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# 1 GENERAL CONDITIONS OF EMPLOYMENT

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### **1.1 EMPLOYMENT AND CLASSIFICATION OF SCHOOL ADMINISTRATIVE AND SUPPORT STAFF**

#### **1.1.1 EMPLOYMENT**

School administrative and support staff are employed under the provisions of the *Education (School Administrative and Support Staff) Act 1987*. Staff employed under the *Education (School Administrative and Support Staff) Act 1987* are:

- a) permanent staff members i.e. those persons appointed by the Director-General on a permanent basis as members of the school administrative and support staff of the Department of Education and Training in any classification (Section 8, *Education (School Administrative and Support Staff) Act 1987*); or
- b) temporary staff members i.e. those persons appointed by the Director-General on a temporary basis as members of the school administrative and support staff of the Department of Education and Training in any classification (Section 21, *Education (School Administrative and Support Staff) Act 1987*).

#### **1.1.2 PERMANENT APPOINTMENT**

##### **1.1.2.1 Appointment on Probation**

Every person appointed as a permanent staff member shall be appointed on probation.

##### **1.1.2.2 Length of Probation**

The period of appointment on probation shall be twelve months from the date of entry on duty.

In situations where the known ability and reputation of the person are such that the full period of probation need not be served, approval may be given for the period of probation to be reduced. The minimum period of probationary service which must be served is six months.

The maximum period of probationary service is two years. The period for which a person is appointed on probation shall not be in excess of two years, except with the concurrence of the Minister.

##### **1.1.2.3 Eligibility for Permanent Appointment**

To be eligible for permanent appointment, a person must be appointed to a school administrative and support staff classification within the range of 0.1 full time equivalent (FTE) to 1.0 FTE.

A person is not eligible to be appointed as a permanent staff member unless the person:

- a) is an Australian citizen; or
- b) has the status of a permanent resident in Australia.

A permanent staff member who is not an Australian citizen and who ceases to satisfy the requirements for permanent residency status is not eligible to continue in employment as

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a permanent staff member and shall be dismissed as such an staff member by the Director-General.

### 1.1.2.4 Proof of Name and Age

Proof of name and age must be submitted by providing a birth certificate or extract of a birth certificate. If the staff member's name is not that on the birth certificate, then evidence of change of name must be supplied e.g. marriage certificate, statutory declaration or deed poll.

In general, only birth certificates are acceptable as proof of name and age for purposes of permanent appointment. Alternative proof of name and age may be accepted, subject to the Department being satisfied that it is the best possible evidence obtainable in the individual circumstances.

The following documents may be regarded as acceptable alternative proof of name and age:

- a) certificate of baptism or other evidence of similar religious ceremony;
- b) certificate of entry in religious records e.g. family or parish register;
- c) certificate of Australian citizenship (naturalisation certificate) individual or parental; or
- d) passport.

In circumstances where no other proof of name and age is available, a statutory declaration may be accepted.

### 1.1.2.5 Proof of Experience and/or Qualifications for Commencing Rate of Pay Purposes

The Director-General has authority to approve the commencing rate of pay for any person being appointed to a school administrative and support staff classification. All appointments are generally made at the minimum rate of pay for the classification concerned, however, a person may apply to have relevant prior experience recognised for the purpose of determining a higher commencing rate of pay.

The Director-General may approve the appointment of a person above the minimum rate of pay having regard to:

- a) the applicant's skills, experience and qualifications;
- b) the rate of pay required to attract the applicant; and
- c) the remuneration of existing staff performing similar work.

Requests for a commencing rate of pay above the minimum for the classification must be supported by evidence of the skills, experience or qualifications that are being claimed as relevant. Evidence could include a statement of service from past employers, references, certified copies of any qualifications obtained or a statutory declaration.

### 1.1.2.6 Medical Assessment or Examination

All permanent staff members must be found fit to carry out the duties of the position to be eligible for confirmation of permanent appointment. Fitness to carry out duties includes the ability to carry out those duties without endangering the health and safety of the

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public, of other persons employed within the Department and of the person concerned.

The health assessment is to be in the form considered necessary by the Director-General which may include (but is not limited to) any one or more to the following:

- a) a declaration (which may be a statutory declaration if required) by the applicant concerning any illness, disability or condition of which the person is aware that might make the person unfit to carry out the duties of the position;
- b) a medical examination by a medical practitioner approved by the Director-General;
- c) an examination by a medical practitioner, an optometrist or other appropriately qualified health care professional, approved by the Director-General, of a particular aspect of the person's health likely to detrimentally affect the person's capacity to carry out the duties of the position.

The medical examination is conducted by HealthQuest, or a nominated doctor who acts as an agent of HealthQuest. Advice regarding arrangements for the medical examination will be sent to the staff member by HealthQuest.

Where a staff member fails the medical examination for permanent appointment, the staff member may appeal against the decision to the HealthQuest Appeals Committee. See Medical Appeals Section 1.1.2.7 for details.

Staff members located in country centres who are required to travel to another centre for medical examination in connection with permanent appointment may be:

- a) granted special leave to cover the time they are necessarily absent from duty;
- b) issued with a first class rail warrant, or if so desired, they may use their private motor vehicle (subject to prior approval) and be paid a vehicle allowance in accordance with the specified journey rate, subject to the allowance not exceeding the cost of first class rail travel; and
- c) reimbursed meal and accommodation expenses incurred while absent from their headquarters, provided that the amount reimbursed does not exceed the allowances prescribed under clause 17 Travelling Compensation of the *Crown Employees (School Administrative and Support Staff) Award* (see Section 1.7). Staff members incurring expenses above the prescribed allowances must support claims with receipts.

### 1.1.2.7 Medical Appeals

A HealthQuest Appeals Committee has been established to consider appeals against certain medical assessments made by HealthQuest.

HealthQuest will advise staff members if they are eligible to lodge an appeal.

Appeals must be lodged with the Appeals Secretariat within 21 days of the date the staff member is notified of the medical assessment. See Chapter 10 for contact details.

### 1.1.2.8 Probationary Service

If a person has been appointed on probation, the Director-General may, following an

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appropriate inquiry and report:

- a) confirm the appointment after the period of probation; or
- b) annul the appointment during or after the period of probation.

The conduct and service of a staff member appointed on probation require ongoing review during the period of probation. The review of services is the responsibility of the school principal or delegate. Principals must ensure that they monitor all aspects of the performance of their staff including standard of work, conduct and leave and, where appropriate, provide advice and support aimed at improving their overall services.

If at some stage during the probationary period a staff member's conduct and services are not completely satisfactory, but subsequently reach an acceptable standard, principals should have evidence of the maintenance of that standard over a reasonable period before action is taken to recommend confirmation of appointment.

### 1.1.2.9 Period(s) of Unpaid Leave During Probationary Period

Where a school administrative and support staff member has taken period(s) of unpaid leave during the probationary period, the principal must determine that there has been sufficient time to assess the staff member's standard of performance prior to confirmation of appointment.

If it is considered there has been insufficient time to adequately assess the staff member's level of performance, the period of probation is to be extended by a period equivalent to the period(s) of leave taken.

Section 11(2) of the *Education (School Administrative and Support Staff) Act 1987* requires the concurrence of the Minister to extend the period of probation beyond two years. In these instances, the period(s) of unpaid leave which prevents assessment of the staff member's performance is not to be included in the calculation of the period of probation.

### 1.1.2.10 Unsatisfactory Service During Periods of Probation

If the services of a probationary school administrative and support staff member are determined as being unsatisfactory:

- a) the period of probationary may be extended; or
- b) the appointment of the staff member may be annulled.

### 1.1.2.11 Extension of Periods of Probation

Where a staff member's conduct and services remain unsatisfactory at the completion of the period of probation, the School Staffing Unit may approve the extension for up to one year of that person's period of probation.

Where an extension of the probationary period is approved, the total period of probation is not to exceed two years except with the concurrence of the Minister.

In instances where the extension of a period of probation is approved, the probationary school administrative and support staff member should receive written advice of the



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decision. Where this extension is the result of unsatisfactory service, the letter should include advice regarding the possible consequences of unsatisfactory service eg. annulment of appointment.

### 1.1.2.12 Confirmation of Appointment

Prior to confirmation of appointment action, the School Staffing Unit is required to establish and record that the following conditions have been satisfied:

- a) medical examination for permanency; and
- b) satisfactory conduct and services, including sick leave.

Following the expiration of the period of probation and subject to the staff member meeting the conditions of permanency in (a) and (b) above, the School Staffing Unit will confirm the appointment.

### 1.1.2.13 Annulment of Appointment

Under Section 12 of the *Education (School Administrative and Support Staff) Act, 1987* the Director-General may, following inquiry and report, annul the appointment of a school administrative and support staff member appointed on probation.

## 1.1.3 CLASSIFICATIONS OF SCHOOL ADMINISTRATIVE AND SUPPORT STAFF

### 1.1.3.1 Classifications of School Administrative and Support Staff

The classifications of school administrative and support staff are determined by the Minister under the provisions of the *Education (School Administrative and Support Staff) Act 1987*.

School administrative and support staff classifications include:

- Aboriginal education officer;
- school administrative officer;
- school administrative manager;
- school learning support officer (pre-school);
- school learning support officer;
- school learning support officer (braille transcriber);
- school learning support officer (sign interpreter); and
- school learning support officer (ethnic).

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### 1.1.3.2 Statements of Duties

#### 1.1.3.2.1 Aboriginal Education Officer

The Aboriginal education officer is responsible to the principal for providing assistance to Aboriginal students and parents and to teachers.

The emphasis given to these three aspects of the role will vary, according to the nature of the school and its community.

The Aboriginal education officer is responsible to the principal in the following areas:

##### 1. Student Support

- Advising Aboriginal students in relation to their participation and progress. Supporting and encouraging student retention.
- Encouraging student participation in school decision making.
- Advising students on matters relating to educational and individual needs.

##### 2. Community Support

- Encouraging the involvement of Aboriginal parents in school programs and their participation in decision making.
- Maintaining effective relationships with Aboriginal parents and the Aboriginal community.
- Interviewing parents of Aboriginal students in relation to their school progress.
- Undertaking approved visits to Aboriginal parents in their homes in relation to their children's school progress or needs.
- Informing the Aboriginal community of the objects and organisation of the school.
- Informing the principal of activities and views of the Aboriginal community, including the local Aboriginal Education Consultative Group (AECG), which have relevance for the Aboriginal students in the school and the Aboriginal education program.

##### 3. Teacher Support

Assisting teachers:

- to involve parents and the community in school programs.
- with Aboriginal students in all school activities including excursions.

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- with the progress of Aboriginal students.
- with the identification and development of resources to support programs for all students with particular reference to Aboriginal education.
- in developing and implementing an appropriate curriculum for all students and specifically one which meets the needs of Aboriginal students.

### 4. Other Duties

Carrying out other related duties as required by the principal.

**Note:** The school must not require an Aboriginal education officer to accept responsibility for class management and control, playground supervision or teaching students.

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### 1.1.3.2.2 School Administrative Officer

A school administrative officer is responsible to the principal or the supervisor for providing assistance in school routines, classroom activities and financial and administrative matters.

A school administrative officer can be required to undertake the following duties:

#### 1. Finance

- Undertaking, under the supervision of the principal and/or the school administrative manager, the day to day banking, bookkeeping and general accounting duties including receipting and ordering.
- Assisting the principal and/or school administrative manager with end of year financial procedures by way of computerised/manual systems.

#### 2. Office and Reception

- Undertaking routine telephone duties, taking messages, noting appointments and other reception duties.
- Enrolling students.
- Drafting of routine correspondence.
- Preparing correspondence.
- Maintaining filing, indexing or record systems.
- Collecting, distributing and posting mail.
- Operating and caring for office and/or classroom equipment and machinery.
- Arranging quotations for the purchase, maintenance and disposal of office and classroom equipment.
- Arranging quotations for minor maintenance.
- Using computer based programs/systems to design, layout and print school publications and learning materials.
- Photocopying, duplicating and printing/binding of school documents and learning materials.

#### 3. Administration

- Recording, transcribing and collating information including operation of computerised administrative systems.
- Ordering, purchasing, receiving, despatching and stocktaking materials, goods and consumables, including compiling orders, unpacking, checking, sorting, shelving and storing items and

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maintaining inventories.

- Servicing school committees including processing and distribution of minutes.

### 4. Teacher and Student Support

- Preparing and maintaining learning environments and materials including:
  - maintaining equipment, learning material and resources at a suitable standard; and
  - maintaining work areas in a clean and tidy state.
- Caring for and comforting sick or distressed students.
- Administering first aid subject to the school assistant having a current St John' First Aid Certificate or equivalent and receiving the first aid allowance.
- Using computerised library systems for accessioning, ordering, invoicing, monitoring of expenditure, cataloguing, data input and retrieval.
- Assisting teachers in classroom and other activities:
  - implementation of learning and other programs, under the supervision of a teacher, including library, physical education, sport and recreation activities;
  - monitoring (i.e. checking, observing and recording) student behaviour when teachers are periodically absent from the school library;
  - assisting with the supervision of students in the library during recess and lunch breaks;
  - assisting students with library research;
  - settling in new students;
  - helping infant students with toileting, ablution and dressing;
  - assisting with the organisation of excursions; and
  - implementation of learning and other programs, under the supervision of a teacher, in science laboratories.
- Within home science areas washing up, spot cleaning of floors, spot cleaning of windows within arms reach whilst standing on the floor, laundering of home science tea towels, aprons etc.
- Managing lost property and clothing pools.

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### **5. Other Duties**

Undertaking other related duties as determined by the principal or the supervisor.

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### 1.1.3.2.3 School Administrative Manager

In addition to the responsibilities of a school administrative officer, a school administrative manager in a school with more than one effective full time school administrative officer is responsible to the principal for the efficient management of financial and administrative functions of the school or centre and the supervision and training of school administrative officers and school support officers in the school or centre.

The additional range of duties includes:

#### 1. Finance

- Duties related to the financial management of the school including participating in school financial decision making processes, provision of financial advice and management of end of year financial procedures by way of computerised/manual systems.
- Implementation and maintenance of school financial systems.

#### 2. Supervision

- Supervision of school administrative officers including:
  - allocation of staff;
  - allocation of workloads and co-ordination of work in the areas of financial procedures, administration and support for teaching and learning activities;
  - identification of training needs of school administrative officers and school support officers;
  - monitoring of work output and quality;
  - ensuring principles of EEO are applied to school administrative officers and school support officers in the school; and
  - facilitating the implementation of performance management for school administrative officers and school support officers.

#### 3. Administration

- Participation in the development and implementation of school management plans.
- Management of computerised/manual financial and administrative system.
- Office management including development and maintenance of administrative systems.

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### **4. Training and Development**

- Training of school administrative officers and school support officers (and other staff where required by the principal) in office, financial, administrative procedures and associated computer systems.
- Conducting, where required, appropriate induction programs for newly appointed school administrative officers and school support officers.
- Promotion of developmental opportunities for school administrative officers and school support officers.

### **5. Other Duties**

Undertaking other related duties as determined by the principal or the supervisor.



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### 1.1.3.2.4 School Learning Support Officer (Pre-school)

A school learning support officer (pre-school) is responsible to the principal or the supervisor for:

- providing assistance in school routines;
- classroom activities and in the care and management of students; and
- functions under the immediate supervision and direction of a teacher.

The school must not require a school learning support officer (pre-school) to accept responsibility for class management and control, playground supervision or teaching students.

A school learning support officer (pre-school) is required to carry out the following range of duties:

- setting up and cleaning the playroom and playground before and after each session including the assembling of teaching materials;
- daily cleaning of such things as painting easels, brushes, containers, plastic aprons, the wiping down of tables and chairs and the mopping of toilet/wash area after each session;
- regular cleaning of toys, repairing of books and similar equipment; washing of dolls' clothes, etc.; and
- preparing students' morning and afternoon tea snack including associated washing up.

#### 1. Administration

- Operating audio-visual aids and other teaching equipment.
- Recording school broadcasts and telecasts and maintaining a catalogue of records, cassettes, video and audio tapes and other audio-visual software.
- Duplicating materials and photocopying.
- Assembling and distributing lesson materials.
- Issuing learning materials from resource rooms.
- Arranging furniture within classrooms other than in schools for specific purposes or high schools.
- Stocktaking.
- Managing lost property and clothing pools.

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- Performing minor clerical duties such as those associated with assessment records.

### **2. Teacher and Student Support**

- The implementation of learning programs, including physical education, sport and recreation activities and educational excursions.
- “Settling in” new students.
- Helping students with toilet, ablution and dressing needs.
- Carrying out programs for the behavioural management of students.
- Assembling and dismissing classes.
- Caring for sick students and, where in receipt of a first aid allowance, administering minor first aid.

### **3. Other Duties**

Undertaking other related duties as determined by the principal or the supervisor.

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### 1.1.3.2.5 School Learning Support Officer

Under the supervision and direction of a teacher a school learning support officer, in respect of students enrolled in special schools and classes, is responsible to the principal or the supervisor for:

- providing assistance in school routines;
- classroom activities; and
- the care and management of students with disabilities and behaviour disorders.

A school learning support officer is required to assist teachers in school and community settings in:

- the implementation of individual education programs and individual transition programs;
- providing opportunities for students to develop personal, social, independent living and pre-vocational skills;
- toileting and personal care needs of students at all age and dependency levels, to include washing, bathing, showering and changing;
- washing of soiled items of clothing and nappies and in the disposal of used sanitary items;
- direct food preparation and assisting students with eating and drinking;
- the implementation of travel training programs;
- the supervision of students on excursion, work experience and travel training programs;
- supervision of students with severe and/or multiple, physical and/or intellectual disabilities which can involve:
  - frequent physical lifting, also involving changing students from one piece of equipment to another;
  - therapy or nursing type duties (which include duties carried out under the guidance of professional staff);
  - administering prescribed medication, keeping medication register;
  - minor maintenance of physical and or electronic equipment used by students;
  - organising the regular servicing of physical and or electronic equipment used by students;
  - serving as part of a transdisciplinary (educational/therapy) team in the

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- development and implementation of individual educational programs;
- communicating with students using an augmentative communication system most appropriate to the needs of students;
- taking performance data during the implementation of individual educational programs.

### 1. Administration

- Operating audio-visual aids, computers and other teaching equipment.
- Recording school broadcasts and telecasts and maintaining a catalogue of records, cassettes, video-tapes and other audio-visual software.
- Duplicating materials and photocopying.
- Issuing learning materials from resource rooms.
- Arranging furniture within classrooms where required.
- Managing lost property and clothing pools.
- Performing minor clerical duties.
- Caring for sick students and, when in receipt of a first aid allowance, administering minor first aid.

### 2. Other Duties

Undertaking other related duties as determined by the principal or the supervisor.

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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### **1.1.3.2.6 School Learning Support Officer (Braille Transcriber)**

Under the immediate supervision and direction of a teacher, a school learning support officer (braille transcriber) is responsible to the principal or the supervisor for:

- providing assistance in school routines;
- classroom activities; and
- the care and management of students with visual disability.

A school learning support officer (braille transcriber) in respect of students with visual disability enrolled in special schools and classes, and in regular classes is required to assist the teachers primarily in:

- transcribing print materials into braille, tactile, large print or computer format;
- producing and duplicating braille, tactile, large print and computer format materials, models and diagrams;
- ordering, cataloguing, recording, packaging, despatching and receipt of braille, tactile, audio, large print and computer format information and materials;
- providing computer links with other schools, district offices and the State Braille and Large Print Service concerning communication, transmission and receipt of information regarding braille, tactile and large print materials;
- implementing individual education programs; and
- providing opportunities for students to develop personal and social skills.

#### **1. Administration**

- Operating audio-visual aids and other teaching equipment.
- Recording school broadcasts and telecasts and maintaining a catalogue of records, cassettes, video and audio tapes and other audio-visual software.
- Duplicating materials and photocopying.
- Assembling and distributing lesson materials.
- Issuing learning materials from resource rooms.
- Stocktaking.
- Performing minor clerical duties such as those associated with assessment records.

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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### **2. Other Duties**

Undertaking other related duties as determined by the principal or the supervisor.

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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### 1.1.3.2.7 School Learning Support Officer (Sign Interpreter)

Under the immediate supervision and direction of a teacher a school learning support officer (sign interpreter) is responsible to the principal or the supervisor for:

- providing assistance in school routines;
- classroom activities; and
- the care and management of students with hearing disability.

A school learning support officer (sign interpreter) in respect of students with hearing disability enrolled in special schools and classes, and in regular school settings is required to assist the teachers primarily in:

- providing sign interpreter service in classrooms and for school activities;
- the maintenance and expansion of the sign language skills of students, teachers, families and members of the wider school community; and
- supporting in sign story telling, poetry reading, literature appreciation and drama programs.

#### 1. Administration

- Operating audio-visual aids and other teaching equipment.
- Recording school broadcasts and telecasts and maintaining a catalogue of records, cassettes, video and audio tapes and other audio-visual software.
- Duplicating materials and photocopying.

#### 2. Teacher and Student Support

- Providing opportunities for students to develop personal and social skills.
- Providing opportunities for students to acquire living and pre-vocational skills.
- Implementing individual education programs.
- Implementing travel training programs.

#### 3. Other Duties

Undertaking other related duties as determined by the principal or the supervisor.

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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### 1.1.3.2.8 School Learning Support Officer (Ethnic)

Under the immediate supervision and direction of a teacher a school learning support officer (ethnic) is responsible to the principal or supervisor for:

- providing assistance in school routines;
- classroom activities; and
- the care and management of students.

The school must not require a school learning support officer (ethnic) to accept responsibility for class management and control, playground supervision or teaching students.

A school learning support officer (ethnic), because of his or her facility with a language or languages spoken within the community served by the school, is required to carry out the following range of duties:

- communicating with parents;
- providing opportunities for ethnic students to develop personal and social skills;
- providing orientation for staff in relation to the ethnic community;
- interpreting problems of ethnic students to teachers;
- being a point of contact, within the school, for the local ethnic community; and
- liaising with parents as required by the principal.

#### 1. Administration

- Operating audio-visual aids and other teaching equipment.
- Recording school broadcasts and telecasts and maintaining a catalogue of records, cassettes, video-tapes and reel-to-reel tapes and other audio-visual software.
- Duplicating materials.
- Assembling and distributing lesson materials.
- Issuing learning materials from resource rooms.
- Arranging furniture within classrooms other than special or high schools.
- Stocktaking.
- Managing lost property and clothing pools.



## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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- Performing minor clerical duties such as those associated with assessment records.

### **2. Teacher and Student Support**

- The implementation of learning programs, including physical education, sport and recreation activities and educational excursions.
- “Settling in” new students.
- Helping students with toilet, ablution and dressing needs.
- Carrying out programs for the behavioural management of students.
- Assembling and dismissing classes.
- Caring for sick students and, where in receipt of a first aid allowance, administering minor first aid.

### **3. Other Duties**

Undertaking other related duties as determined by the principal or the supervisor.

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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### **1.2 HOURS OF DUTY**

#### **1.2.1 GENERAL**

##### **1.2.1.1 Normal Hours of Work**

The normal hours of work for:

- full time school administrative managers shall not exceed 33 hours 20 minutes per week; and
- all other full time school administrative and support staff shall not exceed 31 hours 15 minutes per week.

Normal hours are worked between 8.00 am and 4.30 pm on school days. For provisions concerning the averaging of hours, refer to Section 1.2.1.5.

For information concerning work performed outside of normal school hours, eg. overtime, school vacations or school excursions, refer to Section 1.6.

##### **1.2.1.2 Former Clerical Assistants (Library)**

The hours of work for full time school administrative officers who were former clerical assistants (library) who retained additional hours under the 1988 agreement shall be 36.25 hours per week.

These additional hours shall remain attached to the school administrative and support staff employee until that staff member transfers to a position in another school or voluntarily elects to abandon the additional hours.

##### **1.2.1.3 Part Time School Administrative and Support Staff**

In any one school day, the normal hours of duty of part time:

- school administrative managers shall not exceed 6 hours 40 minutes; and
- for all other school administrative and support staff shall not exceed 6 hours 15 minutes.

##### **1.2.1.4 Temporary School Administrative and Support Staff**

Temporary school administrative and support staff, including school learning support officer's should not be engaged for periods of less than two continuous hours per day and wherever possible, should be engaged for three continuous hours per day.

##### **1.2.1.5 Starting and Finishing Times**

Starting and finishing times of school administrative and support staff shall be determined by the principal in agreement with a school administrative and support staff member or members to suit the needs of the school. Normal hours of work shall be structured to avoid broken periods of duty i.e. there shall be no split shifts.

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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### **1.2.1.6 Averaging of Hours**

The actual hours worked by school administrative and support staff in any week may, by agreement between the principal and the staff member, be averaged over periods of up to ten weeks between the hours of 7.30 am and 6.00 pm; provided that the total hours worked in a ten week period are:

- 312 hours 30 minutes for full time staff members working 31 hours 15 minutes per week; or
- 333 hours 20 minutes for full time staff members working 33 hours 20 minutes per week; or
- 362 hours 30 minutes for full time staff members working 36 hours 15 minutes per week.

The pattern of hours worked by a staff member under such an arrangement must be approved by the principal taking into account the needs of the school.

Averaging arrangements are agreed and monitored at the school level. Staff continue to receive their normal pay each fortnight regardless of the actual hours worked in the fortnight.

This facility provides schools and staff with the flexibility to meet changing circumstances. For example:

- A school administrative officer wishes to work only half a day every second Friday for a term and the principal agrees. Every second Friday the employee works 3 hours 15 minutes. Every other day during the averaging period they work 6 hours 35 minutes. Over the 10 week period the ordinary hours of duty are maintained with 312 hours 30 minutes worked in total.
- A school administrative officer may usually work standard hours of 31 hours 15 minutes per week however an unexpected change in workload occurs. The employee and the Principal may agree that the employee will work more than their normal standard hours in that week with an equivalent amount of time taken off in a subsequent week or weeks.

### **1.2.2 MEAL BREAKS**

School administrative and support staff who work four hours or more per day shall be entitled to an unpaid break of not less than 30 minutes each day.

School administrative and support staff who work more than two hours from the commencement of the school day shall be entitled to a paid morning tea break of 10 minutes each day.

To meet the needs of the school, the principal may vary the time at which the morning tea break is taken and may stagger lunch breaks.

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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### **1.3 ENTITLEMENTS ON RE-EMPLOYMENT**

This section provides information concerning the recognition of previous service as a school administrative and support staff member for certain employment entitlements. Information concerning any entitlement for recognition of non-school administrative and support staff service is cross referenced in each sub-section.

#### **1.3.1 RECOGNITION OF PREVIOUS SCHOOL ADMINISTRATIVE AND SUPPORT STAFF SERVICE FOR COMMENCING RATE OF PAY PURPOSES**

##### **1.3.1.1 General**

The Director-General has authority to approve the commencing rate of pay for any permanent or temporary appointee to a school administrative and support staff classification. All appointments will be made at the minimum adult (or junior if appropriate) rate of pay for the classification concerned.

Appointment above the minimum rate of pay may only apply where:

- a) relevant prior service, whether broken or continuous, is recognised for commencing rate of pay purposes in accordance with Section 1.3.1.3; and/or
- b) the appointee has completed any stage(s) of the Aboriginal Education Officer Training Program, or equivalent (applies to appointment to Aboriginal Education Officer positions only).

##### **1.3.1.2 Offers of Appointment/Employment**

If at the time of the appointment recognition of previous service is yet to be approved, the appointment shall be made at the minimum rate of pay. An adjustment to the rate of pay may be made at a later date if recognition of previous service is approved.

##### **1.3.1.3 Commencing Rates of Pay**

The Director-General may approve a school administrative and support staff member being appointed with a commencing rate of pay above the minimum rate of pay for the classification having regard to:

- a) the applicant's skills, experience and qualifications;
- b) the rate required to attract the applicant; and
- c) the remuneration of existing staff performing similar work.

In applying for recognition of prior school administrative and support service to enable a higher commencing rate of pay, a staff member should provide full details of the prior service, including dates of service and classifications. Procedures for recognition of other service are contained in Section 1.1.2.5.

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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### 1.3.1.4 Temporary Staff Permanently Appointed Without a Break in Service

Temporary school administrative and support staff who are permanently appointed to a non promotional position without a break in service shall:

- a) receive the equivalent permanent incremental rate of pay they received immediately prior to their permanent appointment; and
- b) for the purposes of incremental progression, retain their existing increment date.

### 1.3.2 RECOGNITION OF PREVIOUS SCHOOL ADMINISTRATIVE AND SUPPORT STAFF SERVICE FOR LEAVE PURPOSES

#### 1.3.2.1 General

A school administrative and support staff member who wishes to have previous service recognised for leave purposes is required to submit a written request to Employee Services Bathurst. This request should provide full details of the prior service, including dates of service and classifications.

#### 1.3.2.2 Extended/Long Service Leave

- a) Information concerning recognition of service with other state or Commonwealth government bodies for extended/long service leave purposes is contained in Section 4.4.10 of this Handbook.
- b) All prior full time and part time service as a permanent school administrative and support staff member under the *Education (School Administrative and Support Staff) Act 1987* shall be taken into account for extended/long serve leave purposes.
- c) Prior service as a long term temporary school administrative and support staff member (full time or part time) with the Department is credited on the following basis:
  - i) service needs to be greater than one term (10 weeks);
  - ii) if hours per week vary, they are averaged for the period of service; and
  - iii) a break of two weeks (not including vacation periods) interrupts the period and the 10 weeks criterion re-starts on any return to duty.

#### 1.3.2.3 Sick Leave

- a) For the purpose of calculating the sick leave entitlement of a school administrative and support staff member, service shall include:
  - i) all prior permanent employment under the *Education (School Administrative and Support Staff) Act 1987*;
  - ii) all prior full time or part time service as a temporary school administrative and support staff member under the *Education (School Administrative and Support Staff) Act 1987* or the *Public Service Acts* of 1902 and 1979 or the *Public Sector Management Act 1996* or the *Public Sector Employment and Management Act 2002* provided the service is for a period(s) of greater than one term (10 weeks).

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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- b) Upon establishment of service eligible to be recognised for sick leave purposes, unused cumulative sick leave from each period of employment shall be credited to the school administrative and support staff member's sick leave entitlement. Unused cumulative sick leave shall be calculated in accordance with the provisions contained in Chapter 4, Leave.

### **1.3.3 RECOGNITION OF PREVIOUS SCHOOL ADMINISTRATIVE AND SUPPORT SERVICE FOR PROBATIONARY PERIOD**

Any person appointed as a permanent school administrative and support staff member shall be appointed on probation. The period of probation is twelve months.

Where the Director-General is satisfied that the known ability and reputation of the person are such that the full period of probation need not be served, approval may be given for the period of probation to be reduced. The minimum period of probation that must be served is six months. A typical example of reduction in the period of probation is the instance where a person has been employed on a temporary basis prior to being permanently appointed.

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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### 1.4 TRANSFERRED EMPLOYEES' COMPENSATION

The *Crown Employees (Transferred Employees' Compensation) Award* provides eligible staff members with an entitlement to compensation on relocation.

For detailed information on the Award please contact Employee Services Bathurst.

#### 1.4.1 ELIGIBILITY

To be eligible for the benefits available under the Award, a staff member must satisfy the requirements of location and basis of transfer as specified in clause 1 of the Award. This clause identifies a 'transferred officer' as an officer who is assigned to a new location (other than from one part of the metropolitan area to another) at which duty is to be performed and who, as a consequence of such assignment, finds it necessary to leave their existing residence and take up a new residence at the new location. For example, a school administrative and support staff member would be entitled to the benefits of the Award when they relocate to accept appointment to a position obtained by either merit selection or transfer following a reduction in hours or abolition of their previous position.

This definition of a 'transferred officer' does not include a staff member transferred at their own request, under an arrangement between officers to exchange positions or on account of any misconduct.

The benefits of the Award do not apply on first employment or re-employment.

There are limited circumstances where the Award provisions may apply to temporary staff members.

Benefits are not generally available to staff members who transfer within the metropolitan area or when a change in residence is not necessary in order for staff member to take up the new appointment.

For the purposes of the Award, the 'metropolitan area' is defined as the Sydney region and includes the area referred to as the Central Coast on the Northern Line as far as Gosford, the area on the Western Line as far as Mt Victoria and the area on the Southern Line as far as Wollongong.

#### 1.4.2 ENTITLEMENTS

##### 1.4.2.1 Leave

A staff member who is entitled to receive the benefits of the Award is entitled to the following leave entitlements:

- a) two days special leave on full pay for the purpose of obtaining accommodation at the new location. This leave may be taken before or after the actual date of transfer;
- b) two days special leave on full pay for the purpose of preparation and packing of personal and household effects prior to removal;
- c) one day special leave for the purpose of either cleaning the residence being vacated or settling in and occupying the new residence; and
- d) such special leave as is necessary to travel to the new location for the purpose of commencing duty, and/or for the purposes referred to in a) above.

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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Where a staff member takes leave in accordance with a) above and incurs expenses in relation to overnight accommodation, the staff member shall, subject to the production of receipts, be reimbursed reasonable costs for meals and accommodation for themselves and one member of their household. The amount reimbursed shall not exceed the allowance payable under clause 17 of the Crown Employees (School Administrative and Support Staff) Award or clause 29 of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006, whichever is applicable. Refer also to Section 1.7 Travelling Compensation.

### 1.4.2.2 Removal Costs

A staff member who is entitled to receive the benefits of the Award will have all reasonable costs incurred in removing personal and household effects to their new location met by the Department.

Where the relocation is at Departmental expense, the services of a removal service nominated by the Department must be used to arrange the removal of household effects. The contact details can be obtained from Employee Services Bathurst. The contractor will obtain a minimum of three quotes and will submit them direct to Employee Services Bathurst for consideration and approval to proceed with the most appropriate quote.

Removal expenses shall include the cost of insuring furniture and household effects while in transit up to an amount of \$38,000. Where the insured value exceeds \$38,000 additional insurance costs will only be met by the Department on production of a current household contents policy showing the insured value and a declaration from the staff member that all such contents are being moved with prior approval from the regional office.

### 1.4.2.3 Storage of Furniture

Where a staff member is appointed at the Department's expense to a new location but is unable to secure suitable accommodation and is required to store furniture while waiting to secure a residence, reasonable costs of storage and cartage to and from the store may be refunded in accordance with the *Crown Employees (Transferred Employees' Compensation) Award*. A removal service nominated by the Department must be used to arrange storage.

The cost of insurance of furniture while in storage is payable on the same basis as effects in transit.

Reimbursement of storage costs is limited to the time required for suitable accommodation to become available or for a period of 26 weeks whichever is less, except where a staff member is appointed to a metropolitan area in which case the maximum limit is thirteen weeks.

### 1.4.2.4 Cost of Personal Transport

Depending on the particular circumstances, the Award makes provision for payment for personal transport.

- a) A staff member, who has been deemed to be a transferred employee, will be entitled to reimbursement of the cost of first class rail travel or for the use of his or her personal vehicle on the following basis:



## 1 GENERAL CONDITIONS OF EMPLOYMENT

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- i) for the staff member and one member of his or her family where special leave has been approved for the purpose of visiting the new location with a view to obtaining suitable accommodation; and
  - ii) for the staff member and all members of his or her household where special leave has been approved to allow for travel to enter on duty in the new location. Where the staff member's family members do not travel at the time special leave is taken, entitlement to costs for their personal transport will be deferred until they travel to take up residence at the staff member's new location.
- b) There are two types of car allowance rates:
  - i) Official business rate

This rate is applied in situations where the staff member is travelling to enter on duty at the new location.
  - ii) Casual rate

This rate will apply in all other circumstances.
- Motor vehicle rates are only payable where government insurance requirements are met. Please see Chapter 7, Rates of Pay and Allowances for details.
- c) Car allowances paid in respect of travel will not exceed the cost of the first class rail travel to which the staff member might otherwise have been entitled.
- d) Where an overall saving to the Department would eventuate, a staff member and one member of his or her family may be entitled to economy class air fare in lieu of first class rail travel or car allowances. This applies only where the staff member is travelling to the new location to seek accommodation and is subject to the policy for use of air travel as determined by the Premier.

### 1.4.2.5 Compensation for Depreciation and Disturbance

Under the Award, an allowance is payable to compensate for the accelerated depreciation of personal and/or household effects removed to a new location.

The disturbance allowance is currently \$1,126 and is based upon the Department being satisfied that the staff member has removed a substantial portion of normal household furniture, furnishings and fittings of value not less than \$7,037. A pro rata amount is payable where the value is less.

### 1.4.2.6 Conveyancing and Other Costs

- a) The Award provides for reimbursement of certain expenses where a staff member sells a residence at the former location and buys a residence, or land upon which to erect a residence, at the new location. These expenses include stamp duty, mortgage fees, commissions and, where appropriate, solicitor's professional costs and disbursements in respect of such transactions.
- b) Applications for reimbursement of expenses outlined in (a) above should be submitted to Employee Services Bathurst.

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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- c) The maximum amounts which may be reimbursed for conveyancing and other costs shall be limited to the amounts which would be payable had the sale and purchase prices of the properties involved been \$417,000 in each case.
- d) The benefits of the Award may be denied if:
  - i) the sale of the former residence commences more than six months before the actual transfer; or
  - ii) both the sale and purchase transactions are not completed within four years of the actual transfer.

### 1.4.2.7 Refund of Stamp Duty

- a) A staff member who as a consequence of the appointment to a new location:
  - i) sells a residence at the former location; and
  - ii) buys a residence or land upon which to erect a residence at the new location, may be entitled to reimbursement of:
    - stamp duty paid in respect of the purchase;
    - stamp duty paid in respect of any mortgage entered into or the discharge of mortgage in connection with transactions mentioned in 1.4.2.6 (a) and (b) above; and
    - registration fees on transfers and mortgages on the purchase.
- b) A staff member who as a consequence of the appointment to a new location:
  - i) does not sell a residence at the former location, but
  - ii) buys a residence or land upon which to erect a residence at the new location, may be entitled to reimbursement of:
    - stamp duty paid in respect of the purchase;
    - stamp duty paid on any mortgage entered into in connection with the purchase; and
    - registration fees on transfer and mortgages on the residence,

in accordance with the *Crown Employees (Transferred Employees' Compensation) Award*.

### 1.4.2.8 Incidental Costs on Change of Residence

A staff member who qualifies for conveyancing and other costs associated with the sale and purchase of a residence as outlined in Section 1.4.2.6 may be eligible for the following reimbursement in accordance with the *Crown Employees (Transferred*

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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### *Employees' Compensation) Award.*

- a) Reimbursement of any council or other local government rates which are levied during a period when the former residence is of necessity left vacant. This would occur when a staff member takes up duty in a new location and the previous residence has not been sold. The reimbursement of rates would apply from the date the staff member entered on duty in the new location, having vacated the former residence, and the date the previous residence is sold.
- b) Reimbursement of survey and pest certificates and building society registration fees reasonably incurred in seeking financial assistance.
- c) Reimbursement of costs incurred in respect of reconnection of gas and/or electricity supplies and the cost of telephone reconnection. The cost of telephone reconnection shall be reimbursed only where a telephone was installed at the former residence.
- d) Reimbursement of the fee charged by Australia Post for the redirection of mail for one month.

#### **1.4.2.9 Education of Children**

The Award makes provision for payment of an allowance to assist with the cost of board and lodging in cases where a staff member has dependent children who have to continue their secondary education in Year 12 at the staff member's previous location because the children's elected subjects are not available at the new location.

The Award also makes provision for payment of an allowance to assist with the cost of essential school clothing which must be replaced or purchased where a change of school has resulted from the staff member's transfer to a new location. The allowance, however, is only payable in respect of each child who is continuing in primary or high school, not entering either for the first time.

#### **1.4.2.10 Temporary Accommodation**

In certain circumstances, an allowance may be paid to staff members to assist with costs incurred when required to reside in temporary accommodation as a result of the new appointment. These conditions are contained in clause 4 of the Award.

Examples of situations where assistance can be provided with temporary accommodation costs include:

- a) where the staff member is required to vacate their existing residence and secure board and lodgings prior to departure for the new location; and/or
- b) where the staff member is required to secure board and lodging at the new location pending a long term residence becoming available.

The level of assistance that can be provided with temporary accommodation costs may vary depending on factors such as:

- a) whether the costs are incurred for the staff member only or the staff member and dependants;
- b) the number and age of any dependant children;

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- c) whether the costs are for board and lodgings or for privately rented temporary accommodation; and
- d) if the temporary accommodation is required in the Sydney Metropolitan Area or a country area.

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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### **1.5 HIGHER DUTIES ALLOWANCE**

#### **1.5.1 GENERAL**

##### **1.5.1.1 No Reduction in Rate of Pay**

A school administrative and support staff member relieving in another position shall not, because of relieving in that position, suffer any reduction in their rate of pay.

##### **1.5.1.2 Whole of Duties and Responsibilities**

Any school administrative and support staff member, who, during a period of relief in another position, satisfactorily performs the whole of the duties and assumes the whole of the responsibilities of that position, shall be entitled to payment of a higher duties allowance subject to the limitations contained in Section 1.5.2.

The higher duties allowance paid will be the difference between the school administrative and support staff member's present rate of pay and the rate of pay to which they would have been entitled if appointed to that position.

##### **1.5.1.3 Part of Duties and Responsibilities**

Where a school administrative and support staff member does not assume the whole of the duties and responsibilities of the position, the amount of any allowance paid shall be determined in accordance with Section 1.5.6.2.

#### **1.5.2 LIMITATIONS ON ELIGIBILITY**

##### **1.5.2.1 Periods of Less than Five Days**

No allowance is payable where relief is for a period of less than five consecutive working days except:

- a) with the approval of the Director-General; or
- b) as provided for in Sections 1.5.2.2.1 and 1.5.2.2.2.

##### **1.5.2.2 School Administrative and Support Staff Members Providing Part Time Relief**

School administrative and support staff members providing part time relief are eligible for payment of a higher duties allowance where the part time equivalent of five complete working days is undertaken in the higher graded position.

An allowance shall be paid calculated on a pro rata basis based on the average number of hours worked per week divided by the full time equivalent hours.

###### **1.5.2.2.1 Full Time Staff Member Relieving in a Part Time Position**

A full time staff member who relieves in a part time position is eligible to be paid a higher duties allowance for the authorised hours worked in the part time position. For example, a full time school administrative and support staff member who relieves in a part time position where the hours are 15 per week is entitled to payment of a higher duties allowance when they have completed the maximum weekly hours (i.e. 15) for that position.

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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### **1.5.2.2.2 Part Time Staff Member Relieving in a Full Time Position**

A part time staff member who relieves in a full time position but only for their part time hours is eligible to be paid a higher duties allowance on a pro rata basis. For example, a part time school administrative and support staff member who works 15 hours per week and who relieves in a full time position for their normal weekly hours (i.e. 15) is entitled to payment of a higher duties allowance for the full 15 hours per week.

### **1.5.2.3 Effect of Leave on Payment of a Higher Duties Allowance**

Where paid absences of five days or less occur during a period of relief, the allowance is to be paid for those periods of absence.

However, where an absence of five days or less would result in the staff member not having completed five days of relief in the position, then the allowance is not payable. For example, if a staff member was to relieve in another position for six working days and took two days leave during that period, an allowance would not be paid as only four days relief in that position had been completed.

A higher duties allowance shall not be paid for any period of leave exceeding five consecutive working days taken during a period of relief.

## **1.5.3 ACTING FOR ONE YEAR OR MORE**

### **1.5.3.1 Payment for Leave Taken**

School administrative and support staff members who have acted continuously for 12 calendar months or more, inclusive of school vacation periods, in the same higher graded position are eligible for payment of the higher duties allowance for any leave which is taken during the ongoing period of relief.

### **1.5.3.2 Payment for Leave on Retirement/Resignation**

Accrued leave will also be paid at the higher rate of pay upon retirement or resignation, where a school administrative and support staff member:

- a) has acted continuously for more than one year in the higher graded position; and
- b) is still relieving in the higher graded position at the time of the resignation or retirement.

### **1.5.3.3 Increments**

Where a school administrative and support staff member relieves in another position for a period in excess of 12 months, the school administrative and support staff member will receive the next incremental rate of pay subject to satisfactory performance and provided that 100% of the allowance has been paid for a period of twelve months.

Where the allowance has been discontinued during a period of leave, the increment will be delayed for the period equivalent to the period of leave.

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### **1.5.3.4 Broken Periods of Relief for Incremental Purposes**

Where there are broken periods of relief in the higher position or positions, such periods may be aggregated, irrespective of the nature of the work of the position(s). Such aggregated periods may be regarded as continuous service for incremental progression subject to satisfactory performance, provided all the following conditions are met:

- a) the rate of pay and higher duties allowance received during earlier periods of relief must be greater than or equal to the rate of pay of the position in which the increment is to be received;
- b) any period of leave during which the allowance was not paid (excluding school vacation periods) is discounted; and
- c) aggregation does not extend over any break in excess of six months.

### **1.5.4 CALCULATING OVERTIME**

A higher duties allowance is only to be included in the rate of pay for the purposes of calculating overtime when the duties carried out during the overtime are those of the higher position.

### **1.5.5 RECOGNITION OF RELIEF FOR APPOINTMENT TO A SIMILAR GRADE**

If a school administrative and support staff member who has been relieving in a higher position is subsequently appointed to a similarly graded position, the same principles as set out at Section 1.5.3.4 apply to determine the commencing rate of pay and/or allowance in the new position.

### **1.5.6 PROCESSING OF CLAIMS**

#### **1.5.6.1 Initiation of Claims**

The supervisor is responsible for making the claim. Members of staff may initiate claims where the supervisor does not do so, or does not do so promptly. Staff initiated claims should be submitted to the supervisor.

#### **1.5.6.2 Assessment of Allowance to be Paid**

The initial assessment of the level of payment is the responsibility of the supervisor. In assessing the percentage of the allowance to be paid, the supervisor must have regard to:

- a) the duties and responsibilities the normal occupant of the position would have undertaken during the period; and
- b) the proportion of the duties and responsibilities satisfactorily performed by the staff member providing relief during the period.

This means that where the school administrative and support staff member providing the relief satisfactorily undertakes all the duties and responsibilities which the substantive occupant would have undertaken during the period, then 100% of the allowance is payable.

This also applies where only a proportion of the duties and responsibilities are satisfactorily undertaken, eg. if a school administrative and support staff member

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undertakes 50% of the duties and responsibilities of the position during the relevant period, 50% of the allowance would be payable.

### **1.5.6.3 Payment**

For short periods of relief the payment should be calculated and claimed at the completion of relief. For longer periods calculation and claims should be made at regular intervals e.g. fortnightly or monthly during the period.



## 1 GENERAL CONDITIONS OF EMPLOYMENT

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### 1.6 WORK PERFORMED OUTSIDE NORMAL HOURS OF DUTY

Work performed by school administrative and support staff members outside of their normal hours of duty will generally fall into one of the following three categories:

- a) additional hours;
- b) overtime; and
- c) duties performed during school vacation periods.

The conditions that apply to payment for work performed under each of these categories are detailed in the following sub-sections.

Aboriginal education officers are not entitled to payment for additional hours, overtime or for work performed during school vacation periods where performing work associated with the duties of their position. The rates of pay for Aboriginal education officers are loaded with an "all incidents of employment" allowance.

#### 1.6.1 ADDITIONAL HOURS

##### 1.6.1.1 General

School administrative and support staff members, other than Aboriginal education officers, who are required by the Department to perform additional hours above their normal hours of duty are entitled to receive additional remuneration for the work performed. For conditions regarding directed work performed after seven hours of duty or on weekends or public holidays please see section 1.6.2 Overtime.

Additional hours are subject to the hours averaging provisions of subclause 7.4 of the *Crown Employees (School Administrative and Support Staff) Award* and do not apply to former clerical assistants (library) who are required to work 7 hours 15 minutes per day.

Additional hours for a full time permanent or temporary school administrative and support staff member may be paid as follows:

- where school administrative managers are required to work beyond 6 hours 40 minutes in any one school day up to a maximum of seven hours;
- where all other school administrative and support staff are required to work beyond 6 hours 15 minutes in any one school day up to a maximum of seven hours.

Additional hours for a part time permanent or temporary school administrative and support staff member may be paid where the person is required to work beyond their normal hours of duty for the school day concerned, e.g. a school administrative and support staff member who works three hours per day, five days per week would be entitled to payment for additional hours where required to work for more than three hours in any one day up to a maximum of seven hours.

##### 1.6.1.2 Conditions for Payment of Additional Hours

School administrative and support staff are entitled to be paid for additional hours subject to the additional hours being performed at the express direction of the principal or delegate.

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For information concerning entitlements for payment of overtime for school administrative and support staff members where greater than seven hours are worked in any one day refer to Section 1.6.2 of the Handbook.

### 1.6.1.3 Calculation of Additional Hours

Where directed to work beyond their normal hours, school administrative and support staff are entitled to payment for the additional hours performed. The rate of payment will depend on:

- whether the hours to be worked are part of a regular on-going arrangement; or
- whether the hours are either for a short duration only or of a one-off nature.

### 1.6.1.4 Rate of Payment

#### 1.6.1.4.1 For Long Term Additional Hours

Where the additional hours being worked are of a regular weekly nature and will continue for a period in excess of one school term, the permanent or temporary school administrative and support staff member working such hours shall be paid at their existing incremental level on the long-term temporary rate of pay scale. For example, a permanent school learning support officer receiving the fourth year rate of pay who is working additional hours for a period of six months will be paid at the school learning support officer, fourth year rate on the long term temporary school administrative and support staff pay scale for the additional hours worked.

This rate of pay shall be made for those additional hours worked in any one day beyond the school administrative and support staff member's normal hours of duty and up to seven hours in any one school day.

Where working additional hours on a long term (in excess of one school term) basis, the school administrative and support staff member is entitled to:

- i) payment of stand down pay based on the additional hours where the conditions for payment as set out in Chapter 4, Leave, are met; and
- ii) payment of recreation leave for the period of engagement of additional hours as set out in Chapter 4, Leave, which shall be paid either during the Christmas vacation period or at the end of the period of engagement.

#### 1.6.1.4.2 For Short Term Additional Hours

Where the additional hours worked are of an intermittent nature or are of a regular weekly nature that will continue for a period of one school term or less, the school administrative and support staff member working such hours shall be paid at their existing incremental level of pay on the short-term temporary rate of pay scale. For example, a permanent school learning support officer receiving the fourth year rate of pay who is working additional hours for a four week period only will be paid at the school learning support officer fourth year rate on the short term temporary school administrative and

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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support staff pay scale.

In these circumstances, no recreation leave is payable as the rate of pay for short term temporary staff is loaded with a component in lieu of recreation leave.

### 1.6.2 OVERTIME

#### 1.6.2.1 General

A school administrative and support staff member, other than an Aboriginal education officer, who works more than seven hours in any one school day or is required to work on a weekend or public holiday is entitled to be paid overtime in accordance with clause 18 Overtime of the *Crown Employees (School Administrative and Support Staff) Award*. This Section should be read in conjunction with the Award.

Those former clerical assistants (library) who work 36.25 hours per week are only entitled for payment of overtime where work is performed beyond their normal daily hours of 7.25 hours per day.

#### 1.6.2.2 Calculation of Overtime

A school administrative and support staff member is entitled to payment of overtime for any work:

- a) performed at the express direction of a supervisor; and
- b) performed in excess of seven hours in any one school day or performed on a weekend or public holiday.

Overtime for work performed on a normal working day will not be paid to those school administrative and support staff members working in excess of seven hours under the averaging of hours provision available under the *Crown Employees (School Administrative and Support Staff) Award* except for work performed before 7.30 am or after 6.00 pm.

#### 1.6.2.3 Rate of Payment

All overtime for permanent and temporary school administrative and support staff will be paid at the relevant long term temporary rate of pay for the staff member.

#### 1.6.2.4 Overtime Performed on a Weekday

Where overtime is performed on a weekday, the following rates shall apply:

- a) for the first two hours payment shall be made at the rate of time and a half; and
- b) for the third and any subsequent hours payment shall be made at the rate of double time.

#### 1.6.2.5 Overtime Performed on a Saturday

Where overtime is performed on a Saturday, the following rates shall apply:

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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- a) for the first two hours payment shall be made at the rate of time and a half; and
- b) for the third and any subsequent hours payment shall be made at the rate of double time.

Where overtime is performed on a Saturday, the minimum payment to be made shall be for three hours.

### 1.6.2.6 Overtime Performed on a Sunday

Where overtime is performed on a Sunday, payment shall be made at the rate of double time for all hours worked.

Where overtime is performed on a Sunday, the minimum payment to be made shall be for three hours.

### 1.6.2.7 Overtime Performed on a Public Holiday

Where overtime is performed on a public holiday, total payment for the day shall be made at the rate of double time and a half for the hours worked. Payment shall be calculated as follows:

- a) where a school administrative and support staff member performs overtime on a public holiday which would normally be a working day, the staff member shall receive their normal daily pay for the public holiday plus additional payment at the rate of time and a half for the overtime hours performed; or
- b) where a school administrative and support staff member performs overtime on a public holiday which would not normally be a working day, the staff member shall be paid at the rate of double time and a half for the hours worked.

### 1.6.2.8 Meal Breaks and Allowances

- a) A school administrative and support staff member is entitled to a meal break as follows.
  - i) A school administrative and support staff member not working under the averaging of hours scheme who is required to work overtime on weekdays for 1½ hours or more after the staff member's ordinary hours of duty shall be allowed 30 minutes for a meal and then 30 minutes for a meal after every five hours of overtime worked.
  - ii) A school administrative and support staff member working under the averaging of hours scheme who is required to work overtime on weekdays beyond 6.00 pm and until or beyond 8½ hours after commencing duty plus the time taken for lunch, shall be allowed 30 minutes for a meal and then 30 minutes for a meal after every five hours of overtime worked.
  - iii) A school administrative and support staff member required to work overtime on a Saturday, Sunday or public holiday shall be allowed 30 minutes for a meal after every five hours of overtime worked.
- b) Meal allowances are payable for meal breaks taken as above if an adequate meal has not been provided by the Department and:

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- i) the time worked is directed overtime;
- ii) the staff member incurred expenditure in obtaining a meal;
- iii) the staff member ceased duty for at least 30 minutes before or during the working of overtime to take the meal, if possible; and
- iv) overtime is not being paid for the time taken for the meal break.

For current meal allowance rates, see Chapter 7, Rates of Pay and Allowances.

### 1.6.2.9 Time Off in Lieu of Payment for Overtime

A school administrative and support staff member who at the direction of their supervisor works overtime may, within two working days of working such overtime, elect to take leave in lieu of payment for all or part of the entitlement in respect of the time so worked. Such leave in lieu shall accrue at the rates specified for overtime in this Section.

Provided that:

- a) where the school administrative and support staff member elects to receive leave in lieu of payment such leave is taken at the convenience of the school;
- b) such leave shall be taken in multiples of a quarter day only;
- c) subject to the convenience of the Department, leave in lieu shall be taken within three months of the date of accrual; and
- d) a school administrative and support staff member shall be entitled to payment for the balance of any overtime entitlement not taken as leave in lieu.

## 1.6.3 WORK PERFORMED DURING SCHOOL VACATION PERIODS

### 1.6.3.1 General

School administrative and support staff members who are required by the Department to work during a school vacation period are entitled to receive additional remuneration for the work performed.

### 1.6.3.2 Work Performed Up to Seven Hours on a Working Day

When required to perform duty on a working day during a school vacation period, a school administrative and support staff member shall receive payment for up to seven hours as follows.

- a) A short term temporary school administrative and support staff member who is not expected to work beyond one term, shall be paid for the number of hours worked at their current level on the short term temporary rate of pay scale. For example, a short term temporary school administrative manager level 2 who works for four hours on a Monday during a school vacation shall be paid for four hours work at the school administrative manager level 2 short term temporary pay scale.
- b) A permanent or long term temporary school administrative and support staff member

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shall be paid at the half rate for the number of hours worked at their current level on the long-term temporary rate of pay scale. For example, a permanent school administrative manager level 2 who works for four hours on a Monday during a school vacation shall be paid for four hours work at the rate of half time using the school administrative manager level 2 long term temporary pay scale

### **1.6.3.3 Work Performed Beyond Seven Hours on a Working Day or on a Weekend or Public Holiday**

A school administrative and support staff member other than an Aboriginal education officer, is entitled to receive payment in accordance with clause 18 Overtime of the *Crown Employees (School Administrative and Support Staff) Award* for all hours worked beyond seven hours on a working day, or performed on a weekend or public holiday when required to work during a school vacation period. See Section 1.6.2. In all cases, the extra hours worked must be by direction of the relevant Departmental officer.

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### 1.7 TRAVELLING COMPENSATION

Section 1.7 should be read in conjunction with clause 17 Travelling Compensation of the *Crown Employees (School Administrative and Support Staff) Award*.

#### 1.7.1 GENERAL

##### 1.7.1.1 Cost of Travel to and from Work

School administrative and support staff members are responsible for meeting all costs incurred in travelling between their residence and their usual place of work.

#### 1.7.2 EXCESS TRAVEL TIME

##### 1.7.2.1 General

Staff members required to perform duty at a location other than their normal place of work may be compensated for travelling time which exceeds the normal travel time between their home and normal place of work.

A school administrative and support staff member is entitled to claim for excess travel time when:

- a) required to travel outside of their normal hours of duty; and
- b) such travel is necessary in order for the staff member to perform their duties.

Excess travel time may be granted for travel associated with activities such as attending a Departmental selection committee interview or attending a training and development activity.

When attending a training and development activity, school administrative and support staff members are entitled to the reimbursement of any additional necessary expenses incurred regarding travel, meals and accommodation.

School administrative and support staff may be compensated for excess travel time by either:

- i) payment calculated in accordance with Section 1.7.2.2 - 1.7.2.4 of the Handbook; or
- ii) if it is operationally convenient, taking equivalent time off in lieu to be granted for excess time spent in travelling on official business.

##### 1.7.2.2 Travel on a Working Day

Subject to the provisions of 1.7.2.4, where a school administrative and support staff member is entitled to claim for excess travel time as defined in Section 1.7.2.1, the claim for a working day may include the time spent travelling before the staff member's ordinary starting time and/or after their normal finishing time.

##### 1.7.2.3 Travel on a Non Working Day

Subject to the provisions of 1.7.2.4, where a school administrative and support staff member is entitled to claim for excess travel time as defined in Section 1.7.2.1, such

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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claim for a non-working day may include all time spent in travelling.

### **1.7.2.4 Deductions from Excess Travel Time**

- a) The time normally taken for the journey from the staff member's home to their normal place of work and return shall be deducted from a staff member's travel time on any one day, other than a non-working day.
- b) Periods of less than 30 minutes excess travel time on any one day shall be disregarded when calculating a staff member's entitlement.
- c) Travel time shall not include any period of travel between 11.00 pm on one day and 7.30 am on the following day where the staff member has travelled overnight and sleeping facilities have been provided.
- d) Travel time shall be calculated by reference to the time that might reasonably have been taken by the use of the most practical and economic means of transport.
- e) Aboriginal education officers, whose rate of pay includes an "all incidents of employment" component, are not entitled to compensation for excess travel time in performing their normal duties.

### **1.7.2.5 Waiting Time**

Where a school administrative and support staff member is entitled to compensation for excess travel time they may also be entitled to claim for any waiting time that occurs. Waiting time is granted to compensate for the time between travelling to or from the temporary work location and commencing or ceasing duty, eg. time spent between ceasing duty and awaiting a return flight home or time spent after arriving at the temporary work location but prior to commencing duty.

Waiting time is treated and compensated in the same manner as travelling time.

### **1.7.2.6 Maximum Period of Travel and Waiting Time**

The maximum period of compensation for excess travel time and waiting time that may be granted is eight hours in any period of 24 consecutive hours.

### **1.7.2.7 Applications for Excess Travel Time**

Applications for compensation for excess travel time must be submitted to the regional office by the end of the month which follows the month during which the travel occurred.

Wherever possible, compensatory leave should be taken within one month of notification of such leave being approved.

## **1.7.3 COMPENSATION FOR TRAVEL NOT INVOLVING AN OVERNIGHT STAY**

### **1.7.3.1 General**

In addition to compensation for excess travel time and waiting time, a school administrative and support staff member may also be entitled to claim meal allowances when required to perform duties at a location other than their normal place of work.



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### **1.7.3.2 Payment of Meal Allowances**

When a school administrative and support staff member is required to travel on official business but is not required to stay overnight away from their normal residence, the staff member may be entitled to meal allowances:

- a) for breakfast when required to commence travel at or before 6.00 am and at least one hour before the prescribed starting time;
- b) for an evening meal when required to work or travel until or beyond 6.30 pm; and
- c) for lunch when the staff member is required to travel a total distance on the day of at least 100 kilometres and, as a result, is located at least 50 kilometres from the staff member's normal work location at the normal lunch time.

See Chapter 7, Rates of Pay and Allowances for current meal allowance rates.

### **1.7.3.3 Adjustment of Allowances**

Where the meal allowances under Section 1.7.3.2 are insufficient to reimburse the staff member for expenses incurred, a further allowance may be paid to reimburse the staff member for the additional expenses incurred. Payment of any additional allowance under this Section is subject to the provision of receipts, unless the Director-General is prepared to accept other evidence from the staff member.

## **1.7.4 COMPENSATION FOR TRAVEL INVOLVING AN OVERNIGHT STAY**

### **1.7.4.1 General**

In addition to compensation for excess travel time and waiting time, a school administrative and support staff member may also be entitled to claim meal and accommodation allowances when required to perform duties at a location other than their normal place of work.

### **1.7.4.2 Allowances Where Accommodation is Not Provided by the Department**

When a school administrative and support staff member is required to travel on official business and reside away from their normal residence, the staff member will be entitled to the following allowances where accommodation is not provided by the Department.

- a) Specific allowances are available for the first 35 calendar days in:
  - i) capital cities; and
  - ii) high cost country centres;
  - iii) tier two country centres; and
  - iv) other country centres.

Only absences of 24 hours which involve an overnight stay qualify for payment of this allowance. Payment of this rate may also be made if staff satisfy the Director-General that, despite the period being less than 24 hours, expenditure for accommodation and three meals has been incurred. Otherwise, only actual

## 1 GENERAL CONDITIONS OF EMPLOYMENT

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expenses will be reimbursed for part day travel at the end of a trip.

- b) The allowance under a) ceases to be payable on the expiration of 35 calendar days. The 35 calendar days is calculated from the arrival at the temporary work location, and includes any public holidays and any period of return to the normal place of residence.

After 35 days and for up to six months from the date of commencing duty at the temporary work location, a different allowance is payable.

- c) As an alternative to claiming the allowances under a), staff members may claim actual expenses, properly and reasonably incurred, for meals and accommodation (excluding morning and afternoon teas) together with an incidental expenses allowance.

See Chapter 7, Rates of Pay and Allowances for allowance rates.

### 1.7.4.3 Allowances Where Accommodation is Provided by the Department

When a school administrative and support staff member is required to travel on official business and resides away from their normal residence, and where accommodation is provided by the Department, the staff member will be entitled to:

- a) reimbursement of expenses properly and reasonably incurred during the time spent away from their normal residence; and
- b) payment of an incidental expenses allowance.

See Chapter 7, Rates of Pay and Allowances for allowance rates.

### 1.7.4.4 Exclusions From Accommodation Allowances

An accommodation allowance under Section 1.7.4.2 or Section 1.7.4.3 is not payable in respect of:

- a) any period during which the staff member returns home at weekends or public holidays, commencing from their arrival at home until their departure from home to return to the temporary work location;
- b) any period of leave whilst at the temporary work location; except with the approval of the Director-General or as otherwise provided by this section; and/or
- c) any other period during which the staff member is absent from the temporary work location other than on official business.

### 1.7.4.5 Adjustment of Allowances

Where the allowances under Sections 1.7.4.2 and 1.7.4.3 are insufficient to reimburse the staff member for expenses incurred, a further allowance may be paid to reimburse the staff member for the additional expenses incurred. Payment of any additional allowance under this Section is subject to the provision of receipts unless the Director-General is prepared to accept other evidence from the staff member.

## **1 GENERAL CONDITIONS OF EMPLOYMENT**

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### **1.7.4.6 Special Leave to Return Home**

School administrative and support staff undertaking duties at a temporary work location may be entitled to special leave to enable them to return home on weekends. Conditions for the granting of such leave are contained in Chapter 4, Leave, of the Handbook.

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**2 SUPPORT SERVICES**

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**2.1 HEALTH AND SAFETY SUPPORT SERVICES 2****2.1.1 INTRODUCTION 2****2.1.2 PROVISION SUPPORT SERVICES 2****2.1.3 HOW TO OBTAIN SUPPORT 2**

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**2.2 EMPLOYEE ASSISTANCE PROGRAM 3****2.2.1 SERVICES AVAILABLE UNDER THE EAP 3****2.2.2 ELIGIBILITY FOR THE EAP 3****2.2.3 ACCESS TO THE EAP 3****2.2.4 FURTHER INFORMATION 3**

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**2.3 INJURY MANAGEMENT 4****2.3.1 FURTHER INFORMATION 4**

## **2 SUPPORT SERVICES**

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### **2.1 HEALTH AND SAFETY SUPPORT SERVICES**

#### **2.1.1 INTRODUCTION**

The Department is committed to developing a positive climate in workplaces, enhancing staff morale and promoting harmonious working relationships that are conducive to effective and safe teaching, working, and learning.

To meet this commitment, the Department has introduced important initiatives aimed at ensuring the wellbeing of staff in Departmental workplaces. These initiatives include the creation of the Occupational Health and Safety Directorate, the appointment of regional Occupational Health and Safety (OHS) teams, the provision of an Employee Assistance Program to eligible staff and training and development courses aimed at assisting in the personal and professional development of staff. To ensure that all Departmental staff receive appropriate support, the Occupational Health and Safety Directorate periodically reviews its health and safety policies and procedures.

Information about health and safety is provided on the Department's Occupational Health and Safety Directorate website. The site can be accessed through the Intranet, by clicking on the Occupational Health and Safety link under the A-Z of Directorates, or by going to the following address:

<http://detwww.det.nsw.edu.au/adminandmanage/ohands/index.htm>

Staff may also contact the Team Leader, Occupational Health and Safety (OHS) Strategy and Policy on (02) 9266 8958 for further information.

#### **2.1.2 PROVISION OF SUPPORT SERVICES**

In each region an OHS team is available to support staff regarding issues relating to safety, health and wellbeing. In addition the Department produces publications on a range of health and support issues and an Employee Assistance Program is available to eligible staff (see section 2.2 for further details).

#### **2.1.3 HOW TO OBTAIN SUPPORT**

Initially, staff should speak with their workplace manager regarding health and safety issues. Employees may also wish to contact regional OHS staff regarding workers compensation, health and safety issues.

The regional OHS teams can provide information and assistance to staff regarding work-related health and safety issues. They can provide information and assistance regarding the following issues:

- advice on conflict prevention and resolution procedures for all staff in the area;
- mediation support or referral to mediation services to assist in the resolution of conflict;
- advice and support to staff on Departmental policies and procedures for occupational health and safety and risk management;
- co-ordination of rehabilitation programs to achieve an early return to work for staff who have an injury or illness, which includes liaison with treatment providers, the fund manager and appropriate Departmental staff; and

## 2 SUPPORT SERVICES

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- referral of staff to the Employee Assistance Program when necessary.

When required, a representative from the regional OHS team is available to visit schools to meet with staff as well as respond to calls from staff members and provide assistance where possible.

A list of contact numbers for regional OHS staff is included in *Chapter 10, Appendices* and is provided on the Department's OHS website. The site can be accessed through the Intranet, by clicking on the Occupational Health and Safety link under the A-Z of Directorates, or by going to the following address:

<https://detwww.det.nsw.edu.au/adminandmanage/ohands/support/index.htm>

### 2.2 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a voluntary, confidential and free counselling service provided by the Department to assist eligible staff experiencing work related and personal problems.

These problems may include relationship difficulties, work-related problems, substance abuse, financial and gambling difficulties, child and family issues, personal and work-related trauma, grief and bereavement, harassment and discrimination and emotional problems.

#### 2.2.1. SERVICES AVAILABLE UNDER THE EAP

Services available under the EAP include:

- individual face-to-face or telephone counselling;
- group counselling;
- trauma counselling;
- mediation;
- 24 hour crisis service;
- consultation and advice services for workplace managers dealing with difficult situations in the workplace; and
- home or work visits if appropriate.

#### 2.2.2 ELIGIBILITY FOR THE EAP

Those staff eligible for counselling include: staff employed in schools, regional offices, state offices and AMES who are permanent and temporary employees. Permanent and temporary teachers who are engaged full time for four weeks or more or in one engagement for one to four days per week for two terms or more are eligible as well.

To validate your eligibility for the EAP staff will be required to provide their employee ID number at the time of enquiry and booking.

#### 2.2.3 ACCESS TO THE EAP

## 2 SUPPORT SERVICES

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Both self referral and supervisor referral are encouraged, while maintaining the voluntary and confidential nature of the program. There is no need for the staff member to advise anyone or ask for approval for the counselling. Staff are encouraged to attend counselling outside work hours and may be provided with up to six hours of free counselling sessions over a two year period.

To access the EAP, staff should contact one of the following providers:

- Davidson Trahaire Corpsych on 1300 360 364; or
- IPS Worldwide on 1300 366 789.

### 2.2.4 FURTHER INFORMATION

Information about the EAP is provided on the Department's OHS website. The site can be accessed through the Intranet, by clicking on the Occupational Health and Safety link under the A-Z of Directorates, or by going to the following address:

<https://detwww.det.nsw.edu.au/adminandmanage/ohands/eap/index.htm>

Staff with other questions in relation to the EAP should telephone their local Staff Support Officer.

## 2.3 INJURY MANAGEMENT

The Department is committed to the prevention and management of work-related injury or illness and the support of staff with health conditions. This commitment is documented within the Department's *Workplace Health and Injury Management Policy*.

Roles and responsibilities for principals, staff and other persons in relation to return to work are documented in the Department's *Return to Work Program for Work Related Injuries* policy. One of the key Departmental roles is the Staff Support Officer who implements, coordinates and case manages the return to work program for staff within Schools and State Offices in consultation with the injured employee and workplace manager.

In addition further information can be found in the Department's *Information for Injured Employees* brochure which is found on the OHS directorate's page or at the following address:

[https://detwww.det.nsw.edu.au/media/downloads/detoh\\_s/adminandmanage/ohands/safeworklearn/injury\\_manage/workers\\_compen/inj\\_staff.pdf](https://detwww.det.nsw.edu.au/media/downloads/detoh_s/adminandmanage/ohands/safeworklearn/injury_manage/workers_compen/inj_staff.pdf)

Every effort will be made to fully rehabilitate workers in their substantive positions, dependent on advice from the treating medical practitioner. Early intervention and return to work remain key steps for recovery after an injury or illness.

### 2.3.1 FURTHER INFORMATION

Further Information about injury management is provided on the Department's OHS website. The site can be accessed through the Intranet, by clicking on the Occupational Health and Safety Directorate link under the A-Z of Directorates, or by going to the following address:

<http://detwww.det.nsw.edu.au/adminandmanage/ohands/index.htm>

Staff may also contact the Team Leader, OHS Strategy and Policy on (02) 9266 8958 for further information or alternatively the regional OHS team can provide assistance.

## 2 STAFF WELFARE AND SUPPORT SERVICES

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### 2.3 GUIDELINES FOR STAFF SUPPORT FOLLOWING SERIOUS INCIDENTS

#### 2.3.1 INTRODUCTION

The Department is committed to ensuring the safety and welfare of staff and students affected by a serious incident. This includes the provision of support and counselling, immediately and in the longer term.

These guidelines will assist schools in providing the appropriate support when a serious incident occurs. These procedures should be read in conjunction with [\*Guidelines for Schools and TAFE NSW Colleges and Campuses, Management of Serious Incidents\*](#) which were issued in 2000.

The provision of counselling is a key aspect in the successful management of serious incidents.

The degree of understanding and support within the period following a serious incident influences the long-term impact of incidents. Access to appropriately qualified counselling personnel is part of the support needed. These personnel can be either internal or external providers. EAP providers may be used to provide counselling for staff individually or in groups.

Some individuals may require ongoing counselling after initial assistance. Individual trauma counselling provides the opportunity to work through the normal grief processes on a one-to-one basis. District superintendents and staff welfare officers can provide advice about access to trauma counselling services. A list of support services is provided in Chapter 10, Appendices.

#### 2.3.2 ESTABLISHMENT OF SERIOUS INCIDENT COMMITTEE

Appropriate planning for the prevention and management of serious incidents at a school and at school activities which are conducted at non school locations is a key means of ensuring the safety and welfare of staff and students. Schools should establish a Serious Incident Committee to assist the principal in this role. The responsibilities of the committee include:

- X developing an effective *Serious Incident Management Plan*;
- X advising staff and students of planned procedures such as emergency evacuation procedures;
- X assessing situations which may require emergency action;
- X analysing requirements to address these situations;
- X liaising with all relevant emergency services;
- X organising practice drills to test the *Serious Incident Management Plan*;
- X assisting the workplace manager with all aspects of the implementation of the *Serious Incident Management Plan*;
- X arranging relevant training and development activities for staff, where necessary; and
- X regularly evaluating the *Serious Incident Management Plan*.

[\*Guidelines for Schools and TAFE Colleges and Campuses, Management of Serious Incidents\*](#) contains further information for Serious Incident Committees.



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### 2.3.3 ACTION TO BE TAKEN BY PRINCIPAL AND KEY PERSONNEL

The following guidelines along with any specific procedures in the school=s *Serious Incident Management Plan* should be used by the school when a serious incident has occurred.

The successful management of serious incidents depends on the taking of appropriate action and providing support during and after the incident.

#### **Immediately**

- X assess the situation; and
- X ensure safety and welfare of staff and students and arrange first aid if needed.

#### **During the first 24 hours**

- X set up a recovery area;
- X notify the district superintendent;
- X ring the Department=s State Office on (02) 9561 1216 in the event of an urgent serious incident;
- X notify the WorkCover Authority where the serious incident has caused death or serious personal injury to a person at the school;
- X where appropriate, ensure the equipment and area where the serious incident has taken place is not further disturbed;
- X organise debriefing and notify the time and place of the debriefing to all relevant persons;
- X arrange counselling as needed;
- X work with the media;
- X keep staff, students and parents informed; and
- X complete and forward a *Serious Incident Report* to the district superintendent.

#### **Within 24 - 72 hours**

- X provide opportunities for staff and students to talk about the incident with counsellors;
- X provide support to staff and helpers;
- X debrief all relevant persons;
- X restore normal functioning and service delivery; and
- X keep parents informed.

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### Within the first month

- X arrange a memorial service, if appropriate;
- X where appropriate, encourage parents to participate in meetings to discuss students' welfare;
- X identify ongoing behavioural change which may indicate the necessity for counselling or referral and refer students to NSW Health area contacts or, in the case of staff, to the EAP provider;
- X continue to ascertain the progress of hospitalised staff or students; and
- X be aware that the physical and mental health of helpers may be affected and provide appropriate support.

### In the longer term

- X be aware of behavioural change among staff and students, which may indicate a need for specialised treatment - refer as appropriate (for schools, through the Department's EAP or the district guidance officer);
- X provide support if needed;
- X consider including grief and/or loss as a topic of study or discussion in appropriate courses or class sessions; and
- X plan for and be sensitive to the disturbing influences of anniversaries, inquests and legal proceedings.

### 2.3.4 VIOLENCE

If an incident of violence occurs in a school or during school activities at a non school location, it is essential that the safety and welfare of staff and students are addressed. This includes the provision of support and counselling immediately and in the longer term. Schools may also find the kit *Resources for Teaching Against Violence* (issued to all schools in 1996) and *Strategies for Safer Schools* are useful resources in developing strategies to prevent violence and in dealing with situations where an incident of violence has occurred.

If an incident of violence occurs, the principal and other key personnel should:

- X ensure appropriate intervention to minimise additional injury (contact emergency services if necessary);
- X attend to any persons injured - provide emergency first aid;
- X move staff and students not involved to a safe area;
- X advise staff and students to remain calm;
- X provide a private space for distressed staff, students and visitors to gather;
- X identify an appropriate staff member to speak to distressed visitors such as parents arriving at the school to seek information after the incident;

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- X avoid any action which may provoke an incident resulting in death or injury to staff and students; and
- X undertake appropriate steps outlined in the recovery time line (see Section 2.3.3, Action to be Taken by the Principal and Key Personnel).

In addition, staff may wish to contact their district staff welfare officer or Public Service Association industrial officer to discuss issues of concern.

### 2.3.5 OTHER SUPPORT

Further information regarding prevention and management of serious incidents is available in:

- X [Guidelines for Schools and TAFE Colleges and Campuses, Management of Serious Incidents;](#)  
and
- X the school's *Serious Incident Management Plan*.

As well as availing themselves of the processes outlined in these guidelines staff may wish to contact their staff welfare officer to discuss issues of concern or entitlements such as leave and workers' compensation.

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## 4 LEAVE

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## 4 LEAVE

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### 4.1 INTRODUCTION

#### 4.1.1 APPLICATION

Unless otherwise specified, the leave provisions described in this chapter relate to all non-teaching staff in schools, both school administrative and support staff and staff employed under the *Public Sector Employment and Management Act 2002* (eg general assistants and farm assistants).

Many of the leave provisions for non-teaching staff in schools originate in the *Crown Employees (Public Service Conditions of Employment) Award 2002* and details are provided in the *Public Service Personnel Handbook*. Other entitlements are drawn from relevant awards or agreements.

#### 4.1.2 GENERAL

A staff member must not be absent from duty without good reason. A staff member should apply for the appropriate leave in advance, and ensure that it is approved before the leave is taken.

A staff member absent because of illness or other emergency must, as soon as practicable, notify their principal or supervisor of their absence and the reason, or arrange for their principal or supervisor to be notified of their absence and its reason.

Staff members who do not provide a satisfactory explanation for their absence will be regarded as absent without authorised leave. Should no satisfactory explanation be forthcoming the staff member's pay will be debited for the period of absence.

Staff members applying for longer periods of leave should consider aligning commencing and finishing dates of leave with school term dates wherever possible to minimise disruption to school programs.

For details of the effects of various types of leave on superannuation please see Chapter 9, Superannuation.

Leave conditions apply to part time staff on a pro rata basis, calculated according to the number of hours worked per week.

Permanent part time staff working long term additional hours will need to apply to Employee Services Bathurst to have additional hours recognised. The additional leave entitlements for permanent part time staff who complete long term additional hours will be reviewed on a six monthly basis (end of term one and end of term three).

For details of the hours averaging provisions for school administrative and support staff see Chapter 1, Section 1.2.1.5.

#### 4.1.3 ELECTRONIC LEAVE APPLICATION AND PROCESSING SERVICE (e-LAPS)

e-LAPS is a fast, convenient and secure facility through which staff members can lodge leave applications online and review service history, leave transactions and leave balances. Access to e-LAPS is currently available for permanent SAS staff and will progressively become available for other staff members.

##### 4.1.3.1 Logging On and Applying for Leave

Open the web browser and proceed as follows:

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1. Go to [www.schools.nsw.edu.au](http://www.schools.nsw.edu.au) (Internet) **or** [detwww.det.nsw.edu.au](http://detwww.det.nsw.edu.au) (Intranet)
2. Click on *Employment with Us*
3. Click on *Leave*, then click on *Online Leave Service*
4. Enter the confidential username and password in the *Log On* window
5. Click on *My Leave*
6. Place the mouse pointer over *Apply for Leave*, move to the leave type being applied for and click on it
7. Follow the screen prompts and message boxes to complete the leave application
8. Review the application details (click on *Restart* if changes are needed) and click on *Confirm* to send the completed online leave application for approval.

### 4.1.3.2 Verifying Leave Entitlements

*e-LAPS* automatically verifies that a leave entitlement is held or not held at the time a staff member applies for leave. This ensures that principals and other leave approvers in the school only receive leave applications where you have sufficient leave entitlement. If the staff member does not have sufficient leave of the type required, they will be prompted by *e-LAPS* to consider another type of leave.

### 4.1.3.3 Supporting Documentation

Documentation is required to support some leave requests (eg medical certificates for absences on sick leave that exceed three days and jury service attendance statements for special leave).

The *leave transaction identification number* generated on screen when a staff member applies for leave must be recorded on supporting documentation and given to the principal or leave approver (leave approvers may also include deputy principals and/or assistant principals if nominated by the principal).

### 4.1.3.4 Medical Certificate Confidentiality

In cases where a medical certificate is required or supplied, the staff member may choose to keep the nature of their illness or injury confidential by providing the medical certificate to the principal or leave approver in a sealed envelope marked "Confidential - HealthQuest only".

In these circumstances, principals will forward such documentation unopened, with the leave *application identification number* noted, to Employee Services Bathurst. The unopened envelope is then sent by employee service centre staff to HealthQuest.

### 4.1.3.5 SAS Staff Who Work Permanently at More than One School

If a staff member works permanently at more than one school, the principal at the base school is responsible for approving the leave, in consultation with principal(s) at the other school(s).

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### 4.1.3.6 Leave Approved

If a leave request is approved, the leave details pass automatically to the computerised Leave Management System and to the payroll. The *leave transaction identification number* is maintained in *e-LAPS* for future reference should the staff member wish to alter or review the leave terms.

### 4.1.3.7 Leave Not Endorsed and Appeals

If leave is not endorsed, the staff member will receive advice of the decision and the reason electronically in *e-LAPS*. If a staff member wishes to appeal, they should do so within seven days by post, fax or e-mail to Employee Services Bathurst (see Chapter 10 for details). The appeal should be marked to the attention of the Manager, Employee Services Bathurst.

Leave appeals should include all relevant details, including the *leave transaction identification number* and any supporting documentation. Leave appeals are considered on the basis of: eligibility and entitlement; documentation received to support the leave request; school and staff member needs; and discussion with the principal, appellant and/or school education director as appropriate.

### 4.1.3.8 Online Assistance for *e-LAPS* Users

*e-LAPS* offers online help and answers to frequently asked questions for permanent SAS staff. Click the 'Help on this Page' option in the blue menu bar on the left hand side of the screen or the 'Help' option in the blue menu bar at the top right of the screen. *e-LAPS* also provides a link for e-mail assistance.

### 4.1.3.9 Passwords and Technical Assistance for *e-LAPS* Users

Permanent SAS staff enquiring about user names, passwords, network connections and technical issues should call the IT Services team toll-free on 1800 338 483.

### 4.1.3.10 Other Assistance for *e-LAPS* Users

Permanent SAS staff enquiring about *e-LAPS*, leave entitlements and service details should contact Employee Services Bathurst on 1300 338 003.



## **4 LEAVE**

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### **4.2 ADOPTION, MATERNITY AND PARENTAL LEAVE**

#### **4.2.1 GENERAL**

The following sections contain policy and procedures on the adoption, maternity and parental leave entitlements of permanent and long term temporary non teaching staff in schools.

See section 4.4 for the entitlements of short term temporary and casual staff.

#### **4.2.2 DEFINITIONS**

“Anticipated date of birth” means a date specified by a medical practitioner to be the date on which the medical practitioner expects the staff member to give birth.

“Birth” shall include stillbirth except where otherwise stated.

“Continuous service” includes:

- all periods of paid leave, previous adoption, maternity and parental leave without pay, sick leave without pay, school vacations, public holidays and up to a total of five days leave without pay;
- long term temporary service as a non teaching staff in schools staff member which merges without a break with employment as a permanent staff member; and,
- previous service with TAFE or another government department which merges with employment as a permanent or long term temporary staff member.

“Primary caregiver” means the person who assumes the principal role of providing care and attention to the child.

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### 4.2.3 ADOPTION LEAVE

#### 4.2.3.1 Entitlement and Payment

- a) The paid and/or unpaid adoption leave entitlements of eligible staff members are outlined in the table below:

Staff category	Entitlements	Service requirements for eligibility
All permanent and long term temporary staff members who will be the primary caregiver of an adopted child.	<p>Basic entitlement</p> <p><b>Unpaid adoption leave</b> – 52 weeks unpaid leave from the date of taking custody of the child. May be taken as full time and or part time leave providing the total amount of leave does not exceed the equivalent of 12 months full time leave.</p>	No service requirement.
Long term temporary staff members may only access paid adoption leave within a period of a temporary engagement.	<p><b>Paid adoption leave</b> – 14 weeks full pay or 28 weeks half pay, or one combination of full pay and half pay. May be paid in a lump sum or in normal fortnightly pay.</p> <p>Paid leave reduces the amount of unpaid leave available.</p>	At least 40 weeks' continuous service prior to the date of taking custody.
<p>All permanent staff members who have been granted adoption leave.</p> <p>All long term temporary staff members who have been granted adoption leave may only access the additional options within a period of temporary engagement.</p>	<p>Additional entitlements</p> <p><b>Right to request additional options:</b></p> <ul style="list-style-type: none"><li>• Extend the period of unpaid adoption leave for an additional period not exceeding 12 months;</li><li>• Return from a period of adoption leave on a part time basis until the child reaches school age.</li></ul>	No service requirement.

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- b) Where both parents of the adopted child are employees of the Department only one parent (the primary caregiver) is eligible for adoption leave. The other parent may be eligible for parental leave (see Sections 4.2.5 for details).

### 4.2.3.2 Other leave

Subject to an entitlement existing, a staff member may apply for family and community service leave, extended leave or leave without pay to attend to the domestic, travel and residential arrangements associated with taking custody of the child. Such leave may be taken prior to the commencement of the adoption leave.

**See Section 4.2.6 GENERAL CONDITIONS for details of other aspects of leave and payment.**

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### 4.2.4 MATERNITY LEAVE

#### 4.2.4.1 Entitlement and Payment

- a) The paid and/or unpaid maternity leave entitlements of eligible staff members are outlined in the table below:

Staff category	Entitlements	Service requirements for eligibility
All permanent and long term temporary staff members who are pregnant.	<p>Basic entitlement</p> <p><b>Unpaid maternity leave</b> – A period of up to nine weeks prior to the anticipated date of birth and a further period of up to 52 weeks leave from the actual date of birth. May be taken as full time and or part time leave providing the total amount of leave following the birth does not exceed the equivalent of 12 months full time leave.</p>	No service requirement.
Long term temporary staff members may only access paid maternity leave within a period of a temporary engagement.	<p><b>Paid maternity leave</b> – 14 weeks full pay or 28 weeks half pay or one combination of full and half pay. May be paid in a lump sum or in normal fortnightly pay. May be taken no more than 9 weeks prior to the anticipated date of birth and any residual may be taken after the actual date of birth.</p>	At least 40 weeks' continuous service prior to the anticipated date of birth.
<p>All permanent staff members who have been granted maternity leave.</p> <p>All long term temporary staff members who have been granted maternity leave may only access the additional options within a period of temporary engagement.</p>	<p>Additional entitlements</p> <p><b>Right to request additional options:</b></p> <ul style="list-style-type: none"><li>• Extend the period of unpaid maternity leave for an additional period not exceeding 12 months;</li><li>• Return from a period of maternity leave on a part time basis until the child reaches school age.</li></ul>	No service requirement.

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- b) Maternity leave is only available to eligible female staff members. Where the other parent is also an employee of the Department of Education and Training, they may be eligible for parental leave (see Section 4.2.5).

### 4.2.4.3 Transfer to a safe job

Where a staff member's present work is, specifically because of pregnancy or breastfeeding, a risk to her health and safety or to that of her unborn child:

- a) the staff member's working conditions or hours of work are to be temporarily adjusted to avoid exposure to the risk; or
- b) where the above adjustment is not possible or cannot reasonably be made, the staff member is to be temporarily transferred to other appropriate work that will avoid exposure to the risk and is, as nearly as possible, comparable in status and pay to that of her present work; or
- c) where the above transfer is not possible or cannot reasonably be made, the staff member is to be granted:
  - i) unpaid maternity leave for as long as a medical practitioner certifies it to be necessary to avoid exposure to the risk. This applies regardless of whether the staff member has exhausted her unpaid maternity leave entitlement under Section 4.2.4.1(a); or
  - ii) paid sick leave as the staff member is entitled to, and for as long as a medical practitioner certifies to be necessary to avoid exposure to the risk.

Staff members seeking to access this entitlement must provide a medical certificate specifying the nature of the risk and the modifications required to control this risk.

### 4.2.4.4 Miscarriage

Where a staff member suffers a miscarriage she will be granted sick leave or unpaid maternity leave for as long as a medical practitioner certifies to be necessary.

### 4.2.4.5 Stillbirth

Where a staff member gives birth to a still born child she shall have the option of taking paid or unpaid sick leave or paid or unpaid maternity leave subject to an entitlement existing. In the case of a stillbirth, a staff member will not be eligible to request the additional options provided in section 4.2.6.3.

### 4.2.4.6 Premature birth

Where a staff member gives birth prior to the anticipated date of birth, maternity leave will commence on the actual date of birth if maternity leave has not already commenced. Where the maternity leave has already commenced the leave terms will not be varied.

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### 4.2.4.7 Notification of birth

As soon as feasible after the birth, a staff member should send a copy of the child's birth certificate to the Department. A staff member may elect to provide an extract of the birth certificate indicating the details of the mother and child only.

### 4.2.4.8 Other Leave in Conjunction with Maternity Leave

- a) A staff member may use available sick leave with pay, sick leave without pay, family and community service leave or extended leave if, because of a complication associated with the pregnancy, including a history of miscarriage or other illnesses the staff member is unable to continue to work. An application made under this section must be supported with a medical certificate and will not affect right of return. (See Section 4.2.6.8)
- b) Sick leave to credit may be granted until the anticipated date of birth on which date maternity leave will commence.
- c) Staff members eligible for extended leave may apply to use extended leave to supplement a period of half pay maternity leave or unpaid maternity leave and should indicate their requirements in the application for leave. Double pay extended leave may only be taken concurrent with unpaid maternity leave.

### 4.2.4.9 Absent on Other Leave

- a) If a staff member is absent on leave without pay and applies for maternity leave but does not resume duty, maternity leave will be approved if the anticipated date of birth is due to occur after the expiry date of the leave.
- b) If a staff member is on leave without pay and the anticipated date of birth is to occur prior to the expiry date of that leave, then the period from the date the staff member advises of her pregnancy until the actual date of birth will be converted to leave without pay for maternity purposes. From the actual date of birth the staff member will be granted a period of not more than 24 months unpaid maternity leave.

### 4.2.4.10 Subsequent Pregnancy While on Maternity Leave

Where a female staff member becomes pregnant whilst on maternity leave, a further period of maternity leave shall be granted if requested. Whether leave will be paid or unpaid will depend on the completion of the 40 weeks qualifying period (see sections 4.2.4.1 and 4.2.6.4) and whether the staff member has accessed additional entitlements.

If the female staff member enters on the second period of maternity leave during the currency of the initial period of maternity leave, then any residual maternity leave from that initial entitlement ceases.

**See Section 4.2.6 GENERAL CONDITIONS for details of other aspects of leave and payment.**

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### 4.2.5 PARENTAL LEAVE

#### 4.2.5.1 Entitlement and payment

- a) The paid and/or unpaid parental leave entitlements of eligible staff members are outlined in the table below:

Staff category	Entitlements	Service requirements for eligibility
All permanent and temporary staff members who become parents following a birth or adoption but are not eligible for maternity or adoption leave.	<b>Basic entitlement</b>  <b>Unpaid parental leave</b> – A period of up to 52 weeks leave from the actual date of birth or custody. May be taken as full time and or part time leave providing the total amount of leave does not exceed the equivalent of 12 months full time leave.	No service requirement.
Long term temporary staff members may only access paid parental leave within a period of a temporary engagement.	<b>Paid parental leave</b> – One week full pay or two weeks half pay. Must be taken in a continuous block. Cannot be taken as individual days. Must be taken within the first 12 months following the date of birth or taking custody of the child.  Paid leave reduces the amount of unpaid leave available.	At least 40 weeks' continuous service prior to the anticipated date of birth or taking custody.
All permanent staff members who have been granted parental leave.  All long term temporary staff members who have been granted parental leave may only access the additional options during a period of temporary engagement.	<b>Additional entitlements</b>  <b>Right to request additional options:</b> <ul style="list-style-type: none"><li>• Extend the period of unpaid parental leave for an additional period not exceeding 12 months;</li><li>• Return from a period of parental leave on a part time basis until the child reaches school age.</li></ul>	No service requirement.

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- b) The following conditions apply in relation to the above entitlements:
  - i) Parental leave may not be taken earlier than the actual date of birth or in the case of adoption, the date of taking custody of the child.
  - ii) Unpaid parental leave applied for but not commenced will be cancelled in cases of miscarriage or stillbirth. A staff member may use available FACS leave, extended leave or leave without pay in these circumstances.

**See Section 4.2.6 GENERAL CONDITIONS for details of other aspects of leave and payment.**



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### 4.2.6 GENERAL CONDITIONS

The provisions below apply to adoption, maternity and parental leave, except as otherwise provided.

#### 4.2.6.1 Department's responsibilities

- a) On becoming aware that a staff member or the staff member's spouse or partner is pregnant, or that a staff member is adopting a child, the staff member's principal is to refer the staff member to Employee Services Bathurst for advice on possible entitlements and obligations under these procedures (including the return to work provisions in Section 4.2.6.8).
- b) Discrimination  
  
No staff member can be terminated because:
  - the staff member or the staff member's spouse or partner is pregnant or has given birth to a child; or
  - the staff member or the staff member's spouse or partner has applied to adopt a child or has adopted a child; or
  - the staff member has applied for, or is absent, on adoption leave, maternity leave or parental leave.
- c) Communication while on leave  
  
Where a staff member is on adoption, maternity or parental leave and a definite decision has been made to introduce significant change at the workplace (for example a workplace restructure), the Department shall take reasonable steps to:
  - make information available in relation to any significant effect the change will have on the status or responsibility level of the position the staff member held before commencing leave; and
  - provide an opportunity for the staff member to discuss any significant effect the change will have on the status or responsibility level of the position the staff member held before commencing leave.

Generally, communication will be facilitated by school principals.

#### 4.2.6.2 Staff member's responsibilities

- a) Application for leave  
  
At least one month prior to the proposed first day of leave, a staff member who is intending to take adoption, maternity or parental leave must submit to the principal or their nominee:
  - i) an application via the Department's electronic leave application system (e-laps) or by submission of a paper based application for leave which states the first and last date of leave;

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- ii) a medical certificate which includes anticipated date of birth or in the case of an adopted child, documentation from the authority indicating the expected date of taking custody; and
  - iii) where the application includes a period of paid leave, the staff member must specify the number of weeks required at full pay and half pay or whether payment is requested in a lump sum.  
  
(NB: While one month's notice is the minimum, up to three months' notice is advisable particularly where lump sum payment in advance is requested).
  - iv) where a staff member has determined that they wish to request additional leave as per Section 4.2.6.3, prior to commencing leave they are encouraged to apply for the whole period at once. No additional applications or approvals are required.
  - v) where a staff member intends to use accrued extended leave to supplement half pay or unpaid adoption, maternity or parental leave this should be included in the application.
- b) Variation of leave
- i) A staff member may vary the intended period of leave any number of times before it commences.
  - ii) After leave commences the period of leave may be varied once without prior approval and on any number of subsequent occasions with approval. However resumption of duty must then coincide with the commencement of a school term. In all cases, a staff member must provide at least four weeks' notice during term time by submitting an amended leave request to the principal or their nominee.
  - iii) Subject to approval, a staff member who has returned to duty after leave, may, provided the staff member has a balance of adoption, maternity or parental leave to credit, apply to revert to full time or part time unpaid adoption, maternity or parental leave.
- c) Communication while on leave
- i) A staff member must take all reasonable steps to inform the Department about any significant matter that will affect the staff member's decision regarding the duration of leave to be taken, whether the staff member intends to return to work and whether the staff member intends to request to return to work on a part time basis.
  - ii) A staff member shall also notify the Department of changes of address or other contact details which might affect the Department's ability to comply with Section 4.2.6.1(c).
- d) Resumption of duty
- One month during term time prior to the date on which a staff member is due

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to resume duty, they must either confirm in writing that they will be resuming duty, or apply for an extension of leave, or if resigning, submit notice of separation.

### 4.2.6.3 Right to request

The following provisions are in addition to the basic entitlement provided in sections 4.2.3.1, 4.2.4.1 and 4.2.5.1 and apply to any staff member who takes, or is on, adoption, maternity or parental leave on or after 19 December 2005.

- a) A staff member, making an application for the basic entitlement to adoption, maternity or parental leave may also make a request to:
  - (i) extend the period of unpaid adoption, maternity or parental leave for a further continuous period not exceeding 12 months from the child's first birthday;
  - (ii) return to work on a part time basis until the child reaches school age through accessing part time adoption, maternity or parental leave.
- b) The Department shall consider the request having regard to the staff member's circumstances and, provided the request is genuinely based on the staff member's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the Department's business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.
- c) Where a staff member wishes to make a request under this section, such a request must be made as soon as possible but no less than 7 weeks prior to the date upon which the staff member is due to return to work from leave. Staff members are encouraged to apply for access to all entitlements under this clause at the time of making their original application for adoption, maternity or parental leave.
- d) The staff member's request should be submitted via the Department's electronic leave system or by submission of a paper based application. In certain circumstances staff members may be asked to provide details supporting their request under this provision. In such cases, the staff member's request and the Department's decision under this section must be recorded in writing.
- e) Where a staff member has resumed duty after a period of leave, an application may be made under this clause and will be subject to consideration on a case by case basis.

### 4.2.6.4 Determining payments

- a) Subject to the completion of 40 weeks continuous service, eligible permanent and temporary staff members are paid:
  - adoption, maternity and parental leave at the long term temporary rate (1.058 times the permanent rate);
  - SAS staff whose adoption or maternity leave abuts the summer vacation will be able to commence their adoption or maternity leave, be paid their accrued recreation leave (including leave loading) and public holidays

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which about the recreation leave period, the resume the remainder of the 14 weeks paid adoption or maternity leave (adoption or maternity leave will be split around recreation leave as it is fixed for SAS staff: and

- SAS staff whose maternity leave abuts other vacation periods will continue their adoption or maternity leave across the vacation.

b) A staff member who has a subsequent pregnancy and who has:

- completed 40 weeks of continuous service; and
- taken no more than the basic entitlement of 12 months full time or its equivalent (to a maximum of 24 months) part time adoption, maternity or parental leave,

is entitled to be paid at 1.058 times their normal rate (ie the rate at which they were paid before proceeding on leave) for another period of such leave regardless of whether they resume their normal hours of work before proceeding on leave again.

This does not require the staff member to complete a further period of 40 weeks continuous service.

c) Where a permanent staff member is on part time leave without pay or the additional part time adoption, maternity or parental leave granted under section 4.2.6.3 and becomes eligible for paid adoption, maternity or parental leave, payment is determined as follows:

- i) where the staff member has taken 40 weeks or less part time leave they will be entitled to receive adoption, maternity or parental leave at 1.058 times their substantive rate of pay.
- ii) where the staff member has taken more than 40 weeks part time leave they will be entitled to receive adoption, maternity or parental leave at 1.058 times their part time rate of pay.

### 4.2.6.5 Accessing other forms of leave

- a) Eligible staff members may combine adoption, maternity or parental leave with extended leave, (see section 4.5) *For example, an eligible full time staff member may take half pay maternity leave concurrent with extended leave in order to receive full pay.*
- b) Staff members may not access other forms of full time leave during adoption, maternity or parental leave.
- c) See also Sections 4.2.4.4 (Miscarriage), 4.2.4.5 (Stillbirth), 4.2.4.6 (Premature Birth) and 4.2.4.8 (Other Leave in Conjunction with Maternity Leave).

### 4.2.6.6 Calculation of increments and leave credits

a) Increments

Any period of paid adoption, maternity and parental leave (full or half pay) shall count as full service for the purpose of determining incremental progression.

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However, unpaid adoption, maternity and parental leave shall not count as service for determining incremental progression, except where increments based on age must be paid on attainment of the appropriate age.

- b) Leave Credits
  - i) Maternity leave at full pay shall count as full service for the purpose of determining all forms of leave.
  - ii) Maternity leave at half pay shall count as service on a pro rata basis for the purpose of determining all forms of leave. Maternity leave at half pay is paid leave taken at a reduced rate and is not a combination of full pay leave and leave without pay.
  - iii) Unpaid maternity leave shall not count as service for determining any form of leave entitlement, except for extended leave in cases where at least ten years of service has been completed and unpaid maternity leave does not exceed six months.

### 4.2.6.8 Right of return

A permanent staff member's right of return to their substantive position is retained if they resume duty 24 months (or earlier) after the actual date of birth of the child, or in the case of adoption and parental leave if the total period of adoption/parental leave and any other leave is 24 months or less.

### 4.2.6.9 Superannuation

A staff member accessing the basic or additional adoption, maternity or parental leave entitlements, whether paid or unpaid, is not required to meet any payment of the employer's superannuation contributions to any NSW government superannuation fund. (See also Chapter 9 - Superannuation)

### 4.2.6.10 Resignation

- a) The position of a permanent staff member who submits notice of resignation when proceeding on adoption, maternity or paternity leave will be declared vacant. Resignation in this instance will not be accepted earlier than the last day of the paid leave and not later than the last day of approved leave.
- b) Prior to submitting notice of resignation, consideration should be given to all other alternatives that may be available dependent on the staff member's length of service and leave credits. These could include:
  - leave without pay for personal reasons;
  - part time leave without pay;
  - part time maternity leave; and
  - permanent part time work.

See Chapter 11, Separation from the Service for additional information.

### 4.2.6.11 Part time Adoption, Maternity or Parental Leave

- a) Eligibility

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All staff members who are eligible for adoption, maternity or parental leave may take leave on a part time basis.

### b) Application and Variation of Leave

- i) An application for part time adoption, maternity or parental leave should be submitted at least four weeks during term time in advance of the date on which leave is to commence.
- iii) Applications for part time adoption, maternity or parental leave for between one four days per week may be approved over a period of up to two years subject to the leave not exceeding the maximum basic entitlement provided in 4.2.3.1, 4.2.4.1 or 4.2.5.1 as appropriate.

Staff members entitled to adoption, maternity or parental leave may also request to return to work on a part time basis until the child reaches school age. See section 4.2.6.3.

- iii) A staff member may make application to vary the period of part time leave and/or work arrangements provided that sufficient adoption, maternity or parental leave is available. Such arrangements are subject to the operational requirements of the school, and should apply from the start of a school term.
- iv) Subject to approval, a staff member who has returned to full time or substantive hours of duty after adoption, maternity or parental leave may apply to revert to part time or full time unpaid adoption, maternity or parental leave.
- v) Similarly, a staff member who has returned to duty on a part time basis may apply to revert to full time unpaid adoption, maternity or parental leave and vice-versa.

### c) Duration of Leave

- i) The maximum period of the basic entitlement to part time adoption, maternity or parental leave which may be taken is 24 months from the date of birth or taking custody. If this date falls during a term, leave may be extended to the end of the vacation which next occurs after the child's second birthday.
- ii) Subject to the maximum period stated in i) above, the actual period of part time adoption, maternity or parental leave that a staff member may take will be determined by:
  - the period of untaken full time adoption, maternity or parental leave; and
  - the number of days per week that the staff member works.

### iii) Calculating Part Time Leave Entitlement

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The period of part time adoption, maternity or parental leave available is calculated by dividing the untaken full time adoption leave, expressed in hours, by the number of hours per week not being worked by the staff member. If:

- PL = part time adoption, maternity or parental leave;  
FLT = weeks of full time leave already taken;  
NWH = normal working hours per week; and  
HW = hours to be worked each week while on part time leave;

then the number of weeks of part time leave available is:

$$PL = \frac{(52 - FLT) \times NWH}{NWH - HW}$$

### iv) Examples of Part Time Leave Calculation

Example 1: A man working a 38 hour week takes all his adoption leave part time, working 16 hours a week. His entitlement is:

$$\frac{(52 - 0) \times 38}{38 - 16}$$

equal to 90 weeks.

Example 2: A woman working 31.25 hours a week takes 26 weeks full time maternity leave and then returns to work for three 6.25 hour days a week.

Her entitlement to part time leave is:

$$\frac{(52 - 26) \times 31.25}{31.25 - 18.75}$$

equal to 65 weeks.

- v) Permanent and long term temporary staff members also have the right to request to return to work on a part time basis until the child reaches school age. See Section 4.2.6.3.

### d) Right of Return

A permanent staff member on part time adoption, maternity or parental leave without pay will have right of return to their substantive position for the duration of the period of leave.

### e) Increments During Part Time Adoption, Maternity and Parental Leave

Hours worked during part time leave are counted for incremental purposes. If the staff member's performance is satisfactory, increments are granted on

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completion of twelve months part time service.

Staff members on an incremental scale based on age advance to the next increment at the designated birthday.

f) Leave Accruals During Part Time Adoption, Maternity and Parental Leave

i) Annual Leave Loading

Staff members on part time adoption, maternity or parental leave are eligible for annual leave loading on a pro rata basis.

ii) The following leave may be taken under normal conditions and will accrue on a pro rata basis :

- extended leave (See Section 4.5);
- sick leave (See Section 4.11);
- vacation leave (See Section 4.16);
- special leave (See Section 4.12); and
- family and community service leave (See Section 4.6).

g) Other Employment

A staff member on part time adoption, maternity or parental leave wishing to undertake outside employment must make application for approval in accordance with the Department's Code of Conduct and Private and Secondary Employment Policy.



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### **4.3 ANNUAL LEAVE LOADING**

#### **4.3.1 GENERAL**

- a) When proceeding on a period of recreation leave of ten days or greater, New South Wales Government employees receive a special loading in addition to their normal salary.
- b) Annual leave loading for school administrative and support staff and part time temporary general assistants is generally paid on the last pay day before the Christmas school vacation.
- c) Annual leave loading for permanent full time and part time and temporary full time general assistants and permanent and long term temporary farm assistants is paid when they proceed on the first period of at least ten days recreation leave in any leave year, other than the first leave year after entry on duty.

#### **4.3.2 ENTITLEMENT**

##### **4.3.2.1 General**

Staff members are entitled to payment of an annual leave loading of 17½ % of the monetary value of up to four weeks recreation leave accrued in a leave year, subject to the provisions below.

##### **4.3.2.2 Loading on Additional Leave Accrued – Central and Western Division**

Where additional recreation leave is accrued by staff members located in the central and western divisions of the State, the loading is still calculated on a maximum of four weeks leave.

#### **4.3.3 LEAVE YEAR**

##### **4.3.3.1 General**

For the purpose of calculating the annual leave loading for school administrative and support staff and part time temporary general assistants the leave year commences at the beginning of the school year and concludes at the end of the school year.

For the purpose of calculating the annual leave loading for permanent full time and part time and temporary full time general assistants, the leave year commences on 1 December of each year and ends on 30 November of the following year.

##### **4.3.3.2 First Year of Service**

Payment of annual leave loading is only made on any recreation leave taken after the first "leave year" of a staff member's employment.

##### **4.3.3.3 Retirement or Termination**

A staff member shall only be paid an annual leave loading upon:

- a) retirement; or
  - b) termination by the employer for any reason other than misconduct,
- when the loading would have been due had the staff member proceeded on two

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consecutive weeks recreation leave.

### 4.3.3.4 Broken Service

Broken service does not attract the annual leave loading. A staff member who resigns and is subsequently re-employed has only that service from the date of re-employment recognised for annual leave loading purposes.

### 4.3.3.5 Resignation or Dismissal for Misconduct

No annual leave loading is payable on resignation or dismissal for misconduct regardless of whether the recreation leave to credit is taken as leave or as a lump sum payment.

Where a staff member resigns during a period of recreation leave and does not resume duty after the leave, action will be taken to recover any leave loading paid.

## 4.3.4 CALCULATION OF LOADING

### 4.3.4.1 Basis of Calculation

Calculation of the loading is to be based on the ordinary salary or wage applicable at the time the leave is taken. Ordinary salary or wage does not include any regular payment made on an annual or weekly basis as compensation for shift work but does include all allowances payable during recreation leave.

### 4.3.4.2 Variation of Rates Under Award, Agreement, etc.

Any new rate granted by award, agreement, determination, State Wage Case decision, increment, etc., during the period of leave is to be taken into account in the calculation of the loading, unless otherwise prescribed by the award, etc. If necessary, retrospective adjustment of the loading is made.

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### 4.4 ENTITLEMENTS FOR SHORT TERM TEMPORARY AND CASUAL STAFF MEMBERS

#### 4.4.1 GENERAL

Short term temporary and casual staff members usually receive a rate of pay which incorporates a loading in lieu of recreation leave.

Short term temporary and casual staff members are entitled to long service leave in accordance with the provisions of the *Long Service Leave Act 1955*.

Short term temporary and casual staff members are not entitled to any other paid leave.

Short term temporary or casual employees who access the following entitlements must be reengaged following the leave or absence.

#### 4.4.2 ADOPTION, MATERNITY AND PARENTAL LEAVE

- 4.4.2.1 Under Chapter 2, Part 4 of the *Industrial Relations Act 1996* a "regular casual employee" is one who:

"works for an employer on a regular and systematic basis and who has a reasonable expectation of on going employment on that basis".

If a staff member has had 12 months of continuous service as a regular casual employee they are entitled to 12 months of unpaid maternity, adoption or parental leave.

The definitions of a short term temporary staff member (up to 10 weeks employment) or a casual staff member (usually limited to 2 – 4 weeks employment) should mean that they are precluded from having 12 months of continuous service as a regular casual employee. However, if a short term temporary or casual staff member completes 12 months of service as a regular casual employee they will be entitled to 12 months unpaid leave in accordance with Chapter 2, Part 4 of the *Industrial Relations Act 1996*.

- 4.4.2.2 In addition, where a short term temporary or casual staff member meets the definition of a regular casual employee, the Director-General must not fail to reengage the staff member because:

- a) the staff member or the staff member's spouse is pregnant; or
- b) the staff member is or has been immediately absent on adoption, maternity or parental leave.

#### 4.4.3 PERSONAL CARERS ENTITLEMENTS

##### 4.4.3.1 Definitions

The definition of "family" and "relative" for these purposes is as follows:

- a) a spouse of the staff member; or
- b) a de facto spouse being a person of the opposite sex to the staff member who lives with the staff member as her husband or his wife on a bona fide domestic

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basis although not legally married to that staff member; or

- c) a child or an adult child (including an adopted child, a stepchild, a foster child or an ex nuptial child), parent (including a foster parent and legal guardian), grandparent, grandchild or sibling of the staff member or spouse or de facto spouse of the staff member; or
- d) a same sex partner who lives with the staff member as the de facto partner of that staff member on a bona fide domestic basis; or
- e) a relative of the staff member who is a member of the same household, where for the purposes of this paragraph:
  - i) "relative" means a person related by blood, marriage, affinity or Aboriginal kinship structures;
  - ii) "affinity" means a relationship that one spouse, because of marriage, has to blood relatives of the other; and
  - iii) "household" means a family group living in the same domestic dwelling.

4.4.3.2 Short term temporary and casual staff members are entitled to not be available to attend work, or to leave work, if they need to care for a family member described in Section 4.4.3.1 above who:

- is sick and requires care and support, or
- requires care due to an unexpected emergency, or the birth of a child.

The staff member is not entitled to any payment for the period of non-attendance.

4.4.3.3 The staff member shall, wherever practicable, give the principal notice prior to the absence of the absence. If it is not reasonably practicable to give the principal or nominee prior notice, the staff member must, as soon as reasonably practicable during the first day of such absence, inform the principal or nominee of their inability to attend for duty.

4.4.3.4 The principal and the staff member should discuss the period for which the employee will be entitled to not be available to attend work, the reasons for taking such absence, the name of the person requiring care and that person's relationship to the staff member. In the absence of agreement about the length of the absence, the staff member is entitled to not be available to attend work for up to 48 hours (i.e. two days) per occasion.

4.4.3.5 The staff member shall, if required,

- a) establish either by production of a medical certificate or statutory declaration, the illness of the person concerned and that the illness is such as to require care by another person, or
- b) establish by production of documentation acceptable to the Director-General or a statutory declaration, the nature of the emergency and that such emergency resulted in the person concerned requiring care by the employee.

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In normal circumstances, a staff member must not take carer's leave under this subclause where another person has taken leave to care for the same person.

### 4.4.4 BEREAVEMENT ENTITLEMENTS

- 4.4.4.1 Short term temporary and casual staff members are entitled to not be available to attend work, upon the death in Australia of a family member described in Section 4.4.3.1

The staff member is not entitled to any payment for the period of non-attendance.

- 4.4.4.2 The staff member shall, wherever practicable, give the principal notice prior to the absence of the absence. If it is not reasonably practicable to give the principal or nominee prior notice, the staff member must, as soon as reasonably practicable during the first day of such absence, inform the principal or nominee of their inability to attend for duty.

- 4.4.4.3 The principal and the staff member should discuss the period for which the employee will be entitled to not be available to attend work, the reasons for taking such absence, the name of the person requiring care and that person's relationship to the staff member. In the absence of agreement about the length of the absence, the staff member is entitled to not be available to attend work for up to 48 hours (i.e. two days) per occasion.

- 4.4.4.4 The staff member shall, if required, produce satisfactory evidence of the death.

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### 4.5 EXTENDED LEAVE

#### 4.5.1 GENERAL

The provisions for extended leave apply to both permanent and long term temporary staff members. Prior to the introduction of the *School Ancillary Staff Enterprise Agreement* (1995), part time temporary school administrative and support staff received long service leave provisions.

- a) Applications for extended leave should be submitted six weeks in advance.
- b) Shorter notice may be given in special circumstances (eg for compassionate reasons).
- c) Prior to submitting an application for leave, staff should exercise their judgement with regard to the impact of such leave on school programs.
- d) If the period for which leave has been applied is not convenient to the school because of reasons such as relief difficulties, educational programs and student needs, then a mutually convenient time may be negotiated between the principal and the staff member prior to the application being submitted.
- e) From 1 January 2005, extended leave may be taken after completion of seven years of service (previously after ten years of service).
- f) Extended leave may be taken on full or half pay, as a combination of full and half pay, or, from 1 January 2005, at double pay. See Section 4.4.12.2 for details.
- g) Should a staff member wish to combine a period of extended leave with leave without pay, the extended leave should precede the leave without pay.
- h) Payment for extended leave for permanent school administrative and support staff is at the long term temporary rate, which is 5.8% more than the permanent rate. This is because the permanent rate under the 26 equal pays system averages full pay during term time, recreation leave and public holidays and half pay during vacations.

#### 4.5.2 ENTITLEMENT

##### 4.5.2.1 Calculation of Entitlement

- a) For full time service of ten years or more:
  - i) on completion of ten years service staff members are eligible for 44 working days leave on full pay;
  - ii) for each completed year in excess of ten years the entitlement is eleven working days.
- b) From 1 January 2005, staff members with seven or more years' service are entitled to take extended leave in the usual manner. The amount of leave available (30.8 working days) is that which would have applied if pro rata leave was granted. No repayment will be required if an employee does not reach ten years service.
- c) Staff members may also be entitled to payment of proportionate extended leave after five years service as follows:

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- i) on the completion of five years service the entitlement is 22 working days on full pay;
- ii) for each completed year in excess of five years the entitlement is 4.4 working days.

Extended leave accrued between five and seven years cannot be taken as leave. The monetary value of this leave may be paid on resignation or termination of services depending upon the reason. See Section 4.4.14 for further details.

If periods of leave without pay of up to six months are taken in the first ten years of service, only the time worked is counted as service for the accrual of extended leave. However, once ten years net service is completed, all periods of leave without pay of up to six months are counted as service for extended leave. See section 4.7.6.3.

### 4.5.2.2 Entitlement Table

Extended leave entitlement for full time service of five years or more:

After five years full time service	
No. of years	No. of working days
5	22
6	26.4
7	30.8
8	35.2
9	39.6
10	44
11	55
12	66
13	77
14	88
15	99
16	110
17	121
18	132
19	143
20	154
21	165
22	176
23	187
24	198
25	209
26	220
27	231
28	242
29	253
30	264
31	275
32	286
33	297
34	308

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After five years full time service	
No. of years	No. of working days
35	319
36	330
37	341
38	352
39	363
40	374
41	385
42	396
43	407
44	418
45	429
46	440
47	451
48	462
49	473
50	484
51	495
52	506
53	517
54	528
55	539

### 4.5.2.3 Minimum Period of Leave to be Granted

Extended leave for full time staff members shall not be granted for less than quarter of a day.

### 4.5.2.4 The Taking and Recording of Extended Leave

Extended leave commences on the first working day after ceasing duty or expiration of some other form of leave. A period of extended leave cannot be broken by some other form of leave, except as provided in Section 4.11, Sick Leave. If the amount of extended leave to credit is insufficient to cover the period of leave to be granted, then recreation leave (if applicable) to credit or leave without pay may be granted at the end of extended leave to cover the full period of absence.

### 4.5.2.5 Public Holidays During Extended Leave

From 1 January 2005, public holidays that fall whilst a staff member is on a period of extended leave will be paid and not debited from the staff member's leave entitlement.

In respect of public holidays that fall during a period of double pay extended leave, a staff member will not be debited in respect of the leave on a public holiday. The staff member's leave balance will however be reduced by an additional day to fund the non-superable taxable allowance. See Section 4.5.12.2 for more detail on double pay extended leave.

## 4.5.3 EXTENDED LEAVE WHILST RECEIVING HIGHER DUTIES ALLOWANCE

Staff members who have acted for one year in the same higher graded position and receive the



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full rate of allowance and who continue to act in that position up to the first day of leave or date of retirement or resignation are eligible for payment of the higher duties allowance for extended leave purposes. This includes payment of the higher duties allowance for accrued extended leave upon retirement or resignation.

### **4.5.4 EXTENDED LEAVE TO COUNT AS SERVICE**

Extended leave taken on full or half pay counts as service for all purposes except during periods of extended leave at half pay for which the accrual of recreation leave is 50%.

Extended leave on half pay also affects vacation leave for permanent SAS staff (see section 4.16.1.2) and stand down pay for temporary employees (see section 4.16.2.3).

Extended leave taken on double pay counts as service at the single time rate for all purposes.

### **4.5.5 ILLNESS WHILE ON EXTENDED LEAVE**

If a staff member becomes ill during a period of extended leave, the Director-General shall grant any available sick leave in respect of the period and recredit the extended leave if satisfied that:

- a) the illness is genuine; and
- b) the period of illness is of at least five working days duration; and
- c) the application is supported by a satisfactory medical certificate.

### **4.5.6 INCREMENTS DUE DURING EXTENDED LEAVE**

Any increments falling due during a period of extended leave shall be paid to a staff member provided the staff member's services were satisfactory prior to entry on extended leave.

### **4.5.7 COMBINING RECREATION AND EXTENDED LEAVE (WHERE APPLICABLE)**

Where the Director-General approves of a staff member's application to combine recreation and extended leave, extended leave shall be granted after recreation leave and shall continue unbroken for the nominated period. Recreation leave shall be granted immediately after extended leave only if extended leave to credit has been exhausted and the staff member has elected to take such recreation leave.

### **4.5.8 RECOGNITION OF PREVIOUS TEMPORARY SERVICE**

Service as a long term temporary school administrative and support staff member or a long term temporary general assistant with the Department is credited on the following basis:

- a) service needs to be greater than one term (three months);
- b) if hours per week vary, they are averaged for the period of service;
- c) a break of two weeks (not including vacation periods) interrupts the period and the three months criterion starts from the return to duty.

### **4.5.9 PART TIME SERVICE FOR EXTENDED LEAVE PURPOSES**

Permanent part time or long term temporary part time staff members are entitled to extended leave on the same basis as that applying to full time staff members but pay for the leave is pro rata.

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For example, a permanent part time general assistant who works two days (15.2 hours) per week for ten years will have an entitlement to extended leave as follows:

$$\begin{aligned}\text{Accrual} &= \frac{\text{part time hrs per week}}{\text{full time hrs per week}} \times 44 \text{ working days} \times \text{standard hours per day} \\ &= \frac{15.2}{38} \times 44 \times 7.6 \\ &= 133.76 \text{ hours or } 17.6 \text{ days}\end{aligned}$$

Service as a part time school administrative and support staff member prior to the introduction of the School Ancillary Staff Enterprise Agreement (1995), is credited in terms of the *Long Service Leave Act 1955*, not as extended leave.

### 4.5.10 RECOGNITION OF OTHER SERVICE

A staff member who commenced employment with the Department prior to 1 January 2006 and who had a period of service in the public service of another state, the Commonwealth, a declared authority under the *Transferred officers Extended Leave Act 1961*, or in the armed forces of the Commonwealth of Australia and whose service is continuous shall have such service recognised in accordance with the requirements of the *Transferred officers Extended Leave Act 1961*.

A staff member who commenced employment with the Department after 1 January 2006, who had a period of service with a Commonwealth, interstate or NSW public sector agency and whose service is continuous shall have such service recognised in accordance with the requirements of *Schedule 3A of the Public Sector Employment and Management Act 2002*.

#### 4.5.10.2 Evidence of Other Service to be Recognised

A staff member requesting recognition of service should provide an official statement of service attesting to previous service showing full commencing and finishing dates, employment basis (i.e. full or part time) and whether or not leave without pay was taken. Statutory declarations may be used to support a request for recognition of previous service.

#### 4.5.10.3 Criteria for Eligibility

- a) Staff members eligible for recognition of service are those whose services are deemed continuous in terms of the *Transferred Officers Extended Leave Act 1961* and who:
  - transferred from a department of the Commonwealth or of any State Public Service to which the various Public Service Acts apply or from the armed forces of the Commonwealth of Australia and were employed in a department subsequent to 24 March 1961; or
  - transferred from a Governmental Authority of the Commonwealth or another State or a New South Wales Authority, and were employed in a department on or subsequent to the date of publication of a notice in the Government Gazette that such a Governmental Authority or State Authority is declared to be an employer under the Act.
- b) Under the Schedule 3A of the *Public Sector Employment and Management Act*

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2002, staff members eligible for recognition of service are those who:

- commenced employment with the NSW Department of Education and Training after 1 January 2006; and
- were previously employed in a Commonwealth, interstate or NSW government agency identified as such through the [HR Expert Agency Inquiry Option](#).

### 4.5.10.4 Staff Members Dismissed From Previous Employment

The provisions of the *Transferred Officers Extended Leave Act 1961* do not apply to staff who were dismissed from their previous employment, except where the dismissal was by reason of retrenchment or reduction of work.

### 4.5.10.5 Service Recognised by Previous Employer

When a staff member transfers to a department from an employer declared under the *Transferred Officers Extended Leave Act 1961* and where such service is accepted by the current employer, all such service accepted by the previous employer for extended leave purposes shall be taken into account to the same extent as has already been allowed by the previous employer.

## 4.5.11 SERVICE DEEMED TO BE CONTINUOUS

### 4.5.11.1 Criteria for Continuous Service: *Transferred Officers Extended Leave Act 1961*

For the purposes of the *Transferred Officers Extended Leave Act 1961*, a staff member's service shall be deemed continuous if:

- a) the staff member entered on duty in a NSW Public Service department on the next working day following cessation of employment with the former declared employer; or
- b) the staff member has been accepted for employment by a NSW Public Service department prior to the last day of service with the former declared employer, in which case a break of up to two months may be allowed between cessation of duty with the former employer and commencement of duty in the NSW Public Service department;
- c) after retrenchment, the staff member is re-employed by the same employer within twelve months of the date of retrenchment; or
- d) immediately after attending a full time course of training under the Commonwealth Reconstruction Training Scheme (CRTS), the staff member was re-employed by the same employer.
- e) If a staff member has had a period of service with the armed forces of Australia that was during or partly during a period of war in which the Naval, Military or Air Forces of Australia were engaged, the maximum break allowed between ceasing service with the armed forces and entering on duty in a department shall be twelve months. This time limit also applies to members of the armed forces who have served in an area prescribed as an operational area for the purposes of subsection 2 of Section 4 of the *Transferred Officers Extended Leave Act 1961* (i.e. Special Service).

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To enable the Department to determine whether a staff member's service is war service or special service, the staff member shall supply to the Department a service record from the Department of Defence.

### **4.5.11.2 Criteria for Continuous Service: Schedule 3A of the *Public Sector Employment and Management Act 2002***

- b) For the purpose of Schedule 3A of the *Public Sector Employment and Management Act 2002* service shall be deemed to be continuous under the following circumstances:
- if the staff member entered on duty with the Department within two months following cessation of employment with the former declared employer; or
  - if the earlier period comprises full-time war service as a member of the Australian Defence Force, as defined in clause 4 (2) of Schedule 3A of the *Public Sector Employment and Management Act 2002*, and employment with the Department commenced within twelve months after ceasing service with the armed forces.

## **4.5.12 PAYMENT OF ACCRUED EXTENDED LEAVE**

### **4.5.12.1 Payment in Advance**

Payment of accrued extended leave shall be made in advance for leave taken if the staff member so requests but payment shall be subject to the usual provisions in respect of pay in advance as determined by the Treasurer from time to time.

### **4.5.12.2 Double Pay Extended Leave**

A staff member with an entitlement to extended leave may elect to take leave at double pay. The additional payment will be made as a non-superable taxable allowance payable for the period of the absence from work. The staff member's leave balance will be debited for the actual period of the absence from work and an equivalent number of days as are necessary to pay the allowance.

For example, a staff member with an extended leave balance of 50 working days wishing to take extended leave at double pay may take 25 working days leave from work, reducing their extended leave balance to 25 days. A further 25 working days will be debited from the staff member's balance to cover payment of the non-superable taxable allowance.

Other leave entitlements eg recreation leave, vacation pay, sick leave and extended leave, will accrue at the single time rate where a staff member takes extended leave on double pay.

Superannuation contributions will only be made on the basis of the actual absence from work ie at the single time rate.

Where a staff member elects to take extended leave at double pay, in most cases a minimum period of absence of one week should be taken ie one week leave utilising two weeks of accrued leave.

### **4.5.12.3 Staff Member to be Paid Monetary Value on Termination**

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A staff member who has acquired an entitlement to extended leave, shall upon termination of services be paid in lieu of such leave, the monetary value of accrued extended leave. Payment is to be made at the rate of salary received as at the last day of service and fractions of less than a quarter day are to be taken to the next higher quarter day.

### 4.5.13 PAYMENT OF EXTENDED LEAVE – OFFICER FULL TIME TO PART TIME

Previous full time service of a staff member who now works part time shall be taken into account for accrual of extended leave but payment in such circumstances shall be made at the part time rate of pay in respect of any extended leave taken during part time employment.

### 4.5.14 PAYMENT OF PROPORTIONATE EXTENDED LEAVE

- a) The question of payment of proportionate extended leave generally arises when:
  - i) a staff member has completed at least five years service but less than seven years; and
  - ii) services are being terminated either by the employer for any reason other than serious and intentional misconduct or by the staff member on account of illness, incapacity or other domestic or pressing necessity.
- b) Instances where payment of proportionate extended leave must be made are:
  - i) medical retirements;
  - ii) voluntary redundancy;
  - iii) retrenchment;
  - iv) voluntary retirement at 55 years of age or older;
  - v) termination by the employer for any reason other than serious and intentional misconduct;
  - vi) termination by the staff member where evidence proves that the termination was brought about by illness or incapacity of the staff member or of a member of the staff member's family, or by other reasons that constitute domestic or pressing necessity.
- c) There is no requirement for an employee with seven or more years of service to have been terminated or to have left employment because of the reasons outlined in b) above, when claiming an entitlement.

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### 4.6 FAMILY AND COMMUNITY SERVICE LEAVE, SICK LEAVE TO CARE FOR A FAMILY MEMBER AND FLEXIBLE USE OF OTHER LEAVE ENTITLEMENTS

#### 4.6.1 DEFINITIONS

The definition of "family" and "relative" for these purposes is as follows:

- a) a spouse of the staff member; or
- b) a de facto spouse being a person of the opposite sex to the staff member who lives with the staff member as her husband or his wife on a bona fide domestic basis although not legally married to that staff member; or
- c) a child or an adult child (including an adopted child, a stepchild, a foster child or an ex nuptial child), parent (including a foster parent and legal guardian), grandparent, grandchild or sibling of the staff member or spouse or de facto spouse of the staff member; or
- d) a same sex partner who lives with the staff member as the de facto partner of that staff member on a bona fide domestic basis; or
- e) a relative of the staff member who is a member of the same household, where for the purposes of this paragraph:
  - i) "relative" means a person related by blood, marriage, affinity or Aboriginal kinship structures;
  - ii) "affinity" means a relationship that one spouse, because of marriage, has to blood relatives of the other; and
  - iii) "household" means a family group living in the same domestic dwelling.

#### 4.6.2 FAMILY AND COMMUNITY SERVICE LEAVE – GENERAL

**4.6.2.1** The Director-General shall, in the case of emergencies or in personal or domestic circumstances, grant to a permanent or long term temporary staff member some or all of the available family and community service leave on full pay.

**4.6.2.2** Such cases may include but not be limited to the following:

- a) compassionate grounds – such as the death or illness of a close member of the family or a member of the staff member's household;
- b) emergency accommodation matters up to one day – such as attendance at court as defendant in an eviction action, arranging accommodation, or when required to remove furniture and effects;
- c) emergency or weather conditions – such as when flood, fire, snow or disruption to utility services etc. threaten a staff member's property and/or prevent a staff member from reporting for duty;
- d) attending to family responsibilities – such as citizenship ceremonies, parent/staff member interviews or attending child's school for other reasons;
- e) attendance at court by a staff member to answer a charge for a criminal offence,

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**only** if the Director-General considers the granting of family and community service leave to be appropriate in a particular case.

- f) attendance as a competitor in major amateur sport (other than Olympic or Commonwealth Games) for staff members who are selected to represent Australia or the State; and
- g) absence during normal working hours to attend meetings, conferences or perform other duties for staff members holding office in Local Government, and whose duties necessitate absence during normal working hours for these purposes, provided that the staff member does not hold the position of Mayor of a Municipal Council, President of a Shire Council or Chairperson of a County Council.

**4.6.2.3** Family and community service leave is not available to short term temporary or casual staff members.

### **4.6.3 FAMILY AND COMMUNITY SERVICE LEAVE – ENTITLEMENT**

**4.6.3.1** The maximum amount of family and community service leave on full pay that may be granted to a permanent or long term temporary staff member is:

- a) 2½ working days during the first year of service and five working days in any period of two years after the first year of service; or
- b) one working day for each year of service after two years continuous service, minus any period of family and community service leave already taken by the staff member,

whichever is the greater period. Entitlements accrue on a rolling calendar year basis.

**4.6.3.2** Where family and community service leave has been exhausted as a result of declared natural disasters, the Director-General shall consider applications for additional family and community service leave if some other declared natural disaster occurs.

**4.6.3.3** Additional paid family and community service leave of up to two days may be granted on a discrete, "per occasion" basis on the death of a person as defined in Section 4.5.1 above if available family and community service leave is exhausted.

**4.6.3.4** Family and community service leave is available to part time permanent or long term temporary staff members on a pro rata basis.

### **4.6.4 USE OF SICK LEAVE TO CARE FOR SICK DEPENDANT – GENERAL**

When family and community service leave, as outlined in Section 4.6.3 above, is exhausted, the sick leave provisions under Section 4.6.5 may be used by a permanent or long term temporary staff member to care for a sick dependant.

### **4.6.5 USE OF SICK LEAVE TO CARE FOR SICK DEPENDANT – ENTITLEMENT**

**4.6.5.1** The entitlement to use sick leave in accordance with this section is subject to:

- a) the staff member being responsible for the care and support of the person concerned; and

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b) the person concerned being as defined in Section 4.6.1.

- 4.6.5.2** A staff member with responsibilities in relation to a person who needs their care and support shall be entitled to use sick leave available from that year's annual sick leave entitlement minus any sick leave taken from that year's entitlement to provide care and support for such persons when they are ill.
- 4.6.5.3** Sick leave accumulates from year to year. In addition to the current year's grant of sick leave available under Section 4.6.5.2 above, sick leave accrued from the previous three years may also be accessed by a staff member with responsibilities in relation to a person who needs their care and support.
- 4.6.5.4** The Director-General may, in special circumstances, make a grant of additional sick leave. This grant can only be taken from sick leave accrued prior to the period referred to in Section 4.6.5.3 above.
- 4.6.5.5** The staff member shall, if required, establish either by production of a medical or statutory declaration, the illness of the person concerned and that the illness is such as to require care by another person.
- 4.6.5.6** The staff member has the right to choose the method by which the grounds for leave is established, that is, by production of either a medical certificate or statutory declaration.
- 4.6.5.7** The staff member is not required to state the exact nature of the relevant illness on either a medical certificate or statutory declaration.
- 4.6.5.8** The staff member shall, wherever practicable, give the principal notice prior to the absence of the intention to take leave, the name of the person requiring care and that person's relationship to the staff member, the reasons for taking such leave and the estimated length of absence. If it is not practicable for the staff member to give prior notice of absence, the staff member shall notify the principal by telephone of such absence at the first opportunity on the day of absence.
- 4.6.5.9** In normal circumstances, the staff member must not take leave under this Section where another person has taken leave to care for the same person.

### 4.6.6 OTHER LEAVE

The Director-General may grant staff members other forms of leave such as accrued recreation leave (if applicable) and time off in lieu for family and community service leave purposes. Staff members whose recreation leave is paid during the first four weeks of the summer vacation (eg school administrative and support staff) should discuss the effect of taking recreation leave at another time with Employee Services Bathurst as this will lead to a no pay vacation adjustment.

See Section 1.6.2.9 Time Off in Lieu of Payment for Overtime, for more information on time in lieu.



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### **4.7 LEAVE WITHOUT PAY**

#### **4.7.1 GENERAL**

- a) Permanent staff members may be granted leave without pay for any period if good and sufficient reasons are applicable. Long term temporary staff may be granted leave without pay provided it does not extend beyond the end of the school year in which the leave is taken. Principals must take into account the needs of the school when considering applications for leave without pay.
- b) Unless there are special circumstances, applications for long term leave without pay (ie for periods greater than one term or three months) should be submitted three months in advance.
- c) Leave without pay for short periods immediately before or after school vacations in order to take advantage of travel concessions should be considered carefully in the light of school operations.
- d) Generally, leave without pay of more than five days in any incremental year does not count as service for salary increments.
- e) A total of more than five days leave without pay in any school year will result in a reduction of vacation leave and recreation leave (if applicable) on a pro rata basis.
- f) Where long term temporary staff who are eligible for stand down pay take a total of more than five days leave without pay in a term the stand down pay will be reduced on a pro rata basis.
- g) Where a period of leave without pay does not exceed ten consecutive working days, salary is paid for any public holidays occurring during the period.
- h) Staff may elect to take accrued recreation leave (if applicable) and/or extended leave before a period of leave without pay.
- i) Staff should determine what effects leave without pay will have on superannuation contributions, if any. See Chapter 9, Superannuation, for details.
- j) A staff member who has been granted leave without pay shall not engage in private employment of any kind during the period of leave without pay unless prior approval has been granted by Employee Services Bathurst.
- k) Staff members who intend to apply for long term leave without pay are advised to discuss the effects of taking such leave with Employee Services Bathurst prior to applying.

#### **4.7.2 STAFF COVERED**

Leave without pay applies to all full time and part time staff, including long term temporary staff members. However, it does not apply to short term temporary or casual staff who are employed for short periods to meet short term staffing needs.

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### **4.7.3 OTHER FORMS OF LEAVE WITHOUT PAY**

There are other forms of leave (such as military, sick and study leave) which can be granted without pay. See Section 4.7.8 for a summary of the effects of leave without pay on entitlements.

### **4.7.4 RIGHT OF RETURN**

#### **4.7.4.1 Leave Without Pay up to Twelve Months**

For leave up to and including a period of twelve months, staff members have a right of return to the same school at the same classification and number of hours per week, subject to the normal staffing operation procedures.

#### **4.7.4.2 Leave Without Pay in Excess of Twelve Months**

Approximately eight weeks prior to the conclusion of periods of full time leave without pay exceeding twelve months, staff will be contacted by Employee Services Bathurst to ascertain their intentions on conclusion of the leave. Staff should then complete an application for transfer or advise what other action they wish to take.

Staff members who wish to return to work will have their transfer applications processed in accordance with normal staffing operation procedures.

*Please Note: The Department of Education and Training and the Public Service Association are currently discussing procedures regarding return to school after leave without pay in excess of 12 months.*

### **4.7.5 CHANGES TO LEAVE ARRANGEMENTS**

#### **4.7.5.1 New Application**

A new application for leave without pay must be submitted for approval to vary an existing part time or full time leave without pay arrangement.

#### **4.7.5.2 Premature Return**

The Director-General may approve of staff members resuming from leave without pay prior to the expiration of the agreed leave. Staff members are expected to provide sufficient notice of the intended date of return to duty so as to allow the school time to make any necessary staffing and associated adjustments.

#### **4.7.5.3 Temporary Replacement Staff**

A person employed as a temporary replacement is to be informed, as part of the written advice concerning their employment arrangement prior to entry on duty, that their employment will be terminated on the return from leave without pay of the person being replaced. They are also to be informed that their period of employment will be terminated if an approval is given under Section 4.7.6.3 Premature Return and any further period of employment in the Department is to be a separate arrangement.

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Replacement staff members are to be given reasonable notice of early termination of their employment.

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### **4.7.6 FULL TIME LEAVE WITHOUT PAY**

#### **4.7.6.1 Recognition of Service**

As leave without pay is a form of leave there is no break in the continuity of employment with the Department. However, periods of full time leave without pay do not count as "service" with the Department for entitlements to other forms of leave and salary benefits except in the circumstances outlined below. Part time leave without pay may also affect these entitlements and is outlined in Section 4.7.7 Part time Leave Without Pay. See Section 4.7.8 for a summary of the effects of leave without pay on entitlements

#### **4.7.6.2 Short Term Absences**

Leave without pay which, when aggregated, does not exceed five days (or one month in the case of sick leave accrual) in a period of twelve months, is to count as service for all leave and incremental salary progression. See Section 4.6.8 for a summary of other effects of leave without pay on entitlements.

#### **4.7.6.3 Long Term Absences**

Leave without pay which, when aggregated, does not exceed one month is to count as service for accrual of sick leave. Leave without pay which, when aggregated, does not exceed six months is to count as service for calculating extended leave only. They do not count for other forms of leave or incremental salary progression, unless the salary progression is based on the person's age.

Application of this provision particularly affects those staff who have taken periods of leave without pay of up to six months within the first ten years of service. In this case, the period of leave without pay will count as service for extended leave purposes once the staff member has completed at least ten years actual service.

### **4.7.7 PART TIME LEAVE WITHOUT PAY**

#### **4.7.7.1 Application**

As leave without pay is a form of leave, it may be granted for a minimum amount of a quarter day, as is the case for other forms of leave. The amount of leave does not alter the basis for granting the leave (refer Section 4.6.1 General).

#### **4.7.7.2 Recognition of Service**

Part time leave without pay does not break the continuity of service with the Department. However, periods of part time leave without pay do not count as service with the Department for entitlements to other forms of leave and salary benefits, except in the circumstances outlined below.

The effect of part time leave without pay depends on whether the staff member takes a short or long period of part time leave without pay.

Part time leave without pay of up to one term or three months will be treated in terms of Section 4.7.7.3, Short Term Absences.

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Part time leave without pay of greater than one term or three months will be treated in terms of Section 4.7.7.4, Long Term Absences.

### 4.7.7.3 Short Term Absences

An absence is defined as short term when staff members take part time leave without pay over a period of up to one term or three months.

Part time leave without pay which when aggregated does not exceed five days pay in a period of twelve months is to count as service. Therefore, it is to be recognised for all leave and for incremental salary progression.

If the period of part time leave without pay does not exceed one month, accrual of sick leave is unaffected.

Aggregated periods of part time leave without pay of more than six months do not count as service for the purposes of extended leave.

Aggregated periods of part time leave without pay of up to six months can be recognised for extended leave purposes if ten years service has been completed.

If periods of part time leave without pay of up to six months are taken in the first ten years of service, only the time worked is counted as service for the accrual of extended leave. However, once ten years net service is completed, all periods of part time leave without pay of up to six months are counted as service for extended leave.

### 4.7.7.4 Long Term Absences

An absence is defined as long term when staff members take part time leave without pay over a period of more than one term or three months.

Staff on long term absences will receive pro rata entitlements for all forms of leave.

If applicable, increments continue to be paid on an annual basis for staff on long term absences.

### 4.7.7.5 Resumption of Duty

Staff previously on long term absences need to complete a full substantive working week of employment to be considered to have returned to full time employment.

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### 4.7.8 EFFECT OF LEAVE WITHOUT PAY ON ACCRUAL OF OTHER FORMS OF LEAVE AND INCREMENTS

Leave without pay shall be recognised as service for the accrual of other forms of leave and for increments as specified in the following table:

Purpose for Grant of Leave Without Pay	Entitlements Accrued
Military Service	Recreation leave (if applicable) Vacation pay and stand down pay Extended leave Sick leave Increments
Leave without pay for any purpose which when aggregated does not exceed 5 days in a period of twelve months.	All leave and stand down pay Increments
Sick leave without pay	Sick leave Recreation leave (if applicable) Vacation pay and stand down pay
Leave without pay to represent Australia or New South Wales as an amateur in a major sport	Increments only
Leave without pay for any purpose in one sick leave year which when aggregated is less than a completed month	Sick leave
Leave without pay for any purpose in one year which when aggregated is less than six months	Extended leave for officers with at least ten years service

**Note: Leave without pay does not break the continuity of service.**

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### 4.8 MILITARY LEAVE

Military leave may be granted to permanent and long term temporary staff members who are volunteer part time members of the Defence Forces Reserves. Such leave shall not apply to attendance after working hours and shall be subject to Departmental convenience.

#### 4.8.1 GENERAL

Subject to Departmental convenience, the Director-General may grant military leave to staff members who are volunteer part time members of the Australian Defence Forces.

Such leave is to be granted:

- a) only when necessary for attendance at training, education, instruction or compulsory parades;
- b) only during ordinary working hours; and
- c) on full pay.

The minimal time necessarily spent in travelling to and from an annual training activity may be included in leave granted, provided that:

- a) the time spent travelling is during normal working hours; and
- b) no pay is received from the Defence Forces for the time spent travelling.

#### 4.8.2 ENTITLEMENT

##### 4.8.2.1 Maximum Amount of Leave

The maximum amount of military leave that may be granted in any one financial year (from 1 July to 30 June of the following year) is an aggregate of :

- a) Naval and Military Reserves - 24 working days
- b) Air Force Reserve - 28 working days

##### 4.8.2.2 Top Up Pay

For leave in excess of the current military leave entitlement as described in section 4.8.2.1, staff members will receive top up pay. Top up pay is the difference between the Reservist pay paid by the Commonwealth Department of Defence and what a staff member would ordinarily have received if they were at work.

During periods of top up pay, the Government will maintain the staff member's superannuation and the staff member will continue to accrue sick and extended leave entitlements as well as vacation, stand down or recreation leave (as appropriate).

##### 4.8.2.3 Leave for Full Time Military Service

At the exhaustion of a staff member's military leave entitlement outlined in section 4.8.2.1, a member of the part time Defence Forces who serves full time will normally

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be covered by the top up pay provisions outlined in section 4.8.2.2.

### 4.8.3 EVIDENCE OF ATTENDANCE

- 4.8.3.1** Applications for military leave or top up pay must be accompanied by evidence of membership of the Reserves and the necessity for the leave. This documentation must be submitted prior to the leave being taken.
- 4.8.3.2** A certificate of attendance from the Defence Forces Reserves, must be forwarded to the Department after the period of leave.
- 4.8.3.3** Where application is made for top up pay, a certificate verifying the amount of military payments received must be submitted.



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### **4.9 RECREATION LEAVE**

#### **4.9.1 RECREATION LEAVE – GENERAL**

- 4.9.1.1** Full time permanent and full time long term temporary general assistants and farm assistants are entitled to four weeks recreation leave (five weeks central and western divisions) per annum which can be taken at times suitable to the school and the staff member. Recreation leave accrued and not taken may accumulate up to a maximum of 40 days (regardless of which division the staff member is employed in).
- 4.9.1.2** Part time permanent and part time long term temporary staff members are entitled to recreation leave on a pro rata basis.
- 4.9.1.3** All employees must take at least 2 weeks recreation leave every 12 months for recreation purposes, except by agreement with the Director-General in special circumstances. After taking into account the wishes of the employee, the Director-General may direct an employee to take accrued recreation leave at a time convenient to the Department. If operational requirements permit, an application for leave must be dealt with by the Director-General according to the wishes of the employee.
- 4.9.1.4** Employee Services Bathurst will notify the staff member in writing when accrued recreation leave reaches six weeks or its hourly equivalent, and at the same time direct the staff member to take at least two weeks recreation leave within three months of the notification at a time convenient to the Department. Additionally, Employee Services Bathurst will notify the staff member in writing when accrued recreation leave reaches eight weeks or its hourly equivalent and direct the staff member to take at least two weeks recreation leave within six weeks of the notification. Such leave is to be taken at a time convenient to the Department.
- 4.9.1.5** Permanent school administrative and support staff are entitled to recreation leave. However, they do not receive a separate recreation leave entitlement but an overall vacation pay entitlement which incorporates recreation leave, stand down pay and public holidays during school vacations. See also Section 4.16 Vacation Leave.
- 4.9.1.6** Long term temporary school and administrative and support staff are entitled to four weeks recreation leave (five weeks central and western divisions) per annum which is paid during the initial four weeks (five weeks central and western divisions) of the Christmas school holidays excluding public holidays. Long term temporary part time general assistants, who do not work during school vacations, receive pro rata recreation leave entitlements paid on the same basis.
- 4.9.1.7** Short term temporary staff receive a loaded rate of pay in lieu of a recreation leave entitlement.

#### **4.9.2 RECREATION LEAVE ACCRUAL WHILE ON OTHER FORMS OF LEAVE**

##### **4.9.2.1 General**

Recreation leave shall not accrue to a staff member in respect of any period of leave without pay or unauthorised absence, except as outlined in Section 4.9.2.3.

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### 4.9.2.2 Extended Leave

- a) Recreation leave accrues in full during periods of extended leave on full pay, and at half the normal rate during periods of extended leave on half pay.
- b) Recreation leave does NOT accrue when extended leave is paid in a lump sum in lieu of leave actually being taken prior to resignation, retirement or termination of services.

### 4.9.2.3 Leave Without Pay

Recreation leave does NOT accrue during periods of leave without pay except when taken for:

- a) part time service with the Defence Forces;
- b) absences due to a transport strike, i.e. major interruption to public transport;
- c) any continuous period of sick leave;
- d) incapacity for which compensation has been authorised to be paid under the *Workers Compensation Act 1987*; or
- e) periods which, when aggregated, do not exceed five working days in any period of twelve months.

### 4.9.2.4 Deduction in Respect of Leave Without Pay

Deductions in respect of leave without pay should be made from recreation leave accruals once each year. Leave without pay taken in the twelve month period is to be totalled and rounded off to the nearest lowest quarter day before those deductions are calculated.

## 4.9.3 PAYMENT FOR LEAVE

Payment for recreation leave accrued is to be made at the substantive rate of pay applicable on the day immediately prior to the first day of the leave. Where an increase in the rate of pay occurs during the period of leave, adjustment to the payment made in respect of the leave shall be made as soon as practicable.

## 4.9.4 CESSATION OF EMPLOYMENT

### 4.9.4.1 Entitlements to be Calculated to the Next Highest Quarter Day

Recreation leave for which a staff member is eligible on cessation of employment, including death, shall be calculated to an exact quarter day, or multiple thereof. Fractions of less than a quarter day are to be taken to the next highest quarter day.

### 4.9.4.2 Payment of Accrued Leave – Options

A staff member whose services are not under adverse notice for any reason and who ceases employment, may exercise one of the following options in regard to accrued recreation leave.

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- a) To take accrued recreation leave as leave. Any period of recreation leave taken as leave is regarded as service and accrues further recreation leave. The last day of service is the last date of any recreation (if applicable) or extended leave granted as leave of absence.
- b) To be paid the value of the accrued leave as a gratuity. The monetary value of leave is to be calculated as if the staff member were still in the Department and was merely going on leave. Payment is for the period which commences on the first working day, and ceases on the last working day covered by accrued leave minus any leave taken. The last day of service is the last day of duty, and further recreation leave does not accrue.
- c) To take part of the accrued leave as leave and be paid the value of the remainder of the accrued leave as a gratuity.

### 4.9.4.3 Effect of Salary Adjustment – Last Day of Service

Where the last day of service falls on or after the date of effect of a salary adjustment, the monetary value of leave taken as a gratuity should be based upon the new salary rate.

### 4.9.4.4 Retirement on Medical Grounds

For the purposes of initially determining the last day of service it shall be assumed that the value of accrued leave will be taken as a gratuity. The Department shall therefore inform the staff member of the last day of service, as initially determined. The staff member may then elect to exercise one of the options in Section 4.9.4.2 above. This election is to be made in writing.

## 4.9.5 PAYMENT OF RECREATION LEAVE AFTER DEATH

### 4.9.5.1 Calculation

Where a staff member dies, the recreation leave is to be calculated up to and including the date of death.

### 4.9.5.2 Payment of Entitlement

The monetary value of all recreation leave and extended leave accrued, but not taken or forfeited at the date of death (including the balance of leave which has been partly taken), is to be paid to the staff member's nominated beneficiary. If no beneficiary has been nominated, the monetary value of the leave is to be paid to the following in order:

- a) the spouse of the staff member; or if none
- b) the children of the staff member (including adult sons and daughters, not necessarily dependent) or, if there is a guardian of the children then to the guardian for the children's maintenance, education and welfare; or if there is none
- c) other dependent relative(s), or if none
- d) to the staff member's estate.

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### 4.9.5.3 Deceased Estates

Payment of any unpaid salaries, wages, allowances, overtime or expenses or extended leave due to the deceased are to be paid to the estate. Such payments are not to be made until probate of the will or letters of administration have been produced.

If there are no assets or insufficient assets to warrant the expense of applying for the formal grant of administration or probate, the cost of the funeral expenses may be paid from any unpaid monies due to the deceased, to the person who paid the funeral expenses. This is subject to Ministerial approval and the production of a receipt for the funeral expenses, and a statutory declaration to this effect.

If the unpaid monies exceed the funeral expenses any existing will should be sighted. The statutory declaration should clearly establish that excess monies are being paid to all the beneficiaries. If in doubt, seek advice from the Public Trustee.

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### **4.10 ROSTERED DAYS OFF**

#### **4.10.1 GENERAL**

Full time general assistants and farm assistants work an eight hour day and accrue 0.4 of an hour per day worked towards one rostered day off in a twenty working day cycle.

#### **4.10.2 ARRANGEMENT OF ROSTERED DAYS OFF**

The rostered day off should be determined by the staff member and the school principal. It may be taken on a rostered basis or accumulate and be taken during the next school vacation or as otherwise agreed upon. General assistants and principals should monitor the accrual of rostered days off to ensure that they are taken appropriately. For farm assistants refer to Section 4.10.4.

Once set the rostered day off may not be changed in a current cycle unless there are genuine unforeseen circumstance prevailing.

#### **4.10.3 EFFECT OF OTHER LEAVE**

Credit towards rostered days off continues to accumulate while a staff member is on recreation, military, family and community service, personal/carer's, study, special and sick leave. Where a staff member's rostered day off falls during a period of sick leave, the staff member's sick leave will not be debited for that day.

Where a staff member is absent on extended leave and/or workers' compensation during a cycle and returns prior to, or on, the rostered day off, time absent during that cycle shall be regarded as accruing time towards the next rostered day off as per Section 4.10.1. A staff member who is on extended leave and/or workers' compensation for a full cycle is not entitled to a rostered day off for that cycle.

#### **4.10.4 FARM ASSISTANTS**

Full time farm assistants take their rostered day off on a Monday or a Friday. Rostered days off may be accrued up to a limit of six.

Farm assistants who have not worked a complete cycle receive pro rata entitlements.

#### **4.10.5 RETIREMENT/RESIGNATION**

As a general rule, all accrued rostered days off should be exhausted prior to a staff member's last day of duty.

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### 4.11 SICK LEAVE

#### 4.11.1 GENERAL

Staff members unable to perform their duties because of illness may be granted sick leave on full or no pay, dependent on the amount of sick leave to credit.

A staff member who is absent on a long period of sick leave or who has a limited sick leave entitlement should ensure that a leave application complete with doctor's certificate is submitted promptly. Where the absence is ongoing, leave applications and doctor's certificates should be submitted on a regular basis.

#### 4.11.2 ENTITLEMENTS

##### 4.11.2.1 General

All staff members employed on a full time basis, on and from 1 May 1988, are eligible to be granted fifteen working days paid sick leave per calendar year – i.e. 1 January to 31 December. Sick leave does not accrue on a monthly basis and the full annual entitlement is available from 1 January each year, provided the staff member enters on duty in that year.

The unused component of the annual entitlement is fully cumulative.

Part time staff receive pro rata entitlements.

Short term temporary or casual staff are not eligible for sick leave.

##### 4.11.2.2 Former Entitlements

Staff members who commenced employment prior to 1 May 1988 and who had an entitlement under the former cumulative scale as at 30 April 1988, shall retain such entitlement for use, if necessary in future years. For details please refer to Section 6.18 of the *Personnel Handbook*.

##### 4.11.2.3 Former Service

For the purposes of determining the cumulative sick leave entitlement under Sections 4.11.2.1 and 4.11.2.2, former service shall be recognised as follows:

- i) all prior permanent employment under the *Education (School Administrative and Support Staff) Act*, *Public Sector Employment and Management Act 2002*, *Public Sector Management Act 1988* and the *Public Service Acts* of 1902 and 1979.;
- ii) all prior full time or part time service as a temporary staff member under the *Education (School Administrative and Support Staff) Act 1987*, *Public Sector Employment and Management Act 2002*, *Public Sector Management Act 1988* or the *Public Service Acts* of 1902 and 1979 provided the service is for a period(s) of greater than one term (three months).

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### 4.11.2.4 New Appointees

- a) Staff members who are appointed after 1 January of a calendar year shall have the annual grant reduced proportionately in terms of the following formula:

$$\frac{\text{No. of whole months remaining in year}}{12 \text{ months}} \times \text{Annual entitlement}$$

- b) Staff members who are appointed after the first day of the month will have their sick leave calculated on the basis of complete months of service commencing from the beginning of the month following their date of appointment. However, should sick leave become necessary before the expiration of the month of appointment, sick leave may be granted in advance provided it is supported by acceptable medical certificate(s).

### 4.11.2.5 Temporary Staff Members

The sick leave entitlement for long term temporary staff members is calculated on the basis of the expected period of employment using the following formula:

$$\text{Entitlement} = \frac{\text{Months of employment}}{12} \times 15$$

**Example:** A period of four months temporary employment.

$$\text{Entitlement} = \frac{4}{12} \times 15 = 5 \text{ days}$$

**Note:** The provisions of Section 4.11.3, Limitations on Entitlement shall apply.

If the period of temporary employment is extended then a further entitlement will be calculated and added to any balance from the initial period of employment.

### 4.11.2.6 Effect of Full Time Leave Without Pay

Accrual of sick leave is affected only when the total period of leave without pay taken during a sick leave year is at least a month. When an aggregated period is less than a month, it is to be disregarded.

Sick leave without pay does not reduce a staff member's sick leave entitlement.

When staff resign or retire with a negative balance, no recovery action will be taken.

### 4.11.2.7 Special Sick Leave

#### a) Conditions

Special sick leave is a grant of sick leave additional to the annual or cumulative entitlement, and its application is reserved for occasions of long term illness only.

Special sick leave may be granted by the Director-General subject to satisfying the following criteria:

- the staff member has ten or more years service;

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- the staff member has been or will be absent for a period of at least three months;
- the staff member has exhausted or will exhaust, all normal sick leave entitlements.

### b) Calculation of entitlement

The grant of special sick leave will be on the following basis:

Completed years of service	No. of working days 5 day week
10	22
20	44
30	66
40	88
50	110

### 4.11.2.8 Sick Leave for War Caused Disabilities

#### a) Definition

A war caused disability is an injury or illness resulting from armed service in a Recognised War Zone. All World War II service is recognised. Injury or illness resulting directly or indirectly from service in the armed forces but not in a war zone, is not regarded as war caused.

#### b) Additional Entitlement

Staff members who are ex-services personnel and who have an accepted war caused disability are entitled to an additional annual entitlement of fifteen days per calendar year non-cumulative. This is an additional grant of leave to be applied only to absences directly related to the war caused disability and is separate from the normal annual entitlement.

#### c) Evidence of Disability

To be eligible for this entitlement, the staff member must provide a statement from the Department of Veteran's Affairs, to the effect that the illness or injury is a result of service in a Recognised War Zone.

### 4.11.3 LIMITATIONS ON ENTITLEMENTS

#### First Three Months of Employment

- a) The maximum amount of paid sick leave that may be granted during the first three months of employment is five days.
- b) Where more than five days sick leave is required, sick leave in excess of five days may be granted provided that satisfactory medical certificates support each individual absence, whether or not such absences are in excess of three consecutive working days.



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### 4.11.4 EXHAUSTION OF PAID SICK LEAVE

#### 4.11.4.1 Election to Use Other Paid Leave or Proceed on Sick Leave Without Pay

Where all paid sick leave entitlements for which a staff member is eligible have been exhausted, they may elect to:

- a) use part or all of any recreation, if applicable, and/or extended leave credits; or
- b) to proceed onto sick leave without pay.

#### 4.11.4.2 Former Ministerial Staff Members

A staff member with former ministerial service who has exhausted all other sick leave entitlements, may be granted the sick leave remaining to credit as at the last day of ministerial service providing that:

- a) the staff member has had one or more years of continuous service as a ministerial staff member with a department listed in Schedule 1 of the *Public Sector Employment and Management Act 2002*; and
- b) there was no break between such service and service under the *Public Sector Employment and Management Act 2002*, *Public Sector Management Act 1988* or the *Public Service Acts of 1902 and 1979*.

#### 4.11.4.3 Sick Leave Without Pay to Count as Service

Sick leave without pay counts as service for the accrual of:

- a) recreation leave;
- b) extended leave (for periods of sick leave no pay of less than six months);
- c) further sick leave with pay, provided such leave shall not be granted during the currency of the sick leave without pay; and
- d) vacation pay and stand down pay.

### 4.11.5 SICK LEAVE WHILST ON EXTENDED OR RECREATION LEAVE

#### 4.11.5.1 Recredit of Leave

A staff member who becomes ill while on recreation (if applicable) or extended leave, and who has sick leave to credit, may have the period of leave during which the illness occurred, recredited subject to the staff member:

- a) contacting the Director-General at the earliest opportunity, notifying details of the situation; and
- b) providing a medical certificate issued by a registered medical practitioner which clearly states the nature and duration of the illness. Any certificate provided that is not written in English shall be accompanied by a certified translation.

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### 4.11.5.2 Recredit of Extended Leave – Minimum Period

In the case of extended leave, the illness and supporting medical certificates must be for a period of at least five consecutive working days before the leave will be recredited.

### 4.11.5.3 Leave Prior to Resignation or Termination

These provisions do not apply to staff members on leave prior to resignation or termination of services, unless the resignation or termination of services amounts to a retirement.

## 4.11.6 MEDICAL CERTIFICATES FOR SICK LEAVE PURPOSES

### 4.11.6.1 General

A staff member shall provide a medical certificate for any absence in excess of three days or for a lesser period if required. See also Section 4.11.10 Sick Leave Monitoring.

### 4.11.6.2 Medical Certificate for Part of an Absence Only

Where a staff member has been absent for a period exceeding three days and presents a medical certificate which covers the latter part of the absence only, sick leave shall be granted for the entire period provided the Director-General is satisfied that the reason for the absence is genuine.

### 4.11.6.3 Acceptability of Certificate

- a) A certificate issued by a registered medical practitioner shall be accepted for sick leave purposes.
- b) A certificate issued by a registered:
  - dentist;
  - optometrist;
  - chiropractor;
  - osteopath;
  - physiotherapist;
  - oral and maxilla facial surgeon who is not also a registered medical practitioner;

shall be accepted for a maximum period of one week.

Periods in excess of one week must have the support of a registered medical practitioner.

### 4.11.6.4 Medical Certificates to be Submitted to HealthQuest

Where a staff member applies for sick leave and:

- a) no medical condition has been disclosed on the medical certificate; or
- b) the staff member wishes the nature of illness to remain confidential – refer

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Section 4.11.8; or

- c) the Director-General is in doubt as to whether or not the condition is one that would properly give rise to a grant of sick leave;

the medical certificate shall be referred to the Director of HealthQuest (who is also the Government Medical Officer) to determine suitability for sick leave purposes.

The nature of the leave to be granted to the staff member in respect of the application shall be determined by the Director-General on the advice of the Director of HealthQuest.

If sick leave is not granted the Director-General must, as far as practicable, take into account the wishes of the staff member when determining the nature of the leave to be granted.

### 4.11.7 ATTENDANCE FOR TREATMENT

#### 4.11.7.1 General

Sick leave shall be granted to cover attendance at treatments ONLY when the Director-General is satisfied that an appointment could not be obtained outside normal working hours and that the treatment was urgently needed. Sick leave shall be granted in non-urgent cases only where it was not possible to obtain an appointment outside normal working hours.

#### 4.11.7.2 Special Cases

On production of satisfactory evidence of need and of attendance, staff members are to be granted sick leave to attend legitimate therapy, training, counselling or rehabilitation, for example for adjustment to a disability, injury or accident; alcohol or another drug or gambling dependency; post-traumatic shock; and comparable conditions for which such assistance is appropriate.

#### 4.11.7.3 Periodic Treatment

Where a staff member has a medical condition that requires periodic treatment of short duration (e.g. physiotherapy), all consequential absences shall be aggregated for the purpose of debiting against leave credits.

### 4.11.8 CONFIDENTIALITY OF ILLNESS

#### 4.11.8.1 General

A staff member wishing the nature of illness to remain confidential, need not record the nature of illness on the sick leave application form.

#### 4.11.8.2 Medical Certificate Not Required

The staff member must give a personal explanation to the principal or some other person at a similar supervisory level, who will certify on the application form that the granting of sick leave is appropriate in the circumstances. In such circumstances, every attempt shall be made to ensure that the person to whom the explanation is given is of the same sex as the staff member, if the staff member so wishes.

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### 4.11.8.3 Medical Certificate Required

The staff member shall submit an application for sick leave with:

- a) the medical certificate in a sealed envelope; and
- b) a request for the nature of the illness to remain confidential;

for referral to the Director of HealthQuest for determination as to whether a grant of sick leave is warranted.

Under no circumstances shall the sealed envelope be opened within the Department.

### 4.11.8.4 Disclosure of Nature of Illness

Only in exceptional circumstances will the Director of HealthQuest disclose to the Director-General the nature of the illness. Those circumstances would be where screening or counselling of other staff members or the public may be required as a result of having contact with the staff member who has applied for the leave.

Where this occurs, there shall be full consultation between the staff member, the staff member's treating doctor(s) and the Director of HealthQuest.

## 4.11.9 HEALTH RISKS TO THE INDIVIDUAL STAFF MEMBER, OTHER STAFF MEMBERS AND/OR THE PUBLIC

### 4.11.9.1 General

Where a staff member:

- a) is known to have had contact with someone suffering from an infectious disease; or
- b) enters on duty or resumes duty after suffering tuberculosis; or
- c) is considered to pose a significant health risk in any other way, to that staff member, other staff members and/or the public;

the Director-General shall immediately contact the Director of HealthQuest for advice as to the procedure to be adopted.

### 4.11.9.2 Direction to Cease Duty

The Director-General may direct such staff member to cease duty or not to resume duty in the following circumstances:

- a) where the advice of the Director of HealthQuest is that the staff member should not be at work pending investigation and/or examination; or
- b) where the Director-General considers that there may be a health risk to the staff member, other staff members and/or the public, by that staff member remaining on duty for the time it may take to obtain the advice of the Director of HealthQuest.

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### **4.11.9.3 Grant of Special Leave**

A staff member directed to cease duty or not to resume duty, shall be granted special leave until such time that the Director of HealthQuest has made a decision as to the appropriateness or otherwise, of granting sick leave. Such time may involve examination by the medical examination centre, other specialists and consultation with the staff member's treating medical practitioner.

### **4.11.9.4 Allocation of Sick Leave**

Where the Director of HealthQuest advises that sick leave is appropriate, such leave shall apply from the date of the direction to cease duty or not to resume duty. The grant of sick leave shall continue until clearance to resume duty is given by the Director of HealthQuest and may be necessary to cover such examinations and consultation as referred to in Section 4.11.9.3 above.

### **4.11.9.5 Unnecessary Direction to Cease Work**

Where the Director of HealthQuest advises that the staff member was not unfit for duty and the direction to cease duty or not to resume duty, was unnecessary, the staff member shall be allowed to resume immediately and special leave shall be granted for the duration of the absence.

### **4.11.9.6 Medical Certificates**

The Director-General shall not accept any medical certificates either in support of the staff member's continued absence or resumption of duty unless the certificates have the endorsement of the Director of HealthQuest.

## **4.11.10 SICK LEAVE MONITORING**

Departmental policy concerning sick leave monitoring is as follows.

- a) Staff members with five absences on sick leave during a twelve month period unsupported by medical certificates should be interviewed to discuss reasons for sick leave. Following interview and examination of sick leave absences within the context of the staff member's overall attendance patterns and work performance, it may be decided to take no further action.
- b) If there is reason to continue to monitor sick leave absences, then a period should be specified for improvement, and the staff member advised of the consequences of continued unsupported sick leave absences.
- c) If no improvement occurs within this period then medical certificates will be required for each future sick leave absence for a period determined by the Director-General. A minimum period of three months is recommended for this action to be effective.

## **4.11.11 LONG TERM ABSENCES DUE TO ILLNESS OR INJURY**

### **4.11.11.1 Medical Examinations**

Arrangements shall be made immediately to have a staff member medically examined by HealthQuest or its agent if:

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- a) the staff member's resumption of duty appears unlikely; or
- b) the staff member's absence will continue or is likely to continue for a period substantially in excess of six months.

This action should be taken before available sick leave is exhausted.

### 4.11.11.2 Allocation of Leave

Provided the staff member has submitted appropriate medical certificates supporting the absence on sick leave, leave shall be granted as a charge against sick leave to credit followed by recreation leave (if applicable) and/or extended leave to credit and or sick leave without pay, subject to election under Section 4.11.4.1.

### 4.11.12 FREQUENCY OF ABSENCE

Where a staff member:

- a) is ill so frequently as to raise the question of fitness to carry out the duties of the position;  
or
- b) is absent frequently on sick leave (see also Section 4.11.10 Sick Leave Monitoring),

arrangements may be made to have the staff member examined by the Director of HealthQuest as to fitness to continue duty.

### 4.11.13 RECOVERY APPEARS UNLIKELY

Where it appears from the nature of the illness, or from other facts that a staff member's recovery is unlikely, the matter shall be referred to the Director of HealthQuest as soon as possible for determination of fitness to continue.

### 4.11.14 MEDICAL APPEALS

#### 4.11.14.1 General

Staff members who have been referred to the Director of HealthQuest for examination and consider themselves adversely affected by the assessment may appeal the assessment.

Staff members who are eligible to lodge an appeal will be forwarded an appeal form from HealthQuest.

All appeals are reviewed by the HealthQuest Appeals Committee.

Appeals must be lodged by the staff member within 21 calendar days of the date of the HealthQuest assessment result letter.

#### 4.11.14.2 Procedure Following Medical Examination

Where a staff member has been examined by the Director of HealthQuest for any reason, a written report will be made. The Department shall inform that staff member:

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- a) of their fitness or otherwise to return to duty;
- b) that no action in relation to the report will be taken until the medical appeals period expires; and
- c) that HealthQuest will notify the staff member of their appeal rights direct.

### 4.11.14.3 No Appeal Lodged

Where no appeal is to be lodged and a written statement is obtained from the staff member to that effect, then:

- a) that staff member may return to duty as soon as practicable if the medical report states that they are fit to resume duty; or
- b) the Department may institute proceedings for medical retirement where the medical report states that the staff member is unfit to continue in the service.

### 4.11.14.4 Appeal Lodged

Where an appeal is to be lodged and no written statement to the contrary is obtained, no action shall be taken until either the appeal period has expired, or the appeal proceedings have been finalised.

### 4.11.14.5 Expiration of Appeal Period

When the appeal period has expired or appeal proceedings have been finalised:

- a) the staff member shall be directed to resume duty forthwith; or
  - b) the Department shall immediately institute proceedings for medical retirement;
- whichever is appropriate.

### 4.11.14.6 Inquiries Regarding Appeals

All inquiries concerning rights of appeal should be directed to the Appeals Co-ordinator at HealthQuest (see Chapter 10 for details). Information is also available at: <http://www.healthquest.gov.au/appeals.htm>.

## 4.11.15 ILLNESS OR INJURY NOT COVERED BY WORKERS' COMPENSATION

### 4.11.15.1 General

Where a staff member incurs an injury or illness and claims compensation or damages other than under the *Workers' Compensation Act*, an undertaking and an authority, in the form of Appendix A and Appendix B to this chapter should be signed and returned to the Department as soon as possible.

### 4.11.15.2 Conditions Applying to Grant of Sick Leave

Where it is not possible to obtain an undertaking, available sick leave may be granted provided the staff member is aware that:

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- a) the monetary value of the sick leave must be claimed as part of the claim for compensation or damages and is to be included in any assessment of damages or compensation;
- b) the monetary value of the sick leave must be repaid to the Department once the claim for compensation or damages has been paid; and
- c) the undertaking must be signed and returned to the Department as soon as practicable.

### 4.11.15.3 Leave Options

A staff member may elect to take:

- a) available sick leave; and/or
- b) recreation (if applicable) or extended leave to credit; and/or
- c) leave without pay;

when absences occur as a result of injury or illness and a claim for compensation or damages has been made.

### 4.11.15.4 Provision of Information

If information is requested from the Department by the staff member or his or her legal representative, the Department is obliged to provide an accurate statement of the total salary or wage that would have been received had the staff member been on duty, including leave payments made for the period of incapacity.

### 4.11.15.5 Refusal of Claim

Where a claim is refused, normal sick leave provisions are to apply.

### 4.11.15.6 Refund of Leave

Where a staff member has refunded the monetary value of sick leave granted, the sick leave will be reccredited. The period of absence resulting from the injury or illness is then regarded as special leave without pay but counts as service for the accrual of all types of leave.

### 4.11.15.7 Other Leave

Where the staff member has taken recreation and/or extended leave he or she may, upon receipt of compensation elect:

- a) to repay the monetary value of the recreation and/or extended leave taken and have the leave reccredited; or
- b) not to repay it, in which case the leave remains as a debit.



**APPENDIX A**

**THE UNDERTAKING**

**UNDERTAKING RELATING TO INJURY OR ILLNESS NOT COVERED  
BY WORKERS' COMPENSATION**

In the event of any damages or compensation being recovered by me either in a contested action or by way of settlement of any claim other than under the *Workers' Compensation Act, 1987*, made in respect of an injury which occurred on ..... (date) involving myself and ..... (defendant) ....., I undertake, in consideration of the granting to me of sick leave to refund to the Department of Education and Training the monetary value of sick leave granted to me as a result of the abovementioned injury or illness.

I understand that, should any damages or compensation received by me represent a reduction from those which would have been received but for my contributory negligence, the Department may, in its discretion, reduce the amount of the monetary value of the sick leave required to be repaid as a result of this undertaking.

I further understand that this document is legally binding, and that, in claiming for compensation or damages, I must include a claim for the monetary value of sick leave granted as a result of the injury or illness. Further, the monetary value of sick leave granted is to be included in any assessment of damages or compensation. The monetary value of the sick leave granted must then be repaid to the Department when the claim for compensation or damages has been paid.

Dated this ..... day of ....., 20 .....

.....  
(Signature)

.....  
(Witness)

#### 4 LEAVE

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### APPENDIX B

### THE AUTHORITY

#### AUTHORITY

To ..... (Insurer)

.....

In the event of my recovering any damages or compensation (either in a contested action, or by way of settlement of any claim) in respect of an injury sustained by me on the ..... day of ....., 20....., involving myself and ..... I hereby authorise and direct you to pay to the Department of Education and Training the amount equivalent to the paid sick leave granted to me by the said Department in respect of the abovementioned injury or illness, out of any monies that are or may subsequently become payable by you either as a verdict in or as settlement of the action or claim.

And I hereby declare that:

- 1) A certificate signed by or on behalf of the Director-General of the said Department in respect of paid leave granted to me shall, for the purpose of any payment under this authority, be conclusive evidence of such paid leave granted;
- 2) I, or a solicitor or agent, acting on my behalf, will provide all information to the Department in relation to the claim under the *Workers' Compensation Act 1987*, the injury or illness which gave rise to the claim, and the compensation payable by the Insurer;
- 3) I will immediately notify and furnish all particulars to the said Department if I, or a solicitor or agent, acting on my behalf, makes a claim being lodged under the *Workers' Compensation Act 1987* for the same injury or illness;
- 4) In the event of the claim specified in (3) above being made, I will immediately sign the undertaking, in respect of repayment of sick leave granted, required for claim for compensation and damages made other than under the *Workers' Compensation Act 1987*;
- 5) This authority is irrevocable.

Dated this ..... day of ....., 20.....

.....  
Applicant

.....  
Witness

.....  
Address

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### **4.12 SPECIAL LEAVE**

#### **4.12.1 GENERAL**

Special leave is a category of full pay leave which covers activities which are not regarded as being on duty but which are not covered by other forms of leave.

Where appropriate, applications for special leave should be accompanied by documentation verifying the staff member's involvement in the particular activity or organisation.

Short term temporary or casual staff are not entitled to special leave.

See Section 4.15 Trade Union and Employer Representative Activities for details of union activities which attract the grant of special leave.

#### **4.12.2 COURSE ATTENDANCE AND EXAMINATIONS**

A maximum of ten days in any 12 months may be granted to attend courses conducted by officially recognised organisations.

A maximum of five days in any twelve months may be granted for the purpose of attending an examination approved by the Director-General and for necessary time spent in travelling to and from the place at which the examination is held.

#### **4.12.3 JURY SERVICE**

- a) Staff members who receive a jury summons should advise their principal of the details as soon as possible.
- b) A staff member who attends court in answer to a jury summons may be granted special leave for the time they are necessarily absent.
- c) A certificate of attendance must be obtained from the Sheriff or the Registrar of the court setting out attendance at court and details of any payments made to the staff members.
- d) Except as set out in g) below, staff members should not claim jury service fees but should only claim out of pocket expenses, otherwise leave of absence will be granted without pay.
- e) A staff member who attends court but is not empanelled for jury service is obliged to report for duty where practicable, even for part of the day. In these circumstances, staff members should telephone the principal and indicate that they are returning to school.
- f) Applications for leave must be accompanied by the Sheriff's certificate, otherwise the staff member will be granted leave without pay or may elect to take recreation leave (if applicable).
- g) A staff member who serves on a jury during a school vacation while receiving vacation or stand down pay is not eligible for compensatory leave. The certificate of attendance is not required and the staff member may claim the jury service fee for any period of attendance during a school vacation.

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### **4.12.4 WITNESS AT COURT – OFFICIAL CAPACITY**

A staff member who is subpoenaed or called as a witness in an official capacity is regarded as being on duty. Salary and any expenses properly and reasonably incurred in connection with the court appearance are paid by the Department.

### **4.12.5 WITNESS AT COURT – OTHER THAN IN AN OFFICIAL CAPACITY**

#### **4.12.5.1 Crown Witness**

A staff member who is subpoenaed or called as a witness by the Crown (whether in right of the Commonwealth or in right of any State or a Territory of the Commonwealth) must:

- a) be granted, for the whole of the period necessary to attend as such a witness, special leave on full pay; and
- b) pay into the NSW Treasury all money paid to the staff member in respect of any such subpoena or call, other than any money paid in respect of reimbursement of necessary expenses properly incurred in answer to that subpoena or call.

#### **4.12.5.2 Union Witness**

A staff member called by their union to give evidence before an industrial tribunal or in another jurisdiction, is granted special leave by the Department for the required period.

#### **4.12.5.3 Private Capacity**

A staff member who is subpoenaed or called as a witness in a private capacity must, for the whole of the period necessary to attend as a witness, be granted at the sole election of the staff member:

- a) recreation leave (if applicable) on full pay;
- b) extended leave; or
- c) leave without pay.

#### **4.12.5.4 Court Attendance as an Interpreter**

Special leave is available to staff to assist in official interpreting at courts provided that the costs are allocated to and recouped by the Language Services Division of the Community Relations Commission.

#### **4.12.5.5 Traffic Offences Occurring in Course of Duty**

Special leave must be granted for the period necessary to attend court where a staff member has been charged with a traffic offence while driving in the course of duty and is acquitted. Where the charge is found proven, recreation leave (if applicable), to credit and/or leave without pay is to be granted at the election of the staff member.

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Where a staff member is a witness and gives evidence regarding a traffic offence alleged to have been committed by another staff member in the course of duty, special leave is to be granted to the witness for the period necessary to attend court.

### 4.12.6 EMERGENCIES

#### 4.12.6.1 Emergency Volunteers and Volunteer Members of Safety Organisations

Where a staff member is a volunteer member of:

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

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

#### 4.12.6.2 Declared Emergencies

Where a situation arises requiring a major operational response, or an emergency is declared under Section 44 of the *Rural Fires Act 1997* or under other relevant legislation or by the Premier, staff members who volunteer to assist are to be granted special leave with no upper limit. Leave granted under this clause is not to count towards the five days upper limit specified in Section 4.12.6.1 above.

#### 4.12.6.3 Proof of Attendance at Emergencies

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.

#### 4.12.6.4 Rest Period

Where a staff member remains on emergency duty for several days, the Director-General may grant special leave to allow the staff member reasonable time for rest before returning to normal duties.

Where a staff member does not remain on emergency duty for several days but assists in a rescue at such time as it would be unreasonable to expect the staff member to report for duty at a normal time, up to one day's special 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 twelve months.

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### 4.12.6.5 Emergency Service Courses

Where the Director of State Emergency Services considers it essential that a staff member should attend a course of training or lectures, the Director-General should make every effort to release that person from duty. Where the staff member is so released the necessary absence from work is regarded as being on duty.

The Director of the State Emergency Services may nominate staff members for attendance at courses where their attendance is not regarded as essential. In these circumstances special leave may be granted for the time staff members are necessarily absent from duty.

A certificate of attendance is not necessary. The State Emergency Services will advise the Department whether attendance is required and any non-attendance will be reported to the Department.

### 4.12.6.6 Bush Fire Fighting Training Courses

Emergency volunteers nominated to attend courses approved by the Rural Fire Service, by organisations recognised by the Service, shall be granted the necessary special leave to attend, up to a maximum of ten working days in any period of twelve months.

Applications are to be supported by written approval of the Rural Fire Service. Approval of leave shall be subject to Departmental convenience and written confirmation of attendance.

### 4.12.7 ABORIGINAL AND TORRES STRAIT ISLANDER STAFF UNDERTAKING TEACHER TRAINING

Permanent and long term temporary staff members who identify as Aboriginal or Torres Strait Islander people who are undertaking approved indigenous education studies which articulate into teacher education studies or approved initial teacher education programs at the University of Western Sydney, the University of Sydney or the Australian Catholic University, are entitled to special leave to cover:

- compulsory residential attendance requirements,
- practicum,
- graduation ceremonies; and
- time for related essential travel during usual working hours.

### 4.12.8 SPECIAL LEAVE FOR COUNTRY AND RELIEVING STAFF

#### 4.12.8.1 Travelling to Another Centre for Medical Examination

Country staff required to travel to another centre for medical examination at the direction of the Director-General are to be granted special leave for the time they are necessarily absent from duty.

Where staff are required to travel to another centre for a medical examination for appointment, the relevant travelling and sustenance allowance provisions apply.

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### 4.12.8.2 Return Home

Staff undertaking duties at a temporary work location may be eligible for additional special leave and allowances as specified in Section 6-19.10 of the Personnel Handbook.

### 4.12.9 TRANSFERRED EMPLOYEES

The following provisions apply, as appropriate, to staff members who satisfy the definition of “transferred employee” in terms of the [Crown Employees \(Transferred Employees’ Compensation\) Award](#).

#### 4.12.9.1 Transferred Employees – Special Leave

A staff member assigned to duty in a new location may be entitled to special leave on the following basis:

- a) two days on full pay for the purpose of obtaining accommodation at the new location, taken before or after the actual date of transfer;
- b) two days on full pay for the purpose of preparation and packing of personal and household effects prior to removal or two days for the purpose of arranging storage;
- c) one day for the purpose of either cleaning the residence being vacated or settling in and occupying the new residence;
- d) such leave as is necessary, on full pay, to travel to the new location for the purpose of commencing duty, and/or for the purposes referred to in paragraph (a) above.

Where the purposes referred to in paragraphs (a), (b), (c) and (d) above are achieved in a lesser time than those specified, the staff member shall be entitled to leave on full pay only for that lesser time. Where the purposes referred to cannot be achieved in the time specified the Director-General may grant such extra leave as is considered necessary.

#### 4.12.9.2 Return Home on Weekends

A transferred employee who has been unable to secure accommodation for family at the new headquarters shall be entitled to sufficient special leave to permit returning home on weekends once each month and spend two consecutive days and nights with family provided suitable arrangements can be made for the performance of the staff member’s duties during absences. The staff member may also be entitled to an additional day and night in respect of each public holiday occurring in conjunction with such weekend and on which the staff member would not normally be rostered for duty. Such leave is limited to the time required to travel in each case on the day preceding and the day following such weekend or long weekend.

A transferred employee unable to return home once each month in terms of the foregoing paragraph shall, after four weeks at the new headquarters, be entitled to sufficient leave to allow two consecutive days and nights at a weekend with family. Thereafter such staff member shall be allowed to accumulate special leave at the rate of two days per month until sufficient leave is available to allow a return home at

## **4 LEAVE**

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a weekend for a similar period.

### **4.12.10 MISCELLANEOUS ACTIVITIES ATTRACTING SPECIAL LEAVE**

#### **4.12.10.1 First Aid Courses**

Staff members attending courses conducted to train or retrain first aid officers in order to meet Department needs during the normal span of hours will be regarded as being on duty. In such cases the cost of the course may be met from Departmental funds provided that the staff member is nominated by the Department to attend the course.

#### **4.12.10.2 Blood Donors**

Staff members may be granted special leave to give blood, with such leave being restricted to the time reasonably necessary.

#### **4.12.10.3 Retirement Preparation Seminars**

Staff members invited to attend retirement preparation seminars conducted by the Superannuation Administration Corporation, may be granted two days special leave, with no other concessions.

#### **4.12.10.4 Olympic and Commonwealth Games**

Staff members who are selected as competitors or officials at the Commonwealth or Olympic Games may be granted up to four weeks special leave to enable them to participate in the Games. The same concessions may be applied to competitors or officials taking part in the equivalent games for the disabled.

#### **4.12.10.5 National Aborigines and Torres Strait Islander Day**

Staff members who identify as an Aborigine or a Torres Strait Islander may be granted up to one day special leave per year so that they may participate in National Day celebrations.

#### **4.12.10.6 Bone Marrow Donors**

Staff members who are listed in the Australian Bone Marrow Donor Register and who are called on to donate, may be granted up to five days special leave.

The grant is subject to the production of a medical certificate from a registered medical practitioner covering any absence.

#### **4.12.10.7 Returning Officers Appointed by the State Electoral Office**

A returning staff member undertaking electoral duties for an election or a by-election may be granted special leave for the period from four weeks before the polling day or the issue of the writ, whichever is the longer, until three weeks after polling day. If required by the Electoral Commissioner, further leave may be granted by the Director-General.



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Special leave for up to one day may be granted for attending a returning officers' election seminar.

Special leave for up to three days may be granted for attending election training courses.

The Electoral Commissioner will correspond directly with department heads to notify the period for which the services of returning officers are required.

### **4.12.10.8 Former Armed Services Personnel**

Up to 62 working days special leave is available to former armed services personnel in any period of 12 months, for the following purposes:

- a) attending a hospital or visiting a medical officer for review;
- b) attending a hospital to report for periodical examination or attention in connection with a war caused disability;
- c) obtaining, replacing, or having repaired an artificial limb or member, prosthesis or surgical appliance; or
- d) attending the Department of Veterans' Affairs in connection with claims made for military pensions.

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### **4.13 STUDY ASSISTANCE**

#### **4.13.1 GENERAL**

Study assistance only applies to school administrative and support staff. Other non-teaching staff in schools should read Section 4.14 Study Time and Study Leave.

Study assistance is available to develop the skills and versatility of School administrative and support staff (SAS staff). It should be equitably accessible to all eligible staff and should be used to promote a highly trained and skilled workforce responsive to the requirements of Department of Education and Training.

The purpose of study assistance is to assist SAS staff to undertake approved study which is relevant to their professional development and of value to the Department.

Study assistance is granted at the discretion of the Department. (See sections 4.13.2.3 and 4.3.3).

Study assistance may be approved for a maximum period of three hours per week, including travel.

#### **4.13.2 STUDY ASSISTANCE**

##### **4.13.2.1 SAS staff studying on a part-time basis**

Study assistance may be granted at full pay to staff members who are studying on a part time basis. It is not to be granted to a staff member to attend a course organised essentially for full time students or which, in later stages, requires full time attendance.

##### **4.13.2.2 Eligibility**

All permanent and long term temporary SAS staff are eligible to apply.

##### **4.13.2.3 Departmental convenience**

The approval of study assistance will be at departmental convenience, with consideration of such factors as:

- a) proposed absences;
- b) combination of study assistance with other types of leave; and
- c) maintenance of service at the school.

##### **4.13.2.4 Use of study assistance**

Study assistance may be used for:

- a) attending compulsory lectures or tutorials, where these are held during work hours; and/or
- b) necessary travel during working hours to attend lectures or tutorials etc, held during or outside working hours; and/or

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- c) private study for an approved course.

### 3 Study assistance arrangements

While study assistance may be granted for any of the purposes above, the actual arrangements should be negotiated between the staff member and the principal.

#### 4.13.2.6 Approved courses

Courses for which study assistance may be granted should meet the following criteria:

- a) Lead to a nationally recognised qualification;
- b) be able to be taken on a part-time basis;
- c) be relevant to the SAS staff member's professional development; and
- d) be of value to the Department.

#### 4.13.2.7 More than one course studied at the one time

Study assistance may be granted for more than one course studied at the same time, provided that the two courses result in a part-time load and the resulting attendance pattern is convenient to the school. Study assistance granted remains up to three hours per week irrespective of the number of courses studied at one time.

#### 4.13.2.8 Accumulation

Subject to the convenience of the school, or centre, SAS staff may choose to accumulate part or all of their hours of study assistance for a particular course to attend compulsory field days or residential schools.

#### 4.13.2.9 Making up time

Where the grant of study assistance is insufficient to cover absences to attend compulsory field days or residential schools, additional time may be granted. Additional time may be made up within normal working hours to a maximum of ten days. The time must be made up within the framework of Clause 7.4 of the Crown Employees (School Administrative and Support Staff) Award.

The arrangement for making up time must be negotiated with the school. Where such an arrangement is being negotiated, the following factors should be considered:

- a) nature of duties;
- b) needs of the workplace;
- c) whether additional time granted can be made up before the next grant of study assistance; and

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- d) use of other forms of leave to offset the additional time where making it up is impractical.

### 4.13.2.10 Non mandatory class attendance

Where class attendance is not a mandatory component of course completion, (eg external distance modes of study) study assistance is approved only for the duration of the course term/semester time and excludes any holiday or study break periods.

### 4.13.2.11 Study assistance not taken at the nominated time

Study assistance is an expendable grant which if not used for the nominated course is lost. If an emergency situation occurs, a person may have to give up their normal study assistance. If circumstances allow, however, such time may be granted on another day during the same week. Such requests for variation should be discussed with the school principal.

Study assistance does not accrue during any other form of leave.

## 4.13.3 APPLYING FOR STUDY ASSISTANCE

### 4.13.3.1 The application process

SAS staff will be invited to apply for study assistance twice yearly. Applications must be received prior to the advertised closing date.

SAS staff who wish to apply for study assistance should complete the appropriate form <http://www.schools.nsw.edu.au/adminsupport/trainanddev/index.php> and seek the recommendation of the principal prior to forwarding their application for consideration by the Department.

Where study assistance has been granted, the SAS staff member should give the school reasonable notice of the program for each year/semester and their proposed pattern for use of the study assistance.

### 4.13.3.2 Non approval of study assistance application

Where the Department does not approve an application for study assistance, the Department will ensure that:

- a) the reason/s for refusal is/are clearly and promptly stated, in writing to the SAS staff member;
- b) timely advice is given to allow the SAS staff member to consider alternatives; and
- c) advice is available to assist the SAS staff member to consider alternatives through their school principal or the Professional Learning and Leadership Development Directorate.

## 4.13.4 RELIEF

Relief will be provided by the school in blocks of two or more hours where study assistance

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has been granted to a staff members aide (special) or a staff members aide (pre-school) or to a school administrative manager or a school administrative officer employed in a P5 or P6 school. The cost of this relief will be reimbursed by the Department upon receipt of evidence that casual assistance was employed by the school to provide relief for the SAS staff member granted study assistance.

### **4.13.5 COMPETITIVE AWARDS AND SCHOLARSHIPS**

SAS staff who, in the Department's opinion, are awarded competitive scholarships or awards and where the areas of study or investigation are recognised as being relevant to the professional development of the SAS staff and of value to the Department may be granted study assistance on normal salary for the period of the award or scholarship.

### **4.13.6 EXAMINATION LEAVE**

#### **4.13.6.1 Special leave**

Examination leave may be granted by the Department as special leave. It is available for either face to face or distance courses.

#### **4.13.6.2 Entitlement**

The period of leave granted is to include:

- a) time actually involved in the examination; and
  - b) necessary travel time;
- but is limited to
- c) a maximum of five days in any one year.

Examination leave is not available where an examination is concluded within the normal class timetable during the term/semester, and study assistance has been granted to the SAS staff member.

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### 4.14 STUDY TIME AND STUDY LEAVE

#### 4.14.1 GENERAL

Study time and study leave only apply to non-teaching staff in schools who are employed under the *Public Sector Employment and Management Act 2002* (i.e. general assistants, farm assistants). School administrative and support staff should refer to Section 4.13 Study Assistance.

#### 4.14.2 STUDY TIME

##### 4.14.2.1 Staff Studying on a Part Time Basis

Study time may be granted at full pay to staff who are studying on a part time basis. It is not to be granted to a person to attend a course organised essentially for full time students or which, in later stages, requires full time attendance.

##### 4.14.2.2 Power to Grant or Refuse

The grant of study time is subject to the relevance of the course and Departmental convenience. The Director-General has the power to grant, and to refuse, study time.

##### 4.14.2.3 Eligibility

All permanent and long term temporary staff, both full and part time are eligible to apply.

##### 4.14.2.4 Departmental Convenience

The approval of study time will be at Departmental convenience with consideration of such factors as proposed absences, combination of study time with other types of leave and maintenance of service at the school.

##### 4.14.2.5 Use of Study Time

Study time may be used for:

- a) attending compulsory lectures, tutorials, residential schools, field days etc. where these are held during working hours; and/or
- b) necessary travel during working hours to attend lectures, tutorials etc. held during or outside working hours; and/or
- c) private study; and/or
- d) accumulation, as outlined in Section 4.15.2.18

##### 4.14.2.6 Study Time Arrangements

While study time may be used for any of these purposes, the actual arrangements must be negotiated between the staff member and the principal.

##### 4.14.2.7 Courses Eligible for Study Time

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Courses for which study time is granted should meet the following criteria:

- a)
  - i) lead to a recognised qualification; or
  - ii) be a TAFE special course; or
  - iii) be a bridging/qualifying course; or
  - iv) be an incidental subject which forms part of a course for which study time would be available, where the incidental subject is of relevance to the Department or service.
- b)
  - i) be administered by a public institution; or
  - ii) be accredited by the Recognition Services Directorate of the Department of Education and Training; or
  - iii) lead to membership of a registered professional organisation.
- c) be able to be taken on a part time basis.

### 4.14.2.8 More than One Course Studied at the One Time

Study time may be granted for more than one course at the same time, provided that the two courses together result in a part time load and the resulting attendance pattern is convenient to the Department. Regardless of the number of courses studied at one time, the maximum grant remains four hours per week, as outlined in Section 4.15.2.9.

### 4.14.2.9 Calculation of Study Time Grant

Half an hour is granted for every hour of class attendance required, up to a maximum grant of four hours per week.

Where there are block attendance requirements or field days, the grant is calculated by:

- a) totalling the attendance requirement, in hours, for the semester;
- b) dividing this amount by two; and
- c) dividing this by the number of weeks in the semester that lectures are held.

This amount, or four hours, whichever is the lesser, is the weekly amount granted.

### 4.14.2.10 Additional Leave

Where the grant outlined in Section 4.15.2.9 is insufficient to cover essential absences, the necessary extra leave should be granted. Additional leave which, together with leave granted under Section 4.15.2.9, totals four hours or less does not have to be made up. Leave of more than four hours per week must be made up.

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### **4.14.2.11 Making Up Time**

In all cases, the arrangement for making up time must be negotiated with the principal. Where such an arrangement is being negotiated, the following factors should be considered:

- a) nature of the duties;
- b) needs of the workplace;
- c) whether additional leave granted can be made up before the next grant;
- d) use of other forms of leave to offset the additional study time where making it up is impractical.

### **4.14.2.12 Part Time Staff Members**

Part time staff members are granted leave on a pro rata basis.

### **4.14.2.13 Daily Contract Hours to be Worked**

Staff members who are taking study time on any particular day must work contract hours on that day. For example, a staff member who is entitled to two hours study time on a Wednesday afternoon, must ensure that he or she works the remainder of their daily contract hours before proceeding on study time.

### **4.14.2.14 Classes not Attended**

Study time is not to be taken on any week when classes are not attended. If a staff member attends more than one class, the weekly study time should be reduced correspondingly when one of those classes is not attended.

### **4.14.2.15 Study Time not Taken at the Nominated Time**

Study time is an expendable grant which if not used at the nominated time, is lost. If an emergency situation occurs, a person may have to give up their normal study time. If circumstances allow, however, such time may be granted on another day during the same week.

### **4.14.2.16 Accrual During Other Leave**

Study time does not accrue during any other form of leave.

### **4.14.2.17 Repeated Subjects**

Study time is not available for repeated subjects unless evidence can be provided that failure to successfully complete the subject at first attempt was caused by circumstances outside the staff member's control. A staff member attending repeat subjects during working hours, for which study time has not been granted, must make up all the time taken off in attending those subjects.



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### **4.14.2.18 Accumulation**

Subject to Departmental convenience:

- a) staff members may choose to accumulate part or all of their study time;
- b) accumulated study time may be taken in any pattern or at any time.

### **4.14.2.19 Correspondence Courses – Basis of Grant**

Correspondence students are granted study time in the manner outlined in Section 4.14.2.9. That is, half an hour for each hour of lecture or tutorial attendance involved in the corresponding face-to-face course, up to a maximum grant of four hours per week. Where there is no corresponding face-to-face course, the institution should be asked to indicate what the attendance requirements would be if such a course existed.

### **4.14.2.20 Compulsory Residential Schools**

Correspondence students may accumulate their study time as outlined in Section 4.14.2.18 in order to cover any compulsory residential schools.

### **4.14.2.21 Correspondence Courses – Eligibility**

Subject to the provisions of Section 4.14.2.18, study time is available for any one subject studied by correspondence for only one academic year.

### **4.14.2.22 Courses Requiring Block Attendance**

Some courses, such as psychology and social welfare, require substantial block attendance to allow students to undertake compulsory practical work experience.

### **4.14.2.23 Block Grants**

A block grant may be made, either in addition to or instead of study time accumulating under Section 4.14.2.9, where the Department is satisfied that:

- a) block attendance is compulsory;
- b) the usual study time grant is inadequate; and
- c) the course is of significant value and therefore warrants a different kind of grant.

### **4.14.2.24 Maximum Period of Block Grants**

Block periods of study time may be granted as follows:

- a) up to ten days study time may be granted in addition to the grant outlined in Section 4.14.2.9; or
- b) up to twenty days study time may be granted instead of the grant outlined in Section 4.14.2.9.

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### **4.14.2.25 Study Time Granted for the Whole Course**

In some circumstances, it may be more appropriate to grant an amount of study time for the whole course, which can then be taken according to the needs of the staff member and Departmental convenience. In such cases, the average yearly study time taken should not be more than ten days if taken in accordance with Section 4.14.2.24 a) or twenty days if taken in accordance with Section 4.14.2.24 b).

### **4.14.2.26 The Application Process**

Staff members who wish to apply for study time should formally apply through their principal to the Employee Services Bathurst as early as possible. Where study time has been granted, staff members should give reasonable notice of the program for each year or semester and their proposed pattern of leave. This will allow any negotiations to be completed before the academic year or semester begins.

### **4.14.3 NON ACCEPTANCE OF STUDY TIME APPLICATIONS**

Where the Department does not approve an application for study time, the Department will ensure that:

- a) timely advice is given to allow the staff member to consider alternatives;
- b) counselling is available to assist the staff member to consider alternatives; and
- c) the reasons for refusal are clearly and promptly provided, in writing, to the staff member.

### **4.14.4 EXAMINATION LEAVE**

#### **4.14.4.1 Special Leave**

Examination leave may be granted by the Director-General as special leave. It is available for courses of study (either face-to-face courses or correspondence courses) approved under these guidelines.

#### **4.14.4.2 Entitlement**

The period granted is to include:

- a) time actually involved in the examination; and
- b) necessary travelling time,

but is to be limited:

- c) to a maximum of five days in any one year; and
- d) is not available where an examination is conducted within the normal class timetable during the term or semester and study time has been granted to the candidate.

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### 4.14.5 STUDY LEAVE

#### 4.14.5.1 Grant

Study leave for full time study is granted to assist staff who win scholarships/fellowships/awards or who wish to undertake full time study and/or study tours. Study leave may be granted for studies at any level, including undergraduate study.

#### 4.14.5.2 Eligibility

All permanent staff, both full time and part time, and full time temporary staff, employed under the *Public Sector Employment and Management Act 2002* (i.e. general assistants, farm assistants) are eligible to apply. There are no prior service requirements.

#### 4.14.5.3 Power to Grant or Refuse

The Director-General has the power to grant, and to refuse, study leave. The grant of study leave is entirely at the discretion of the Department and is dependent on:

- a) the availability of Departmental funds;
- b) the relevance and value of the studies to the Department or Service.

Further information on study leave is included in Section 6-20 – Study Leave of the *Personnel Handbook*.

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### 4.15 TRADE UNION AND EMPLOYEE REPRESENTATIVE ACTIVITIES

#### 4.15.1 GENERAL

Except where otherwise specified in this Section, staff members who undertake trade union business or act as a staff member representative, are to do so in their own time outside their normal working hours and at their own expense.

#### 4.15.2 TRADE UNION ACTIVITIES

##### 4.15.2.1 On Duty Activities

A trade union delegate is to be released from normal Departmental duties for the activities specified below without being required to apply for leave.

- a) Attendance at meetings of the workplace Occupational Health and Safety Committee and participation in all official activities relating to the functions and responsibilities of elected Occupational Health and Safety Committee members at a place of work as provided for in the *Occupational Health and Safety Act 2000* and the Regulations.
- b) Attendance at meetings with workplace management or workplace management representatives.
- c) A reasonable period of preparation time (by agreement with management and when operational requirements allow the taking of such time) before:
  - meetings with management; and
  - disciplinary or grievance meetings when a trade union member requires the presence of a trade union delegate.
- d) Giving evidence in court on behalf of the Department.
- e) Appearing as a witness before the Government and Related Employees Appeal Tribunal.
- f) Representing their trade union at the Government and Related Employees Appeal Tribunal as an advocate or as a Tribunal Member.
- g) Presenting information on the trade union and trade union activities at induction sessions for new staff members of the Department.
- h) Distributing official trade union publications or other authorised material at the workplace, provided that a minimum of 24 hours notice is given to workplace management, unless otherwise agreed between the parties. Distribution time is to be kept to a minimum and is to be undertaken at a time convenient to the workplace.

##### 4.15.2.2 Special Leave Activities

The granting of special leave with pay applies to the following activities undertaken by a trade union delegate, as specified below.

- a) Annual or biennial conferences of the delegate's union.

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- b) Meetings of the union's Executive, Committee of Management or Councils.
- c) Annual conference of the Labor Council of NSW and the Biennial Congress of the Australian Council of Trade Unions.
- d) Attendance at meetings called by the Labor Council of NSW involving a appropriate trade union which requires attendance of a delegate.
- e) Giving evidence before an Industrial Tribunal as a witness for the trade union.
- f) Reasonable travelling time to and from conferences or meetings to which the provisions of 4.15.2.1 On Duty Activities, 4.15.2.2 Special Leave Activities and 4.15.2.3 Training Courses apply.

### 4.15.2.3 Training Courses

The following training courses attract the grant of special leave as specified below.

- a) Accredited Occupational Health and Safety (OH&S) courses and any other accredited OH&S training for OH&S Committee members.
- b) Courses organised and conducted by the Trade Union Education Foundation or by the staff member's trade union, or a training provider nominated by the member's trade union. A maximum of twelve working days in any period of two years applies to this training and is subject to:
  - the operating requirements of the workplace permitting the grant of leave and the absence not requiring employment of relief staff;
  - payment being at the base rate, that is, excluding extraneous payments such as shift allowances or penalty rates, overtime, and the like;
  - all travelling and associated expenses being met by the staff member or their union;
  - attendance being confirmed in writing by the staff member's trade union or a nominated training provider.

### 4.15.2.4 On Loan Arrangements

Subject to the operational requirements of the workplace, on loan arrangements apply to the following activities.

- a) Meetings interstate or in NSW of a federal nature to which a union representative or staff member has been nominated or elected by the union:
  - as an Executive Member; or
  - as a member of a Federal Council; or
  - as a member of a vocational or industry committee.
- b) Briefing counsel on behalf of the union.

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- c) Assisting union officials with preparation of cases or any other activity outside their normal workplace at which the delegate is required to represent the interests of their trade union.
- d) Country tours undertaken by a member of the Executive or Council of the trade union.
- e) Taking up of full time duties with the trade union if elected to the office of President, General Secretary or to another full time position with the trade union.
- f) Recognition of on loan arrangement as service: – on loan arrangements negotiated in terms of this provision are regarded as service for the accrual of all leave and for incremental progression.
- g) Limitation: – on loan arrangements may apply to full time or part time staff members and are to be kept to the minimum time required. When the trade union needs to extend an on loan arrangement, the trade union must approach the Director-General in writing for an extension of time well in advance of the expiration of the current period of on loan arrangement.

### 4.15.2.5 Financial Arrangements

The following financial arrangements apply to the occasions when a staff member is placed on loan to their trade union.

- a) The Department continues to pay a delegate or an authorised union representative whose services are on loan to their trade union.
- b) The Department seeks reimbursement from the trade union at regular intervals of all salary and associated on-costs, including superannuation, as specified by the NSW Treasury from time to time.
- c) Agreement with the trade union on the financial arrangements must be reached before the on loan arrangement begins and must be documented in a manner negotiated between the Director-General and the trade union.

### 4.15.2.6 Period of Notice

The Director-General must be notified in writing by the trade union or, if appropriate, by the accredited delegate as soon as the date and time of the meeting, conference or other accredited activity are known.

### 4.15.2.7 Access to Facilities

The workplace must provide accredited delegates with reasonable access to the following facilities for authorised union activities.

- a) Telephone, facsimile and, if available, e-mail facilities.
- b) A notice board for material authorised by the union on access to staff notice boards for material authorised by the union.

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- c) Workplace conference or meeting facilities, if available, for meetings with member(s), as negotiated between local management and the relevant trade union.

### 4.15.2.8 Responsibilities of the Union Delegate

Responsibilities of the union delegate are:

- a) establishing accreditation as a delegate with the union and providing proof of accreditation to the workplace;
- b) participating in the workplace consultative processes, as appropriate;
- c) following the dispute settling procedure applicable in the workplace;
- d) providing sufficient notice to the immediate supervisor of any proposed absence on authorised union business;
- e) accounting for all time spent on authorised union business;
- f) when special leave is required, applying for special leave in advance;
- g) distributing union literature and membership forms, under local arrangements negotiated between the Director-General and the relevant trade union; and
- h) using any facilities provided by the workplace properly and reasonably as negotiated at the Departmental level.

### 4.15.2.9 Responsibilities of the Trade Union

The responsibilities of the trade union are:

- a) providing written advice to the Director-General about a trade union activity to be undertaken by an accredited delegate and, if requested, to providing written confirmation to the workplace management of the delegate's attendance and participation in the activity;
- b) meeting all travelling, accommodation and any other costs incurred by the accredited delegate, except as provided in 4.15.2.10 Responsibilities of Workplace Management;
- c) paying promptly any monies owing to the workplace under a negotiated on loan arrangement;
- d) providing proof of identity when visiting a workplace in an official capacity, if requested to do so by management;
- e) applying to the Director-General well in advance of any proposed extension to the on loan arrangement;.
- f) assisting the workplace management in ensuring that time taken by the union

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delegate is accounted for and any facilities provided by the Department are used reasonably and properly; and

- g) advising the Department of any leave taken by the trade union delegate during the on loan arrangement.

### 4.15.2.10 Responsibilities of Workplace Management

When time is required for union activities in accordance with this Section the responsibilities of the workplace management are:

- a) to release the accredited delegate from duty for the duration of the union activity, as appropriate, and, if necessary, to allow for sufficient travelling time during the ordinary working hours;
- b) to advise the workplace delegate of the date of the next induction session for new staff members in sufficient time to enable the trade union to arrange representation at the session;
- c) to meet the travel and accommodation costs properly and reasonably incurred in respect of meetings called by the workplace management;
- d) if possible, to provide relief in the position occupied by the delegate in the workplace while the delegate is undertaking union responsibilities related to workplace management;
- e) to recredit any other leave applied for on the day to which special leave or release from duty subsequently applies;
- f) to apply the provisions of the paragraph above when a union activity under this clause coincides with the trade union delegate's rostered day off (if applicable);
- g) to continue to pay salary during an on loan arrangement negotiated with the relevant union and to obtain reimbursement of salary and on-costs from the union at regular intervals, or as otherwise agreed between the parties if long term arrangements apply;
- h) to verify with the union the time spent by a union delegate or delegates on union business, if required; and
- i) if the time or the facilities allowed for union activities are thought to be used unreasonably or improperly, to consult with the trade union before taking any remedial action.

### 4.15.2.11 Travelling and Other Costs

Except as specified in 4.15.2.10 Responsibilities of Workplace Management, all travel and other costs incurred by accredited union delegates in the course of trade union activities must be paid by their union.

No overtime, leave in lieu, shift penalties or any other additional costs are claimable in respect of union activities covered by special leave or on duty activities provided for in this Section.



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The on loan arrangements apply strictly as negotiated and no extra claims in respect of the period of on loan are to be made on the Department by the trade union or the staff member.

### 4.15.3 EMPLOYEE REPRESENTATIVE ACTIVITIES

#### 4.15.3.1 General

The grant of special leave to engage in employee representative activities:

- a) is at Departmental convenience;
- b) must be confined to a minimum of number of staff members;
- c) is for the minimum necessary period;
- d) is dependent on an application being made to the Department in advance;
- e) is payable at the base rate of pay (including, if appropriate, relevant allowances that would normally be paid on that day);
- f) is not to incur liability by the Department in fares, overtime, travelling compensation, travelling and sustenance allowances, meal money, and so on; and
- g) is not extended beyond the standard hours for the staff member for that day.

#### 4.15.3.2 Availability

Special leave is available for the following purposes.

- a) Local meetings between employee representatives and management.
- b) Attendance as a witness on behalf of employee associations or of employees before an industrial tribunal. Staff members who attend as witnesses before industrial tribunals are granted special leave for such a period as is necessary for them to give evidence. They should return to duty as soon as their evidence has been given unless required by the tribunal to remain in attendance.
- c) Conciliation committee members: – Staff members appointed as members of a Conciliation Committee or as alternate members under the provisions of the *Industrial Relations Act 1996*, may be granted special leave of absence during standard hours for the period they are engaged.

### 4.15.4 INDUSTRIAL ACTION

#### 4.15.4.1 General

Provisions of the *Industrial Relations Act 1996* apply to the right of union members to take lawful industrial action.

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There is to be no victimisation of staff members prior to, during or following industrial action.

The following provisions apply to staff members absent from duty:

- a) attending stop work meetings;
- b) complying with a direction to strike; or
- c) supporting industrial action of other employee organisations

The decision to participate in industrial action or a failure to report for work during such action, rests with the individual.

### **4.15.4.2 Work to be Made Available for Staff Members During Industrial Action**

Work is to be available for all staff members during any industrial action. If premises are to be closed for health, safety, security or other reasons, staff members are to be informed of this action, and if practicable, are to be advised of work arrangements at an alternative location.

### **4.15.4.3 If Alternative Arrangements are not Practicable**

Staff members who, in the opinion of the Director-General, have made a reasonable attempt to report for duty but have been unable to enter the premises, are not to be regarded as being on an unauthorised absence.

### **4.15.4.4 Leave and Increment Provisions**

Approved leave is any leave which was approved prior to the date of notification of the industrial action.

Absences from work for which leave has not been approved, including all absences owing to industrial action are unauthorised.

Unauthorised absences from work are not leave without pay and are not covered by any approved leave. Periods of unauthorised absence, including those which do not exceed five days in a period of twelve months, are not regarded as service for any purpose.

Applications for sick leave and family and community service leave during the period of the industrial action will not normally be approved. The Director-General may exercise discretion to approve an application for sick leave or family and community service leave if satisfied that the absence is unrelated to the industrial action and is supported by acceptable evidence such as a medical certificate.

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### **4.16 VACATION LEAVE**

#### **4.16.1 VACATION LEAVE FOR PERMANENT SCHOOL ADMINISTRATIVE AND SUPPORT STAFF**

Permanent school administrative and support staff are paid an average fortnightly rate under the 26 equal pays system. This system averages full pay during term time, recreation leave and public holidays and half pay during vacations.

##### **4.16.1.1 Variations to Fortnightly Pay**

Variations to the regular fortnightly payments for vacation periods may occur where permanent staff members:

- a) commence duty after the beginning of the school year ie day one, term one;
- b) are absent from duty on certain types of unpaid leave, half pay leave, or unauthorised absences;
- c) vary their hours of duty during a school year;
- d) resign or retire during the school year.

##### **4.16.1.2 Types of Leave Affecting Vacation Entitlements**

Pro rata calculation of vacation entitlements applies where permanent staff are absent on:

- a) leave without pay absences which, in total, exceed five working days in a school year;
- b) unauthorised absences (not to be regarded as service for any purpose);
- c) maternity, adoption or parental leave (no pay or half pay);
- d) extended leave (half pay).

#### **4.16.2 STAND DOWN PAY FOR LONG TERM TEMPORARY STAFF**

##### **4.16.2.1 General**

Long term temporary school administrative and support staff and long term temporary part time general assistants may be entitled to stand down pay for those vacation periods not covered by the recreation leave period or public holidays. The stand down pay entitlement is half pay for the relevant vacation period. Stand down pay does not apply to permanent staff members.

##### **4.16.2.2 Eligibility**

Long term temporary school administrative and support staff and long term temporary part time general assistants will be eligible for stand down pay if they are continuously employed for the full school term preceding and the full school term following the vacation period.

Stand down pay does not apply during any period of recreation leave (generally

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taken as the first four weeks of the Christmas vacation) or, where a staff member has less than four weeks recreation leave to credit, for the period between the staff member's period of recreation leave and the full period of recreation leave.

### **4.16.2.3 Effect of Leave Without Pay and Leave on Half Pay**

Leave without pay in excess of five days and half pay maternity leave, adoption leave, parental leave or extended leave will affect stand down pay.

The adjustment occurs in the stand down pay for the vacation period following the leave.

### **4.16.2.4 Payment**

Stand down pay is paid at the long term temporary rate and is only paid after the term following the vacation period has been completed. The incremental level used to determine stand down pay is that of the term preceding the vacation period.

Stand down pay is an entitlement for staff who meet the above conditions, and is paid automatically. Eligible staff members do not need to apply for stand down pay.

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### 4.17 WORKERS' COMPENSATION – ACCIDENT LEAVE

#### 4.17.1 GENERAL

For a work-related injury or illness, workers' compensation legislation requires income support to be made available in the form of *weekly payments*. The Department calls this support *accident leave*. Legislation now allows income support and medical expense payments, within limits, on the basis of simpler criteria than previously. These are called provisional liability payments.

Staff members must report all injuries, illnesses or diseases to their workplace manager as soon as practicable after its occurrence. A failure to file a report could prejudice a possible future claim. If treatment is sought then the staff member must forward a WorkCover NSW medical certificate to their principal or workplace manager. This must be forwarded to the GIO immediately.

GIO may contact the staff member to clarify details. Inability to contact an injured individual can constitute a *reasonable excuse* for declining provisional liability payments.

The staff member is obliged to participate in any subsequent return to work plan that is developed for them by the staff support officer or a suitably qualified rehabilitation provider nominated by the Department or the staff member.

For further information on the injury management process and what to do when a workplace injury occurs visit Chapter 2 of this handbook

#### 4.17.2 ELIGIBILITY

Staff members are generally eligible to claim workers' compensation if they:

- are injured at work or while travelling to and from work;
- are injured while travelling on approved official business;
- are injured outside school hours while on duty;
- contract an infectious disease while at work; or
- have an injury or illness which is caused by or aggravated by conditions at work.

A staff member may not be entitled to benefits if:

- the staff member has deliberately injured himself or herself;
- the injury is a result of their serious and wilful misconduct, unless death or serious and permanent disablement occurs; or
- the injury occurred on a journey to or from work and the staff member materially increased the risk of injury by interrupting or deviating from the journey, provided the interruption was not work related.

#### 4.17.3 ENTITLEMENT

##### 4.17.3.1 Leave and Pay Entitlements – First 26 Weeks of Absence

Upon notification of an injury, illness or disease related absence, DET will continue salary payments under the classification of accident pay.

Payment during a workers' compensation absence is at the normal salary rate provided that this:

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- does not exceed the maximum compensation amount as determined by The WorkCover Authority;
- is in excess of entitlements under workers' compensation legislation.

If there is a shortfall between the maximum payable weekly compensation and normal gross weekly salary, the staff member may use available paid sick leave, extended leave or recreation leave (if applicable) to bridge the gap.

### 4.17.3.2 Leave and Pay Entitlements – After 26 Weeks of Absence

When the accumulative absence from work for an injury is more than 26 weeks compensation payments move to a fixed rate as provided for in the *Workers Compensation Act*. This is referred to as *the statutory rate* and will be less than a staff member's normal salary rate.

If not exhausted, available paid leave credits may continue to be used to bridge the gap between compensation payable and normal salary.

### 4.17.3.3 Partial Incapacity

The legislation mandates return to work at the earliest possible stage of recovery. The staff member will be contacted by the staff support officer, and/or a contracted rehabilitation provider and/or a rehabilitation consultant employed by GIO. The staff member may nominate their preferred rehabilitation provider.

A return to work plan will be developed for all staff who work less than their pre-injury hours. When this occurs the employee is working at partial incapacity.

Information about compensation payable to staff members who are partially incapacitated for work may be obtained from their staff support officer.

### 4.17.3.4 Other Entitlements

GIO will pay such medical, hospital and ambulance expenses reasonably incurred by the staff member in connection with the injury or illness. This applies under provisional liability or if liability is accepted.

Staff members should not pay any accounts, nor submit accounts to Medicare or health funds for these services, but forward them directly to GIO or to the Department for referral to GIO.

Provision also exists for payment of other items such as damaged clothing, spectacles and artificial aids. All damaged items claimed must be kept and forwarded to GIO when requested, for inspection before approval.

## 4.17.4 APPLICATION PROCEDURES

Staff members only need to file a workers' compensation claim form if requested. However there is a standard process and forms for completion when notifying GIO of a workplace injury. For further information on the notification process refer to Chapter 2 of this handbook or contact your Staff Support Officer who will be able to advise you on the incident notification process.

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### **4.17.5 LEAVE ENTITLEMENTS**

Accident leave accrues full leave entitlements provided that the period of incapacity is covered by a valid medical certification.

### **4.17.6 PUBLIC HOLIDAYS**

Normal salary plus compensation is paid for public holidays occurring during a period for which workers' compensation has been authorised.

### **4.17.7 INCREMENTAL PROGRESSION**

All accident leave accrues service for incremental salary progression as if the staff member were on duty.

### **4.17.8 PERMANENT INCAPACITY**

A staff member who is on accident leave but as a result of the illness or injury is permanently unfit to work, may be medically retired. See Chapter 8, Separation from the Service for further details.

New legislative changes have curtailed access to the commutation of long term workers' compensation claims. For most claims that occur in association with the Department's workers' compensation system prior arrangements available for commutation will not apply. Further details can be found in section 87EA of the *Workers Compensation Act 1987*.

### **4.17.9 REFUSAL OF CLAIM**

Where a workers' compensation claim is refused but the Department is satisfied that the staff member is unfit for duty, the staff member is eligible to be granted paid sick leave to credit, followed by recreation leave (if applicable), extended leave or sick leave without pay.

### **4.17.11 PERMANENTLY MODIFIED DUTIES**

After a significant period of rehabilitation and treatment a staff member's treating doctor may determine that they require permanent modifications to their work. The staff support officer and rehabilitation provider will work together to modify the employee's job and if this is not suitable they will work together to source an alternate suitable position. Should this not be possible then vocational redirection or medical retirement may be considered.

### **4.17.11 REFERENCES AND ADVICE**

For further advice, please contact the staff support officer at your School Education office.

For further information refer to:

- *Workers Compensation Act 1987*
- *Workplace Injury Management and Worker Compensation Act 1998*
- *Worker Compensation Legislation Amendment Act 2001*
- *Worker Compensation Legislation Further Amendments Act 2001*.

The most convenient way is via the internet on sites such as:

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- Australasian Legal Information Institute [www.austlii.edu.au](http://www.austlii.edu.au)
- WorkCover Authority: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)  
Email: [contact@workcover.nsw.gov.au](mailto:contact@workcover.nsw.gov.au)

For information about claims refer to: WorkCover Claims Assistance Service on 131 050



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## **6 OCCUPATIONAL HEALTH AND SAFETY**

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## 6.1 INTRODUCTION

Occupational health and safety (OHS) concerns the health, safety and welfare of all people in the workplace. The overarching emphasis is on the prevention of work-related incidents, illness, disease and injury. Safe and healthy workplaces depend on safe people, safe systems of work, safe property and safe work environments.

The Department is committed to ensuring the health safety and wellbeing of staff, students and visitors in the workplace. It is a basic right that every person works in safe and secure workplaces and that injured staff should be afforded care, with dignity and respect, to ensure they are able to make an early, safe and ongoing return to work.

Consequently, the Department has developed a comprehensive safety strategy, Safe Working and Learning, to improve the Department's health and safety and injury management performance as a priority.

The success of the strategy relies on a strong workplace safety culture and the participation and cooperation of every employee in the successful implementation of safety policy and safe working systems. Please talk to your principal, supervisor or regional OHS teams about ways that your workplace can achieve improved health, safety and well being.

In addition to this the Department has signed a *Dignity & Respect in the Workplace Charter*. The charter sets out that the Department is committed to a workplace that provides dignity and respect to all its employees and that no one should suffer bullying while going about their work. When the treatment of another person is unreasonable, offensive, intimidating, humiliating or threatening and repeated then this amounts to workplace bullying and should not be tolerated.

Information about health and safety is provided on the Department's OHS website. The site can be accessed through the Intranet, by clicking on the Occupational Health and Safety link under the A-Z of Directorates, or by going to the following address:

<http://detwww.det.nsw.edu.au/adminandmanage/ohands/index.htm>

Staff may also contact the Team Leader, Occupational Health and Safety (OHS) Strategy and Policy on (02) 9266 8958 for further information.

If you have any concerns about OHS at your workplace, you should talk to your principal or supervisor as soon as possible. Assistance for staff in implementing OHS is also available from a range of departmental officers and support teams. The Regional OHS Liaison Manager is available in the first instance to provide advice and assistance to the workplace manager. Guidance on other appropriate contacts can be sourced from the OHS Liaison Manager.

## 6.2 NSW OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

It is the responsibility of the Department, its employees and others in the workplace to comply with the *NSW Occupational Health and Safety Act 2000* and *Occupational Health and Safety Regulation 2001*.

### 6.2.1 THE NSW OCCUPATIONAL HEALTH AND SAFETY ACT 2000

The *NSW Occupational Health and Safety Act 2000* (the OHS Act) aims to protect the health, safety and welfare of people in the workplace. It sets out the legal obligations of employers to maintain a safe working environment for all employees, contractors and workplace visitors. It requires employers to consult with employees about issues that might affect their health, safety and welfare and to share information with them about these issues. Employees are to be given the opportunity to express their views and contribute their ideas for resolving OHS issues.

### 6.2.2 THE NSW OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2001

The *NSW Occupational Health and Safety Regulations 2001* (OHS Regulations) replaces all regulations made under the *Occupational Health and Safety Act 1983*. It establishes the legal framework for managing health and safety and gives particular emphasis to risk management and workplace consultation on OHS.

## **6.3 RESPONSIBILITIES FOR A HEALTHY AND SAFE WORK ENVIRONMENT**

### **6.3.1 RESPONSIBILITIES OF EMPLOYERS**

An employer must ensure the health, safety and welfare at work of all their employees.

The Department is committed to ensuring a safe and healthy working and learning environment for staff, students and visitors to all workplaces across the organisation. The Department's policies, procedures and systems are designed to ensure compliance with Occupational Health and Safety (OHS) legislation and workers compensation legislation. They set out the Department's commitment to meeting its OHS obligations and outline the role of all parties including managers, supervisors and staff.

### **6.3.2 RESPONSIBILITIES OF EMPLOYEES**

Safety is the responsibility of all employees. Implementing health and safety relies on a strong workplace safety culture and the participation and cooperation of every employee in the successful implementation of safety policy and safe working systems. This will result in increased injury prevention through effective risk management and appropriate injury response when injuries do occur.

For further information about responsibilities, please refer to the Department's OHS website or alternatively staff may contact the Team Leader, Occupational Health and Safety (OHS) Strategy and Policy on (02) 9266 8958 for information.

### **6.3.3 WORKCOVER INSPECTORS**

- a) The OHS Act stipulates the role of WorkCover in managing workplace safety.
- b) WorkCover's role is to:
  - Ensure compliance through inspections, investigations, penalties and prosecutions.
  - Provide information and assistance.
  - Conduct the licensing and certification of premises.
  - Provide guidelines on the operation of hazardous equipment.
  - Implement targeted prevention and education programs.
- c) WorkCover inspectors are given inspection powers, including the right to enter work premises, obtain information, documents and evidence. Inspectors can be accompanied by an employee representative during an inspection, if requested.

### **6.3.4 INCIDENT REPORTING**

In accordance with the Department's Incident Reporting Policy, and supporting procedures, staff are to report workplace incidents as soon as practicable, but within 24 hours of the incident occurring.

In accordance with the Incident Reporting Procedures, principals are responsible for reporting specific OHS incidents to the OHS Directorate or their Regional OHS Liaison Manager. Depending on the nature of the incident, incidents are then reported to WorkCover. These incidents include any serious incident such as loss of life or other critical event, other injuries or illnesses or events such as explosions or fires.

Staff should report any injury or incident to the principal or supervisor as soon as possible.

For further information, please access the Department's health and safety website. The relevant

section is under Safe Working and Learning, Incident Management.

### 6.3.5 INDUSTRIAL OFFICERS OF UNIONS

Authorised Industrial Officers of a union, (usually a PSA organiser but excluding workplace union representative or delegate) may enter a workplace to investigate a suspected breach of the OHS Act. For further information on the powers of Authorised Industrial Officers of Unions, refer to the memorandum *Union Representatives Investigating Suspected Breaches of the Occupational Health and Safety Act*, which is available on the Department's OHS website under the Section "Legal Matters".

## 6.4 WORKPLACE CONSULTATION

a) In accordance with the Department's *OHS Consultation Policy*, OHS consultation is the involvement of staff in decision making in relation to their occupational health, safety and welfare. It includes:

- providing staff with the opportunity to express their views to contribute to the resolution of occupational health, safety and welfare issues;
- ensuring the views of staff are valued and taken into account;
- sharing relevant information about OHS; and
- establishing OHS arrangements including OHS committees, OHS representatives or other agreed arrangements (Occupational Health and Safety Act 2000).

On the OHS Directorate's web site in the Safety Management System section "Consultation and Communication" provides information on OHS consultation arrangements.

Communication and consultation are essential processes for the effective implementation of health and safety programs across the organisation. Open communication where staff at all levels work together to achieve safe and healthy workplaces promotes a positive safety culture.

b) Under the OHS Act 2000, employers are required to consult with employees and provide them with the information necessary to ensure their health and safety at work.

c) The OHS consultation and communication includes:

- providing information to all staff on general health, safety and wellbeing issues;
- providing information to specific staff groups on particular risks for their work;
- consulting with relevant stakeholders on specific OHS issues, projects and initiatives; and
- communicating with relevant stakeholders through a variety of media.

d) Principals and supervisors can provide information concerning consultation arrangements, including OHS committees and OHS representatives. Further information is available on the Department's OHS website.

## 6.5 RISK MANAGEMENT

The purpose of OHS risk management is to systematically address all risks to health and safety. All foreseeable hazards will be dealt with according to the OHS risk management process. For further information about roles and responsibilities in relation to OHS risk management, please refer to the Department's OHS Risk Management Policy.

OHS risk management is the process of identifying hazards, assessing risks arising from those hazards, eliminating or controlling those risks, and ongoing review. In accordance with OHS

legislation, OHS risk management must eliminate risks or, if that is not reasonably practicable, control the risk to the lowest level possible (using the hierarchy of controls).

OHS risk management is to occur in consultation with relevant employees, that is, the employees who would be affected by the outcomes of the risk management process, such as those employees directly involved with the work that is being assessed.

The workplace must ensure that all employees and non-employees understand the risks associated with the workplace. All new employees, including casual staff, are to receive induction training. OHS instruction and training provided needs to be appropriate to the task performed and the level of risk.

OHS risk management applies to a broad range of school areas and activities including plant and equipment (such as tools, electrical goods), amenities (sick bays), chemical safety, purchasing of materials, equipment and substances, and use of personal protective equipment (a risk control strategy).

For further information on local workplace hazards, risks, safety procedures and training related to the purchase of materials, equipment and substances, talk to your school OHS Committee or OHS Representative, principal or supervisor, regional OHS team or refer to the Department's OHS website.

## **6.6 EMERGENCY MANAGEMENT**

### **6.6.1 MANAGING EMERGENCIES**

There are specific requirements for emergencies under the OHS Regulation. The key points are:

- Potential emergency situations are identified, based on the nature of hazards; size and location of the workplace; and number and mobility of staff and students.
- Evacuation procedures are prominently displayed and communicated to all.
- Adequate numbers of staff are appointed and trained to oversee evacuation.
- Evacuation procedures are practiced regularly by all staff and students.
- Location of emergency equipment (e.g. fire extinguishers) is known to all staff.
- Emergency alarms are clearly audible.
- Emergency exits are clearly marked, adequately lit and free of obstructions.

All NSW government schools and Departmental workplaces are required to have an Emergency Plan in place and to regularly conduct emergency response procedures and drills. Please refer to the Department's *Emergency Planning and Response Policy* or the Department's OHS website for further information on Emergency Planning and Response.

### **6.6.2 FIRST AID**

The OHS Regulation 2001 includes specific requirements for the provision of first aid. Schools are responsible for providing first aid at a local level. First aid facilities and personnel must be provided that are adequate for the immediate treatment of injuries and illnesses that may arise at the school.

First aid can be carried out by staff members who have been asked by the principal to undertake these duties or who volunteer. A first aid allowance is payable to approved employees holding a current St John Ambulance First-aid Certificate or its equivalent for undertaking first-aid duties.

The principal is responsible for negotiating an appropriate arrangement for first aid at the school. The regional OHS team is available to assist. The school's first aid plan should be prominently displayed for the information of all staff. Schools should also implement rigorous hygiene and infection control procedures.

The number and location of first aid kits is determined by the size and layout of the school and the types of programs delivered. First aid kits should be clearly identified and well maintained.

School staff will find further information on particular requirements for first aid on the Department's OHS website.

## 6.7 SUPPORTING WORKPLACE SAFETY

In summary, staff are required to actively support workplace safety by:

- co-operating in maintaining a safe and healthy work environment
- following workplace safety procedures
- being familiar with the relevant occupational health, safety and welfare policies, procedures, guidelines and programs
- taking reasonable physical and psychological care of yourself and others at the workplace
- understanding and respecting the roles and responsibilities of others
- being aware of the impact of your actions on the health and safety of others
- identifying workplace hazards, assessing the risks and taking action to eliminate or control the risks
- wearing personal protective equipment when required
- reporting incidents and workplace hazards
- ensuring that work spaces and storage areas are orderly and risks to health and safety are eliminated
- participating in OHS consultation and training
- following safety signs
- using equipment safely
- supporting and assisting injured colleagues to achieve a safe and timely return to work.
- advising your principal or supervisor if you are aware of any permanent or long standing condition which would require currently, intermittently or in the reasonably foreseeable future, an adjustment to your workplace.

## 6.8 OCCUPATIONAL HEALTH AND SAFETY INFORMATION

- a) The Department has an OHS website on the DET Intranet. The website can be accessed by clicking on the Occupational Health and Safety link under the A-Z of Directorates, or by going to the following address:  
  
<https://detwww.det.nsw.edu.au/adminandmanage/ohands/index.htm>
- b) The website includes sections on specific OHS hazards, induction training, risk management and consultation. It also includes a range of links to other OHS resources both within DET and in other organisations.
- c) The website also provides contact details for Regional OHS staff and other Departmental officers, able to provide advice and support on specific OHS issues.
- d) Staff may also contact the Team Leader, Occupational Health and Safety (OHS) Strategy and Policy on (02) 9266 8958 for further information.

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## RATES OF PAY AND ALLOWANCES

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### 7.1 PAYMENT OF WAGES

#### 7.1.1 GENERAL

The following section contains policy and procedures on the payment of wages and allowances. Intranet links are provided in order to access the most up to date salary and allowance pay rates.

Staff without access to a computer can contact the Industrial Relations Directorate on ☎ (02) 9561 8780 to access the appropriate information.

Payment of wages is made fortnightly by direct deposit into an account held with a financial institution.

At the time of initial appointment as permanent or long term temporary, non teaching staff in schools are sent the necessary form in order to provide the Department with financial account details. The completed form should be returned to Employee Services Bathurst.

Staff wishing to seek alterations in arrangements for the payment of their wages should give four weeks notice in writing to Employee Services Bathurst with financial account details.

Contact: ✉ [employee.services.bathurst@det.nsw.edu.au](mailto:employee.services.bathurst@det.nsw.edu.au) ☎ 1300 338 003

Generally speaking, all manual payments, such as advance payments for long service leave or maternity leave and benefits payable on separation from service are paid by direct deposit to accounts. Unless specifically requested, such payments are not sent through Australia Post to a staff member's address.

##### 7.1.1.1 Notification of Entry on Duty

- a) Staff who enter on duty on their first appointment, transfer or promotion are issued with an appointment notice which includes an entry on duty form. The completed form should be handed to the principal on the first day of service for immediate dispatch to Employee Services Bathurst.
- b) When a non teaching staff member has been suspended from the payroll and is absent on unpaid leave for more than 60 days, on the day the staff member resumes duty (either at the same or a new school) the principal must notify Employee Services Bathurst, otherwise restoration to the payroll will not occur.

##### 7.1.1.2 Pay Advice Slips

- a) Each fortnight, pay advice slips showing particulars of salary, taxation, superannuation and miscellaneous deductions are forwarded to the school principal who is responsible for arranging distribution of pay advice slips to staff.
- b) Pay advice slips are not issued during school vacations but are dispatched to schools in time for distribution during the first week of term.
- c) Where the person named upon the salary advice slip has left the employment of the Department or is absent on a period of extended leave, pay advice slips will be mailed out to the employee by the school.

##### 7.1.1.3 Income Tax and Employment Declaration

- a) Income tax is deducted from all salaries in accordance with the income tax

## RATES OF PAY AND ALLOWANCES

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instalment rates issued by the Australian Taxation Office.

- b) All staff members should have a current employment declaration in force with the Department. A new declaration should only be submitted when requested by the taxation office or when there is a change to a staff member's entitlements.
- c) At the time of initial employment or reemployment, staff members are sent an employment declaration form with their appointment notice. The form showing the tax file number, serial number etc. should be completed immediately and returned to the Employee Services Bathurst. Failure to submit a form will lead to payment of taxation at the maximum rate. If a form is not received the staff member should immediately contact Employee Services Bathurst and request one. Contact: ✉ [employee.services.bathurst@det.nsw.edu.au](mailto:employee.services.bathurst@det.nsw.edu.au) ☎ 1300 338 003
- d) Group certificates in respect of taxation deductions are forwarded to the principal for distribution to staff as soon as possible after 30 June each year.

### 7.1.1.4 Deductions

- a) Superannuation deductions for contributions to a State Government superannuation fund are deducted each fortnight, except that no deductions are made for contributions to the State Authorities Superannuation Scheme in the third pay period in any month when there are three pay days in that month.
- b) Permanent staff members may sign an authority for deductions to be made from their salaries for the payment of life assurance premiums, health fund contributions, union fees, and payments to authorised building societies and credit unions. To reduce the need for inquiries concerning deduction, staff members should record the amount of each authorised deduction.

### 7.1.1.5 Salary Sacrifice to Superannuation

See Chapter 9, Section 9.5, Salary Sacrifice to Superannuation for details.

### 7.1.1.6 Inquiries Concerning Salaries

Inquiries concerning salaries may be made by telephone or preferably in writing to Employee Services Bathurst. It is essential that the staff member's employee number be quoted.

Contact: ✉ [employee.services.bathurst@det.nsw.edu.au](mailto:employee.services.bathurst@det.nsw.edu.au) ☎ 1300 338 003

## 7.1.2 INCREMENTS

- 7.1.2.1 Progression along incremental pay scales may be either according to age or subject to satisfactory performance over a year. Other than for age based increments, a staff member's incremental date is usually the anniversary of entry on duty.
- 7.1.2.2 Increments are paid automatically. Inquiries regarding increments for permanent and temporary non teaching staff in schools should be directed to Employee Services Bathurst. Contact: ✉ [employee.services.bathurst@det.nsw.edu.au](mailto:employee.services.bathurst@det.nsw.edu.au) ☎ 1300 338 003
- 7.1.2.3 Incremental progression is deferred by:

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- (i) any leave of absence without pay exceeding five consecutive days; and
- (ii) multiples of whole days for periods of unauthorised absence including industrial action.

7.1.2.4 Under the *Crown Employees (School Administrative and Support Staff) Award*, permanent and temporary school administrative and support staff continuously employed are, subject to satisfactory performance, entitled to receive an increment at the completion of each year of continuous employment irrespective of the number of hours worked in a week.

7.1.2.5 An Aboriginal education officer who successfully completes:

- (i) the first stage of a relevant course of training approved by the Director-General, shall be paid the third year rate of pay;
- (ii) the second stage of a relevant course of training approved by the Director-General, shall be paid the fifth year rate of pay.

An Aboriginal education officer shall not progress:

- (i) beyond the fourth year rate of pay unless he/she has successfully completed the second stage of a relevant course of training approved by the Director-General;
- (ii) to the sixth year rate of pay until completion of the third stage of a relevant course of training approved by the Director-General.

### 7.1.3 PAYMENT DURING SCHOOL VACATIONS

7.1.3.1 Permanent school administrative and support staff members accrue an entitlement to be paid for school vacations based on their service within the school year. Under this system permanent school administrative and support staff members do not separately receive payment for recreation leave, stand down payments or public holidays that fall within school vacations. Rather, they are paid regular fortnightly payments over a full calendar year.

Variations to these regular fortnightly payments for vacation periods may occur where permanent school administrative and support staff members:

- commence duty after the beginning of the school year;
- are absent from duty during the school year on certain types of unpaid leave, leave at half pay or unauthorised absences; or
- vary their hours of duty or classification(s) during the school year.

7.1.3.2 Temporary school administrative and support staff members and temporary general assistants who are not required to work when schools are in recess are entitled to a stand down payment at half their ordinary pay for the period of recess. The payment is conditional on them being employed for the full school term immediately preceding and immediately following the recess.

The stand down payment is affected by any leave of absence without pay exceeding five

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consecutive days, leave at half pay or unauthorised absences.

### 7.1.4 OVERPAYMENT OF WAGES AND PAY ADJUSTMENTS

7.1.4.1 “Overpayment” means an excess payment of wages or allowances. Under the Ancillary Staff in Schools Overpayment and Pay Adjustments Policy, overpaid wages may be recovered from School Administrative and Support Staff using the following procedure;

- (i) The employee will be informed in writing of the amount of the overpayment, the manner in which it occurred, the method of calculation, options for repayment and the name and telephone number of an appropriate contact officer for further inquiries.
- (ii) The employee is required to respond within 14 days indicating the preferred repayment option or disagreement with the decision.

7.1.4.2 Repayment can be made in two ways;

- (i) voluntary lump sum repayment by deduction from earnings or direct payment
- (ii) voluntary repayment by fortnightly deductions or fortnightly direct payment. This should be at a minimum of 10% of normal gross fortnightly earnings.

7.1.4.3 Financial hardship may be taken into account should the appropriate application be made. Further information can be obtained from Employee Services, Bathurst.

7.1.4.4 Notifications of overpayments are made to an employee by phone and/or in writing.

7.1.4.5 “Pay Adjustment” means an adjustment to ordinary fortnightly earnings. For example as a result of an employee taking unpaid leave, leave on half pay, an adjustment to entitlements due to school holidays, an adjustment as a result of a variation in hours of work etc.

Contact:  [employee.services.bathurst@det.nsw.edu.au](mailto:employee.services.bathurst@det.nsw.edu.au)  1300 338 003

## 7.2 ALLOWANCES

This section is divided into:

- allowances only applicable to school administrative and support staff (Section 7.2.1);
- allowances only applicable to general assistants (Section 7.2.2); and
- allowances applicable to all non teaching staff in schools (Section 7.2.3).

The following allowances relate specifically to each of the categories listed below however some classifications may be entitled to further allowances as listed in Section 7.2.3.

### School Administrative and Support Staff

- Administration of Prescribed Medications allowance
- First Aid allowance
- Health Care Procedures allowance – School Learning Support Officer only
- Swimming Costume allowance – School Learning Support Officer only
- Higher duties allowance
- Excursion – overtime payments – School Learning Support Officer only

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### General Assistants

- On Call (Standby) allowance
- Recall to Duty allowance

### Non teaching staff in Schools

- Community Language Allowance Scheme
- Motor Vehicle allowance
- Remote areas allowance

The rates for most of the allowances can be found in Industrial Relations Circular IRC 06/20.

This circular can be accessed on the Department's intranet site at

<https://detwww.det.nsw.edu.au/lists/directoratesaz/ires/indrel/circulars/index.htm>

Alternatively, staff without access to a computer can contact the Industrial Relations Directorate on (02) 9561 8780.

## 7.2.1 SCHOOL ADMINISTRATIVE AND SUPPORT STAFF - ALLOWANCES

To locate these allowances within IRC 06/20 go to the DET salaries and allowances link, then to the rate sheets titled School Administrative and Support Staff.

### 7.2.1.1 Administration of Prescribed Medications Allowance

An administration of prescribed medications allowance is payable to school administrative and support staff who volunteer to administer prescribed medications to students and have completed appropriate training. The allowance is paid only on days worked.

### 7.2.1.2 First Aid Allowance

A first aid allowance is payable to school administrative and support staff who hold a current St John Ambulance First Aid Certificate or its equivalent, *and who volunteer to undertake first aid duties*.

### 7.2.1.3 Health Care Procedures Allowance

A health care procedures allowance is payable to those School Learning Support Officers who have volunteered to perform health care procedures in accordance with agreed Department and Public Service Association guidelines and who have completed appropriate training. The allowance is paid only on days worked.

### 7.2.1.4 Swimming Costume Allowance

The allowance is payable, for supply of swimming costume(s) to those School Learning Support Officers who regularly work with students undertaking hydrotherapy programs.

**Note:** The annual allowance applies to staff who are required to work all year round in heated hydrotherapy pools.

The summer months allowance applies to staff who are required to work in pools in the summer months only and for at least one full term.

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### 7.2.2 GENERAL ASSISTANTS - ALLOWANCES

The following allowances relate specifically to general assistants. For other allowances to which general assistants, as well as other non teaching staff in schools may be entitled, see Section 7.2.3.

#### 7.2.2.1 On Call (Standby) Allowance

When a staff member is directed to be on call or on standby for a possible recall to duty, payment of an on call allowance shall be made.

To locate this allowance within IRC 06/20 go to the DET salaries and allowances link, then to the rate sheets titled On Call Allowance.

Alternatively, staff without access to a computer can contact the Industrial Relations Directorate on (02) 9561 8780.

#### 7.2.2.2 Recall to Duty

- a) A staff member recalled to work overtime after leaving the employer's premises shall be paid for a minimum of three hours work at the appropriate overtime rates.
- b) The staff member shall not be required to work the full three hours if the job can be completed within a shorter period.
- c) When a staff member returns to the place of work on a number of occasions in the same day and the first or subsequent minimum pay period overlap into the next call out period, payment shall be calculated from the commencement of the first recall until either the end of duty or three hours from the commencement of the last recall, whichever is the greater. Such time shall be calculated as one continuous period.
- d) When a staff member returns to the place of work on a second or subsequent occasion and a period of three hours has elapsed since the staff member was last recalled, overtime shall only be paid for the actual time worked in the first and subsequent periods with the minimum payment provision only being applied to the last recall on the day.
- e) A recall to duty commences when the staff member starts work and terminates when the work is completed. A recall to duty does not include time spent travelling to and from the place at which work is to be undertaken.
- f) A staff member recalled to duty within three hours of the commencement of usual hours of duty shall be paid at the appropriate overtime rate from the time of recall to the time of commencement of such normal work.
- g) In cases where it is customary for a staff member to return to the Department's premises to perform a specific job outside the staff member's ordinary hours of duty, or where overtime is continuous with the completion or commencement of ordinary hours of duty, the minimum payment of three hours will not be paid unless the actual time worked is three or more hours.

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### 7.2.3 NON TEACHING STAFF IN SCHOOLS - ALLOWANCES

#### 7.2.3.1 Introduction

The following allowances are applicable to non teaching staff in school including school assistants and general assistants. For details of travelling compensation, including accommodation and meal allowances, see Section 1.7, Travelling Compensation of this handbook.

#### 7.2.3.2 Community Language Allowance Scheme

The Community Language Allowance Scheme (CLAS) provides for an allowance that is paid to selected bilingual staff who provide language assistance in dealings with clients.

Potential recipients of the allowance must pass an examination administered by the Ethnic Affairs Commission, unless they have National Accreditation Authority for Translators and Interpreters (NAATI) qualifications.

The allowance may be paid to staff who have passed the examination and who are:

- a) public contact staff, counter staff or other clerical staff who, by possessing language skills, are required to deal with public inquiries;
- b) identified as possessing another language skill for the purpose of the work of the organisation;
- c) available to use the language skill as required by the organisation; and
- d) recognised by management as occasional or regular users of their language skills as an adjunct to their normal duties.

The allowance is not payable to staff employed:

- a) as interpreters and translators; or
- b) in those positions where particular language skills are part of the essential requirements of the position.

#### Allowance Level

There are two levels of the allowance - a base level rate and a higher level rate.

To locate these allowances within IRC 06/20 go to the DET salaries and allowances link, then to the rate sheets titled Community Language Allowance.

Alternatively, staff without access to a computer can contact the Industrial Relations Directorate on (02) 9561 8780.

The base level rate is paid to staff whose language skills are required to meet occasional demands for language assistance. Occasional demands means that there is no regular pattern of demands that necessitate the use of the staff member's language skills.

The higher level rate is one and a half times the base allowance. It is paid to staff who meet either of the following criteria:

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- a) meet high levels of customer demand involving a regular pattern of usage of the staff member's language skills. For instance, where a CLAS recipient, who is not normally regarded as a member of the public inquiry staff, is regularly called away from normal duties; or
- b) other CLAS recipients who have achieved qualifications of NAATI level 3 and above. This recognises that staff with higher levels of language skills will communicate with an enhanced degree of efficiency and effectiveness.

### **CLAS Implementation and Monitoring**

Principals and supervisors have particular responsibilities with regard to the implementation of CLAS. These include:

- identification of languages with the potential highest demand for the services of CLAS recipients;
- survey of existing language skills of staff in the appropriate occupational categories for CLAS testing; and
- publicising in their school names of CLAS allowance recipients so that all staff and public or service users are aware of the availability of this service.

With regard to monitoring and review, management responsibilities are:

- monitoring the effectiveness of the scheme on an ongoing basis including frequency of language assistance provided by CLAS recipient; and
- annual review of CLAS allowance recipients to ensure that demand for language assistance is adequately and appropriately met.

Management may need to establish a minimum level of use to warrant payment of CLAS allowance.

### **7.2.3.3 Motor Vehicle Allowance**

Meal, travel and related allowance rates effective 1 July 2006 can be found in Industrial Relations Circular IRC 06/21. This circular can be accessed on the Department's intranet site at <https://detwww.det.nsw.edu.au/lists/directoratesaz/ires/indrel/circulars/index.htm>

Alternatively, staff without access to a computer can contact the Industrial Relations Directorate on (02) 9561 8780.

A staff member who, with the approval of the principal, uses an approved motor vehicle for the conduct of official business may be paid an allowance in accordance with the following provisions.

#### **Official Business Rates**

Official business rate is the appropriate rate of allowance payable for the use of a private motor vehicle:



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- when no other transport is available; and
- when such use is directed by the principal and agreed to by the staff member; or
- when the staff member is unable to use other transport due to a disability.

### Casual Rate

Casual rate is the appropriate rate of allowance payable for the use of a private motor vehicle for occasional travel on official business when a staff member elects to use their private motor vehicle with the approval of the principal.

The allowance paid for such travel shall not exceed the cost of travel by public or other available transport.

### Motor Cycles and Motor Scooters

The allowance for motor cycles and motor scooters is paid regardless of the total number of kilometres travelled per annum, the engine capacity and whether the journey is official business or specified journey.

### Deductions for Private Use

Where a staff member uses a private vehicle for official business, a deduction from the allowance payable for private vehicle usage is to be made to take into account the distance that would normally be travelled daily by the staff member from home to headquarters and return and any distance that is travelled in a private capacity.

### Exemption from Deduction

Deductions are not to be applied in respect of days:

- a) where staying away from home overnight is involved, including the day of return from any itinerary;
- b) where the staff member uses the vehicle on official business and returns it to home prior to travelling to their headquarters by other means of transport at their own expense;
- c) where the staff member uses the vehicle for official business after their normal working hours;
- d) where the monthly claim voucher shows official use of the vehicle has occurred on one day only in any week. Exemption from deduction under this subparagraph being exclusive of and not in addition to days referred to in a), b) and c);
- e) when the staff member buys a weekly or other periodical rail or bus ticket, provided the Department is satisfied that:
  - (i) at the time of buying the periodical ticket the staff member did not envisage the use of the private motor vehicle on approved official business; and
  - (ii) the periodical ticket was bought.

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### Insurance requirements

No motor vehicle allowance is to be paid to a staff member who uses a private motor vehicle on official business unless certain insurance requirements are met. The requirements are that the staff member must have in force, at the time the vehicle is being used on official business, a comprehensive policy or policies of insurance or indemnity, to an amount and in a form approved by the Director-General, providing insurance or indemnity against:

- liability of the Crown and the staff member to pay for loss or damage to property arising out of the use of the vehicle by the staff member; and
- liability of the Crown to pay for loss or damage to the vehicle.

### Private Vehicles Damaged on Official Business or Other Approved Travel

Where a private vehicle is damaged while being used on official business the Director-General will consider applications from staff members for reimbursement of excess insurance charges where prescribed by insurers. Applications should be forwarded to the Treasury Managed Fund Section, Administration Directorate.

#### 7.2.3.4 Remote Areas Allowance

##### a) Remote Areas - Allowances

Staff members resident in remote areas as defined below are eligible for a remote areas allowance. Part time permanent and long term temporary staff receive the allowance on a pro rata basis. Short term temporary staff are not eligible for this allowance.

##### Remote Area

"Remote Area" means an area of the State situated on or to the west of a line starting from the right bank of the Murray River opposite Swan Hill and then passing through the following towns or localities in the following order: Conargo, Coleambally, Hay, Rankin's Springs, Marsden, Condobolin, Peak Hill, Nevertire, Gulargambone, Coonabarabran, Wee Waa, Moree, Wyallda, Ashford and Bonshaw, and includes a place situated in any of these towns or localities.

Grade A allowances: All locations except those specified under Grade B and Grade C below.

Grade B allowances: Payable to staff members stationed and resident at the following locations:

Angledool, Barringun, Bourke, Brewarrina, Clare, Enngonia, Goodooga, Ivanhoe, Lake Mungo, Lightning Ridge, Louth, Mungindi, Pooncarie, Redbank, Walgett, Wanaaring, Weilmoringle, White Cliffs, Wilcannia and Willandra.

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### Grade C allowances

Payable to staff members stationed and resident at the following locations:

Fort Grey, Mutawintji, Mount Wood, Nocoleche, Olive Downs, Tibooburra and Yathong.

### Dependant

A "dependant" means, in relation to a staff member:

- the spouse of the staff member (including a de facto spouse);
- each child of the staff member of or below the age of eighteen years;
- each child of the staff member above the age of eighteen years and of or below the age of twenty-five years whilst such child remains a student in full time education or training at a recognised educational institution or as an indentured apprentice; and
- any other person who is part of the staff member's household and who is, in the opinion of the Director-General, substantially financially dependant on the staff member.

### Criteria for Dependant Allowance Rate

To be eligible for the allowance at the dependant rate a staff member must satisfy the following criteria:

- the staff member must have a dependant as defined; and
- the staff member's dependants must reside within the area that attracts the remote area allowance; and
- the staff member's spouse, if also employed in the Service of the Crown, must not be in receipt of an allowance under this section, except where each spouse resides at separate locations within the remote area.

### Military Leave and Retention of Remote Areas Allowance

Staff members in receipt of the remote areas allowance at the dependant rate may, if on military leave, continue in receipt of the allowance at that rate for the duration of the military leave provided:

- the dependants continue to reside in the area specified and the staff member continues in the employment; and
- the staff member's military pay does not exceed Departmental salary plus remote areas allowance.

### Variation or Non Retention of Allowance

Where the military salary exceeds Departmental salary plus allowance, the non dependant rate may be payable. Staff members in receipt of the remote areas

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allowance at the non dependant rate shall not be paid the allowance whilst on military leave.

### **b) Remote Areas - Travelling on Recreation Leave**

#### **Definition**

For the purposes of this section "remote areas" means:

- Booligal, Ivanhoe, Carowa Tank, Mossgiel, Maude, Wanaaring, Oxley and Yantabulla; and
- any other area of the State that is situated to the west of the 144th meridian of longitude.

#### **Use of Private Vehicle**

Staff members who travel by their own vehicles receive the casual rate in accordance with Clause 38 of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006 and Schedule B of Industrial Relations Circular IRC 06/21 and as updated from time to time by the Premiers Department.

#### **Other Transport / Rail Travel**

##### **General**

Where staff members choose to travel by transport, other than by private vehicle, they are to be reimbursed the cost of reasonable expenses in accordance with Clause 42 of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006 and Schedule A of Industrial Relations Circular IRC 06/21 and as updated from time to time by the Premiers Department.

These expenses may include the cost of overnight accommodation for the staff member and their dependants but is not to include payments for taxi fares or meals.

##### **Accommodation Costs**

Where a staff member is obliged to obtain overnight accommodation to and from the place where the staff member is to spend recreation leave an additional allowance is payable at the rate of \$2.50 for the staff member, spouse and each dependant child provided that:

- where the staff member is travelling by their own vehicle, with Departmental approval, the allowance is payable for only two nights on each of the forward and return journeys;
- where the staff member is travelling by other means than their own vehicle the allowance is payable for only one night on each of the forward and return journeys; and
- no payment is to be made in respect of accommodation costs unless the staff member travels at least 480 kilometres by the nearest practicable route from

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the place that the staff member is indefinitely stationed.

The allowance for accommodation costs is payable as appropriate whether or not the staff member actually expends any money on overnight accommodation. It is also payable if the staff member camps or uses a caravan.

### Limitations

Allowances under this section are not to be paid more frequently than once in any period of twelve months.

The allowances paid under 7.2.3.4 b) do not apply to staff members with less than three years service, who at the date of engagement, were resident in the defined area.

## 7.24 CLAIMING ALLOWANCES

Staff members should claim the following allowances through Employee Services Bathurst:

- Administration of prescribed medications
- Community languages allowance scheme
- First aid
- Health care procedures
- Higher duties
- Remote areas
- Swimming costume
- Excursion – Overtime Payments School Learning Support Officer
- Farm Assistant tractor operation

Allowance claim forms are available on the Department's intranet site as follows:

- school administrative and support staff -  
<https://detwww.det.nsw.edu.au/humanresources/sass/forms/formssass.htm>;
- general assistants and farm assistants -  
<https://detwww.det.nsw.edu.au/humanresources/sass/forms/formsgafa.htm>.

The forms should be completed and faxed to Employee Services Bathurst on fax number 1300 338 123.

Claims for motor vehicle allowances are made at the school level.

## 7.3 CURRENT RATES OF PAY

Rates of pay effective 14 July 2006 for the classifications listed below can be found in Industrial Relations Circular IRC 06/20.:

- Permanent School Administrative and Support Staff
- Long Term Temporary School Administrative and Support Staff
- Short Term Temporary School Administrative and Support Staff
- General Assistants – Full time permanent
- General Assistants – Part time (less than 35.5 hpw) permanent
- General Assistants – Full time (38 hpw) temporary

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- General Assistants – Part time (less than 35.5 hpw) temporary
- Farm Assistants – Full time permanent
- Farm Assistants – Part time permanent
- Farm Assistants – Full time temporary
- Farm Assistants – Part time temporary
- Permanent Aboriginal Education Assistant
- Short Term Temporary Aboriginal Education Officer
- Long Term Temporary Aboriginal Education Officer

This circular can be accessed on the Department's intranet site at:

<https://detwww.det.nsw.edu.au/lists/directoratesaz/ires/indrel/circulars/index.htm>

Alternatively, staff without access to a computer can contact the Industrial Relations Directorate on (02) 9561 8780.

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### **8 SEPARATION FROM THE SERVICE**

#### **8.1 RESIGNATION/RETIREMENT - GENERAL**

Staff members should give a reasonable period of notice before terminating their employment. Staff are entitled to be paid final monies on their last day of work (after 3.30 p.m.).

Before resigning staff members should ensure that other options such as extended leave, leave without pay, permanent part-time work and part-time leave without pay have been considered.

There is no compulsory retirement age and staff members must make an individual decision as to the age at which they wish to retire.

In respect of contributors to a State Government superannuation scheme, advice should be sought from the Pillar Customer Service Centre regarding the superannuation aspects of a decision to retire.

#### **8.1.1 NOTICE OF RESIGNATION/RETIREMENT (SEPARATION)**

8.1.1.1 Notice of resignation/retirement should be submitted on the notice of resignation/retirement form which is available in schools.

8.1.1.2 Notice of resignation/retirement may be given at any time but should be submitted at least two weeks prior to the date on which separation from the service is to be effective.

8.1.1.3 To assist in the selection of appropriate and qualified staff and to ensure prompt payment of benefits, where possible, staff members are asked to submit their notice more than two weeks in advance.

8.1.1.4 The notice of resignation/retirement form when completed by a staff member and signed by the principal should be sent by the principal to the Administrative Staff Services Unit, Bathurst.

8.1.1.5 Superannuation exit forms with the employer's section completed will be forwarded on receipt of the notice of resignation/retirement form. When completed by the employee the form should be returned directly to Pillar.

#### **8.1.2 EFFECTIVE DATE OF RESIGNATION/RETIREMENT**

8.1.2.1 When completing the notice of resignation/retirement form, staff members must indicate the proposed last day of duty. Care should be taken in selecting this date as payment of benefits such as extended leave and superannuation can be dependent on length of service.

8.1.2.2 Staff members resigning or retiring while on leave of absence may indicate that the resignation/retirement is to become effective from the date the notice of resignation/retirement form is completed, dated and signed or they may nominate an effective date which is on or before the last date of the approved leave. The nominated date, however, cannot be back dated to a date which falls before the notice of resignation/retirement form is signed and dated by a staff member or, if completed on or after the date of expiration of a period of leave, cannot be back dated to a date earlier than the last date of approved leave.



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### **8.1.3 VACATION ENTITLEMENTS**

#### **8.1.3.1 Resignation/Retirement During a School Term**

To assist in the effective staffing of schools, staff members are encouraged to elect the last day of a school term as their resignation/retirement date.

Where a staff member's resignation/retirement becomes effective during a school term, payment of salary ceases at the end of the school day on which the staff member ceases duty.

#### **8.1.3.2 Resignation/Retirement Prior to The Last Day of Any School Term**

Permanent staff resigning or retiring during a school term will be paid accrued vacation pay entitlements, as a gratuity. Vacation entitlements already paid during the year are deducted when calculating the vacation balance for the separation payment.

#### **8.1.3.3 Resignation/Retirement on the Last Day of a School Term**

Permanent staff resigning or retiring on the last day of a school term may elect to:

- a) receive payment for the balance of vacation entitlements, as a gratuity; or
- b) take the balance of vacation entitlements as leave; or
- c) combine options a) and b) above.

Long-time temporary school administrative and support staff and part-time long-time temporary general assistants (who do not work school vacations) may also be entitled to standdown pay for the previous vacation.

### **8.1.4 REASON FOR SEPARATION FROM THE SERVICE**

The reason for resignation or retirement e.g. personal reasons, other employment etc. should be indicated on the notice of resignation/retirement form in the appropriate space. Completion of this section is particularly relevant to staff members who have completed more than five years but less than ten years service.

### **8.1.5 EXTENDED LEAVE: PAYMENT OF MONETARY VALUE**

8.1.5.1 A staff member who has acquired a right to extended leave will be paid the monetary value of any leave entitlement on resignation or retirement.

8.1.5.2 If net service is less than five years the staff member is not eligible to be paid any extended leave upon cessation of employment.

8.1.5.3 If net service is five years but less than ten years the staff member may be entitled to pro rata extended leave. Payment depends on the staff member's reason for exiting employment. Payment of monetary value of extended leave is only made where the reason for separation from the service is because of illness, incapacity or other pressing necessity. Pressing necessity may include marriage, family responsibilities, child rearing or the impending birth of a child.

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- 8.1.5.4 Pro rata extended leave is paid when the staff member has completed at least five years "adult" service. "Adult" is service during which the staff member was paid a rate not lower than the lowest rate fixed under the award, industrial agreement or determination for an adult. If the rate is not specified, adult service starts when the staff member attained the age of eighteen years or received the eighteen years rate of pay. If five years adult service has been completed, all service is counted (including service before the eighteenth birthday).
- 8.1.5.5 On completion of ten years of service, the entitlement is 44 working days on full pay and eleven working days for each completed year of service after ten years.
- 8.1.5.6 School administrative and support staff are paid extended leave at the rate applicable to long-term temporary employee's hourly rate of pay.

### 8.1.6 WITHDRAWAL OF RESIGNATION/RETIREMENT

- 8.1.6.1 Notice of resignation/retirement cannot be withdrawn after the date on which the notice became effective.
- 8.1.6.2 Should a staff member wish to withdraw notice of resignation/retirement, a written request should be submitted through the principal to the Administrative Staff Services Unit, Bathurst, prior to the day on which the notice is to become effective.
- 8.1.6.3 When a staff member submits a notice of resignation/retirement form to the Department indicating that he or she is going to resign or retire from the service, the staff member's position will be declared vacant. Staff members who apply to withdraw their notice of resignation/retirement will only be considered for re-appointment to their former position if a replacement staff member has not been appointed.

### 8.1.7 RECORDS OF EMPLOYMENT

Current and former non teaching staff in schools who require a record of employment should make a written application to the appropriate section of the Department as listed below:

Employment Category	Section
Permanent non teaching staff in schools	Administrative Staff Services Unit Locked Bag No 1010 BATHURST NSW 2795
Temporary non teaching staff in schools	Casual Employee Payroll Services Unit Locked Bag No 3012 BLACKTOWN NSW 2148

- 8.1.7.1 A record of employment does not indicate suitability for further employment nor does it constitute a reference.
- 8.1.7.2 Non teaching staff in schools who attempt to falsify information or a record of employment may be liable to disciplinary action.

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### 8.1.8 SUPERANNUATION FORMS

- 8.1.8.1 On resignation/retirement from the service, contributors to a State Government superannuation scheme must complete exit forms.
- 8.1.8.2 Superannuation exit forms with the employer's section completed will be forwarded on receipt of the notice of resignation/retirement form. When completed by the employee the form should be returned directly to Pillar.
- 8.1.8.3 Staff members who are contributors to the State Superannuation Fund who elect early voluntary retirement and who wish to commute part or all pension to a lump sum must submit the "Election to Commute Pension to a Lump Sum" form to Pillar six months in advance of the date on which commutation is to take effect.

### 8.1.9 EMPLOYEES CONTESTING FEDERAL AND STATE ELECTIONS

#### 8.1.9.1 Federal Elections

##### a) Employee Required to Resign Prior to Federal Election

[Section 44 \(iv\) of the Commonwealth Constitution Act](#) provides that:

"Any person who ... holds any office of profit under the Crown ... shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives."

This provision has been interpreted to mean that Government employees must resign from their positions before they can nominate for election to the Commonwealth Parliament.

##### b) Last Day of Service

The last day of service of an employee who is contesting a Federal election must be no later than the day prior to the closing date for nominations.

##### c) Entitlement to Reappointment

The [Public Service Act 1999](#) and [Public Service Regulation 1999](#) provide that a public servant who resigns to contest a Commonwealth election and fails to be elected is entitled to be reappointed to the position held at the day of the resignation at the same salary and conditions as previously applied, provided:

- the resignation took effect not earlier than six months of the polling date;
- the resignation stated an intention to contest the election; and
- the public servant makes written application for reappointment within two months of the declaration of the poll.

##### d) Leave Arrangements

Where an employee is so reappointed the period between the dates of resignation and reappointment is to be regarded as leave without pay. The monetary value of recreation or extended leave credits paid on resignation may be retained, applied in whole or part to the period of leave without pay, or refunded to re-establish leave credits according to the preference of the

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employee concerned. For further information see Public Employment Office Circular 96-7.

### 8.1.9.2 State Elections

#### a) Legislative Provisions

The legislative provisions relevant to the position of public sector employees or officers contesting State elections include [section 13B of the Constitution Act 1902](#). [Premier's Department Circular 95-4](#) should also be consulted.

Where a public sector employee is standing for election to State Parliament, he or she is not required to resign until declared elected. In this situation, the last day of service is the date upon which the employee is declared elected.

#### b) Leave Arrangements

Notwithstanding the above, employees who are intending to nominate as candidates should be advised to consider appropriate leave arrangements to cover the election period. In this regard, attention should also be drawn to the provisions of [Section 8-10 Political and Community Participation](#), of the Personnel Handbook. In order to avoid potential conflict between political interests and public employment, it would be preferable for employees to take leave for election campaigning purposes, from and including the day of nomination for the election.

When contesting an election, leave may be taken, with or without pay according to the employee's preference and entitlements available.

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### **8.2 MEDICAL RETIREMENT**

#### **8.2.1 GENERAL**

8.2.1.1 A permanent staff member, who because of invalidity or physical or mental incapacity, is unable to perform the duties of his or her position may be medically retired.

8.2.1.2 Temporary staff members who are found to be unfit to perform the duties of their position may have their services terminated on medical grounds.

#### **8.2.2 MEDICAL EXAMINATION**

A medical examination by HealthQuest will be arranged in order to determine a staff member's fitness to continue in employment where:

8.2.2.1 the staff member requests an examination; or

8.2.2.2 a medical certificate is submitted covering a period in which a staff member's sick leave with pay will cease and the medical condition is such that recovery is unlikely; or

8.2.2.3 where the medical certificate indicates an absence of at least six months.

#### **8.2.3 MEDICAL APPEALS PANEL**

8.2.3.1 Staff members who are recommended for medical retirement will be advised of the HealthQuest decision and appeal rights by the Medical Appeals Panel.

8.2.3.2 The appeal period is 21 calendar days from the date of the Medical Appeals Panel's letter to the staff member advising him or her of the right of appeal.

8.2.3.3 No action to finalise a medical retirement is taken until:

- a) the staff member waives the right of appeal; or
- b) the appeal period has expired; or
- c) the appeal is determined.

8.2.3.4 Where an appeal is lodged against the decision not to grant medical retirement, no administrative action is taken regarding the allocation of any sick leave until the outcome of the appeal is known. If the appeal is upheld, sick leave to credit will be granted.

#### **8.2.4 LAST DAY OF SERVICE**

The last day of service for a staff member who does not appeal is to be:

- a) the date the staff member notifies the Medical Appeals Panel in writing within the 21 days period that an appeal will not be lodged; or
- b) the end of the appeal period if the staff member does not indicate an intention to appeal.

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The last day of service for a staff member who has lodged an appeal and the appeal is disallowed will be the date the decision is made by the Medical Appeals Panel.

Sick leave may be granted up to the last day of service. Should recreation leave be taken and not paid as a gratuity, the last day of service will be on the expiration of such leave, and it is from this date that extended leave entitlements are to be calculated.

### **8.2.5 RECREATION AND EXTENDED LEAVE**

Following the determination of a staff member's last day of service, the Department will automatically calculate any recreation or extended leave entitlement and pay any benefits in a lump sum.

The Department calculates the number of days leave owing to a staff member and when a staff member has such an entitlement Pillar adds that number of days to the last day of service. Superannuation payments will only commence after that date.

### **8.2.6 MEDICAL RETIREMENT AND WORKERS COMPENSATION**

Staff members who are medically retired because of a work related illness or injury should contact the GIO regarding the continuation of workers compensation payments.

### **8.2.7 SUPERANNUATION AND SOCIAL SECURITY BENEFITS**

8.2.7.1 The Department advises Pillar of the medical retirement of all contributors to a State Government superannuation scheme.

8.2.7.2 Staff members who are contributors to the State Superannuation Scheme will be eligible for pension benefits following medical retirement. Contributors to the State Authorities Superannuation Scheme will be eligible for lump sum benefits.

Staff members should contact the advisory section of Pillar for further information.

8.2.7.3 Staff members who are not contributors to a State Government superannuation scheme may be eligible for payment of a disability support pension and should contact Centrelink for information.

### **8.2.8 RE-EMPLOYMENT OF MEDICALLY RETIRED NON TEACHING STAFF**

8.2.8.1 Before a non teaching staff member is re-employed in any capacity (including casual, short-term or long-term capacity) after having been medically retired, he or she must:

- a) apply for a position advertised in the press;
- b) complete an application for employment and attach a certificate of fitness from a registered medical practitioner, preferably one who has treated the applicant for the last twelve months at least;
- c) undergo a merit selection process; and
- d) if successful at the selection process, undertake a medical examination by HealthQuest for the purpose of determining fitness for re-employment as a non teaching staff member.

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- 8.2.8.2 Pillar will be notified when a non teaching staff member in receipt of a state superannuation pension is re-employed.

Any inquiries concerning superannuation entitlements should be addressed to the Pillar Customer Service Centre (see Chapter 9 for contact details).

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## 9.1 INTRODUCTION

The information in this Chapter is based on superannuation provisions applicable prior to the issue of the handbook.

There are currently three public sector superannuation schemes which may apply to non teaching staff in schools:

- First State Super (FSS)
- State Authorities Superannuation Scheme (SASS)
- State Superannuation Scheme (SSS)

These schemes are administered by Pillar on behalf of the schemes' trustees. Staff members should contact the Pillar Customer Service Centre for information regarding individual entitlements. For contact details see Chapter 10.

### 9.1.1 CHOICE OF SUPERANNUATION FUND

New staff and staff who are members of First State Super (FSS) have the option of having their compulsory employer contributions paid to a complying fund of their choice (contributions cannot be paid into more than one fund).

### 9.1.2 ANNUAL STATEMENTS

Statements are issued to members by the public sector funds or the employees own fund at various times throughout the year. Employees will need to confirm with their fund when this occurs.

### 9.1.3 TAX FILE NUMBERS

It is not compulsory to provide a tax file number (TFN) to Pillar, however, if the TFN is not provided tax is deducted at the highest marginal rate when the benefit is paid. As a result of recent Commonwealth Tax Surcharge legislation, members who have not provided their TFN could also have a further tax imposed.

### 9.1.4 THE PILLAR CUSTOMER SERVICE CENTRE

It is very important that members understand the rules of their scheme. The Pillar Customer Service Centre assists members with information about their fund membership and with information about spouse contributions, the savings rebate, the superannuation surcharge and accessing superannuation benefits (arrangements can be made for information to be provided in translation).

For contact details, see Chapter 10.

### 9.1.5 SALARY SACRIFICE TO SUPERANNUATION

Salary sacrifice to superannuation is the option of making additional superannuation contributions of up to 100% of superannuable salary from gross or pre-tax salary. See Section 9.5 of this Chapter for details.

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### 9.2 FIRST STATE SUPER (FSS)

#### 9.2.1 INTRODUCTION

First State Super (FSS) is the Government superannuation scheme set up to accept and manage the compulsory superannuation contributions that public sector employers are required to make for their employees in terms of the Commonwealth superannuation guarantee legislation. FSS was established by the *First State Superannuation Act 1992* and is administered by Pillar on behalf of the scheme's Trustee.

#### 9.2.2 MEMBERSHIP OF FSS

After the State Authorities Superannuation Scheme (SASS) closed on 18 December 1992, new employees automatically became members of FSS if they were aged under 65 years and were not members of one of the previous schemes (an exception would be staff who are members of SSS or SASS and are also employed as a casual).

Contributions cease at age 70. This age will be 75 from 1 July 2007. The employer obligation to pay 9% of an employee's superable salary by way of superannuation guarantee contribution, direct to the employee's fund of choice, ceases once an employee turns 70 years of age. Thereafter the 9% is paid as a taxable allowance and is included in the gross weekly income payments. This allowance may be 'salary sacrificed' for superannuation if the employee so chooses until the employee turns 75 years of age.

Members of the closed schemes can choose to make personal ("top up") contributions to FSS.

#### 9.2.3 CONTRIBUTIONS TO FSS

##### 9.2.3.1 Employer Contributions

The employer's contribution is based on the total earnings for ordinary hours of work plus any earnings from shift loading. Overtime and lump sum payments on termination of employment are not included (for more information refer to the Taxation Office ruling, *Superannuation Guarantee Ruling: Ordinary Time Earnings*).

The contribution required to be made to FSS is 9% of ordinary time earnings from 1 July 2002.

FSS is unable to accept contributions for an employee who has reached age 70.

##### 9.2.3.2 Personal Contributions

FSS members can add to their existing scheme entitlements by making personal contributions from their after-tax pay to FSS. FSS also accepts Eligible Termination Payments rolled over from another superannuation or rollover fund.

Personal contributions (there is no minimum contribution) can be made by regular deductions from after-tax pay or by single payments made at any time (the member can make this payment directly to FSS). To authorise deductions from pay, it is necessary to fill in a Payroll Deduction Authority form (contained in the FSS member information booklet).

Certain limits on personal contributions may apply after a member reaches age 65. FSS

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cannot accept personal contributions after a member reaches age 75.

### **9.2.4 FSS CONTRIBUTIONS FOR MEMBERS ON LEAVE WITHOUT PAY AND PAID MATERNITY LEAVE**

Contributions to FSS cease during periods of leave without pay and paid maternity leave. Employee Services (Bathurst) should be advised if the amount of optional personal contribution is to be reduced during part time leave without pay.

### **9.2.5 TRANSFER OR SECONDMENT WITHIN THE NSW PUBLIC SECTOR**

Members who are transferred or seconded within the NSW public sector keep their existing FSS account.

### **9.2.6 LEAVING PUBLIC SECTOR EMPLOYMENT**

FSS benefits are portable so a member can elect to leave their accrued benefit in FSS or transfer it to another scheme for preservation under Commonwealth standards. Further information is available from the Pillar Customer Service Centre. Contact details are provided at the end of this Chapter.

### **9.2.7 RETIREMENT AGE FOR FSS**

The rules of FSS set the earliest retirement age at 55 years. However, access to payment of benefits is governed by the Federal Government's preservation rules. Further information is available from the Pillar Customer Service Centre. Contact details are provided in Chapter 10.

### **9.2.8 INVALIDITY RETIREMENT OR DEATH OF A MEMBER**

Information about an invalid or deceased member's entitlements is available from the Pillar Customer Service Centre. Contact details are provided in Chapter 10.

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### 9.3 STATE AUTHORITIES SUPERANNUATION SCHEME (SASS)

#### 9.3.1 INTRODUCTION

The State Authorities Superannuation Scheme (SASS) is a defined benefit scheme governed by the *State Authorities Superannuation Act 1987*, the *State Authorities Non-contributory Superannuation Act 1987* and the *Superannuation Administration Act 1996*. It is administered by Pillar on behalf of the scheme's Trustee.

#### 9.3.2 MEMBERSHIP OF SASS

From 1 July 1985 new employees were eligible to join the State Public Service Superannuation Scheme (SPSSS). The SPSSS was replaced by SASS which started on 1 April 1988. Members of SPSSS transferred to SASS with existing entitlements.

SASS closed to new members on 18 December 1992.

As there is some variation to the standard features of the scheme for members who transferred into SASS from the older, closed schemes, these members should check their individual circumstances with the Pillar Customer Service Centre before making any decisions on the options that may be available to them.

Members of SASS can choose to make personal ("top up") contributions to First State Super (FSS).

#### 9.3.3 SASS CONTRIBUTIONS FOR MEMBERS ON UNPAID LEAVE

##### 9.3.3.1 "Prescribed Leave"

"Prescribed leave" is a period of leave without pay during which the member:

- is on sick leave without pay \*;
- gets workers' compensation payments;
- is on maternity/adoption leave without pay \*;
- is seconded to a non-fund employer;
- does union duties (six months or less, approved by the Department);
- does approved duties for the Department or the State;
- is on service with the naval, military or air forces of the Commonwealth;
- is on approved study leave without pay\* (with financial assistance only).

\* The Commonwealth's occupational superannuation standards prohibit employer-sponsored superannuation funds from accepting contributions for persons who have not been employed either full-time or part-time (at least ten hours a week) during the previous two years. From 1 January 1994, a continuous period of "prescribed leave" for more than two years of sick, maternity, adoption and study leave without pay ceases to be "prescribed leave" and Pillar must be advised. The member cannot elect to pay the employer contributions during this period.

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Pillar is not advised of "prescribed leave" and members have two options for payment of contributions:

### *Option (a)*

The member can apply to Pillar on the grounds of financial hardship, to reduce their personal contributions to as low as 0% for a limited period. The election must be submitted within three months of the member:

- being advised of the amount of arrears owing for the period of leave without pay; or
- starting on workers compensation payments (providing the payments are less than the member's normal salary).

If the application is approved for 0%, the contributions are not payable, the period does not count as service and benefit points do not accrue.

### *Option (b)*

The member pays their normal personal contributions, for the whole period, at the rate that applied before he or she started the leave without pay, to the Department.

The member does not have to pay the employer contributions to the Department, and the period of leave counts for benefit point accrual and the employer-financed benefit. Additional benefit cover contributions (if they apply) continue to be charged to the member's account.

The member pays their personal contributions to the Department in a lump sum in advance, in regular fortnightly payments in advance, or in regular fortnightly payments during the period of leave.

### **9.3.3.2 Full-time Leave Without Pay**

Whole calendar months of full-time leave without pay do not count as contributory service. Personal contributions are not paid and no employer-financed benefit accrues. The member continues to pay full contributions for part months and the employer-financed benefit accrues.

Generally, leave without pay of more than five continuous days does not count for service for the calculation of the basic benefit.

### **9.3.4 SASS CONTRIBUTIONS FOR MEMBERS ON PART-TIME LEAVE WITHOUT PAY OR CHANGED WORK ARRANGEMENTS**

The amount of personal contribution is adjusted on the basis of the new salary if a member changes:

- from permanent full-time to part-time work;
- from permanent part-time to full-time work;
- permanent part-time hours worked;
- takes part-time leave without pay, including part-time parental leave without pay and study leave without pay (more than five days full-time equivalent).

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### 9.3.5 SASS CONTRIBUTIONS FOR MEMBERS ON TEMPORARY APPOINTMENTS, SECONDMENTS OR ACTING ARRANGEMENTS

If a member is on a temporary appointment, as a result of competitive selection for an advertised position which is to be continuous for at least one year, the higher salary can be advised to Pillar for the annual salary review. If a temporary appointment or period of higher duties (at the full rate) of less than one year is extended, the higher salary can be advised to Pillar for the annual salary review after the member has completed one continuous year at the higher rate.

### 9.3.6 LEAVING THE DEPARTMENT

#### 9.3.6.1 Transfer or Resignation

If a member transfers permanently to another position within the Public Service (as defined in Schedule 1 of the *Public Sector Employment and Management Act 2002*) SASS membership continues (Pillar is advised by Employee Services Bathurst).

A member who accepts a permanent position within the public sector, which is not in the Public Service (as defined in Schedule 1 of the *Public Sector Employment and Management Act 2002*), must resign from the Department. However, SASS membership can continue if the member resumes employment with another participating employer to the fund, for example TAFE NSW.

A former contributor can apply to retain membership in the Scheme where the break in service is less than three calendar months, application for payment of benefits has not been made and an election to re-enter the Scheme is made within three months of re-employment.

#### 9.3.6.2 Retirement

Retirement for the purposes of SASS is at 58 years or over (members who transferred from other Schemes retire at 55 years) and for the basic benefit 55 years.

#### 9.3.6.3 Invalidity Retirement

An invalidity benefit is payable if a member is retired before age 58 on the grounds of physical or mental incapacity to perform their duties. Further information is available from the Pillar Customer Service Centre. Contact details are provided in Chapter 10.

#### 9.3.6.4 Death of a Member

Information about a deceased member's entitlements is available from the Pillar Customer Service Centre. Contact details are provided in Chapter 10.

#### 9.3.6.5 "Basic Benefit"

The "basic benefit" is paid for by the employer and is payable in a lump sum on exit from employment at or after age 55 and on total and permanent invalidity or death before that age (two doctor's certificates certifying total and permanent invalidity are required). In other circumstances of exit from employment before age 55 (e.g. resignation) the benefit is generally required to be preserved.

Generally, a period of leave without pay of five days or more does not count as service for the "basic benefit".



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### 9.4 STATE SUPERANNUATION SCHEME (SSS)

#### 9.4.1 INTRODUCTION

The State Superannuation Scheme (SSS) is a defined benefit scheme governed by the *Superannuation Act 1916* and the *State Authorities Non-contributory Superannuation Act 1987* and administered by Pillar on behalf of the scheme's Trustee.

#### 9.4.2 MEMBERSHIP OF SSS

The SSS closed to new members on 30 June 1985.

The standard entitlements for members are the employer and contributor financed benefit and the additional 'basic benefit'. The basic benefit is an employer financed benefit equivalent to 3% of final average salary for each year of service from 1 April 1988.

#### 9.4.3 SSS CONTRIBUTIONS FOR MEMBERS ON "APPROVED LEAVE"

"Approved leave" is a period of leave without pay during which the member:

- is on sick leave without pay\*;
- gets workers' compensation payments;
- is on maternity/adoption leave without pay\*;
- is seconded to a non-fund employer;
- does union duties (six months or less, approved by the Department);
- does approved duties for the Department or the State;
- is on service with the naval, military or air forces of the Commonwealth;
- is on approved study leave without pay\* (with financial assistance only).

\* The Commonwealth's occupational superannuation standards prohibit employer-sponsored superannuation funds from accepting contributions for persons who have not been employed either full-time or part-time (at least ten hours a week) during the previous two years. From 1 January 1994, a continuous period of "approved leave" for more than two years of sick, maternity, adoption or study leave without pay ceases to be "approved leave" and Pillar must be advised. The member cannot elect to pay the employer contributions and must take a reduction in unit entitlement (the member must continue to pay their employee contributions).

Pillar must be advised of "approved leave", however, the *Leave Without Pay Election Form* is not filled in.

During "approved leave" the member does not have to pay the employer contributions. However, the member has to pay their personal contributions for the whole of the period of leave without pay (payment must be arranged through contacting the State Superannuation Contributions Section at Pillar).

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### 9.4.4 SSS CONTRIBUTIONS FOR MEMBERS ON HALF PAY LEAVE (EXTENDED OR MATERNITY)

From 1 April 1999 a member can elect to take a reduction in their unit entitlement if he or she takes half pay extended leave or half pay maternity leave.

The member must advise Pillar in writing when electing to take a reduction in their unit entitlement.

If the member does not elect to take a reduction in their unit entitlement their contributions and their benefit entitlements in the scheme will be unaffected.

### 9.4.5 SSS CONTRIBUTIONS FOR MEMBERS ON FULL-TIME LEAVE WITHOUT PAY

#### 9.4.5.1 Three Months or Less Full-Time Leave Without Pay (Not "Approved Leave")

The member has to pay their personal contributions (at the rate that applied before the leave without pay) to Pillar for the whole period of leave without pay (payment must be arranged through contacting the State Superannuation Contributions Section at Pillar). The member does not have to pay the employer contributions to the Department or fill in a *Leave Without Pay Election Form*.

Payment can be made in a lump sum in advance or in regular four weekly payments in advance. Payment can be deferred until return from leave, however there is an interest charge.

#### 9.4.5.2 Full-Time Leave Without Pay (Not "Approved Leave") Between Three and Six Months

The member has to pay their personal contributions (at the rate that applied before the leave without pay) to Pillar for the whole period of leave without pay (payment must be arranged through contacting the State Superannuation Contributions Section at Pillar). The member does not have to pay the employer contributions to the Department.

Payment can be made in a lump sum in advance or in regular four weekly payments in advance. Payment can be deferred until return from leave, however there is an interest charge.

It is a condition of approval, required by superannuation legislation, that before the leave starts the member must fill in a *Leave Without Pay Election Form*. As the member does not have to pay the employer contribution, he or she must choose Section (a), *"I elect to retain my full unit entitlement"*, on the *Leave Without Pay Election Form*.

#### 9.4.5.3 Full-Time Leave Without Pay (Not "Approved Leave") More than Six Months and Up to Two Years

It is a condition of approval, required by superannuation legislation, that before the leave starts the member must fill in a *Leave Without Pay Election Form*. The member has two options:

*Option (a) - Election to keep the current unit entitlement*

The member must pay their personal contributions (at rate that applied before the leave without pay) for the whole of the period of leave without pay to Pillar (payment must be

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arranged through contacting the State Superannuation Contributions Section at Pillar). The member must also pay the employer contributions for the whole of the period of leave without pay to the Department.

Payment can be made in a lump sum in advance or in regular four weekly payments in advance. Payment can be deferred until return from leave, however there is an interest charge.

Payment of the employer contributions to the Department can be made as a lump sum or at regular intervals before the period of leave without pay. Because superannuation cover is continued during leave without pay, approval to defer payment of the employer contributions to the Department would only be granted in special circumstances.

Approval to defer payment of the employer contributions is generally only for the "deferred" portion (the part of the superannuation liability which becomes payable by the Treasury on the emergence of pension). The "present" portion of the employer contributions continues to be paid to Pillar during periods of leave without pay.

There is no refund of the "deferred" portion of the employer contributions on retirement or medical retirement. However, a member who resigns during a period of leave without pay is entitled to a refund of the "deferred" portion of the employer contributions.

*Option (b) - the member elects to accept a unit reduction*

The current unit entitlement is reduced for the part of the period of leave without pay which is more than three months. The member has to pay their personal contributions (at the rate that applied before the leave without pay) for the whole of the period of the leave without pay to Pillar (payment must be arranged through contacting the State Superannuation Contributions Section at Pillar). The member does not have to pay the employer contributions to the Department.

Payment can be made in a lump sum in advance or in regular four weekly payments in advance. Payment can be deferred until return from leave, however there is an interest charge.

### 9.4.5.4 Full-Time Leave Without Pay (Not "Approved Leave") More than Two Years

The Commonwealth's occupational superannuation standards prohibit employer-sponsored superannuation funds from accepting contributions for persons who have not been employed either full-time or part-time (at least ten hours a week) during the previous two years.

Effective from 1 January 1994, members who take sick and maternity leave without pay of more than two years and have elected to retain their unit entitlement, cannot continue to elect to accept liability for payment of employer contributions. The unit entitlement is reduced for that part of the leave without pay which is more than two years (the member continues to pay their personal contributions to Pillar).

Pillar must be advised by the employer of full-time sick and maternity leave without pay of more than two years.

### 9.4.6 SSS CONTRIBUTIONS FOR MEMBERS ON PART-TIME LEAVE WITHOUT PAY

From 1 April 1999 a member can elect to take a reduction in their unit entitlement if he or she takes part-time leave without pay (part-time leave without pay or part-time maternity, adoption,

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parental or study leave without pay).

Pillar must be advised in writing if the member elects to take a reduction in their unit entitlement.

If the member does not elect to take a reduction in their unit entitlement:

- he or she continues to pay full contributions and their benefit entitlements in the scheme will be unaffected.
- the full-time equivalent of their part-time leave without pay has the same effect as full-time leave without pay, on requirements to pay employer contributions. Refer to Sections 9.4.5.1, 9.4.5.2, 9.4.5.3 and 9.4.5.4.

### 9.4.7 SSS CONTRIBUTIONS FOR MEMBERS ON CHANGED WORK ARRANGEMENTS

If a member changes from full-time to part-time, from part-time to full-time or changes the part-time hours worked, Pillar must be advised before the work arrangements are changed (the *Change in Contributor's Basis of Employment Form* is used).

If the change is from full-time to part-time work, contributions paid before the change are allocated to purchase fully-paid units in the Scheme and a new reduced unit entitlement is determined (this applies for the whole of the contributor's period of membership of the Scheme).

### 9.4.8 SSS CONTRIBUTIONS FOR MEMBERS ON TEMPORARY APPOINTMENTS OR HIGHER DUTIES IN THE DEPARTMENT

If the member is on a temporary appointment, as a result of competitive selection for an advertised position, which is to be continuous for at least one year, the higher salary can be advised to Pillar for the annual salary review. If a temporary appointment or period of higher duties (at the full rate) of less than one year is extended, the higher salary can be advised to Pillar for the annual salary review after the member has completed one continuous year at the higher rate.

### 9.4.9 LEAVING THE DEPARTMENT

#### 9.4.9.1 Transfer or Resignation

If a member transfers permanently to a position within the Public Service (as defined in Schedule 1 of the *Public Sector Employment and Management Act 2002*) SSS membership continues (Pillar is advised).

A member who accepts a permanent position within the public sector, which is not in the Public Service (as defined in Schedule 1 of the *Public Sector Employment and Management Act 2002*), must resign from the Department. However, SSS membership can continue if the member resumes employment with another participating employer to the fund, for example TAFE NSW.

A former contributor can apply to retain membership in the Scheme where the break in service is less than three calendar months, application for payment of benefits has not been made, and an election to re-enter the Scheme is made within three months of re-employment.

#### 9.4.9.2 Early Voluntary Retirement

Provided they have been a contributor to the Fund continuously for the previous ten

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years, early voluntary retirement is available to members with a normal retirement age of 60 years, at any time from age 55 onwards (a woman contributing for retirement at age 55 cannot elect for retirement prior to that age).

### 9.4.9.3 Normal Retirement

Normal retirement age is 60 years except for female members who elected on joining to retire at age 55.

### 9.4.9.4 Invalidity Retirement

Invalidity retirement applies if a member is physically or mentally incapable of performing their duties. Further information is available from the Pillar Customer Service Centre. Contact details are provided in Chapter 10.

### 9.4.9.5 Death of a Member

Information about a deceased member's entitlements is available from the Pillar Customer Service Centre. Contact details are provided in Chapter 10.

### 9.4.9.6 "Basic Benefit"

The "basic benefit" is paid for by the employer and is payable in a lump sum on exit from employment at or after age 55 and on total and permanent invalidity (two doctor's certificates certifying total and permanent invalidity are required) or death before that age. In other circumstances of exit from employment before age 55, (e.g. resignation) the benefit is generally required to be preserved.

Generally, a period of leave without pay of five days or more does not count as service for the "basic benefit".

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### **9.5 SALARY SACRIFICE TO SUPERANNUATION**

#### **9.5.1 INTRODUCTION**

Salary sacrifice to superannuation is the option of making additional superannuation contributions of up to 100% of superannuable salary from gross or pre-tax dollars.

#### **9.5.2 ELIGIBILITY**

Permanent, temporary and casual, non teaching staff in schools are eligible to participate in the scheme for salary sacrifice to superannuation.

#### **9.5.3 PROFESSIONAL ADVICE**

The information in this section provides a summary of issues only and should not be relied on as a substitute for professional or other advice. Additional contributions, once made, will generally be unavailable (locked away) until retirement. This is a significant decision. Staff members are encouraged to treat salary sacrifice as seriously as other significant financial matters.

#### **9.5.4 SALARY SACRIFICE SCHEME REQUIREMENTS**

- 9.5.4.1 For the purposes of superannuation legislation, the sacrificed amount is deemed to be additional employer contributions and may be paid either into First State Super, or with the Department's agreement, into one alternative complying superannuation scheme.
- 9.5.4.2 The sacrificed amount transmitted to the superannuation fund by the Department will be shown on a staff member's statement. However, the staff member will be responsible for taking any action necessary if the receiving fund indicates a discrepancy or shortfall, in the same way that the staff member has responsibility for ensuring any post-tax deduction is being made correctly.
- 9.5.4.3 Where a shortfall in the amount of pay for an individual occurs because of leave without pay (or for any other cause), the salary sacrifice deduction for superannuation will be stopped and will not be forwarded to the fund, and the staff member will be paid the remaining net pay. The staff member will be responsible for ensuring any shortfall in contributions, if one occurs, is forwarded to the superannuation fund.
- 9.5.4.4 If the fund selected is not First State Super, the staff member must supply, with the application for salary sacrifice, the superannuation fund compliance number, ABN, address and contact telephone number. The application will not be processed unless this information is provided.
- 9.5.4.5 Applications for salary sacrifice arrangements are processed as they are received, and contributions will commence from the first available pay-day. Applications for salary sacrifice arrangements, together with all necessary support documents, must arrive at the appropriate salaries or payroll unit, as shown on the application form, by 5.00 pm 14 calendar days prior to the pay day from which the staff member intends the salary sacrifice arrangement to commence. Applications which are received after that time will not commence until the following pay day. There will be no retrospective payments of salary sacrifice to superannuation.

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- 9.5.4.6 Employee's are able to change salary sacrifice arrangements at any time throughout the year.
- 9.5.4.7 The staff member may cease salary sacrifice arrangements at any time by notifying the appropriate salaries or payroll unit in writing of the intention to cease.
- 9.5.4.8 An employee who is repaying, under arrangement with the Department, an outstanding amount which results from an overpayment of salary, or a debt resulting from a court order such as a garnishee, is not eligible to participate in the salary sacrifice scheme until repayment is finalised.
- 9.5.4.9 Recovery of an outstanding amount which results from an overpayment of salary or a court order for an employee who is already participating in salary sacrifice to superannuation will be based on the employee's gross salary (i.e. pre-salary sacrifice salary).

### 9.5.5 BENEFITS OF SALARY SACRIFICE TO SUPERANNUATION

- 9.5.5.1 Depending on personal circumstances, there may be taxation benefits from salary sacrifice to superannuation. For example, with salary sacrifice to superannuation, superannuation contributions are taken out before PAYE tax is calculated, so PAYE tax will be calculated on a lower income level. Generally staff will only pay a 15% contribution tax (administered by the superannuation fund) on salary sacrifice to superannuation contributions, so the tax on these contributions may be less than the marginal tax rate. This may change over time if tax rules change.
- 9.5.5.2 As everyone has different financial circumstances, staff are strongly advised to seek professional financial advice prior to commencing salary sacrifice to superannuation to make sure that salary sacrifice to superannuation is appropriate.

### 9.5.6 CHOICE OF SUPERANNUATION FUNDS

Salary sacrifice contributions can be made to First State Super (FSS), or any complying private superannuation fund under the Commonwealth *Superannuation Guarantee Charge Act 1992* and the Commonwealth *Superannuation Guarantee (Administration) Act 1992*. Staff will need to confirm with a fund other than FSS that it is a complying fund and include the fund's compliance number on the application to enter the salary sacrifice to superannuation scheme. Salary sacrifice payments may only be made to one fund, not multiple funds.

### 9.5.7 EFFECT ON SSS OR SASS CONTRIBUTIONS OR ENTITLEMENTS

Normal superannuation contributions to, and benefits from, these schemes are not reduced by salary sacrifice to superannuation.

### 9.5.8 EFFECT ON NET PAY

Net pay will be reduced, as salary sacrifice to superannuation contributions are made from the gross, or pre-tax, pay.

### 9.5.9 EMPLOYER SUPERANNUATION GUARANTEE CONTRIBUTIONS

All employers must comply with the superannuation guarantee contribution laws which require employer contributions of 9% of salary. Salary sacrifice by a staff member will not reduce those contributions by the employer, which continue to be calculated on the same basis as before

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commencing salary sacrifice to superannuation contributions.

### 9.5.10 EFFECT ON OTHER EMPLOYMENT BENEFITS

Other employment benefits include overtime, shift penalties or other allowances including annual leave loading will be paid on the same basis as before you sacrificed salary to superannuation.

### 9.5.11 COSTS TO STAFF MEMBERS

9.5.11.1 The Department will not be charging an administration fee for the salary sacrifice to superannuation scheme.

9.5.11.2 The superannuation funds charge administration and management fees and professional advisers may charge a fee for providing financial advice. You will need to contact funds or advisers to determine their individual fee levels.

### 9.5.12 COMMENCING SALARY PACKAGING TO SUPERANNUATION

9.5.12.1 Staff members are strongly advised to seek independent financial advice before committing to starting salary sacrifice to superannuation. For legal reasons, Departmental staff are not able to provide advice regarding personal financial decisions.

9.5.12.2 Staff members will also need to review, and cease where necessary, current post-tax deductions prior to commencing salary sacrifice to superannuation contributions, to ensure that all post-tax financial commitments can continue to be met when pre-tax contributions to superannuation commence.

9.5.12.3 Applications and authority forms to commence salary sacrifice to superannuation contributions are available from:

Corporate Employee Services Section  
Level 13, 1 Oxford St  
DARLINGHURST NSW 2010

### 9.5.13 CEASING OR TRANSFERRING SALARY SACRIFICE ARRANGEMENTS

Salary sacrifice under this scheme may be ceased at any time by giving one month's notice in writing. Staff transferring to another NSW public sector organisation should be able to continue to salary sacrifice to superannuation, subject to the provision of an appropriate scheme by the new organisation, and any administration cost that organisation may impose.



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### 9.5.6 CHOICE OF SUPERANNUATION FUNDS

Salary sacrifice contributions can be made to First State Super (FSS), or any complying private superannuation fund under the Commonwealth [Superannuation Guarantee Charge Act 1992](#) and the Commonwealth [Superannuation Guarantee \(Administration\) Act 1992](#). Staff will need to confirm with a fund other than FSS that it is a complying fund and include the fund's compliance number on the application to enter the salary sacrifice to superannuation scheme. Salary sacrifice payments may only be made to one fund, not multiple funds.

### 9.5.7 AMOUNT OF SALARY WHICH MAY BE SACRIFICED TO SUPERANNUATION

- 9.5.7.1 Up to 30% of a staff member's superannuable salary may be sacrificed to superannuation. This limit has been set by the Premier's Department. Part-time staff may sacrifice up to 30% of their pro-rata superannuable salary.
- 9.5.7.2 To determine current superannuable salary, staff need to contact the superannuation scheme to which their employer superannuation contributions are made.
- 9.5.7.3 For State Superannuation Scheme (SSS, also known as SSF) and State Authorities Superannuation Scheme (SASS) members, the superannuable salary is that last advised to State Super. Contact the State Super Advisory Service or alternatively you can contact the Salary Packaging Unit, Blacktown State Office on (02) 9836 9808 or (02) 9836 9013.
- 9.5.7.4 For contributors to FSS or any other complying fund, the superannuable salary is the current substantive base salary excluding allowances, such as an allowance paid if temporarily appointed to a higher position.

### 9.5.8 EFFECT ON SSS OR SASS CONTRIBUTIONS OR ENTITLEMENTS

Normal superannuation contributions to, and benefits from, these schemes are not reduced by salary sacrifice to superannuation.

### 9.5.9 EFFECT ON NET PAY

Net pay will be reduced, as salary sacrifice to superannuation contributions are made from the gross, or pre-tax, pay.

### 9.5.10 EMPLOYER SUPERANNUATION GUARANTEE CONTRIBUTIONS

All employers must comply with the superannuation guarantee contribution laws which require employer contributions of 7% of salary as from 1 July 1998. Salary sacrifice by a staff member will not reduce those contributions by the employer, which continue to be calculated on the same basis as before commencing salary sacrifice to superannuation contributions.

### 9.5.11 EFFECT ON OTHER EMPLOYMENT BENEFITS

Other employment benefits include overtime, shift penalties or other allowances including annual leave loading will be paid on the same basis as before you sacrificed salary to superannuation.

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### **9.5.12 COSTS TO STAFF MEMBERS**

- 9.5.12.1 The Department will not be charging an administration fee for the salary sacrifice to superannuation scheme.
- 9.5.12.2 The superannuation funds charge administration and management fees and professional advisers may charge a fee for providing financial advice. You will need to contact funds or advisers to determine their individual fee levels.

### **9.5.13 COMMENCING SALARY PACKAGING TO SUPERANNUATION**

- 9.5.13.1 Staff members are strongly advised to seek independent financial advice before committing to starting salary sacrifice to superannuation. For legal reasons, Departmental staff are not able to provide advice regarding personal financial decisions.
- 9.5.13.2 Staff members will also need to review, and cease where necessary, current post-tax deductions prior to commencing salary sacrifice to superannuation contributions, to ensure that all post-tax financial commitments can continue to be met when pre-tax contributions to superannuation commence.
- 9.5.13.3 Applications and authority forms to commence salary sacrifice to superannuation contributions are available from:

Salary Packaging Unit  
Locked Bag 3005  
BLACKTOWN NSW 2148  
Fax: (02) 9836 9902

### **9.5.14 CEASING OR TRANSFERRING SALARY SACRIFICE ARRANGEMENTS**

Salary sacrifice under this scheme may be ceased at any time by giving one month's notice in writing. Staff transferring to another NSW public sector organisation should be able to continue to salary sacrifice to superannuation, subject to the provision of an appropriate scheme by the new organisation, and any administration cost that organisation may impose.

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### For more information

**Contact** The Pillar Customer Service Centre can assist with information about fund membership. The telephone service is available Monday to Friday from 8.30 a.m. to 5.30 p.m. for members of:

#### **First State Super**

Telephone: 1300 650 873  
Internet: [www.firststatesuper.nsw.gov.au](http://www.firststatesuper.nsw.gov.au)

#### **State Authorities Superannuation Scheme**

Telephone: 1300 130 095  
Internet: [www.statesuper.nsw.gov.au](http://www.statesuper.nsw.gov.au)

#### **State Superannuation Scheme**

Telephone: 1300 130 096  
Internet: [www.statesuper.nsw.gov.au](http://www.statesuper.nsw.gov.au)

For personal interviews the advisory service is available, Monday to Friday from 8.30 am to 5.30 pm at:

Level 18  
83 Clarence street  
Sydney NSW 2000

You will need to make an appointment by calling 9238 5540.  
(Interviews may also be arranged in Wollongong and Port Macquarie)

You can also have a personal interview at one of the following regional offices located within the offices of State Super Financial Services:

90 Phillip Street, Parramatta NSW 2150  
Telephone 9893 7355 or freecall 1800 626 000

Level 2, King Street, Newcastle NSW 2300  
Telephone 4929 7044 or freecall 1800 807 855

You can address correspondence to the Pillar Customer Service Centre at:

GPO Box 5328  
Sydney NSW 2001

### **Choice of funds**

If you have elected to have your superannuation contributions paid to a fund other than those listed above you should contact your fund for information regarding entitlements.

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## 10.1 REGIONAL OFFICES AND EDUCATION OFFICES

### 10.1.1 HUNTER/CENTRAL COAST REGION

#### Regional Office

117 Bull Street  
Newcastle NSW 2300  
ph:4924 9900  
fax:4924 9843

#### Education Offices

##### **Hunter/Central Coast Groups 1, 2 & 3**

Level 3, 40 Mann Street  
Gosford NSW 2250  
phone: (02) 4348 9100  
fax: (02) 4348 9199

##### **Hunter/Central Coast Groups 4 & 5**

Cnr Glebe & Brunker Roads  
PO Box 82  
Adamstown NSW 2289  
phone: (02) 4904 3913  
fax: (02) 4904 3950

##### **Hunter/Central Coast Groups 6 & 7**

11-15 Josephson Street  
Swansea NSW 2281  
phone: (02) 4972 3000  
fax: (02) 4971 6196

##### **Hunter/Central Coast Group 8**

1<sup>st</sup> Floor  
56 Brook Street  
Muswellbrook NSW 2333  
phone: (02) 6541 7000  
fax: (02) 6541 7007

##### **Hunter/Central Coast Groups 9 & 10**

Level 1  
2 Caroline Place  
Maitland NSW 2320  
phone: (02) 4931 3500  
fax: (02) 4934 1425 4931 3599

### 10.1.2 ILLAWARRA/SOUTH COAST REGION

#### Regional Office

5 Rowland Avenue  
West Wollongong NSW 2500  
Phone: (02) 4222 2929  
Fax: (02) 4222 2963 4222 2963

#### Education Offices

##### **Batemans Bay**

15A Citi Centre  
Orient Street  
Batemans Bay NSW 2536  
phone: (02) 4475 3300  
fax: (02) 4472 8196 4475 3340

##### **Shellharbour**

Cnr Shellharbour & Lake Entrance  
Roads  
PO Box 118  
Warilla NSW 2528  
phone: (02) 4251 9900

fax: (02) 4251 9945

### **Goulburn/Highlands**

Cnr Shellharbour & Lake Entrance Roads  
PO Box 118  
Warilla NSW 2528  
phone: (02) 4251 9900  
fax: (02) 4251 9945

### **Shoalhaven**

Cnr Shellharbour & Lake Entrance Roads  
PO Box 118  
Warilla NSW 2528  
phone: (02) 4251 9900  
fax: (02) 4251 9945

### **Queanbeyan District Office**

Level 1, City Link Plaza  
24-36 Morisset Street  
Queanbeyan NSW 2620  
phone: (02) 6200 5000  
fax: (02) 6299 0412

### **Wollongong**

414-416 Crown Street  
West Wollongong NSW 2500  
PO Box 163  
Keirville NSW 2500  
Phone: (02) 4224 9200  
Fax: (02) 4224 9247

### **Sapphire Coast/Monaro**

15A Citi Centre  
Orient Street  
Batemans Bay NSW 2536  
phone: (02) 4475 3300  
fax: (02) 4475 3340

### **Wollongong North**

414-416 Crown Street  
West Wollongong NSW 2500  
PO Box 163  
Keirville NSW 2500  
phone: (02) 4224 9200  
fax: (02) 4224 9247

## **10.1.3 NEW ENGLAND REGION**

### **Regional Office**

Suite 1, 11-15 Dowe st  
Tamworth NSW 2340  
phone: (02) 6755 5934  
fax: (02) 6755 5935

### **Education Offices**

#### **New England North**

175 Rusden Street  
Armidale NSW 2350  
phone: (02) 6776 4100  
fax: (02) 6776 4145

#### **New England South**

155-157 Marius Street  
PO Box 370  
Tamworth NSW 2340  
phone: (02) 6755 5000  
fax: (02) 6755 5020

#### **New England West**

66-68 Frome Street  
PO Box 207  
Moree NSW 2400  
phone: (02) 6757 3000  
fax: (02) 6757 3043

#### **New England Central**

175 Rusden St  
Armidale NSW 2340  
phone: (02) 6776 4100  
fax: (02) 6776 4145

### 10.1.4 NORTH COAST REGION

#### Regional Office

Cnr Marcia St and Rose Ave  
Coffs Harbour NSW 2450  
Phone: 6652 0500  
Fax: 6658 0537

#### Education Offices

##### **Clarence**

Mary Street  
PO Box 275  
Grafton NSW 2460  
phone: (02) 6641 5000  
fax: (02) 6641 5099

##### **Far North Coast**

Level 2, 12-14 King Street  
PO Box 828  
Murwillumbah NSW 2484  
phone: (07) 6670 2300  
fax: (07) 6672 5192

##### **Lower North Coast**

Middle Street  
PO Box 661  
Forster NSW 2428  
phone: (02) 6591 7600  
fax: (02) 6591 7608

##### **Richmond Valley**

610 Ballina Road  
PO Box 4029  
Goonellabah NSW 2480  
phone: (02) 6623 5900  
fax: (02) 6623 5917

##### **The Wilson**

154 Ballina Road  
PO Box 4029  
Goonellabah NSW 2480  
phone: (02) 6623 5900  
fax: (02) 6623 5917

##### **Coffs Harbour**

Cnr Lyons and Toormina Rd  
Po Box 400  
Toormina 2452  
phone: (02) 6690 9500  
fax: (02) 6658 4798

##### **Hastings**

Findlay Avenue  
PO Box 1586  
Port Macquarie NSW 2444  
phone: (02) 6586 6900  
fax: (02) 6586 6999

##### **Manning Camden Haven**

Middle Street  
PO Box 661  
Forster NSW 2428  
phone: (02) 6591 7600  
fax: (02) 6591 7608

##### **Southern Cross**

Level 2, 12-14 King Street  
PO Box 828  
Murwillumbah NSW 2484  
phone: (07) 6670 2300  
fax: (07) 6672 5192



### 10.1.5 NORTHERN SYDNEY REGION

#### Regional Office

Level 5, 13-15 Lyon Park Rd  
North Ryde NSW 2112  
Phone: 9886 7000  
Fax: 9886 7027

#### Education Offices

##### **Lane Cove Network**

Level 5, 13-15 Lyon Park Rd  
North Ryde NSW 2112  
phone: (02) 9886 7000  
fax: (02) 9886 7070

##### **Hornsby Network**

Level 2, 20 George Street  
PO Box 450  
Hornsby NSW 2077  
phone: (02) 9987 3900  
fax: (02) 9987 3928

##### **Middle Harbour Network**

72 Fisher Road  
Dee Why NSW 2099  
phone: (02) 9941 3000  
fax: (02) 9941 3030

##### **North Shore Network**

Level 5, 13-15 Lyon Park Rd  
North Ryde NSW 2112  
phone: (02) 9886 7000  
fax: (02) 9886 7070

##### **Hills Network**

Level 2, 20 George Street  
PO Box 450  
Hornsby NSW 2077  
phone: (02) 9987 3900  
fax: (02) 9987 3928

##### **Peninsula Network**

72 Fisher Road  
Dee Why NSW 2099  
phone: (02) 9941 3000  
fax: (02) 9941 3030

### 10.1.6 RIVERINA REGION

#### Regional Office

Level 4  
76 Morgan Street  
WAGGA WAGGA NSW 2650  
phone: (02) 6937 3871  
fax: (02) 6921 9651

#### Education Offices

##### **Riverina South**

521 Macauley Street  
Albury NSW 2640  
phone: (02) 6051 4300  
fax: (02) 6041 3258

##### **Riverina South West**

Harfleur Street  
PO Box 41  
Deniliquin NSW 2710  
phone: (03) 5898 3700  
fax: (03) 5881 5851

**Riverina West**

NSW Government Offices  
104-110 Banna Avenue  
Griffith NSW 2680  
phone: (02) 6961 8100  
fax: (02) 6964 1386

**Riverina Central**

Level 2, 76 Morgan Street  
PO Box 478  
Wagga Wagga NSW 2650  
phone: (02) 6937 3800  
fax: (02) 6937 3899

**Riverina North**

Level 2, 76 Morgan Street  
PO Box 478  
Wagga Wagga NSW 2650  
phone: (02) 6937 3800  
fax: (02) 6937 3899

**Riverina North West**

NSW Government Offices  
104-110 Banna Avenue  
Griffith NSW 2680  
phone: (02) 6961 8100  
fax: (02) 6964 1386

**Riverina East**

Level 2, 76 Morgan Street  
PO Box 478  
Wagga Wagga NSW 2650  
phone: (02) 6937 3800  
fax: (02) 6937 3899

### 10.1.7 SOUTH WESTERN SYDNEY REGION

**Regional Office**

South Western Sydney Institute  
Building A  
500 Chapel Street  
Phone: 9707 6960  
Fax: 9707 6966

**Education Offices****Bankstown**

Union Street  
Riverwood NSW 2210  
phone: (02) 9408 8900  
fax: (02) 9408 8999

**East Hills**

Union Street  
Riverwood NSW 2210  
Phone: (02) 9408 8900  
Fax: (02) 9408 8999

**Granville**

65 Albert Road  
Strathfield NSW 2135  
phone: (02) 9582 6300

**Campbelltown**

Cnr Lindesay & Lithgow Streets  
Campbelltown NSW 2560  
phone: (02) 4633 2700  
fax: (02) 4633 2749

**Fairfield**

Wolumba Street  
Chester Hill NSW 2162  
phone: (02) 9793 4900  
fax: (02) 9793 4943

**Hoxton**

Wolumba Street  
Chester Hill NSW 2162  
phone: (02) 9793 4900

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fax: (02) 9582 6340

fax: (02) 9793 4943

### **Ingleburn**

Roy Watts Road  
PO Box 21  
Glenfield NSW 2167  
phone: (02) 9203 9900  
fax: (02) 9203 9999

### **Liverpool**

Roy Watts Road  
PO Box 21  
Glenfield NSW 2167  
phone: (02) 9203 9900  
fax: (02) 9203 9999

### **Macarthur**

Cnr Lindesay & Lithgow Streets  
Campbelltown NSW 2560  
phone: (02) 4633 2700  
fax: (02) 4633 2749

### **Strathfield**

65 Albert Road  
Strathfield NSW 2135  
phone: (02) 9582 6300  
fax: (02) 9582 6340

## **10.1.8 SYDNEY REGION**

### **Regional Office**

Sydney Institute  
Level 1, Room A1.13  
Building A  
Mary Ann Street  
Ultimo NSW  
Phone: (02) 9217 4877  
Fax: (02) 9217 4843

### **Education Offices**

#### **Botany Bay**

5 Wellington Street  
Bondi NSW 2026  
phone: (02) 9298 6900  
fax: (02) 9298-6940

#### **Network 8**

5 Wellington Street  
Bondi NSW 2026  
phone: (02) 9298 6900  
fax: (02) 9298-6940

#### **Port Jackson**

5 Wellington Street  
Bondi NSW 2026  
phone: (02) 9298 6900  
fax: (02) 9298-6940

#### **Woronora River**

Cnr The Kingsway & Sylva Avenue  
PO Box 367  
Miranda NSW 2228  
phone: (02) 9531 3900  
fax: (02) 9531 3999

#### **Georges River**

Sydney Institute  
Level 1, Room A1.13

#### **Port Hacking**

Cnr The Kingsway & Sylva Avenue  
PO Box 367

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Building A  
Mary Ann Street  
Ultimo NSW  
phone: (02) 9217 4877  
fax: (02) 9217 4843

Miranda NSW 2228  
phone: (02) 9531 3900  
fax: (02) 9531 3999

**Inner West**  
Sydney Institute  
Level 1, Room A1.12  
Building A  
Mary Ann Street  
Ultimo NSW  
Phone: (02) 9217 3446  
Fax: (02) 9217 4843

**Inner City**  
Sydney Institute  
Level 1, Room A1.12  
Building A  
Mary Ann Street  
Ultimo NSW  
Phone: (02) 9217 4877  
Fax: (02) 9217 4843

### 10.1.9 WESTERN NSW REGION

#### Regional Office

Level 2  
37 Carrington Avenue  
Dubbo NSW 2830  
Phone: (02) 6883 6300  
Fax: (02) 6883 6343

#### Education Offices

**Bathurst**  
Cnr George & Rocket Streets  
PO Box 702  
Bathurst NSW 2795  
phone: (02) 6334 8200  
fax: (02) 6332 1766

**Bourke**  
48 Oxley Street  
Bourke NSW 2840  
phone: (02) 6870 1777  
fax: (02) 6870 1333

**Broken Hill**  
1A Wentworth Rd  
Broken Hill NSW 2880  
phone: (08) 8082 5700  
fax: (08) 8082 5740

**Dubbo**  
Level 2, 37 Carrington Avenue  
Dubbo NSW 2830  
phone: (02) 6883 6300  
fax: (02) 6884 3787

**Lachlan**  
Level 1, 60-62 McNamara St  
Orange 2800  
phone: (02) 6392 8414  
fax: (02) 6392 8445

**Orange**  
60-62 McNamara Street  
Orange NSW 2800  
phone: (02) 6392 8400  
fax: (02) 6392 8445

**Warrumbungle**  
Level 2, 37 Carrington Avenue  
Dubbo NSW 2830

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phone: (02) 6883 6300  
fax: (02) 6884 3787

### 10.1.10 WESTERN SYDNEY REGION

#### Regional Office

Western Sydney Institute of TAFE  
2-10 O'Connell Street  
Kingswood NSW  
Phone: (02) 9208 9359  
Fax: (02) 9208 9990

#### Education Offices

##### **Blue Mountains**

51 Henry Street  
Penrith NSW 2750  
phone: (02) 4724 8799  
fax: (02) 4724 8777

##### **Hawkesbury**

Nirimba  
Building TC3  
Eastern Road  
Quakers Hill NSW 2763  
Phone: (02) 9208 7640  
Fax: (02) 9208 7649

##### **Minchinbury**

Hindemith Avenue  
Emerton NSW 2770  
phone: (02) 8808 4900  
fax: (02) 9628 2413

##### **Nirimba**

Nirimba  
Building TC3  
Eastern Road  
Quakers Hill NSW 2763  
Phone: (02) 9208 7611  
Fax: (02) 9208 7635

##### **Cumberland**

Building TC3  
Eastern Road  
Quakers Hill NSW 2763  
phone: (02) 9208 7611  
fax: (02) 9208 7635

##### **The Hills**

Nirimba  
Building TC3  
Eastern Road  
Quakers Hill NSW 2763  
Phone: (02) 9208 7611  
Fax: (02) 9208 7635

##### **Mt Druitt**

Hindemith Avenue  
Emerton NSW 2770  
phone: (02) 8808 4900  
fax: (02) 9628 2413

##### **Penrith Valley**

51 Henry Street  
Penrith NSW 2750  
phone: (02) 4724 8799  
fax: (02) 4724 8777

### 10.2 OTHER ADDRESSES

#### 10.2.1 EMPLOYEE SERVICES (BATHURST)

Locked Bag 1010  
Bathurst NSW 2795

Phone: 1300 338 003  
Fax: 1300 338 123  
e-mail: [employee.services.bathurst@det.nsw.edu.au](mailto:employee.services.bathurst@det.nsw.edu.au)

#### 10.2.2 HEALTHQUEST

##### **Confidential Medical Certificates**

The Director  
HealthQuest  
Level 13  
59 Goulburn St  
Sydney NSW 2000  
PO K609  
Haymarket NSW 1240  
phone: (02) 9289 7700  
fax: (02) 9289 7799  
Email: [enquiries@healthquest.gov.au](mailto:enquiries@healthquest.gov.au)  
Website: <http://www.healthquest.gov.au>

#### 10.2.3 MEDICAL APPEALS

Co-ordinator  
HealthQuest Appeals Committee  
Level 13  
59 Goulburn St  
Sydney NSW 2000  
PO K609  
Haymarket NSW 2000  
phone: (02) 9289 7705  
fax: (02) 9282 9898  
Website: <http://www.healthquest.gov.au/appeals.htm>

#### 10.2.4 GOVERNMENT AND RELATED EMPLOYEES APPEAL TRIBUNAL (GREAT)

Level 2  
1 Oxford Street  
Darlinghurst NSW 2010  
phone: (02) 9020 4750  
fax: (02) 9020 4790

Website: <http://www.industrialrelations.nsw.gov.au/great/index.html>

#### 10.2.5 SUPERANNUATION

##### **Pillar Administration**

Level 18  
83 Clarence Street  
Sydney NSW 2000  
Postal Address  
GPO Box 3887  
Sydney NSW 2001

phone: (02) 9238 5555  
freecall: 1800 451 112  
fax: (02) 9238 5272

**Personal interviews** can be arranged to be held at:  
Level 18, 83 Clarence Street  
Sydney NSW 2000  
8.30am – 5pm Monday to Friday  
Telephone (02) 9238 5540 to arrange an appointment.

### **First State Super**

PO Box 1229  
Wollongong DC NSW 2500

Phone: 1300 650 873  
Email: [enquiries@fss.nsw.gov.au](mailto:enquiries@fss.nsw.gov.au)  
Website: [www.firststatesuper.nsw.gov.au](http://www.firststatesuper.nsw.gov.au)

### **State Authorities Superannuation Scheme**

PO Box 1229  
Wollongong DC NSW 2500

Phone: 1300 130 095  
Email: [enquiries@stc.nsw.gov.au](mailto:enquiries@stc.nsw.gov.au)  
Website: [www.statesuper.nsw.gov.au](http://www.statesuper.nsw.gov.au)

### **State Super Scheme**

PO Box 1229  
Wollongong DC NSW 2500

Phone: 1300 130 096  
Email: [enquiries@stc.nsw.gov.au](mailto:enquiries@stc.nsw.gov.au)  
Website: [www.statesuper.nsw.gov.au](http://www.statesuper.nsw.gov.au)



## APPENDICES

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### 10.3 APPENDICES TO STAFF WELFARE

#### 10.3.1 STAFF SUPPORT OFFICERS

District Office	Telephone	Fax
Albury	(02) 6051 4300	(02) 6041 3258
Armidale	(02) 6776 4100	(02) 6776 4145
Bankstown	(02) 9408 8900	(02) 9408 8999
Batemans Bay	(02) 4475 3300	(02) 4475 3340
Bathurst	(02) 6334 8200	(02) 6332 1766
Bondi	(02) 9298 6900	(02) 9298 6940
Broken Hill	(08) 8082 5700	(08) 8082 5740
Campbelltown	(02) 4633 2700	(02) 46332749
Central Coast	(02) 4348 9100	(02) 4348 9199
Clarence/Coffs Harbour	(02) 6641 5000	(02) 6641 5009
Deniliquin	(03) 5898 3700	(03) 5881 5851
Dubbo	(02) 6883 6300	(02) 6884 3787
Fairfield	(02) 9793 4900	(02) 9793 4943
Granville	(02) 9582 6300	(02) 9582 6340
Griffith	(02) 6961 8100	(02) 6964 1386
Hornsby	(02) 9987 3900	(02) 9987 3930
Liverpool	(02) 9203 9900	(02) 9203 9999
Maitland	(02) 4931 3500	(02) 4931 3599
Moree	(02) 6757 3000	(02) 6757 3043
Mount Druitt	(02) 8808 4900	(02) 9628 2413
Newcastle	(02) 4904 3900	(02) 4348 3950
Orange	(02) 6392 8400	(02) 6392 8445
Penrith	(02) 4754 8799	(02) 4724 8777
Port Jackson	(02) 9298 6900	(02) 9298 6940
Port Macquarie	(02) 6586 6900	(02) 6586 6999
Queanbeyan	(02) 6200 5000	(02) 6299 0412
Ryde	(02) 9886 7015	(02) 9886 7070
Shellharbour	(02) 4251 9900	(02) 4251 9945
Tamworth	(02) 6755 5000	(02) 6755 5020
Wagga Wagga	(02) 6937 3800	(02) 6937 3899
Wollongong	(02) 4224 9200	(02) 4224 9247

### 10.3.2 AREA HEALTH SERVICE CENTRES

For services provided by NSW Health, contact your local area health service or ring their general switchboard number on (02) 9391 9000. Alternatively information can be obtained from the NSW Health website <http://www.health.nsw.gov.au>.

### 10.3.3 NSW DEPARTMENT OF COMMUNITY SERVICES

For services provided by NSW Department of Community Services, contact your local area office or ring their general switchboard number on (02) 9716 2222; Mandatory Reporting 133 627 or Helpline 132 111. Alternatively information can be obtained from the NSW Department of Community Services website <http://www.community.nsw.gov.au/>

**EXAMPLE OF LOCAL SUPPORT PERSONNEL  
TO CONTACT AT THE TIME OF A CRITICAL INCIDENT**

<b>ORGANISATION</b>	<b>NAME</b>	<b>TELEPHONE</b>	<b>FAX</b>
First Aid Officer			
Police			
Fire Brigade			
Ambulance			
Hospital			
Poisons Information Centre			
School Education Director			
Education Office			
School Counsellor			
Staff Support Officer			
Legal Services Unit			
School Security Unit			
Public Service Association of NSW			
Area Health Service			
Employee Assistance Program			