means the number of days recreation leave shown as due to that employee on that employee's leave record; and

"P" means -

- (a) in the case of the formula prescribed by paragraph (a) of subclause (1), a further number of days leave due to that employee for the period from 1 October

preceding the date of that employee's resignation, retirement, dismissal or death or the commencement of that employee's period of service, whichever is the later, to the date of that employee's resignation, retirement, dismissal, or death, on the basis of one day for every 18 days' continuous service, calculated to the nearest full number of days; and

- (b) in the case of the formula prescribed by paragraph (b) of that subclause, a further number of days leave due to that employee calculated in the same proportion to that employee's period of service from 1 October preceding the date of that employee's resignation, retirement, dismissal or death or the commencement of that employee's period of service, whichever is the later, to the date of that employee's resignation, retirement, dismissal or death, as that employee's annual entitlement to recreation leave bears to 365 consecutive days, calculated to the nearest full number of days; and

"S" means the annual salary of that employee together with the annual rate of allowances (if any) payable to that employee at the time of that employee's resignation, retirement, dismissal or death.

- (3) Notwithstanding the provisions of this clause, no allowance shall be paid under this clause to an employee who resigns from the State Service and fails without reasonable cause to give the relevant Head of Agency not less than seven continuous days' notice, in writing, of that employee's intention to resign from the State Service.

Provided that clause (1) also applies to persons employed or appointed pursuant to the Electrical/Electronic Trades (Public Sector) Award (S150), the Port Arthur Authority Award (S149), the Tasmanian Ambulance Service Award (S004), the Metal Trades (State Employees) Award (S146) and the Tasmanian Salaried Medical Practitioners' Society (S099) in the case of the death of the employee.

2.1.4 Injury or illness during recreation leave

- (1) Where an employee is injured or becomes ill while absent on recreation leave, the relevant Head of Agency, on receipt of an application, in writing, by or on behalf of that employee -
 - (a) may credit that employee with a period of recreation leave which is equal to the number of working days during which that employee was injured or ill; and
 - (b) shall deduct the number of working days referred to in paragraph (a) from any period of sick leave to which that employee is entitled.
- (2) An application under subclause (1) shall be accompanied by the certificate of a legally-qualified medical practitioner.

Provided that clause 2.1.4 also applies to employees who are subject to the Community and Health Service (Public Sector) Award (S177).

2.1.5 Recreation leave for certain employees

- (1) Subject to this clause, an employee on shift work may, in addition to the recreation leave to which that employee is entitled under clause 2.1.1, be granted recreation leave in each leave year in lieu of State Service holidays.
- (2) Any leave granted to an employee on shift work under subclause (1) -

- (a) shall be taken in consecutive days, inclusive of Saturdays, Sundays, days that are State Service holidays within the locality in which the employee is employed, rostered days off and any days, not being bank holidays, on which Public Offices are closed during the period commencing on Christmas Eve and ending on the day after New Year's Day; and
 - (b) shall be for such period as the relevant Head of Agency may direct.
- (3) Subject to this clause, an employee who is paid a salary not exceeding the maximum salary entitlement determined for an Administrative and Clerical Employee Level 7 Third Year (not being an employee on shift work) and -
- (a) who is regularly required to perform duties outside the normal working hours; or
 - (b) whose services are on call outside the normal working hours -
- may be granted recreation leave in addition to the recreation leave to which that employee is entitled under clause 2.1.1.
- (4) Any leave granted to an employee under subclause (3) -
- (a) shall be taken in working days, exclusive of Saturdays, Sundays and days that are State Service holidays within the locality in which the employee is employed; and
- shall be for such period as the relevant Head of Agency may direct.

Provided that employees who are subject to the Fire Service Act 1979 are excluded from sub-clauses (3) and (4).

2.1.6 Recreation leave and fire duties leave

- (1) If, at the direction of the Head of Agency, an Officer of the Tasmanian Fire Service is restricted from taking recreation leave during a fire season due to the exigencies of that fire season, that officer is entitled to five days fire duties leave.
- (2) An officer of the Tasmanian Fire Service may, with the approval of and subject to the conditions imposed by, the Head of Agency, take recreation leave not exceeding ten days in a fire season.
 - (a) Where an Officer of the Tasmanian Fire Service takes, with the approval of the Head of Agency, recreation leave exceeding ten days in a fire season, that Officer forfeits any fire duties leave for the year in which that fire season is completed.
- (3) Where an Officer of the Tasmanian Fire Service is absent from duty during a fire season for any reason other than recreation leave, there shall be deducted from that Officer's fire duties leave entitlement under subclause (1) the same proportion of time as the length of that absence bears to the length of the fire season.
- (4) For the purpose of this clause, fire duties leave accrues on 1 April in each year and can only be carried forward beyond 1 November in that year with the approval of the Head of Agency.

2.1.7 Recreation leave for employees who are shift workers and are employed for the purposes of the Police Regulation Act 1898

- (1) An employee employed for the purposes of the Police Regulation Act 1898 who is a shift worker who has completed 12 months' continuous service shall be granted recreation leave for a period of 42 consecutive days.

- (2) Where an employee who is a shift worker has, on 1 October in any year, completed less than 12 months' continuous service in the Agency, the recreation leave that accrues to that employee on that date shall be the period that bears the same proportion to that employee's period of continuous service as the recreation leave to which that employee is entitled under subclause (1) bears to 12 months.

2.2 Sick leave

2.2.1 Sick leave for permanent employees

- (1) Subject to this clause, a permanent employee is entitled, during a sick leave period, to leave of absence on account of sickness, either on full pay, half pay, or without pay, according to the following scale:-
- (a) a permanent employee having not less than ten years' service -
 - (i) on full pay, 132 working days; and
 - (ii) on half pay, 66 working days; and
 - (iii) without pay, 66 working days;
 - (b) a permanent employee having not less than five years' service but less than ten years' service -
 - (i) on full pay, 66 working days; and
 - (ii) on half pay, 66 working days; and
 - (iii) without pay, 132 working days;
 - (c) a permanent employee having less than five years' service -
 - (i) on full pay, 22 working days; and
 - (ii) on half pay, 44 working days; and
 - (iii) without pay, 132 working days.
- (2) In this clause, "sick leave period", in relation to an employee, means the period of three years commencing on -
- (a) the day on which the employee first reports for duty, whether on probation or not; or
 - (b) such other day as determined by the relevant Head of Agency after taking into account a period of unpaid leave, but not unpaid maternity leave, that exceeds a total of 20 days in any sick leave year
 - (c) the annual anniversary of a day specified in paragraph (a) or (b), as the case requires.
- (3) Leave of absence under this clause may be granted to an employee by the relevant Head of Agency on an application, in writing, made by or on behalf of that employee.
- (a) Where leave is granted under subclause (3) for a period of three or more consecutive working days, the third and any subsequent day is without pay unless the leave is supported by the certificate of a legally-qualified medical practitioner.
 - (b) Where, in a sick leave year, an employee has been granted paid leave of absence under this clause in respect of an aggregate of five working days for which no supporting

certificates of a legally-qualified medical practitioner have been given to the relevant Head of Agency, any further leave of absence on account of sickness granted under this clause is without pay unless the leave is supported by the certificate of a legally-qualified medical practitioner.

- (4) Where a permanent employee was, immediately before becoming a permanent employee, a fixed-term employee, there shall be credited to that employee at the time of becoming a permanent employee (whether on probation or otherwise) the period of sick leave to which that employee would have been entitled at that time, as if that employee's total continuous service from the date of first reporting for duty as a fixed-term employee had been service as a permanent employee and the sick leave periods had commenced in accordance with subclause (2).
- (5) Service as a fixed-term employee shall be deemed to be service for the purpose of subclause (1) when determining an employee's entitlement under that subclause.
- (6) The sick leave entitlement under subclause (4) shall replace any sick leave entitlement a fixed-term employee may have had immediately before that employee became a permanent employee.
- (7) The sick leave entitlement referred to in subclause (6) shall apply only to the balance of the current sick leave period calculated in accordance with subclause (4).
- (8) Where any permanent employee has, as a result of the application of subclause (6) -
 - (a) at the commencement of any sick leave period, less sick leave entitlement on full pay than that employee had under clause 2.2.2 at the time of becoming a permanent employee; and
 - (b) during that sick leave period, used the whole of the sick leave entitlement on full pay -

that employee may be granted such further sick leave on full pay as the relevant Head of Agency may determine to the extent that any part of that employee's previous entitlement under clause 2.2.2 at the time of becoming a permanent employee would then have remained had that employee not become a permanent employee or until the sick leave entitlement on half pay, reduced as provided by subclause (9), had expired, whichever occurs first.

- (9) Each working day of the further sick leave on full pay granted in accordance with subclause (8) shall be counted as two working days' sick leave on half pay against that employee's entitlement under subclause (1).

Provided that employees who are subject to the Fire Service Act 1979 be excluded from subclauses (8) and (9).

Provided further that clause 2.2.1 also applies to employees who are subject to the Tourism Tasmania Staff Award (S145).

2.2.2 Sick Leave for fixed-term employees

- (1) A fixed-term employee who has completed continuous service for 20 working days in the State Service may be granted by the relevant Head of Agency, in that Head's discretion, leave of absence on account of sickness -
 - (a) for ten working days, in respect of the first year of that employee's service; and
 - (b) a further period of nine working days for each completed year of service, in respect of the second and each subsequent year of that employee's continuous service -

but any period of leave so granted shall not exceed the authorised period of employment of that employee.

- (2) The provisions of clause 2.2.1 (3), (3a) and (3b) apply to sick leave under this clause.
- (3) A fixed-term employee, for the purposes of this clause, does not include a fixed-term employee who receives a rate of remuneration that excludes the right to any sick leave entitlements.

Provided further that clause 2.2.2 also applies to employees who are subject to the Tourism Tasmania Staff Award (SI45).

2.2.3 Sick leave for certain fixed-term employees

- (1) Subject to this agreement, a fixed-term employee -
 - (a) who has completed one year's continuous service and who the relevant Head of Agency certifies is likely to complete a further three years' continuous service; or
 - (b) has completed four years' continuous service -

is entitled, during any sick leave period, within the meaning of clause 2.2.1 (2), to leave of absence on account of sickness either on full pay, half pay or without pay, according to the scale in clause 2.2.1 (1) as if that employee were a permanent employee.

- (2) A fixed-term employee for the purposes of this clause does not include a fixed-term employee who receives a rate of remuneration that excludes the right to any sick leave entitlements.
- (3) The relevant Head of Agency may limit the amount of sick leave granted to a fixed-term employee if that sick leave would extend beyond the authorised period of employment of that employee.
- (4) Subclauses (4) to (9) inclusive, of clause 2.2.1 apply to a fixed-term employee who is entitled to sick leave under subclause (1) as if that employee became a permanent employee when that employee became entitled to sick leave in accordance with that subclause.
- (5) Clause 2.2.1 (3), (3a) and (3b) applies to leave granted under this clause as if the fixed-term employee were a permanent employee.

2.2.4 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.

2.3 Adoption leave

2.3.1 Adoption leave without pay

- (1) The relevant Head of Agency may grant to an employee leave of absence without pay for the purpose of adopting a child (in this clause called "adoption leave without pay")
- (2) Adoption leave without pay may be granted for a period -
 - (a) not less than 3 weeks including the day of adoption; and
 - (b) not exceeding 52 weeks.

2.3.2 Adoption leave with pay

- (1) The relevant Head of Agency may grant to an employee a paid leave of absence for the purpose of adopting a child (in this clause referred to as “adoption leave with pay”) provided the following requirements are met:
 - (a) the employee must have had 12 months’ continuous employment under the *State Service Act 2000* at the time of commencing adoption leave and be eligible for paid sick leave;
 - (b) the child to be adopted must be under 5 years of age;
 - (c) the child cannot be a child of a spouse or relative;
 - (d) the child cannot have previously resided with the employee; and
 - (e) evidence of the adoption must be provided with a statutory declaration from the employee verifying that they will be the primary carer. The employee must also supply the particulars of adoption leave taken, or to be taken, by the employee’s partner in relation to the child.
- (2) Adoption leave with pay may be granted for a period not exceeding 6 weeks.
- (3) The employee may be entitled to 2 days leave without pay prior to taking custody for the purpose of interviews and relocation of the child.
- (4) The relevant Head of Agency may grant adoption leave with pay in cases where a child is over 5 years of age and special circumstances exist.
- (5) An employee taking adoption leave with pay is also entitled to a period of adoption leave without pay, providing the total leave taken does not exceed 52 weeks. The paid component of adoption leave may be taken any time within this 52-week period.

2.3.3 Administration of adoption leave with or without pay

- (1) Where an employee who has been granted adoption leave with or without pay wishes to reduce the period of that leave, the relevant Head of Agency may, in that Head's discretion, reduce the period of the leave by such period, and on such terms and conditions, as the Head determines.
- (2) Where the total period of leave without pay granted under this clause amounts to more than 20 working days in any sick leave year, the whole of that leave is not service for the purposes of -
 - (a) calculating an employee's entitlement to recreation leave; and
 - (b) determining the day on which an employee's sick leave entitlement accrues; and
 - (c) determining the day on which an employee is entitled to any salary increment.
- (3) An employee who has applied for adoption leave may notify the relevant Head of Agency that that employee desires to treat as long service leave or recreation leave such amount of leave of absence granted under this clause as is equal to the amount of long service leave or recreation leave to which that employee is entitled under the *Long Service Leave (State Employees) Act 1994* or under this Direction, as the case may be.
- (4) An application from an employee for adoption leave shall be forwarded to the relevant Head of Agency for consideration not less than two weeks prior to the intended date of commencement of such leave, and shall be accompanied by the required documentary evidence.

2.4 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.

2.5 Bereavement leave

In the event of the death of a relative of an employee, the relevant Head of Agency may, in that Head's discretion, grant to that employee leave of absence on account of bereavement, with pay, for a period -

- (a) not exceeding five working days in the case of an employee who was an employee before 1 July 1990; and
- (b) not exceeding three working days in any other case.

2.6 Carer's leave

2.6.1 Entitlement to carer's leave

- (1) An employee may apply for leave to enable that employee to provide care to an ill person who is a member of the employee's immediate family or household.
- (2) Unless the relevant Head of Agency determines otherwise, carer's leave may only be granted to an employee in respect of an ill person referred to in subclause (1) if no other person has been granted leave to provide care to the ill person.

2.6.2 Application for carer's leave

- (1) An application for carer's leave is to -
 - (a) be made in advance if practicable; and
 - (b) be in writing; and
 - (c) specify the following -
 - (i) the name of the person requiring care;
 - (ii) the relationship of that person to the employee;
 - (iii) the reasons the employee requires leave;
 - (iv) the day or days or any part of a day for which leave is required.
- (2) If it is not practicable for an employee to apply for carer's leave in advance, the employee is to -

- (a) notify the relevant Head of Agency of the requirement for leave at the earliest opportunity on any day leave is required; and
- (b) provide an estimation of the length of leave required; and
- (c) on return to duty, lodge a written application under subclause (1).

2.6.3 Grant of application for carer's leave

- (1) Carer's leave may be granted to an employee for part of a day and up to a maximum of 5 days in any sick leave year.
- (2) The relevant Head of Agency, before granting carer's leave to an employee, may require the employee to produce a medical certificate or statutory declaration to establish that a person who is a member of the employee's immediate family or household is ill and requires care by another.

2.6.4 Carer's leave part of sick leave

- (1) Carer's leave forms part of, and is not in addition to, sick leave entitlements under clause 2.2 Sick leave.
- (2) Each day or part day of carer's leave granted to an employee is to be deducted from the employee's sick leave entitlements under clause 2.2 (Sick leave).

2.7 State Service holidays

- (1) Where an employee is absent in the performance of that employee's duties from the locality in which that employee's headquarters is situated, that employee is not entitled to State Service holidays in that locality, but shall receive State Service holidays occurring in the locality where that employee is performing those duties.
- (2) Where an employee is absent in the performance of that employee's duties from the locality in which that employee's headquarters is situated and the number of State Service holidays occurring where that employee is performing those duties is less than the number of those holidays occurring in that locality, that employee is entitled to time off in lieu, not exceeding the difference between the number of those holidays occurring in that locality and the number of those holidays occurring where that employee is performing those duties.

2.8 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.

Application

This Direction applies in respect of employees covered by Awards and Agreements listed in Schedule 1.

Date of period of operation

This direction will come into effect upon the date of commencement of the *State Service Act 2000*.

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

Date

Jim Bacon MHA
Premier

SCHEDULE 1 - LIST OF AWARDS & AGREEMENTS

This Direction applies to the Awards and Agreements listed below. Where an Award is rescinded and/or replaced, the replacement award will apply to this Direction.

| Award Identifier | Description |
|------------------|---|
| S081 | Administrative & Clerical Employees |
| S082 | Dental Employees |
| S086 | Operational Employees |
| S095 | Inland Fisheries Commission |
| S097 | Legal Practitioners and Apprentice-at-Law |
| S105 | Fire Service |
| S110 | Police Departmental Employees |
| S112 | Custodial Officers |
| S121 | Sea Fisheries |
| S127 | Tasmanian Gaming Commission Staff |
| S135 | Technical Employees |
| S142 | Tasmanian Museum and Art Gallery |
| S145 | Tourism Tasmania |
| S146 | Metal Trades (State Employees) |
| S148 | Miscellaneous Workers (Public Sector) |
| S150 | Electrical/Electronic/Trades (Public Sector) |
| S177 | Community and Health Services (Public Sector) |
| S188 | Professional Employees |

Agreements

Parks and Wildlife Agreement 1996 (T6260)
 The Institute of Adult Education Agreement 1997 (T6719)
 Department of Education, Community and Cultural Development – School Attendants Industrial Agreement 1997 (T6742)
 The Custodial Officers Industrial Agreement 1997 (T6821)
 Cafeteria, Launceston General Hospital Industrial Part-Time Employees Agreement 1996 (T6823)
 Tourism Tasmania Industrial Agreement 1997 (T6847)
 The Inland Fisheries Commission Research and Management Agreement 1996 (T6870)
 The Inland Fisheries Commission Inspectors Industrial Agreement 1996 (T6871)
 The Department of Education, Community and Cultural Development – School Attendants Industrial Agreement 1997 (T7104)
 The Department of Vocational Education and Training –Miscellaneous Workers Industrial Agreement 1997 (T7215)
 The Gaming Inspectors Agreement 1997 (T7276)
 Department of Education, Training and Community and Cultural Development School Attendants Industrial Agreement 1998 (T7763)
 Department of Community and Health Services Residential Care Workers Agreement 1998 (T7776)
 TAFE Tasmania– Building Trades Industrial Agreement 1998 (T7921)

TAFE Tasmania - Metal Trades (State Employees) Industrial Agreement 1998 (T7922)
TAFE Tasmania- Electrical/ Electronic Employees Industrial Agreement 1998 (T7923)
The Legal Practitioners Agreement (Tasmanian State Service) 1996 (T7939)
Legal Practitioners No.2 (Tasmanian State Service) 1996 (T8497)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 United Fire
Fighters of Tasmania (T7878)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 Community and
Public Sector Union (State Public Services Federation Tasmania) (T8499)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 Automotive,
Food, Metals, Engineering, Printing and Kindred Industries Union (T8500)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 Australian Liquor
Hospitality and Miscellaneous Workers Union – Tasmanian Branch (T8501)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 Communications,
Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of
Australia (T8502)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 The Association
of Professional Engineers Scientists and Managers, Australia (T8503)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 Construction,
Forestry, Mining and Energy Union, Tasmanian Branch (T8504)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 Health Services
Union of Australia Tasmania No.1 Branch (T8505)
Amendment to the State Service Wages Extension Agreement 1998 Australian Education Union
Branch Tasmanian Branch (T8530)
Amendment to the State Service Wages Arrangement Extension Agreement 1998 Tasmanian
Correctional Officers Association (T8531)
Ministerial Drivers Agreement 2000 (T9091)
Department of Health and Human Services, Public and Environmental Health Service Staff On Call
and Call Back Agreement 2000 (T9320)