

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

The Minister administering the State Service Act 2000
(T13077 of 2008)
**The Community and Public Sector Union (State Public Services Federation
Tasmania) Inc.**
Health Services Union of Australia, Tasmania No. 1 Branch
(T13083 of 2008)

DEPUTY PRESIDENT P C SHELLEY

**Award consolidation – reformatting - consent application – operative date ffpp
18 April 2008 – consent order issued**

GENERAL CONDITIONS OF EMPLOYMENT AWARD

ORDER BY CONSENT

No. 4 of 2008

**THE GENERAL CONDITIONS OF EMPLOYMENT AWARD IS VARIED IN THE
FOLLOWING MANNER:**

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

(1) By deleting from Part VI – LEAVE AND HOLIDAYS WITH PAY Clause 1 – Holidays inserting in lieu thereof the following:

"1. HOLIDAYS WITH PAY

(a) Pursuant to Section 53(1)(2) of the *State Service Act 2000* employees are entitled to the following as Holidays with Pay:

New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Easter Tuesday, Anzac Day, Queen's Birthday, Show Day, Cup Day, Hobart Regatta Day (south of Oatlands), Recreation Day (where Hobart Regatta Day is not observed), Christmas Day and Boxing Day;

or any other days as may be deemed to be publicly observed as the above listed State Service Holidays by the application of the Act.

PROVIDED if by an Act of the State Parliament or by a State Proclamation a day is substituted for any of the Holidays with Pay listed above, the day that is substituted will be observed.

(b) Notwithstanding subclause (a) of this clause employees may be required to attend for work as prescribed by Section 53(4) of the *State Service Act 2000* during any of the Holidays with Pay listed above.

PROVIDED that this clause does not affect the right to pay casual employees a loading in lieu of Holiday with Pay entitlements in accordance with award provisions to that effect.

PROVIDED FURTHER all employees will be entitled to one local show day. It will be observed on an employee's ordinary working day other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or any other day that in the absence of a local show day is agreed to between the employee and the employer."

(2) By inserting a new Clause 5 – Recreation Leave in Part VI – LEAVE AND HOLIDAYS WITH PAY as follows:

"5. RECREATION LEAVE

(a) Entitlement to Recreation Leave

(i) A full time employee is entitled to 20 days of recreation leave excluding State Service Holidays as prescribed by Clause 1 of this Part for each twelve month period of continuous service (less the period of recreation leave).

(ii) Seven Day Shift Workers (as defined) are entitled to an additional 5 days of recreation leave, excluding State Service Holidays as prescribed by Clause 1 of this Part, for each twelve month period of continuous service.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (iii) An employee with twelve months continuous service who is engaged for part of a twelve monthly period as a seven day shift worker is entitled to additional recreation leave for each period the employee is engaged as a shift worker in proportion to the time worked compared to a full-time shift worker.
 - (iv) Part-time employees shall be entitled to recreation leave prescribed in sub-clause (a)(i) or (a)(ii) of this clause in proportion to the hours worked compared to full-time employees.
 - (v) Casual Employees are not entitled to recreation leave.
- (b) Payment for the Period of Recreation Leave
- The rate of salary for an employee during a period of recreation is the normal rate of salary the employee would have received for the ordinary hours of duty during the relevant period.
- (c) Calculation of Continuous Service for the Accrual of Recreation Leave
- (i) Service is to be deemed continuous for absences from work on account of any paid leave;
 - (ii) Any period of leave of absence without pay of more than twenty working days in aggregate in a personal leave year is not to be deemed continuous service;
for the purposes of recreation leave accrual.
- (d) Maximum Accrual of Recreation Leave
- An employee is not to accrue more than two years entitlement to recreation leave. The employer is to make arrangements with the employee to take recreation leave in the next year of accrual. The arrangement agreed to between the employee and the employer for the taking of excess accrued recreation leave must be adhered to.
- (e) Employer is to enable recreation leave to be taken
- (i) The employer is to make such arrangements as are practicable to allow each employee in an Agency leave of absence annually for recreation and may, where necessary, cause a roster to be prepared at the commencement of each year allocating recreation leave to the employees in an Agency in respect of that year.
 - (ii) If it is not possible to grant leave of absence for recreation to an employee in any one year, due to the requirements of an Agency in which the employee is employed or for any other sufficient reason, the employer may permit leave to be taken by the employee in the subsequent year in addition to the recreation leave for that year.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (iii) For the purposes of sub clause (d) the total number of days of recreation leave that an employee may have accumulated at the end of a year is not to exceed the recreation leave that the employee is entitled to for 2 leave years.
 - (iv) If an employee is unable to take leave of absence for recreation for 2 leave years due to the requirements of the Agency in which the employee is employed, the employer is to make arrangements for the employee to take that leave of absence for recreation during the next leave year and the employee is to take that leave of absence for recreation as so arranged by the employer.
- (f) Personal Leave Requirements During Recreation Leave
- (i) An employee who is injured or ill, or is required to care for a member of the employee's immediate family or household while absent on recreation leave may, on written application to the employer, be credited with a period of annual leave equal to the number of working days for which the employee was injured or ill, or required to care for a member of the employee's immediate family or household.
 - (ii) Where, in accordance with sub-clause (f)(i) above, the employer re-credits an employee with recreation leave, a deduction of that number of days will be made from any personal leave credit to which the employee is entitled.
 - (iii) An application made under sub-clause (f)(i) of this clause is to be accompanied with a certificate from a registered health practitioner.
- (g) Allowance in Lieu of Recreation Leave on Termination
- (i) After twenty consecutive working days of service, an employee whose employment is terminated will be paid an allowance in lieu of any accrued recreation leave.
 - (ii) The allowance is the normal rate of annual salary, determined in accordance with sub-clause (b) of this clause, payable to the employee at the time of termination.
- (h) Recreation Leave in Advance of Accrual
- (i) The employer may allow an employee recreation leave in whole or in part in advance of the accrual of leave. In this case the accrual of recreation leave is suspended until the period of leave taken in advance has been restored by time worked.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (ii) Where recreation leave or part of it has been granted pursuant to subclause (h)(i) before the right to it has accrued, and the employee employment is terminated before completing the twelve months continuous service in respect of the leave that was granted, and the amount paid by the employer to the employee for the annual leave or part taken in advance exceeds the amount which the employer is required to pay to the employee under sub-clauses (g)(i) and (g)(ii) of this clause, the employer shall not be liable to make any payment to the employee under subclauses (g)(i) and (g)(ii) of this clause, and shall be entitled to deduct the amount of excess from any remuneration payable to the employee upon the termination of employment.

(i) Time of taking Recreation Leave

Recreation Leave will be taken at a time or times mutually agreeable between the employer and the employee. Where no agreement can be arrived at recreation leave will be given at a time fixed by the employer within a period not exceeding six months from the date when the right to recreation leave has accrued and not less than four weeks notice to the employee.

(j) Closure of State Service Offices

- (i) The employer may determine to close any or all State Service Offices between the period commencing on Christmas Day and ending on New Year's Day inclusive.
- (ii) Where notice of closure is given by the employer, such days will be deducted from an employee's recreation leave accrual.
- (iii) Where an employee does not have a sufficient accrual of recreation leave for such days the employer may advance the accrual of leave in accordance with sub-clause (h) of this clause.

(k) Payment in Lieu Prohibited

Except as provided in sub-clause (g) of this clause payment will not be made in lieu of recreation leave."

(3) By inserting a new Clause 6 – Jury Leave in Part VI – LEAVE AND HOLIDAYS WITH PAY as follows:

"6. JURY SERVICE

- (a) An employee who is required for jury service is allowed the necessary leave of absence on full pay, and is not permitted to claim jury fees but only those out of pocket expenses (e.g. parking fees) as allowed by the Crown.
- (b) An employee must advise the employer as soon as the notification is received for the requirement to undertake jury service.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (c) When an employee is required for jury service and is on recreation leave the employee shall be credited with the time occupied with the jury service. The employee shall be permitted to take such extra leave at the end of the original period of leave or at a later date according to the work demands of the employer."

OPERATIVE DATE

This variation shall come into operation from the first full pay period on or after 18 April 2008.

P C Shelley
DEPUTY PRESIDENT

15 April 2008