

Special Leave

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Functional Sub group Personnel/Workforce - Conditions of employment
Personnel/Workforce - Leave

Summary Consolidation of special leave entitlements for blood donor leave, attendance at State Super retirement seminars, jury duty, NAIDOC Week, to be a witness at court, repatriation leave, emergency volunteer service and volunteer service in East Timor. This policy directive will be included as a chapter of the Leave Matters Manual. This policy directive also supersedes GL2005_011.

Replaces Doc. No. Employment Conditions for Health Service Staff Who Volunteer for Service in East Timor [PD2005_179]
Blood Donors - Employees of Second and Third Schedule Hospitals and Fourth Schedule Organisations [PD2005_476]
Emergency Volunteers - Bush Fire Fighting Training Courses [PD2005_237]
Repatriation Leave for Ex-Servicemen Employed in Public Health Organisations [PD2005_559]
Retirement - Attendance at State Super Preparation Seminars [PD2005_271]

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Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Affiliated Health Organisations - Declared, Public Health System Support Division, Community Health Centres, Dental Schools and Clinics, NSW Ambulance Service, Public Health Units, Public Hospitals

Audience All staff

Distributed to Public Health System, Health Associations Unions, NSW Ambulance Service, NSW Department of Health

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Compliance with this policy directive is mandatory.

SPECIAL LEAVE**CONTENTS**

| | Page |
|--|------|
| 1. INTRODUCTION | 2 |
| 2. SCOPE | 2 |
| 3. PURPOSE | 2 |
| 4. DEFINITIONS | 2 |
| 5. ACCOUNTABILITIES | 3 |
| 6. ATTENDANCE AT STATE SUPER RETIREMENT PREPARATION SEMINARS | 3 |
| 7. BLOOD DONORS | 3 |
| 8. JURY DUTY | 4 |
| 9. NATIONAL ABORIGINAL AND ISLANDER DAY OBSERVANCE COMMITTEE (NAIDOC) WEEK | 4 |
| 10. REPATRIATION LEAVE | 5 |
| 10.1 Eligibility | 5 |
| 10.2 Entitlement | 5 |
| 10.3 Certificate of Attendance | 5 |
| 11. VOLUNTEER MEMBERS OF EMERGENCY ORGANISATIONS | 6 |
| 11.1 Emergency Volunteers | 6 |
| 11.2 Declared Emergencies | 6 |
| 11.3 Proof of Attendance | 6 |
| 11.4 Rest Period | 7 |
| 11.5 Emergency Services Courses | 7 |
| 12. VOLUNTEERS FOR SERVICE IN EAST TIMOR – EMPLOYMENT CONDITIONS | 7 |
| 13. WITNESS AT COURT | 8 |
| 13.1 In an Official Capacity | 8 |
| 13.2 In a Private Capacity | 8 |
| 14. ENQUIRIES | 9 |

Title: Special Leave

1. INTRODUCTION

The various types of leave described in this policy directive were previously advised in separate policy directives and this document provides consolidated special leave information.

The Determination of Conditions of Subsidy requires (to the extent permitted by law) non-declared affiliated health organisations to comply with policy directives issued by the Department dealing with the terms and conditions of employment of staff employed in the NSW Health Service.

2. SCOPE

This policy directive provides detail on a number of types of special leave that are available to staff employed in the NSW Health Service. These entitlements are not available to casual employees.

3. PURPOSE

The purpose of this policy directive is to:

- ensure staff employed in the NSW Health Service are aware of the special leave entitlements available to them
- provide entities within the public health system with information on the application of special leave
- consolidate the information on various types of special leave previously provided in a number of policy directives.

4. DEFINITIONS

Employer means any person authorised to exercise the functions of the employer of staff to which this policy directive applies.

NSW Health Service consists of those persons who are employed under Chapter 9, Part 1 of the *Health Services Act 1997* by the Government of New South Wales in the service of the Crown. For the purposes of this policy directive, members of the Health Executive Service are excluded.

Public health system includes area health services, declared affiliated health organisations in respect of their recognised establishments or services, statutory health corporations, the Ambulance Service of NSW, Institute for Medical Education and Training, Health Technology, Health Support and any administrative unit or division under the control of the Director-General or Health Administration Corporation in which staff of the NSW Health Service are employed.

Title: Special Leave

5. ACCOUNTABILITIES

Employees have a responsibility to utilise special leave for appropriate reasons. Employees must notify absences in accordance with the established procedures and provide such documentation as is required.

Entities within the public health system:

- have a responsibility to ensure employees are aware of their special leave entitlements and that employees' are able to access special leave where appropriate
- are to ensure that the special leave provisions are applied correctly and that employees' leave records are accurate and complete.

6. ATTENDANCE AT STATE SUPER RETIREMENT PREPARATION SEMINARS

This section applies to staff employed in the NSW Health Service who are members of the State Authorities Superannuation Scheme or the State Superannuation Scheme.

State Super (SAS Trustee Corporation) conducts retirement preparation seminars to assist members of the State Authorities Superannuation Scheme and the State Superannuation Scheme with what can be difficult and complex decisions regarding the options available to them at retirement. These seminars are approximately four hours duration and are conducted at various locations across New South Wales.

Employees who are members of either of the above schemes, and who are invited by State Super (SAS Trustee Corporation) to attend a retirement seminar are eligible for up to two days special leave to attend such seminar (including reasonable travelling time).

7. BLOOD DONORS

Staff employed in the NSW Health Service may be granted special leave to donate blood to assist in building up supplies for the Australian Red Cross Blood Transfusion Service.

The amount of leave granted is restricted to the time reasonably necessary to:

- travel to and from the local Blood Collection Centre; and
- recuperate after the employee has given blood.

Leave of absence is subject to the employer being satisfied that all essential services can be maintained during the employee's absence.

Title: Special Leave

8. JURY DUTY

The following procedures have been approved where staff employed in the NSW Health Service are summoned for jury duty:

- 1) An employee on receipt of a jury summons should immediately advise the employer.
- 2) An employee who is on jury duty at a time when he/she would otherwise be required for duty should be granted special leave. The employee is required to submit an application for special leave where applicable, prior to attending jury service attaching thereto the Sheriff's or Registrar's notification of their required attendance.
- 3) The employer pays the employee his or her full wage/salary as normal during jury duty. The employee cannot claim an attendance fee from the Court. The employee can claim out of pocket expenses from the Court.
- 4) The Sheriff or Registrar, on an employee being discharged from jury service, will certify particulars of the employee's attendance at Court, including any fees paid. The employee, on returning to duty, must present this certificate to the employer.
- 5) When the attendance for jury duty occurs during leave of absence from the normal work place, eg on rostered leave, annual leave, etc, the employee should inform the Sheriff or registrar that the attendance occurred during a period when he/she was not required for duty including if necessary, the reason. The Sheriff or Registrar will then pay jury fees which can be retained by the employee.
- 6) Where jury service carries over a non-working period to a working period, fees in respect of the non-working period may be retained and special leave will be granted in respect of the working period subject to production of a certification from the Sheriff or Registrar.

9. NATIONAL ABORIGINAL AND ISLANDER DAY OBSERVANCE COMMITTEE (NAIDOC) WEEK

An employee who identifies as an Indigenous Australian may be granted up to one days special leave per year to enable the employee to participate in NAIDOC Week celebrations. The dates for NAIDOC Week are advised by information bulletin each year.

Leave can be taken at any time during NAIDOC week, or the employee may seek approval to take the special leave outside the proclaimed period. This may be because some employees, due to work commitments are not able to take the special leave within

Title: Special Leave

the designated week or that some communities choose to celebrate NAIDOC outside the designated week.

No penalty rates are payable for special leave granted under this section.

Applications for this leave are to be accommodated wherever possible.

10. REPATRIATION LEAVE

10.1 Eligibility

Repatriation leave is available to all ex-servicemen and women who are employed in the NSW Health Service.

The object of repatriation leave is to give employees suffering from a “war-caused” disability the opportunity of seeking medical attention during their ordinary working hours.

It is important to note that the leave is available only for matters directly connected with the treatment or care of the prescribed disability. Given this proviso, the purposes for which repatriation leave may be granted can be summarised as:

- visits to medical officers or attendance at hospital or clinics, whether these be isolated or periodical visits;
- attendance at Limb Factories for the supply, renewal and repair of artificial replacements and surgical appliances.

The Department of Veterans’ Affairs determines whether the disability is “war-caused”.

10.2 Entitlement

Employees eligible for repatriation leave are entitled to special leave with pay up to a maximum of 6½ working days in any period of 12 months. This leave may be taken in one or more periods during the course of the year.

The entitlement to repatriation leave is independent of other leave provisions such as sick and annual leave, and the taking of repatriation leave will not affect an employee’s entitlement to other types of leave.

10.3 Certificate of Attendance

Before repatriation leave may be paid, documentary evidence of the employee’s attendance for treatment must be produced.

Title: Special Leave

11. VOLUNTEER MEMBERS OF EMERGENCY ORGANISATIONS

The provisions of this section do not apply where an employee is considered to work in an emergency situation and their absence could jeopardise the proper functioning of the work unit.

11.1 Emergency Volunteers

Where a member of staff of the NSW Health Service is a volunteer member of:

- the State Emergency Services
- the Volunteer Rescue Association of NSW (or affiliated groups)
- the NSW Volunteer Fire Brigade
- the Rural Fire Service
- the Wireless Institute Civil Emergency Network
- the Cave Rescue Association
- the Volunteer Coastal Patrol
- the Bushwalkers' Federation

paid leave of up to five days in any period of 12 months may be granted when called upon to assist as a volunteer of one or more of these organisations.

Where the voluntary organisation remunerates the employee for work performed the employee should not also be paid by the employer.

11.2 Declared Emergencies

Where an emergency is declared under any relevant legislation or by the Governor, staff employed in the NSW Health Service who volunteer to assist in the emergency are to be granted leave with no upper limit to the leave which may be granted. Leave granted during declared emergencies is not to count towards the five day upper limit specified in 7.1 above.

11.3 Proof of Attendance

An application for leave must be accompanied by a statement from the local or Divisional Controller, the Fire Controller, Deputy Fire Controller or the Police, certifying the times of attendance. The leave application should indicate the period and area of attendance together with the name of the organisation to which the volunteer member belonged.

Title: Special Leave

11.4 Rest Period

Where a person remains on emergency duty for several days, the employer may grant special paid leave to allow the person reasonable time for rest before returning to normal duties except in situations where the days off coincide with the employee's normal rostered days off duty.

Where a person does not remain on emergency duty for several days but assists in an emergency service at such time as it would be unreasonable to expect them to report for duty at the normal time, then up to one day leave for rest purposes may be granted.

In the case of an emergency other than a declared emergency, this leave is to be included in the general limit of five days in any period of 12 months.

11.5 Emergency Services Courses

Where the Director of State Emergency Services considers it essential that a member of staff of the NSW Health Service should attend a course at the Australian Emergency Management Institute at Mt Macedon, Victoria, or some other course of training or lectures, the employer should make every effort to release the person from duty. Where the person is so released, the necessary absence from work is regarded as being on duty.

The Director of the State Emergency Services may also nominate other persons for attendance at these courses of training or lectures whose attendance is not regarded as essential. In these circumstances special leave may be granted for the time they are necessarily absent from duty.

Note: A certificate of attendance is necessary.

In addition, emergency volunteers nominated to attend courses approved by the Rural Fire Service or organised by the Service may be granted leave to attend up to ten working days in any period of 12 months.

Applications are to be supported by written approval of the Rural Fire Service. Approval of leave is subject to the convenience of the public health system and employer approval, ie proper functioning of the work unit is not to be jeopardised, and written confirmation of attendance must be provided.

12. VOLUNTEERS FOR SERVICE IN EAST TIMOR – EMPLOYMENT CONDITIONS

NSW Health has agreed to the granting of up to six months leave without pay to permanent staff employed in the NSW Health Service with right of return to a substantive position, to enable employees to undertake volunteer work in East Timor.

Title: Special Leave

Whilst the normal provisions for periods of leave without pay will apply, including the recognition of service for long service leave purposes for employees with more than ten years service, NSW Health has also approved East Timor service being recognised for incremental purposes for employees with more than ten years service. It should be noted that the ten years service is at the time the leave without pay commences.

The effect of leave without pay on superannuation contributions depends on the arrangements that apply to the particular superannuation scheme.

Any request for leave for this purpose is subject to normal approval processes.

13. WITNESS AT COURT

13.1 In an Official Capacity

When staff employed in the NSW Health Service are subpoenaed or called as a witness in an official capacity to attend court: on behalf of the Crown (whether in right of the State or Commonwealth) the employee shall be regarded as on official duty but shall not be allowed to retain any monies paid to them as witnesses and shall pay the whole of such monies to the relevant entity within the public health system. Such employees, however, shall be entitled to be paid all necessary expenses incurred by them in consequence of being so subpoenaed or called as witness including travelling expenses if it is necessary to travel to attend court. These expenses shall be met by the employer.

When staff employed in the NSW Health Service are subpoenaed or called as a witness in an official capacity on behalf of a party other than the Crown, employees are to be regarded as on official duty but shall not be allowed to retain any monies paid to them as witnesses. Out-of-pocket expenses are to be met by the party concerned. A claim for the cost of salary paid during the period an employee so subpoenaed is absent from his/her duties is to be submitted by the relevant entity within the public health system to the party concerned.

13.2 In a Private Capacity

When staff employed in the NSW Health Service are subpoenaed or called as witness in a private capacity on behalf of the Crown (whether in right of the State or Commonwealth), the employee shall be granted special leave with pay but shall not be allowed to retain any monies paid to them as witnesses and shall pay the whole of such monies to the relevant entity within the public health system. The cost of travelling and subsistence expenses in such cases will be met by the Attorney General's Department or Commonwealth Government, as the case may be.

When staff employed in the NSW Health Service are subpoenaed or called as witness in a private capacity on behalf of a party other than the Crown, the employee shall be

Title: Special Leave

granted leave without pay or annual leave to the extent that such leave has accrued. In such cases, the employee may retain all monies paid to them as witnesses.

14. ENQUIRIES

Any enquiries regarding this policy directive should be directed to the human resource personnel in the relevant health service. Only human resource personnel in the health service are to contact the Department.