QUEENSLAND GOVERNMENT

ATTORNEY-GENERAL AND MINISTER FOR INDUSTRIAL RELATIONS

DIRECTIVE No. 2/11
January 2011

1. TITLE: **Recreation Leave**

2. PURPOSE: To prescribe the entitlements and conditions for recreation leave.

3. LEGISLATIVE PROVISION: Section 54(1) of the *Public Service Act 2008.*

4. APPLICATION: This directive applies to –

- public service officers;
- temporary employees engaged under section 148(2)(a) of the *Public Service Act 2008*; and
- general employees engaged under section 147(2)(a) of the *Public Service Act 2008* **(where indicated)**.

This directive **does not apply** to –

- employees engaged on a casual basis under sections 147(2)(b) and 148(2)(b) of the *Public Service Act 2008*; or
- teachers (as defined in this directive) employed by the Department of Education and Training.

5. STANDARD: The conditions and entitlements prescribed in this directive apply.

6. EFFECTIVE DATE: This directive is to operate from **17 January 2011**.

7. VARIATION: The provisions in the directive 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 52 and 54(1) of the *Public Service Act 2008* and sections 686 and 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.

9. SUPERSEDES: Directive 20/05: *"Recreation Leave"*

10. PREVIOUS REFERENCES: Directives 9/99, 7/01, 8/04: *"Recreation Leave"*
Circular No. 6/02: *"Accumulating Recreation Leave"*
Administrative Instruction Nos. 1 I 58 and 1 I 61
Sections 24 and 31 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.

11. SEE ALSO: Directive: "*Leave without Salary Credited as Service*"
Directive: "*Higher Duties*"
Circular: *"Christmas/New Year Compulsory Closure"*

GENERAL CONDITIONS APPLYING TO OFFICERS, TEMPORARY EMPLOYEES & GENERAL EMPLOYEES

1. Definitions

The following definitions apply for the purposes of this directive.

1.1 **"continuous shift work"** means work done by employees where the hours of work are regularly rotated in accordance with a shift roster covering a 24 hour per day operation over a seven (7) day week.

1.2 **"daily hours"**, means –

- the number of ordinary daily working hours of an employee as specified in an industrial instrument (as defined).
- in any other case – the number of hours determined from the relevant industrial instrument (as defined) as the average number of hours of an employee during a pay period or other period reasonable in the circumstances.

1.3 **"industrial instrument"** for the purposes of this directive means an award, agreement (including a certified agreement), contract, former determination of the Governor-in-Council or directive.

1.4 "**Northern and Western Region"** consists of any part of the State not contained within the Southern and Eastern Region.

1.5 **"Southern and Eastern Region"** consists of any part of the State, which is both –

(i) south of the 22nd parallel of south latitude; and

(ii) east of 147° east longitude;

but excluding the township of Moranbah.

1.6 **"teacher"** means a person defined in Schedule 3 of the *Education (Queensland College of Teachers) Act 2005.*

2. Entitlement

2.1 A public service officer, temporary employee engaged under section 148(2)(a) of the *Public Service Act 2008* and general employees engaged under section 147(2)(a) of the *Public Service Act 2008* (**referred to as "employee" in this schedule**) is entitled to recreation leave (including on a half pay basis) as provided in this schedule.

2.2 The granting of half pay recreation leave is subject to the discretion of the chief executive taking into account service delivery requirements and financial considerations.

3. Accrual of leave and increments

3.1 General employees are entitled to recreation leave of 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.

3.2 For conditions relating to Officers and Temporary Employees (refer clause 2 of *Additional conditions applicable to officers and temporary employees only* in this directive*)*

3.3 The period of the half pay recreation leave will be recognised as normal full-time or part-time service applying to the employee at the time of taking the leave, i.e., increments and the accrual of sick, recreation and long service leave will remain at the normal entitlement for the period of half pay recreation leave for employees working full-time and at the relevant proportional rate for employees working part-time.

4. Application for recreation leave

4.1 Applications for recreation leave are to be made in writing or some other form determined by the chief executive.

5. Timely notice

5.1 An employee is to give timely notice of the date from which they wish to take leave.

5.2 The employer must respond to a request to take leave in a timely manner indicating whether the leave applied for has been approved or not. If an application for recreation leave has not been approved, the employee is to be advised of the specific reasons for refusal, and the anticipated date from which it is expected that leave may be taken.

6. Timing of leave

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

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

(a) may decide when the employee is to take leave keeping in mind the needs of the department; and

(b) must give the employee at least 14 days written notice of the start and end date of the leave.

7. Deduction from accumulated balance

7.1 Recreation leave granted to an employee is to be deducted from the employee's accumulated balance. The balance of leave not taken is to be taken into account when determining the employee's next leave entitlement.

8. Locality Allowance

8.1 Those employees with an entitlement to locality allowance or district/divisional parities under the applicable directive or industrial instrument will be paid this allowance while on recreation leave.

8.2 This allowance/parity will be paid on a proportionate basis for the period of any half pay recreation leave i.e. half the normal entitlement.

9. Public Holiday Falling Within a Period of Recreation Leave

9.1 **On full pay basis**

9.1.1 Recreation leave is exclusive of any public holiday that falls during the period of the leave.

9.1.2 Recreation leave will be extended by any public holiday falling on an employee's normal working day during the period of the leave.

9.2 **On half pay basis**

9.2.1 Public holidays falling within periods of half pay recreation leave are paid at the employee's normal full-time or part-time rate

9.2.2 Where a public holiday falls before the start of, or following the completion of, a period of half pay recreation leave, it shall be paid at the employee's normal full-time or part-time rate.

9.2.3 Where the public holiday is preceded by a period of half pay recreation leave and followed by a period of unpaid leave, the public holiday shall be paid at the employee's normal full-time or part-time rate.

9.2.4 Where the public holiday is preceded by a period of unpaid leave and followed by a period of half pay recreation leave, the public holiday shall be paid at the employee's normal full-time or part-time rate.

10. Conversion to hourly basis

10.1 Leave prescribed in this directive may be converted to an hourly basis for the purpose of accrual, approval and recording of leave.

11. Leave granted on an hourly basis

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

12. Leave entitlement in hours

12.1 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 x DH

Where:

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.

DH (daily hours):
means the employee's daily hours (as defined by an industrial instrument).

13. Absences of less than one day

13.1 Employees are encouraged to use other forms of leave designed for short absences (less than one day) before seeking to take recreation leave for such purposes. No minimum period applies to recreation leave except where a departmental policy specifies recreation leave to be taken in whole days.

14. Leave is debited based on the number of hours that the employee would have worked

14.1 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 (as defined by an industrial instrument).

Example 1
If an employee, working 7.25 hours a day becomes ill and departs from work after working 4 hours, where such leave is agreed to be debited from recreation leave due to no sick leave accrued, then 3.25 hours is deducted from the employee's recreation leave balance.

Example 2
If an employee is rostered to work five 8 hour days in a particular week (eg. 19 day month under 38 hour week arrangements) and is absent on recreation leave for that week, then 40 hours is deducted from that employee's recreation leave balance. The employee's RDO would still occur within the work cycle.

Example 3
If an employee, working 7.25 hours a day, is granted part-day recreation leave after working 3 hours, then 4.25 hours is deducted from the employee's recreation leave balance.

15. Sick Leave instead of Recreation Leave on Half Pay

15.1 Where sick leave is granted after starting a period of recreation leave on half pay, such sick leave granted in lieu in accordance with the Ministerial Directive on Sick Leave shall also be at half pay.

16. Variation of ordinary working hours

16.1 If a department's system for recording particulars of leave granted to an employee is based on working hours and the daily hours (as defined by an industrial instrument) 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 –

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

Where:

LAC (leave entitlement after change) means the hours of leave to which the employee is entitled after the change.

LBC (leave entitlement before change) means the employee's leave entitlement expressed in hours before the change.

HAC (daily hours after change) means the employee's daily hours (as defined by an industrial instrument) after the change.

HBC (daily hours before change) means the employee's daily hours (as defined by an industrial instrument) before the change.

17. Payment of recreation leave and loading

17.1 Recreation leave and loading is calculated as follows:

Calculations relating to recreation leave and leave loading for those employees receiving an "annualised" salary are as prescribed in the relevant industrial instrument –

<u>For employees other than shift workers covered by this directive</u> – the rate of wage or salary prescribed in the relevant certified agreement plus a loading calculated at the rate of 17.5% of this amount;

<u>For non-continuous shift workers</u> –

The higher of:
(a) the rate of wage or salary prescribed in the relevant certified agreement and paid to the employee at the ordinary time rate and in accordance with the employee's roster or projected roster including weekend or public holiday shifts,

or

(b) the rate of wage or salary prescribed in the relevant certified agreement excluding ordinary shift, weekend and public holiday penalties ordinarily payable in accordance with the employee's roster or projected roster plus a loading calculated at the rate of 17.5% of this amount.

<u>For continuous shift workers</u> – the rate of wage or salary prescribed in the relevant certified agreement excluding ordinary shift, weekend and public holiday penalties ordinarily payable in accordance with the employee's roster or projected roster plus a loading calculated at the rate of 27.5% of this amount.

17.2 The payment of the loading applies only to five (5) weeks recreation leave per annum in the case of employees employed on continuous shift work and four (4) weeks per annum in any other case.

17.3 Where leave loading is paid once a year in December, payment is calculated on the substantive rate as at 1st December as if the

employee is actually taking recreation leave commencing on 1st December. Provided that where the employee is relieving in a higher position as at 1st December, the employee is to be paid leave loading calculated at the salary rate applicable under Ministerial Directive on Higher Duties.

18. Payment upon departure from the service

18.1 Recreation leave and/or leave loading payable as a lump sum amount as at the date of termination of employment shall be payable at the rate prescribed for the employee's substantive position. However, where the employee is acting in a higher position on the last day of employment (i.e. date of termination), and has accrued recreation leave and/or leave loading that is to be paid out on termination, payment is at the ordinary rate of pay the employee receives immediately before termination (i.e. the higher duties rate) in accordance with section 14(5) of the *Industrial Relations Act 1999*.

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

18.3 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.

19. Advance on leave

19.1 An employee and the chief executive may agree that the employee takes all or any part of the employee's annual leave before becoming entitled to it.

19.2 The chief executive may advance recreation leave to an employee up to a maximum equivalent to one (1) year's accrual from the time of the employee's request for an advance on recreation leave.

19.3 The chief executive should only agree to an advance on leave where the employee agrees to authorise, that in the event of termination of employment prior to the accrual of any leave advanced, such cash equivalent amount equal to advanced leave not accrued shall be withheld from any monies owing, including salary, paid leave, public holidays or redundancy payments.

20. Payment on an employee's death

20.1 Where a recreation leave entitlement is payable to an employee who has died, the payment will be made to the employee's legal personal representative.

21. Compulsory Closure of Government Establishments during the Christmas/New Year Period

21.1 During each Christmas/New Year period, a compulsory closure of Government establishments, or restricted staffing as determined by a chief executive, shall occur.

21.2 **Leave on full pay without debit during the Christmas/New Year closure period** – employees will be granted one (1) working day on full pay without debit to any leave account including those on recreation leave and long service leave. Employees on any other form of leave do not qualify for the one (1) day leave on full pay without debit to any leave accounts. Note that TOIL, accrued time and RDOs are not leave for the purposes of this clause.

21.3 All remaining working days of the Christmas/New Year closure shall be debited to either –

- recreation leave; or
- long service leave; or
- time-off-in-lieu of overtime (TOIL); or
- accrued hours under departmental hours of work arrangements; or
- banked rostered days off; or
- leave without pay.

21.4 Specific arrangements for the Christmas/New Year closure period are contained in a Circular issued each year by the department responsible for industrial relations.

ADDITIONAL CONDITIONS APPLICABLE TO OFFICERS & TEMPORARY EMPLOYEES ONLY

1. Entitlement

1.1 A public service officer and temporary employee engaged under section 148(2)(a) of the *Public Service Act 2008* (**referred to as "employee" in this schedule**) only are subject to the additional conditions in this section.

2. Accrual of leave

2.1 An employee is entitled to recreation leave in accordance with the following –

- **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.

- **Continuous shift workers in the Southern and Eastern Region only** are entitled to an additional one (1) week recreation leave per year in addition to the above entitlements.

- **Northern and Western Region (including continuous shift workers) –** 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.

2.2 For full conditions refer clause 3 of *General conditions applying to officers, temporary employees & general employees* in this directive.

3. Recall, cancellation or deferral of leave

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

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

3.2 An employee is to 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 having regard to the operational requirements of the employer.

3.3 Where an employee has incurred expenses, such as deposit payments, relating to payments for accommodation and/or travel for the employee and/or their immediate family, and those expenses are lost due to a recall, cancellation or deferral of leave by the chief executive, the expenses will be reimbursed by the department. Such reimbursement is conditional upon the employee producing evidence of losses incurred, in the form of receipts or other evidence to the satisfaction of the chief executive.

4. Payment of recreation leave and loading

4.1 For those employees (other than continuous shift workers) accruing 25 working days in the Northern and Western Region, the chief executive may choose to pay 14% leave loading on 25 days accrual in lieu of 17.5% loading on 20 days accrual.

4.2 For full conditions refer clause 17 of *General conditions applying to officers, temporary employees & general employees* in this directive

5. Movement of Employees Across/Within Departments (Excluding Machinery of Government Changes)

5.1 **Public Service Officers –**

(a) Where an officer moves between/within departments due to a promotion or transfer at level, the recreation leave accrual (including leave loading) shall automatically transfer with no movement of funds between the former and new departments/work areas.

(b) However, for a movement between departments where the recreation leave balance exceeds two (2) years accrual, funds representing the total recreation leave balance shall be paid by the former department to the new department. The transfer of funds is not required where both agencies participate in the *annual leave central scheme*.

5.2 **Temporary Employees –**

(a) ***Between Departments*** –

(i) Where a temporary employee appointed under section 148 of the *Public Service Act 2008* obtains either another temporary position or a permanent public service officer position in a different department, all recreation leave accrued (including leave loading) as at date of ceasing employment with the former department shall be paid out by the former department to the temporary employee.

(ii) However, with the consent of the employee concerned, and where the former and new department agree, the total recreation leave balance (including leave loading) may be transferred from the former department to the new department together with a transfer of funds representing the leave transferred. The transfer of funds is not required where both agencies participate in the *annual leave central scheme*.

(b) ***Within A Department*** – Where a temporary employee appointed under section 148 of the *Public Service Act 2008* obtains

- another temporary position; or
- a permanent public service officer position, or
- a new temporary contract of employment in the same temporary position,

within the same department and without any break in service, all recreation leave accrued shall automatically transfer with the employee.