

MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

DIRECTIVE No. 9/99
July 1999

- 1. TITLE:** **Recreation Leave**
- 2. PURPOSE:** To prescribe the entitlements and conditions for recreation leave.
- 3. LEGISLATIVE PROVISION:** Section 34(2) of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to –
- public service officers; and
 - temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996*.
- This directive does not apply to –
- general employees engaged under section 112(2)(a) of the *Public Service Act 1996*; or
 - employees engaged on a casual basis under sections 112(2)(b) and 113(2)(b) of the *Public Service Act 1996*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 1999**.
- 7. VARIATION:** The provisions in the Schedule 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.
- 8. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Sections 24 and 31 of the *Public Service Management and Employment Regulation 1988*.
- 10. PREVIOUS REFERENCE:** Administrative Instruction No. 1 | 61

SCHEDULE

RECREATION LEAVE

GENERAL CONDITIONS

Entitlement

A public service officer or temporary employee engaged under section 113(2)(a) of the *Public Service Act 1996* (referred to as “employee” in this schedule) is entitled to recreation leave on full salary as provided in this schedule.

Non-application to teachers

The provisions of this directive do not apply to teachers.

Timing of leave

An employee and the chief executive may agree when the employee is to take recreation leave.

If the employee and the chief executive cannot agree, the chief executive –

- (a) may decide when the employee is to take leave; and
- (b) must give the employee at least 14 days written notice of the starting date of the leave.

The chief executive decides when the employee is to take the leave keeping in mind the needs of the department.

An employee and chief executive may agree that the employee take any part of his or her leave before becoming entitled to it.

If the employee takes leave before becoming entitled to it, then he or she is only entitled, at the end of the completed year of employment, to the balance of the leave that would be due at the end of the year.

Recall or cancellation of leave

A chief executive may, if departmental circumstances so require it –

- recall an employee from recreation leave; or
- cancel the approval or granting of any recreation; or
- defer the taking of that leave.

An employee shall be allowed to take any recreation leave from which he or she has been recalled or which was cancelled or deferred. This leave may be taken at the earliest time that is mutually convenient to the employee and the chief executive.

Conversion to hourly basis

Leave prescribed in this directive may be converted to hours for the purpose of accrual and the granting and recording of leave.

Leave entitlement in hours

If an employee’s leave entitlement 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:

DH (daily hours) means the employee’s daily hours or notional daily hours.

LE (leave entitlement) means the amount of leave entitlement expressed in working hours to which the employee is entitled.

WD (working days) means the number of working days set out in the directive.

Leave to be granted on an hourly basis

If an employee applies for leave on a basis other than an hourly basis, the leave may be granted on an hourly basis.

Leave based on the number of hours that the employee would have worked

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 for part of it, the employee’s leave account is to be reduced. This reduction 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 employee’s leave account is debited by a different number of hours from the employee’s daily hours or notional daily hours.

Variation of ordinary working hours

If a department’s system for recording particulars of leave granted to an employee is based on working hours and the daily hours or notional daily hours of an employee change, the leave entitlements accumulated by the employee are also to be recorded in hours.

The formula for this conversion is as follows –

$$LAC = LBC \times \frac{HAC}{HBC}$$

<p>Where:</p> <p>HAC (daily hours after change) means the employee’s daily hours or notional daily hours after the change.</p> <p>HBC (daily hours before change) means the employee’s daily hours or notional daily hours before the change.</p> <p>LAC (leave entitlement after change) means the hours of leave to which the employee is entitled after the change.</p> <p>LBC (leave entitlement before change) means the employee’s leave entitlement expressed in hours before the change.</p> <p>Definitions</p> <p>“daily hours or notional daily hours”, means –</p> <ul style="list-style-type: none"> the number of ordinary daily working hours of an employee as specified in an award, industrial agreement (including a certified agreement), contract, former determination of the Governor-in-Council or directive. 	<ul style="list-style-type: none"> in any other case – the number of hours ascertainable from the relevant award, industrial agreement (including certified agreement), contract, former determination of the Governor-in-Council or directive as the average number of hours per working day of an employee during a pay period or other period reasonable in the circumstances. <p>“Northern and Western Region” consists of any part of the State not contained within the Southern and Eastern Region.</p> <p>“Southern and Eastern Region” consists of any part of the State which is both -</p> <p>(i) to the south of the 22nd parallel of south latitude; and</p> <p>(ii) to the east of 147° east longitude;</p> <p>but excluding the township of Moranbah.</p> <p>“teacher” means an employee, determined by the chief executive, to be a teacher for the purpose of this directive.</p>
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RECREATION LEAVE

<p>Accrual of leave</p> <p>An employee is entitled to recreation leave on full salary in accordance with the following -</p> <ul style="list-style-type: none"> Southern and Eastern Region - 20 working days (calculated in hours depending on the hours of duty prescribed) for each completed year of service and a proportionate amount for an incomplete year of service if the employee’s headquarters are in the Southern and Eastern Region. Northern and Western Region - 25 working days (calculated in hours depending on the hours of duty prescribed) for each completed year of service and a proportionate amount for an incomplete year of service if the employee’s headquarters are in the Northern and Western Region. <p>Irregular Week – additional recreation leave</p> <p>An employee who does not work a regular 5 day week is to be entitled to such additional recreation leave as prescribed in an applicable directive.</p> <p>However, in the absence of an applicable directive, the entitlement to recreation leave for the employee is as applied immediately before the commencement of the <i>Public Service Management and Employment Regulation 1988</i> (i.e. before 18 July 1988).</p> <p>Maximum accumulation</p> <p>An employee shall not accumulate recreation leave beyond the following limits -</p> <ul style="list-style-type: none"> Southern and Eastern Region - 40 working days. Northern and Western Region - 50 working days. 	<p>Irregular week – additional maximum accumulation</p> <p>An employee who does not work a regular 5 day week is subject to such maximum accumulation limitation as prescribed in an applicable directive.</p> <p>However, in the absence of an applicable directive for such an employee, the maximum accumulation limitation for the employee is as applied immediately before the commencement of the <i>Public Service Management and Employment Regulation 1988</i> (i.e. 18 July 1988).</p> <p>Advance on leave</p> <p>An employee and the chief executive may agree that the employee take all or any part of the employee’s annual leave before becoming entitled to it.</p> <p>However, the employee is only entitled to, at the end of the completed year of employment, to the balance of the leave that would be due at the end of the year.</p> <p>Application for recreation leave</p> <p>Applications for leave shall be made in writing in a form determined by the chief executive.</p> <p>Timely notice</p> <p>An employee shall give timely notice of the date from which leave is to take effect.</p> <p>The employee shall be given timely notice as to whether the leave applied for has been approved or not. If the leave has not been approved, the employee is to be advised of the anticipated date from which it is expected that leave may be taken.</p>
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Deduction from accumulated balance

Recreation leave granted to such a person shall be deducted from the employee's accumulated balance. The balance of leave not taken shall be taken into account when determining the employee's next leave entitlement.

Leave previously deferred may be taken either immediately before or after the taking of the maximum accumulation.

Deferred Leave – undrawn recreation leave

Where an employee applies for leave and leave is deferred for departmental reasons the deferred leave shall be taken not later than a date the chief executive determines, even though an opportunity mutually convenient to both the employee and the chief executive is not available.

Leave of an employee undergoing retraining or awaiting redeployment shall be deferred to the extent necessary to ensure that the employee's maximum accumulation is not exceeded. However, any leave deferred for this purpose shall be taken within 12 months of it being deferred.

Leave accrued in excess of an employee's maximum accumulation, or deferred leave not taken in accordance with these requirements, shall be transferred to undrawn recreation leave. This leave will be made available for the purpose of sick leave or for such other purpose, other than recreation leave, as the chief executive may determine.

Payment upon departure from the service

A person who ceases to be an employee shall be paid, instead of recreation leave accrued, an amount equal to salary at the rate the employee was receiving at the date of cessation. This payment is made for the periods of recreation leave accrued as at this date.

Additionally, the person shall be paid for any public holiday, special holiday or substituted day under the *Holidays Act 1983*, to which the person would have been entitled if the person had still been an employee and had actually taken the leave.

If the person also has an entitlement to a cash equivalent of long service leave, the additional payment for public or special holidays, shall only be made for the one type of leave.

Transitional arrangements

Recreation leave accumulated under section 31 of the *Public Service Management and Employment Regulation 1988* shall be added to any leave accumulated under this directive.