SA Health (Health Care Act)

Human Resources Manual

Government of South Australia

SA Health

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DISCLAIMER

The Department for Health and Wellbeing (DHW) makes no warranties as to the contents of this manual and specifically disclaims any warranties of merchantability or fitness for any purpose. DHW specifically disclaim any liability whatsoever for any loss incurred as a result of the use of this manual. DHW further reserve the right to alter the contents of the manual without obligation to notify any person or organisation of these changes.

COPYRIGHT OF THIS MANUAL

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This manual was developed for the use of the DHW, Hospitals or SAAS incorporated under the provisions of the Health Care Act 2008 for the purpose of managing human resources issues.

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HUMAN RESOURCES MANUAL

Update January 2020

Part 7-11 Recognition of Prior Service	Recognition of prior service for the purposes of leave entitlements is to be applied consistent with *Determination 3.1: Employment Conditions – Hours of Work, Overtime and Leave (Section G – Recognition of Prior Service and Leave Accruals)* of the Commissioner for Public Sector Employment for all employees under the *Health Care Act 2008*
Appendix 5-3-6	Update of Historical On-Call Allowances
Part 5-3-4 Locality Allowances Part 5-3-5 Meal Allowance Rates Part 8-3 Incidental Allowances when travelling Part 8-3 Meal Allowances when travelling Part 8-3 Accommodation Rates when travelling Part 8-4 Motor Vehicle Usage	Reinstatement of allowances which were inadvertently removed in August 2019.

Director Workforce Relations Approval Date – 16 January 2020

ABOUT THIS MANUAL

Sections 34(2) and 52(2) of the Health Care Act allows Incorporated Hospitals and SAAS to appoint, upon terms and conditions fixed by the Chief Executive of the Department for Health and Wellbeing and approved by the Commissioner for Public Sector Employment, such officers and employees as it thinks necessary or desirable for proper administration.

These terms and conditions of employment are contained in industrial awards and agreements, and within this Human Resources Manual. The Manual is issued as a means of advising policies which are to be observed as it applies and explains the application and operation of the binding awards and agreements.

This Manual does not apply to employees employed under the Health Care Act if:

- Employed under the *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017* (or any enterprise agreement made in substitution for that enterprise agreement); or
- Employed as an executive.

For these employees, reference should be made to Part 7 (as modified by the Public Sector Act Regulations 2010) of the Public Sector Act 2009 (PS Act).

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

In some instances, the HR Manual refers to sections of the Public Sector Act 2009 (PS Act). More information regarding the applicability of the PS Act for Health Care Act employees can be found in Part 4-1-8-1 of this manual.

The format of this Manual has been designed to be consistent with the format proposed by the s150A Review of Awards format. This will allow greater ease of use by grouping related items together under Parts in this Manual, and these groupings are similar to the format proposed for awards.

Any queries on the interpretation or application of the terms and conditions contained within this Manual should be directed to your local human resource team.

The terms and conditions of employment contained within this Manual apply to both Salaried and Weekly Paid employees unless otherwise specified.

CONTACT DETAILS

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DEFINITIONS

The following terminology is used in this Manual:

Term	Meaning
Chief Executive	The Chief Executive of the Department and includes a person for the time being acting in that position
Chief Executive Officer (or delegate)	Chief Executive Officer of an Incorporated Hospital or SAAS.

Health Service	(a) a service associated with: • the promotion of health and well-being, or • the prevention of disease, illness or injury; or • intervention to address or manage disease, illness or injury; or • the management or treatment of disease, illness or injury; or • rehabilitation or on-going care for persons who have suffered a disease, illness or injury; or (b) a paramedical or ambulance service; or (c) a residential aged care service; or (d) a research, pathology or diagnostic service associated with veterinary science; or (e) a service brought within the ambit of this definition by the regulations, but does not include a service excluded from the ambit of this definition by the regulations;
Hospital	(a) an entity (whether corporate or unincorporated and including a partnership or other structure) by which health services are provided, being health services that include services provided to persons on a live-in basis; (b) a site at which activities of an incorporated hospital are undertaken.
Incorporated Hospital	A hospital incorporated pursuant to the Health Care Act 2008.
SAAS	SA Ambulance Service Inc.
Salaried Employee	An employee whose rate of pay is expressed as an annual salary or is calculated from an annual salary
Weekly Paid Employee	An employee whose rate of pay is expressed as a weekly amount and not as an annual salary

WELCOME TO THE SA HEALTH (HEALTH CARE ACT) HUMAN RESOURCES MANUAL

This Manual contains terms and conditions of employment for all Health Care Act employees except those -

- employed under the *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017* (or any enterprise agreement made in substitution for that enterprise agreement); or
- employed as an executive.

Terms and conditions contained in awards and agreements take precedence over those contained within this Manual, therefore the relevant award or agreement should be consulted before using this Manual.

If you are unsure which award or agreement applies to the classification which you are interested in, refer to the list of classifications and relevant award/industrial agreements.

To ensure correct interpretation and application of the information contained in this Manual, users are advised that topics should be read in conjunction with other information in the Manual relevant to the subject matter.

For help on how to use this manual, select Using the Human Resources Manual application.

If you require advice regarding the terms and conditions contained in this Manual, please refer to your local human resources team.

PART 1 – APPLICATION OF MANUAL

1-1 Incorporated LOCAL HEALTH NETWORKS and Health Services

	Local Health Network/ Health Service	Date of Incorporation
Central Adelaide Local Health Network Incorporated†	Local Health Network	1 July 2011
Northern Adelaide Local Health Network Incorporated†	Local Health Network	1 July 2011
Southern Adelaide Local Health Network Incorporated†	Local Health Network	1 July 2011
Women's and Children's Health Network Incorporated†	Health Network	1 July 2011
SA Ambulance Service Inc‡	Health Service	1 July 1993
Barossa Hills Fleurieu Local Health Network Incorporated†	Local Health network	1 July 2019
Eyre and Far North Local Health Network Incorporated†	Local Health Network	1 July 2019
Flinders and Upper North Local Health Network Incorporated†	Local Health Network	1 July 2019
Limestone Coast Local Health Network Incorporated†	Local Health	1 July 2019

	Network	
Riverland Mallee Coorong Local Health Network Incorporated†	Local Health Network	1 July 2019
Yorke and Northern Local Health Network Incorporated†	Local Health Network	1 July 2019

† Incorporated under the *Health Care Act 2008*

‡ Incorporated under the *Associations Incorporation Act 1985*

1-2 Awards and Agreements

1-2-1 LIST OF TITLES OF AWARDS AND INDUSTRIAL AGREEMENTS

The following is a list of titles of Awards and Agreements binding on the Department for Health and Wellbeing, SAAS and Hospitals incorporated under the Health Care Act 2008, as appropriate.

Agreements:

SA Health Clinical Academics Enterprise Agreement 2018
SA Health Salaried Medical Officers Enterprise Agreement 2017
Nursing/Midwifery (South Australian Public Sector) Enterprise Agreement 2016
SA Ambulance Service Enterprise Agreement 2017
SA Health Visiting Medical Specialists Enterprise Agreement 2019
South Australian Government Wages Parity (Plumbing, Metal and Building Trades Employees) Enterprise Agreement 2016
South Australian Modern Public Sector Enterprise Agreement: Salaried 2017
South Australian Government Wages Parity (Weekly Paid) Enterprise Agreement 2017
Dental Officers Agreement (unregistered: dated 1980)
Grant Funded Scientist's Agreement (unregistered: dated 2001)
Visiting Dental Staff Agreement (unregistered: dated 1980)

Awards:

Government Stores Employees Interim Award
Medical Scientists (South Australian Public Sector) Award
Nurses (South Australian Public Sector) Award 2002
Part time Interpreters or Translators (Public Service) SA Award
SA Public Sector Plumbers and Gasfitters Award
Public Service (Recreation Leave Loading) Award
SA Ambulance Service Award
S.A. Public Sector Salaried Employees Interim Award
South Australian Government Building Trades Award
South Australian Government Departments and Instrumentalities (Metal Trades) Award 1999
South Australian Government Health etc. Ancillary Employees Award
South Australian Government Printing Interim Award
South Australian Medical Officers Award

1-2-2 HOW TO OBTAIN COPIES OF THE LATEST PUBLICATION OF AWARDS

State Awards

Counter Sales and Publication Sales:

Information SA
SA Water House
77 Grenfell Street,
ADELAIDE S.A. 5000
Phone: 8204 1900.

Mail Orders and Publication Sales:

Industrial Registry
8th Floor, Riverside Centre
North Terrace
ADELAIDE SA 5000
Phone: 8207 0990

To ensure that the Awards are kept up-to-date it will be necessary to be subscribed to the Industrial Registry for variation to Awards and rates of pay.

Federal Awards

Federal Awards may be obtained by contacting the Australian Industrial Registry, 8th Floor, Riverside Centre, North Terrace, Adelaide, at a nominal cost (Phone No. 8207 0900).

Industrial Agreements

Copies of Agreements may be obtained by contacting your local human resources team.

1-2-3 LIST OF CLASSIFICATIONS AND RELEVANT AWARD / INDUSTRIAL AGREEMENT

Definitions used in the list

ASO = Administrative Services Stream

TGO = Technical Services Stream

PO = Professional Officer Stream

OPS = Operational Services Stream

Aboriginal Health Worker	South Australian Public Sector Salaried Employees Interim Award	OPS
Activity Supervisor	South Australian Government Health Etc., Ancillary Employees Award	WHA
Administrative Services Officer	South Australian Public Sector Salaried Employees Interim Award	ASO
Architectural Design/Drafting	South Australian Public Sector Salaried Employees Interim Award	TGO
Artisan	South Australian Government Health Etc., Ancillary Employees Award	WHA
Associate Clinical Services Coordinator	Nurses (South Australian Public Sector) Award 2002	RN/RM
Audiologist	South Australian Public Sector Salaried Employees Interim Award	PO
Bio-medical Engineering	South Australian Public Sector Salaried Employees Interim Award	TGO
Bio-medical Laboratories	South Australian Public Sector Salaried Employees Interim Award	TGO
Boiler Attendant	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Bricklayer	South Australian Government Building Trades Award	WBT
Builders' Labourer	Building and Construction Workers' (SA Government Employees) Award 1990	WME

Building Trades Employee	South Australian Government Building Trades Award	WBT
Building Tradesperson	South Australian Government Building Trades Award	WBT
Carpenter	South Australian Government Building Trades Award	WBT
Cleaner	South Australian Government Health Etc., Ancillary Employees Award	WHA
Clerical Officer	South Australian Public Sector Salaried Employees Interim Award	ASO
Clinical Academic	No prescribed Award, please refer to the Department of Health Clinical Academics Enterprise Agreement 2009	CA
Clinical Nurse	Nurses (South Australian Public Sector) Award 2002	RN/RM
Clinical Nurse Consultant	Nurses (South Australian Public Sector) Award 2002	RN/RM
Clinical Psychologist	South Australian Public Sector Salaried Employees Interim Award	PO
Community Health Nurse	Nurses (South Australian Public Sector) Award 2002	RN/RM
Community Mental Health Nurse	If employed by organisations previously part of the SA Mental Health Service: Nurses (SA Mental Health Service) Award 1992 (note that the award coverage for these staff is currently under review)	RN/RM
Computer Services Officer	South Australian Public Sector Salaried Employees Interim Award	ASO
Computer Systems Officer	South Australian Public Sector Salaried Employees Interim Award	ASO
Constructions/Engineering Technology	South Australian Public Sector Salaried Employees Interim Award	TGO
Consultant	South Australian Medical Officers Award	SMO

Cook	South Australian Government Health Etc., Ancillary Employees Award	WHA
Courier	South Australian Government Health Etc., Ancillary Employees Award	WHA
Creche Attendant	South Australian Government Health Etc., Ancillary Employees Award	WHA
CSSD Attendant	South Australian Government Health Etc., Ancillary Employees Award	WHA
Darkroom Technician	South Australian Public Sector Salaried Employees Interim Award	OPS
Dental Hygienist	South Australian Public Sector Salaried Employees Interim Award	OPS
Dental Nurse	South Australian Public Sector Salaried Employees Interim Award	OPS
Dental Services Officer	Dental Officers Unregistered Industrial Agreement	DSO
Dental Specialist	Dental Officers Unregistered Industrial Agreement	DSO
Dental Technician	South Australian Public Sector Salaried Employees Interim Award	TGO
Dental Therapist	South Australian Public Sector Salaried Employees Interim Award	OPS
Dentist	Dental Officers Unregistered Industrial Agreement	DSO
Dietitian	South Australian Public Sector Salaried Employees Interim Award	PO
Direct Care Worker	South Australian Government Health Etc., Ancillary Employees Award	WHA
Director of Nursing	Nurses (South Australian Public Sector) Award 2002	RN/RM
Disability Services Officer	Developmental Education Employees (S.A. Health Commission) Award	DIS
Domestic	South Australian Government Health Etc., Ancillary Employees Award	WHA

Electrical Tradesperson	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Electronic Tradesperson	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Electronics	South Australian Public Sector Salaried Employees Interim Award	TGO
Electro-Recordists	South Australian Public Sector Salaried Employees Interim Award	TGO
Engineer	South Australian Public Sector Salaried Employees Interim Award	PO
Engineering Design/Drafting	South Australian Public Sector Salaried Employees Interim Award	TGO
Engineering Employee	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Engineering Tradesperson	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Enrolled Mental Health Nurse	If employed by organisations previously part of the SA Mental Health Service: Nurses (SA Mental Health Service) Award 1992 (note that the award coverage for these staff is currently under review)	EN
Enrolled Nurse	Nurses (South Australian Public Sector) Award 2002	EN
Environmental safety	South Australian Public Sector Salaried Employees Interim Award	TGO
Executive Officer	Terms and conditions as specified within the Human Resources Manual	EX
Fitter and Turner	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Gardener	South Australian Government Health Etc., Ancillary Employees Award	WHA

Glazier	South Australian Government Building Trades Award	WBT
Graduate Officer	South Australian Public Sector Salaried Employees Interim Award	ASO
Groundsperson	South Australian Government Health Etc., Ancillary Employees Award	WHA
Handyperson	South Australian Government Health Etc., Ancillary Employees Award	WHA
Head Porter	South Australian Public Sector Salaried Employees Interim Award	OPS
Health Ancillary Employee	South Australian Government Health Etc., Ancillary Employees Award	WHA
Health Surveyor	South Australian Public Sector Salaried Employees Interim Award	TGO
Health Surveyor	South Australian Public Sector Salaried Employees Interim Award	TGO
Home Helper	South Australian Government Health Etc., Ancillary Employees Award	WHA
Housekeeper	South Australian Public Sector Salaried Employees Interim Award	OPS
Information Technologist	South Australian Public Sector Salaried Employees Interim Award	ASO
Inspectors - Miscellaneous	South Australian Public Sector Salaried Employees Interim Award	OPS
Inspectors, Plumbing & Drainage Safety and Health Related	South Australian Public Sector Salaried Employees Interim Award	OPS
Instructors - Industry/Activity Advisor	South Australian Public Sector Salaried Employees Interim Award	OPS
Intensive Care Paramedic	SA Ambulance Service Award	MPO
Intern	South Australian Medical Officers Award	SMO
Interpreter	Part Time Interpreters or Translators (Public Service) (S.A.) Award	ASO

Kitchen Hand	South Australian Government Health Etc., Ancillary Employees Award	WHA
Laboratory Attendant	South Australian Government Health Etc., Ancillary Employees Award	WHA
Laundry Hand	South Australian Government Health Etc., Ancillary Employees Award	WHA
Legal Officer	South Australian Public Sector Salaried Employees Interim Award	ASO
Librarian	South Australian Public Sector Salaried Employees Interim Award	PO
Library Technician	South Australian Public Sector Salaried Employees Interim Award	ASO
Machinist	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Maintenance Officer	South Australian Government Health Etc., Ancillary Employees Award	WHA
Manager Administrative Services	South Australian Public Sector Salaried Employees Interim Award	ASO
Manager Dental Services	Dental Officers Unregistered Industrial Agreement	DSO
Manager Professional Services	South Australian Public Sector Salaried Employees Interim Award	PO
Managers Information Technology	South Australian Public Sector Salaried Employees Interim Award	ASO
Medical Administrator	South Australian Medical Officers Award	SMO
Medical Officer	South Australian Medical Officers Award	SMO
Medical Scientist (previously Hospital Scientists)	Medical Scientists (South Australian Public Sector) Award	MeS
Mental Health Nurse	If employed by organisations previously part of the SA Mental Health Service: Nurses (SA Mental Health Service) Award 1992 (note	RN/RM

	that the award coverage for these staff is currently under review)	
Metal Trades Related	South Australian Public Sector Salaried Employees Interim Award	OPS
Metal Tradesperson	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Microbiologist	South Australian Public Sector Salaried Employees Interim Award	PO
Music Therapist	South Australian Public Sector Salaried Employees Interim Award	PO
Nurse	Nurses (South Australian Public Sector) Award 2002	RN/RM
Nursing Director	Nurses (South Australian Public Sector) Award 2002	RN/RM
Occupational Therapist	South Australian Public Sector Salaried Employees Interim Award	PO
Operational Services Officer	South Australian Public Sector Salaried Employees Interim Award	OPS
Optometrist	South Australian Public Sector Salaried Employees Interim Award	PO
Orderly	South Australian Government Health Etc., Ancillary Employees Award	WHA
Orthoepist	South Australian Public Sector Salaried Employees Interim Award	PO
Orthotic Technician	South Australian Public Sector Salaried Employees Interim Award	TGO
Orthotist	South Australian Public Sector Salaried Employees Interim Award	TGO
Painter	South Australian Government Building Trades Award	WBT
Pantryhand	South Australian Government Health Etc., Ancillary Employees Award	WHA
Paramedic	SA Ambulance Service Award	MAO

Paramedical Aide	South Australian Public Sector Salaried Employees Interim Award	OPS
Pathology Assistant	South Australian Government Health Etc., Ancillary Employees Award	WHA
Patient Services Assistant	South Australian Government Health Etc., Ancillary Employees Award	WHA
Perfusionist	South Australian Public Sector Salaried Employees Interim Award	PO
Pharmacist	South Australian Public Sector Salaried Employees Interim Award	PO
Pharmacy Assistant	South Australian Public Sector Salaried Employees Interim Award	OPS
Photographer	South Australian Public Sector Salaried Employees Interim Award	TGO
Physical Educator	South Australian Public Sector Salaried Employees Interim Award	PO
Physical Training Instructor	South Australian Public Sector Salaried Employees Interim Award	OPS
Physicist	South Australian Public Sector Salaried Employees Interim Award	PO
Physiotherapist	South Australian Public Sector Salaried Employees Interim Award	PO
Plumber	Plumbers and Gasfitters (S.A.) Award	P&MST
Podiatrist/Chiropodist	South Australian Public Sector Salaried Employees Interim Award	PO
Porter	South Australian Government Health Etc., Ancillary Employees Award	WHA
Printer	Printing and Kindred Industries Industrial Agreement	WPE
Professional Services Officer	South Australian Public Sector Salaried Employees Interim Award	PO
Professional Social Worker	South Australian Public Sector Salaried Employees Interim Award	PO

Psychologist	South Australian Public Sector Salaried Employees Interim Award	PO
Publicity and Promotion Officers	South Australian Public Sector Salaried Employees Interim Award	ASO
Radiographer	South Australian Public Sector Salaried Employees Interim Award	PO
Refrigeration Tradesperson	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Registered General Nurse	Nurses (South Australian Public Sector) Award 2002	RN
Registrar	South Australian Medical Officers Award	SMO
Research Officer	South Australian Public Sector Salaried Employees Interim Award	ASO
Resident Medical Officer	South Australian Medical Officers Award	SMO
Residential Care Worker	South Australian Public Sector Salaried Employees Interim Award	OPS
Rigger	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Science Laboratories	South Australian Public Sector Salaried Employees Interim Award	TGO
Scientific Instrument Make	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Scientific Officer	South Australian Public Sector Salaried Employees Interim Award	PO
Security Officer	South Australian Government Health Etc., Ancillary Employees Award	WHA
Senior Consultant	South Australian Medical Officers Award	SMO
Senior Dental Officer	Dental Officers Unregistered Industrial Agreement	DSO

Senior Dental Specialist	Dental Officers Unregistered Industrial Agreement	DSO
Senior Registrar	South Australian Medical Officers Award	SMO
Senior Visiting Dental Officer	Visiting Dental Staff Agreement	DOV
Senior Visiting Medical Specialist	S.A. Health Commission Terms and Conditions of Employment for Visiting Medical Specialists	VMS
Service Manager	South Australian Public Sector Salaried Employees Interim Award	ASO
Sheetmetal Worker	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Signwriter	South Australian Government Building Trades Award	WBT
Speech Pathologist	South Australian Public Sector Salaried Employees Interim Award	PO
Spray Painter	Metal Trades (South Australian Government Departments & Instrumentalities) Award, 1985	WMT
Staff Development Officer	South Australian Public Sector Salaried Employees Interim Award	ASO
Storesperson	Government Stores Employees Interim Award	WSE
Supervisor Hospitals	South Australian Public Sector Salaried Employees Interim Award	OPS
Technical Officer/Technical Assistant	South Australian Public Sector Salaried Employees Interim Award	TGO
Technician	South Australian Public Sector Salaried Employees Interim Award	TGO
Terrazzo Worker	South Australian Government Building Trades Award	WBT
Trades Assistant (Engineering)	Metal Trades (South Australian Government Departments &	WMT

	Instrumentalities) Award, 1985	
Trainee Medical Officer	South Australian Medical Officers Award	SMO
Translator	Part Time Interpreters or Translators (Public Service) (S.A.) Award	ASO
Transport Officer	South Australian Government Health etc., Ancillary Employees Award	WHA
Tuckpointer	South Australian Government Building Trades Award	WBT
Veterinary Officer	South Australian Public Sector Salaried Employees Interim Award	PO
Veterinary Pathologist	South Australian Public Sector Salaried Employees Interim Award	PO
Veterinary Scientist	South Australian Public Sector Salaried Employees Interim Award	PO
Visiting Dental Consultant	Visiting Dental Staff Agreement	DOV
Visiting Dental Officer	Visiting Dental Staff Agreement	DOV
Visiting Dental Specialist	Visiting Dental Staff Agreement	DOV
Visiting Medical Specialist	No prescribed Award, please refer to the SA Health Visiting Medical Specialists Enterprise Agreement 2012	VMS

1-3 APPLICATION OF TERMS, CONDITIONS AND AUTHORITIES

EMPLOYEES COVERED BY AWARDS, DETERMINATIONS AGREEMENTS

A) Binding

Before any award, determination or agreement or any variation thereof, made by or filed with a Commonwealth or State Industrial tribunal, which is legally binding, is applied to any employee, the approval of the Commissioner for Public Sector Employment shall be given for its observance. That approval will indicate the date from which the award, determination or agreement will be observed and the approval is to be regarded as the necessary authority for the payment of the increased rates mentioned therein. Its provisions must be applied to all employees engaged on work within the ambit or scope of the award, determination or agreement.

B) Not binding

Where employees are engaged upon work covered by awards, determinations or agreements which are not legally binding, the Chief Executive Officer (or delegate) will submit to Workforce Services, Corporate and Systems Support Services, Department for Health and Wellbeing a statement of the duties and the trade or calling of such employees together with an indication of the award, determination or agreement which, in its opinion, applies to the work done by them. Approval will then be sought by the Department for Health and Wellbeing for an appropriate rate of pay.

C) All awards determinations or agreements

If an employee is covered by an industrial award or agreement in relation to any matters covered in this manual, the industrial award or agreement prevails.

ALL OTHER EMPLOYEES

In all cases where employees are engaged on work which is not covered by any award, determination or agreement, a request for a rate of pay to be determined together with a statement of the duties of such employees must be submitted to the Department for Health and Wellbeing.

No alteration shall be made in the rate of remuneration of any employee (except in accordance with an award, determination or agreement, the authority for the observance of which has been given in accordance with A above) until the matter has been referred to the Department for Health and Wellbeing for consideration and decision.

The Department for Health and Wellbeing will maintain equity in its terms and conditions with those under the Public Sector Act with respect to job and salary classifications, so that they will be at least equal to those applying within the Public Service.

PART 2 – FLEXIBILITY

2-1 ENTERPRISE BARGAINING

This section will be completed at the next update of this document.

2-2 MAJORITY CLAUSES

This section will be completed at the next update of this document.

2-3 ENTERPRISE FLEXIBILITY CLAUSES

This section will be completed at the next update of this document.

PART 3 - GRIEVANCES AND DISPUTES

3-1 GRIEVANCE APPEAL AND RECLASSIFICATION REVIEW PROCEDURES

The key feature of this procedure is the establishment of a Department for Health and Wellbeing Grievance Appeal and Reclassification Review Panel to:

- assist in the resolution of grievances that are unable to be resolved at the local level, and
- review personal applications for reclassification.

3-1-1 ESTABLISHMENT AND OPERATION OF THE GRIEVANCE APPEAL AND RECLASSIFICATION REVIEW PANEL

A Grievance Appeal and Reclassification Review Panel (the Panel) will be established by the Department for Health and Wellbeing comprising:

- A Chair nominated by the Chief Executive, Department for Health and Wellbeing
- A nominee other than from where the employee who has lodged the grievance is employed; and
- A union or discipline representative. In the case of Grievances, a union or discipline representative nominated by the employee who has lodged the grievance. In the case of reclassification reviews, the Department will maintain a list of approved union/discipline representatives.

There are a number of procedural elements that are applicable to all of the grievance appeal and reclassification review procedures. These general elements are as follows:

General Panel Procedures and Principles

- Grievances Appeal/Reclassification Review Applications are to be lodged on the relevant form.
- Prior to a hearing, the Panel Chair may refer the matter to the Chief Executive Officer (or delegate) to ensure that there is opportunity for the matter to be resolved at the local level through conciliation if it is believed that this option has not been fully explored.
- The Grievances Appeal/Reclassification Review process is the final avenue of review within the Department.
- A pre-hearing conference may be held to clarify issues relating to the application.
- Parties (i.e. the appellant and the respondent) may be represented before the Panel.
- Both parties will be afforded the opportunity to be present throughout the Panel hearing.

- Witnesses may be called, examined and cross examined where the evidence is directed at important issues of fact that are in dispute between the parties. Parties wanting to call witnesses must seek prior permission from the Panel. The request should identify the witnesses and the proposed areas of enquiry.
- Panel decisions will be made by the concurrence of the Panel members or in the absence of concurrence, by majority decision. The parties will be bound by the decision of the Panel and will implement the Panel's decision from the date determined by the Panel.
- At the request of the employee, reasonable travel, accommodation or like costs associated with employees and/or witnesses attending hearings are to be met by the respective Hospital/Health Service. For promotional grievances, costs are to be met by the Hospital/Health Service within which the promotional position exists.

Hearing Procedure

The appellant's presentation to the Panel is first.

Details that have been included in a written submission need not be repeated at the Panel hearing. The key points should be summarised and any additional matters relevant to the case should be raised.

Both parties are to be given equal opportunity to comment on submissions, ask questions, present evidence and examine witnesses.

The Panel may ask questions of the parties or witnesses to clarify issues and submissions.

Following the hearing, the Panel will retire to consider all of the material presented.

The outcome of the hearing will be communicated in writing to the parties.

3-1-2 PROMOTIONAL GRIEVANCE PROCEDURE

In the case of alleged unfair treatment of an employee's application to a non-base grade position other than to a temporary or casual position or to a position classified at Executive Levels A to F inclusive, the employee may lodge a Promotional Grievance with the Panel (using the Notice of Promotional Grievance Form) provided that the employee is eligible for appointment to the position, and that application is made **within 7 days** from when the employee received notification of the result of his/her application for promotion.

An employee who is attempting to resolve a promotional grievance at the local level by conciliation may also choose to lodge a Promotional Grievance with the Panel within the timeframe specified above. This will preserve the employees right of a promotional grievance in the event that the matter is not resolved at the local level. The promotional grievance may be withdrawn if the matter is resolved by conciliation.

Promotional Grievances that are not lodged with the Panel within the specified timeframe will not be accepted.

CEO to consider conciliation

In lodging a Notice of Promotional Grievance the employee must simultaneously provide a copy of the Notice of Promotional Grievance within the same timeframe to Hospital/Health Service in which the nomination was made to enable conciliation to be considered.

Right to seek a Review

Only employees employed under the Health Care Act shall have the right to seek a review of promotional decisions.

Grounds on which a grievance may be made

A grievance against a nomination may only be made on one or more of the following grounds:

a) that the employee nominated is not eligible for appointment to the position;
b) that the selection processes leading to the nomination were affected by nepotism or patronage or were otherwise not properly based on assessment of the respective merits of the applicants; or
c) that there was some other serious irregularity in the selection process

Although staff selection decisions are to be based on a proper assessment of merit, the right of appeal does not encompass claims of superior merit.

Power of the Panel

The Panel may decline to entertain the grievance if it is of the opinion the grievance is frivolous or vexatious.

In exercising its power, the Panel will

- Determine if a serious irregularity was present, and
- Where applicable, consider if it was such that the nomination should be set aside.

To quash a nomination there must be some aspect of the irregularity which made the nomination suspect in the sense that the appellant was treated unfairly.

The Panel may;

a) Set aside the nomination; and
b) Order that the selection process be recommenced from the beginning or some later stage specified by the Panel.

Notice of Promotional Grievance

To the Chief Executive, Department for Health and Wellbeing

I

……
(full name)

employed by the

……
(name of hospital/health service)

as ……
(title and classification of position held)

hereby declare my eligibility to exercise the right of a promotional grievance pursuant to the SA Health (Health Care Act) HR Manual and lodge a promotional grievance following application for the position of:

……
(title and classification of position applied for)

Vacancy number

……...

Hospital/health service within which position applied for exists:

……

Date you received notification of the result of your application for promotion? / /

Postal address

……
(of appellant)

Contact telephone number(s) ……

Email address ……

Grounds on which a promotional grievance may be made

A promotional grievance may only be made on one or more of the following grounds:

Please specify on which ground(s) your grievance is made (tick appropriate box(es)) and on an attachment provide an outline of the relevant particulars:

- ☐ That the employee nominated is not eligible for appointment to the position;
- ☐ That the selection processes leading to the nomination were affected by nepotism or patronage or were otherwise not properly based on assessment of the respective merits of the applicants; or

- That there was some other serious irregularity in the selection process.

The remedy which I seek is as follows:

……

……

……

I have selected the following union/discipline representative to be a member of the Panel to review this grievance:
……..

I have selected the following union representative/other appropriate person to be my representative/witness/support person before the Panel:

……

Dated / / ……..
(Signature of Appellant)

Note
This form must be forwarded to the Chief Executive, Department for Health and Wellbeing (Level 9, Citi Centre, 11 Hindmarsh Square, Adelaide SA 5000) within seven days from receiving notification of the result of your application for promotion. Delivery by facsimile will be accepted – Facsimile number: 8226 0720. A notice of promotional grievance lodged after the due date cannot be considered by the panel.

Simultaneously, provide a copy of the Notice of promotional grievance within the same time frame to the Hospital/Health Service. This will permit the Hospital/Health Service to consider conciliation and arrange to convey that decision to the Panel within two weeks of receiving a copy of this notice. Please tick □ to confirm this action.

Appellants intending to be represented by an officer of a recognised organisation should confer with that organisation prior to lodging this application.

Individuals who have had prior involvement in the process which gives rise to the decision that is the subject of the grievance should refrain from sitting on the Panel. In such circumstances, the correct role of the individual in the grievance hearing, if any, would be as a representative, witness or support person, not as a Panel Member. A 'discipline representative' refers to a particular career/occupational group.

Retain a copy of this application for your information and file.

Office use only Date received: / /

3-1-3 ADMINISTRATIVE DECISION GRIEVANCE PROCEDURE

An administrative decision is defined as a decision, or a failure or refusal to make a decision in the exercise or purported exercise of administrative authority by the Hospital/Health Service.

Exceptions

Generally any administrative decision that directly affects an employee is subject to the right of grievance appeal with the following exceptions:

- Where a right of appeal lies under the relevant Award or Agreement
- Where a decision has been made by the Grievance and Reclassification Appeal Panel
- Where the right of appeal lays under other legislation e.g. Workers Rehabilitation and Compensation Act.

Tests to be satisfied

Certain tests need to be satisfied for the Panel to undertake a review.

- The employee must be directly affected by the administrative decision i.e. there has to be a resultant significant consequence which is experienced directly.
- A genuine attempt must have been made to resolve the grievance through conciliation.
- The Panel may only undertake a review relating to a decision where no other appeal/review mechanism exists.

Administrative decisions excluded from review

The following classes of administrative decision are excluded from review:

- The appointment of a person or employee to a position
- Payment of a higher duty allowance for 12 months or less
- A decision on an application for reclassification of a position
- Termination of an employee's employment in a temporary or casual position
- Non reappointment of an employee at the end of a term of employment under contract.
- Termination of the appointment of an employee who is on probation
- A direction that an employee's salary be reduced as a consequence of involvement in unauthorised industrial action
- Overpayment/Underpayment of salaries and wages
- Any matter affecting an Executive.

Step 1

- The employee shall first discuss the grievance with their immediate supervisor and between them attempt to resolve the matter.

- The employee may seek the help of their local Human Resources Officer, union representative or another appropriate person in resolving the grievance with the immediate supervisor.

  This stage should take no longer than 7 calendar days.

Step 2

- If the grievance cannot be resolved or if the employee is not satisfied with the proposed settlement or supervisor's decision they may submit the matter in writing to the Chief Executive Officer (or delegate) for decision.
- On receipt, the employee shall be given the opportunity of a personal discussion about the grievance at which the employee shall have the right to be accompanied and/or represented by a fellow employee, Human Resources Officer, union representative or another appropriate person.
- The employee shall be informed in writing of their decision within 14 calendar days of receipt of the reference.

Step 3

If the employee is not satisfied with the decision they may submit the matter in writing on the Notice of Grievance Form to the Grievance and Reclassification Appeal Panel.

Panel Role

The Panel is responsible for reviewing the matter before it having regard to the provisions of relevant legislation, the SA Health (Health Care Act) HR Manual, relevant Awards/Agreements and other relevant employment conditions.

Power of the Panel

The Panel may decline to entertain the grievance if it is of the opinion that the grievance is frivolous or vexatious.

Notice of Grievance against an Administrative Decision

To the Chief Executive, Department for Health and Wellbeing

I

……
(full name)

employed by the

……
(name of hospital/health service)

as

……
(title and classification of position held)

hereby give notice of a grievance in relation to my employment and request that the Panel review the matter.

Postal address

……
(of appellant)

Contact telephone number(s)

……

Email address

……

I hereby declare my eligibility to exercise the right of a grievance against an administrative decision pursuant to the SA Health (Health Care Act) HR Manual.

Relevant particulars of my grievance are as follows:

Description of administrative decision which is the cause of my grievance

……

……

……

Date on which the said administrative decision was made: / /

Name and position of person who authorised the said administrative decision:

……

Reason(s) for dissatisfaction with the said administrative decision are:

……

……..……

……..……

Please provide details of action taken by you in accordance with Steps 1 and 2 of the Administrative Decision Grievance Procedure (copies of relevant documentation should also be attached as applicable):

……

……

……

……

If a review of the administrative decision did take place, please provide the following details:
The name and position of the person(s) who undertook the review:

……

The nature and outcome of the review(s):

……

……

……

The relief which I seek is as follows:

……

……

……

I have selected the following union/discipline representative to be a member of the Panel to review this grievance:
……..……

I have selected the following union representative/other appropriate person to be my representative/witness/support person before the Panel:

……..

Dated / /
……
(Signature of Appellant)

Note

This form must be forwarded to the Chief Executive, Department for Health and Wellbeing (Level 9, Citi Centre, 11 Hindmarsh Square, Adelaide SA 5000). Delivery by facsimile will be accepted – Facsimile number: 8226 0720.

Simultaneously, provide a copy of the Notice of Grievance against an Administrative Decision within the same time frame to the Chief Executive Officer (or delegate) of the respective Hospital/Health Service. This will permit the Chief Executive Officer (or delegate) to consider conciliation. Please tick □ to confirm this action.

Appellants intending to be represented by an officer of a recognised organisation should confer with that organisation prior to lodging this application.

Individuals who have had prior involvement in the process which gives rise to the decision that is the subject of the appeal should refrain from sitting on the Panel. In such circumstances, the correct role of the individual in the appeal hearing, if any, would be as a representative, witness or support person, not as an adjudicator.

Retain a copy of this application for your information and file.

Office use only Date received: / /

3-1-4 PERSONAL RECLASSIFICATION REVIEW PROCEDURE

Reclassification of personnel can be determined based against work level definitions and in line with the organisation's goals and priorities.

A Personal Reclassification Review Procedure application must be made *within 14 calendar days* from when the employee received notification of the result of his/her application for personal reclassification.

Right to review

An employee may apply for review of a decision relating to a personal reclassification application. No such right exists in relation to management-initiated applications for reclassification.

CEO to consider conciliation

In lodging a Personal Reclassification Review the employee must simultaneously provide a copy of the Notice of Review within the same timeframe to the Chief Executive Officer (or delegate). This enables the Chief Executive Officer (or delegate) to consider conciliation.

Power of the Panel

The Panel may decline to entertain the review if it is of the opinion that the appeal application is frivolous or vexatious.

Documentation to be provided

The appellant is required to provide the Panel with a copy of the following documentation 7 working days prior to hearing:

- Relevant Award Classification Criteria/Work Level Definitions and current and proposed role description
- Initial submission (e.g. analysis of changes in work value, statement of proposal, relevant background information, references and assessments made)
- Organisation chart
- Manager's recommendation of support or otherwise
- A copy of the original classification determination.
- Any other relevant documentation.

Notice of Review following Personal Application for Reclassification

To the Chief Executive, Department for Health and Wellbeing

I

……
(full name)

employed by the

……
(name of hospital/health service)

as

……
(title and classification of position held)

hereby apply for review of a decision following a personal application for reclassification.

Postal address

……
(of appellant)

Contact telephone number(s) ……

On what date did you receive notification of the result of your application for personal reclassification?

/ /

I hereby declare my eligibility to exercise the right of review in relation to a decision following a personal application for reclassification pursuant to the SA Health (Health Care Act) HR Manual.

Relevant particulars are as follows:

Classification sought: ……

Attachments (ensure all relevant documentation is attached):

- Relevant award classification criteria / work level definitions and current and proposed role description.
- Initial submission (e.g. analysis of changes in work value, statement of proposal, relevant background information, references and assessments made)
- Current and proposed organisation chart
- Managers recommendation of support or otherwise
- Copy of the original classification determination
- Any other relevant documentation.

Dated / /

……..……
(Signature of Appellant)

Note

- This form must be forwarded to the Chief Executive, Department for Health and Wellbeing (Level 9, Citi Centre, 11 Hindmarsh Square, Adelaide SA 5000) within fourteen days from receiving notification of the result of your application for reclassification. Delivery by facsimile will be accepted – Facsimile number: 8226 0720. A notice of review following Personal Application for Reclassification lodged after the due date cannot be considered by the panel.

- Simultaneously, provide a copy of the Notice of Review following Personal Application for Reclassification within the same time frame to the Chief Executive Officer and/or delegate. This will permit the Chief Executive Officer or delegate to consider conciliation and arrange to convey that decision to the Panel within two weeks of receiving a copy of this notice. Please tick □ to confirm this action.

- Appellants intending to be represented by an officer of a recognised organisation should confer with that organisation prior to lodging an appeal.

- Retain a copy of this form and attachments for your information and file.

Office use only Date received: / /

3-2 INDUSTRIAL DISPUTES

The following procedures should be observed in the event of industrial disputes:

Employees should be informed that they are required to attend for duty and that their absence will be regarded as unauthorised, that is, absence without leave. In these circumstances, flexi-time is not available and the absence will result in an appropriate deduction from salary. Any such absences may have an effect on leave entitlements and incremental progression.

Employees who participate in strike action and/or stop work meetings are not to be paid for the time they are absent from work.

Where the action involves unauthorised absence from work, immediate steps should be taken to record the period of absence from each employee involved.

The local human resources team must be informed immediately if an industrial dispute and/or action occurs. It is emphasised that the services of human resources are available at all times to assist in industrial matters, and not just when industrial action occurs.

The information required includes the following:

- Hospital/Health service concerned, the particular section(s) involved and location(s) of same;
- Main activity undertaken at the location by the group of employees;
- Name(s) of Union(s) involved (if any);
- Date and time action commenced;
- Duration of action (actual or expected – whatever can be reported at the time);
- Nature of Industrial Action e.g. ban, stoppage, strike, threatened ban;
- Award coverage (if applicable);
- Enterprise Agreement coverage (if applicable);
- Remuneration Level(s) and number(s) of employees involved;
- The number of employees involved in the dispute directly (e.g. physical presence at stop-work meeting) and the number of employees who were involved indirectly (e.g. having to pick up additional tasks to cover absences). Count each employee involved in the dispute once only. For example, if 10 employees stopped work for two days, then eight of these stopped work for a further day, the total number of employees to be reported is 10;
- Usual hours worked per day by the employees;
- Cause of dispute (explanation of matter involved and demands being made);
- Effect of action (particularly on health, welfare and security);
- The total amount of time absent from duty;
- Any repercussive action that the industrial dispute may cause and how the Hospital/Health Service proposes to maintain work flow and minimise inconvenience to the public;
- Process responsible for employees resuming work. This refers to the process directly responsible for ending the stoppage of work, and not necessarily to the process (or processes) responsible for settling all matters in dispute.

- Whether the dispute was related to the process of creating or amending an Enterprise Agreement.

Employees who remain on duty should be treated in the normal manner.

Workplace facilities such as telephones etc. are not to be used for the purpose of promoting industrial disputation.

As soon as practicable after the industrial disputation has ceased the local human resources team must be provided with updated information listed above.

3-3 INDUSTRIAL RELATIONS

Workforce Services, Corporate and System Support Services is responsible for monitoring, and coordinating all matters pertaining to terms and conditions of employment for all employees

Industrial problems and their resolution

It is inevitable in the day to day management of staff that industrial problems will occur, requiring resolution. It is essential that decisions to resolve these problems are not made in isolation as the decisions may have wider ramifications.

Therefore, before such decisions are implemented reference should be made to Workforce Services, Corporate and Systems Support Services. If any doubt exists concerning an industrial relations matter, clarification must be sought from staff of the Division.

PART 4 - THE EMPLOYMENT RELATIONSHIP

4-1 EMPLOYER AND EMPLOYEE DUTIES AND RESPONSIBILITIES

4-1-1 CONFIDENTIALITY

Health Records (Handling of Patient Information)

Employees have a responsibility to manage all aspects of health records appropriately and effectively, to facilitate optimum care and meet the general expectations of patients, with regard to their maintenance and access.

Employees are to ensure strict confidentiality when handling patient information. Employees are only to access patient information in relation to patients in their care, in connection with the performance by them of their duties or as authorised.

SA Health views inappropriate access of patient records very seriously. Patient records are regularly monitored for instances of inappropriate access.

Employees who are proven to have inappropriately accessed patient records are liable to disciplinary action in accordance with Part 4-1-7 Managing Unsatisfactory Performance, Discipline and Termination.

Proven deliberate and inappropriate access to patient records may result in termination of employment.

For further information regarding the handling of health records, please refer to the SA Health Information Sharing Guidelines for Promoting Safety and Wellbeing: SA Health ISG Appendix Policy Directive.

Dissemination of Confidential Information on Employees

In many instances, information on employees, their income levels and other details may be requested. There have been instances where incomplete information has seriously disadvantaged employees.

Where a person is seeking access to the personnel records of another person or persons (e.g. interview panel recommendations or work assessments), an application should be made under the Freedom of Information Act. Release of any information without the employee's written permission, including information confirming that an employee is an employee of an agency, would constitute a breach of confidence.

Should written permission be given, every effort should be made to ensure that the information supplied is correct and complete. Where practical, employees should be given the opportunity to peruse the information provided.

This does not apply to the provision of referee's reports where the accepted practices should continue.

4-1-2 REIMBURSEMENTS CLAIMS PERSONAL POSSESSIONS

The Chief Executive Officer (or delegate) may approve ex-gratia payments up to a maximum of $1000 for any single claim for reimbursement for clothing or personal effects of Government employees damaged or lost during the course of their employment. Claims in excess of $1000 should be referred to the local human resources team.

The following guidelines will assist the Chief Executive Officer (or delegate) in considering claims for reimbursement for clothing or personal effects of Government employees damaged or lost during the course of their employment.

In any instance where personal injury is sustained, the appropriate workers' compensation claim forms should be completed.

Where no award or statutory provisions exist to reimburse such employees for the cost of repairs and replacement, the Chief Executive Officer (or delegate) may approve that an ex-gratia payment be made in those instances where the loss or damage was attributed to the service of the employee and resulted from one of the following circumstances:

1. While protecting or endeavouring to protect property of the workplace from loss or damage, for example reimbursement has been made in similar situations to the following:

   - Damage to trousers by flood waters whilst endeavouring to protect State property from water damage.
   - Clothing soiled whilst containing fire in basement of Government Building.

   In both instances the above examples were emergency situations with no time to seek appropriate protective clothing.

2. Because of a fault or defect in goods or other property belonging to the Workplace, for example:

   - reimbursement was made when an employee tore his trousers on a spring that had protruded through the seat of a departmental vehicle. The damaged seat was reported and repaired, however,
   - reimbursement was not made when an employee claimed compensation for two pairs of trousers worn out over the period of one year. The cause of the excess wear was said to be a frame bar of the seat that had protruded through the vinyl cover. Clearly the employee should have reported the damaged seat as soon as it was noticed and not left it for a year. The employee's own negligence was held to be responsible for the excess wear.
   - reimbursement was not made when an employee claimed compensation for trousers torn on the protruding edge of a filing cabinet drawer. The employee was aware of the potential hazard and should have exercised more care. The

employee's own negligence in leaving the drawer open was held to be responsible for the damage.

3. As a result of an act or an omission by another employee or by circumstances beyond the control of the employee concerned and not contributed to by the employee's negligence or lack of care, for example payment was made when:

- an employee's spectacles were damaged when a visitor struck her on the face.
- an employee was climbing a stairway at the end of a loading jetty, carrying valuable equipment when a gust of wind blew his glasses off into the sea.
- an employee's spectacles were damaged when items incorrectly stored by another employee fell from a shelf onto her head.
- reimbursement would not have been made, however, if the employee herself had stored the items incorrectly, as the damage would have resulted from her own lack of care.
- reimbursement was not made when a claim was made for reimbursement for broken spectacles. The spectacles were broken when one employee collided with another when turning a corner. The employees concerned in this case showed a lack of care.
- reimbursement was not made when an employee made a claim for cash and personal items stolen from the employee's worksite. The employee's own negligence in leaving such items unattended contributed to the loss.

The attention of the Chief Executive Officer (or delegate) is drawn to the fact that personal possessions worn or used by an employee or left on workplace premises remain the responsibility of the employee concerned at all times. No reimbursement should be made for items of this nature lost or stolen from the worksite.

To assist the Chief Executive Officer (or delegate) in considering whether claims should be met, the following relevant information should be supplied:

- a description of the work being performed.
- where applicable, the conditions under which the employee was working, e.g. working over water.
- whether the work being performed was part of the officer's or employees' normal duties.
- the cause of the accident, stating whether a third party was involved.
- the age of the clothing, equipment etc. lost or damaged.
- tax invoices or receipts as relevant for each cost component.
- receipts if available; state any amount reimbursed by Health Benefit funds.
- whether the employee was issued with a "general information" booklet.
- any other information which could assist the Chief Executive (or delegate) in determining the reimbursement rate.

It should be noted that:

- If clothes, personal effects and tools belonging to building worker are lost or damaged during the course of their employment, reimbursement may be made in accordance with the appropriate award.
- If employees do not insure their personal belongings against loss or damage, reimbursement will not be made on electrical goods and other similar items such as cameras and cassette recorders that warrant the above cover. Employees should be advised accordingly;
- If employees are eligible to claim items under private health benefit funds (e.g. spectacles), reimbursement should be restricted to the difference between the amount refunded by the fund and the total cost;
- If employees working in "hazard areas" who do not avail themselves of the provisions of part 10-1-2 Safety Glasses, reimbursement for damaged lenses should not exceed one occasion only. Employees working in such areas should be encouraged to avail themselves of the provisions of part 10-1-2

Forms for reimbursements can be found on the Oracle Templates and Forms page.

4-1-3 EVACUATIONS - LEGAL LIABILITY

Voluntary fire wardens employed by the Government are indemnified when performing their fire warden's duties during the course of their employment, except when the fire warden has been guilty of serious and wilful (i.e. deliberate) misconduct.

All employees must treat the evacuation process as a serious matter as it is expressly designed to protect all occupants from harm (as far as is possible), not only in the event of a fire, but in the case of any emergency.

4-1-4 PERSONAL FILES

For information on personal files, please refer to the SA Health Personal File Policy Directive.

4-1-5 OUTSIDE EMPLOYMENT

The *Code of Ethics for the South Australian Public Sector* requires among other matters that all public sector employees comply with its requirements regarding "outside employment or remunerative activity" - regardless of the nature and level of their employment; and irrespective of whether they are employed on an ongoing, temporary or casual basis; or whether they work full-time or part-time. These include that:

- All public sector employees must obtain written permission from their agency head or delegate before engaging in any outside employment or remunerative activity (including any employment, work or service for which payment is made by way of pay, salary, honorarium, commission, fee, allowance or other reward).

- Permission for unpaid/voluntary work or paid recreational work may not be required (providing that these activities do not amount to a conflict of interest with the employee's duties and status as a public sector employee).
- Public sector employees must not engage in employment or other remunerative activity outside of their public sector employment where the activity conflicts with, or has the potential to conflict with, their role as a public sector employee, or if the performance of such outside employment or activity might affect their capacity to perform their public sector duties.
- Government/public resources must only be used for appropriate purposes as authorised.
- Official information must only be dealt with as required by public sector duties and as authorised.
- Public sector employees must not bring themselves, their agency, the public sector and/or Government into disrepute; or act in a way that is otherwise improper or disgraceful.

All SA Health employees must ensure they comply with these outside employment and remunerative requirements of the Code of Ethics, and can find specific information in the Outside Employment or other Remuneration Activity Policy Directive.

Liability of Employees Undertaking Outside Employment

If an employee (part time or full time) engages in any remunerative employment, occupation or business outside the Public Sector without authorisation, he/she may be liable to disciplinary action. A Chief Executive Officer (or delegate) has discretion to grant permission to employees for outside employment or remunerative activity.

All employees whether or not they have authorisation, are liable to disciplinary action if the nature of the outside activity, or the manner in which it is carried out, is deemed to breach these conduct standards.

Workers Compensation

Where the proposed outside employment appears to have workers compensation implications, a Chief Executive Officer (or delegate) should be aware that if a compensable injury occurs:

1. during the outside employment - compensation (including Public Service salary) is the responsibility of the outside employer.
2. during Public Service employment - compensation will take account of earnings from outside employment irrespective of whether permission has been given for the outside employment.

General

In some circumstances it would be reasonable for a Chief Executive Officer (or delegate) to only grant a qualified permission, i.e. subject to certain conditions being met.

Permission may be withdrawn at any time and it would be reasonable to withdraw permission where a material change to the circumstances has occurred such that permission is no longer appropriate or where a condition of an existing permission had been breached.

A Chief Executive Officer (or delegate) should bear in mind that where an employee lodges a grievance appeal against a decision to refuse or withdraw permission, or to attach conditions to the permission, it may be necessary to demonstrate that the decision was based on a fair, consistent and unbiased assessment of matters that were relevant to the particular circumstances.

4-1-6 GIFTS TO EMPLOYEES

Introduction

As set out in the Gifts and Benefits Policy, employees and their families should avoid circumstances in which the acceptance of any gifts could give even the appearance of past, present or future conflict of interest with public duty, or in which the offer of a gift could be interpreted as having been made with the objective of securing, or in return for favour of preferment. (This applies regardless of the value of the gift). Such circumstances would also apply to donations offered to, or solicited by social clubs or other clubs established for the benefit of employees.

Nature of Gifts

In no circumstances are employees and their families to accept money.

Employees and their families are not to accept gifts in kind by way of free air travel and/or accommodation unless it is in conjunction with official Government business and has been approved by the Premier.

The offers of free accommodation and/or travel by other Governments or private organisations will not normally be approved unless it can be demonstrated that the State of South Australia will benefit in some tangible way. In instances when approval of the Premier is being sought to take up offers of free accommodation and/or travel, the benefits to the State should be highlighted in a separate submission to the Premier.

Acceptance of Gifts

Except as set out above, employees and their families may:

- accept gifts from representatives of Governments either overseas or in Australia.
- accept gifts in overseas countries or Australia from private organisations or individuals only if the gift is in the nature of a souvenir, a memento or a symbolic item of low retail value. These would include such items as sleeve

links, brooches, plaques and books. These gifts may be retained by employees and their families.

Gifts which do not fall into the category specified immediately above, that is:

- those gifts which have no obvious material value at the time of acquisition
- but which may appreciate in value over time, i.e. items regarded as collector's items, or those gifts which have a retail value in Australia exceeding $200 are to be declared to the Premier who will assess how these items should be disposed, e.g. offered to the Art Gallery, Museum or to be permanently displayed in the Cabinet Room or a Government Office. The Premier will make the final decision as to disposal of such gifts, including, the case of items of little public interest, the possibility of retention by employees and their families.

For those items valued at more than $200, the excess is to be paid into the gifts fund in the Department of the Premier and Cabinet before being retained by the individual.

Frequent Flyer Schemes

Domestic airlines have high profile bonus schemes for frequent flyers. These schemes offer benefits such as free travel, consumer goods and holidays to individuals who accumulate bonus points by flying with the airline concerned, as well as through the use of nominated hotels, rental cars and credit cards.

- These schemes create an immediate and continuing conflict of interest for public sector employees.
- Under the Benefit Scheme Policy Directive, an employee who is a private member of a frequent flyer or other benefit scheme, is not entitled to accrue personal benefits through this membership as a consequence of undertaking government related business. (Refer to the Code of Ethics for South Australian Public Sector Employee).

  If an employee has already accumulated personal bonus points as a result or official travel, or where the cost of membership for a frequent flyer or other benefit scheme is met by the government, any points or benefits accrued through the course of government work, must be used by the employee for the purposes of future work related travel or other work related purchases.

  In such cases, the Chief Executive Officer (or delegate) must establish an appropriate reporting and monitoring process for the agency's management of frequent flyer points or other benefits arising from government funded travel or work that is capable of being audited.

- In addition, employees should not accept lottery-type prizes, which they may have won under other schemes relating to official travel.

4-1-7 MANAGING UNSATISFACTORY PERFORMANCE, DISCIPLINE AND TERMINATION

The policy and procedures outlined in this Part represent sound management practice and when followed will ensure that alleged unsatisfactory performance or misconduct is appropriately dealt with and that employees are treated fairly and equitably in the process.

Effective performance management systems and practices should in most cases prevent the need to take disciplinary action for unsatisfactory performance and will greatly assist in preventing misconduct.

Part 4-1-7-1, Natural Justice, Procedural Fairness and other fundamental considerations defines the terms "natural justice" and "procedural fairness" and explains the importance of affording employees natural justice when managing alleged or suspected unsatisfactory performance or misconduct.

Part 4-1-7-2, Managing Unsatisfactory Performance defines the term "unsatisfactory performance" and explains the importance of performance management and provides guidance for the management of unsatisfactory performance.

Part 4-1-7-3, Investigation outlines the steps to be followed when investigating alleged misconduct. This section includes information on suspension of an employee from their duties pending investigation or processes.

Part 4-1-7-4, Determining the Appropriate Disciplinary Action assists managers in deciding on the appropriate disciplinary action or other response once misconduct has been proven, or unsatisfactory performance has been identified and documented.

Part 4-1-7-5, Formal Disciplinary Action: Warnings explains the concept and role of warnings as disciplinary sanctions.

Part 4-1-7-6, Formal Disciplinary Action: Termination sets out considerations when management is considering terminating an employee's contract of employment, either with or without notice.

Part 4-1-7-7, Other Types of Termination explains how a contract of employment may end other than by management terminating the employment of an employee in an obvious fashion. i.e. constructive dismissal, frustration of contract and abandonment of employment.

Obligation to refer certain matters under the *Independent Commissioner Against Corruption Act 2012* and Directions and Guidelines issued under that Act

The Independent Commissioner Against Corruption has issued Directions and Guidelines under section 20 of the *Independent Commissioner Against Corruption Act 2012* ("ICAC Act"). Those Directions and Guidelines relate to obligations of a variety of

persons and entities to report matters to the Office of Public Integrity ("OPI"). All public sector employees should be aware of the Directions and Guidelines.

The Directions and Guidelines of the Commissioner impose obligations on inquiry agencies, public authorities and public officers - as listed in Schedule 1 to the ICAC Act (and set out in the Directions and Guidelines), to report certain matters to the OPI . Public Officers include public sector employees.

Section 11 of the Directions and Guidelines applies to Public Officers. A Public Officer:

- Must report to the OPI any matter they reasonably suspect involves corruption in public administration;
- Must report to the OPI any matter that they reasonably suspect involves serious or systemic misconduct in public administration unless the officer knows the matter has already been reported to an inquiry agency [as defined in the ICAC Act];
- Must report to the OPI any matter they reasonably suspect involves serious or systemic maladministration in public administration unless they know it has already been reported to an inquiry agency; and
- May report matters to the OPI they reasonably suspect of involving misconduct or maladministration in public administration notwithstanding they have reported the matter to an inquiry agency if they consider it appropriate.

The terms 'corruption', 'misconduct' and 'maladministration' are defined in the ICAC Act and those definitions are repeated in the Directions and Guidelines. The definition of 'misconduct' is essentially the same as that in the *Public Sector Act 2009.*

The Directions and Guidelines provide useful information as to what a reasonable suspicion is.

Section 5 of the ICAC Act contains comprehensive definitions of ‘corruption in public administration’, ‘misconduct in public administration’ and ‘maladministration’ in public administration’.

'Serious or systemic misconduct' is not defined in the ICAC Act or Directions and Guidelines. These terms should be given their common, ordinary meaning. The ICAC website provides information on what is meant by 'serious or systemic misconduct': http://www.icac.sa.gov.au/content/information-public-authorities-and-public-officers

It is notable that the terms 'serious or systemic' appear in section 3 of the ICAC Act. Section 3(2)(b) says that although the Commissioner can perform functions in relation to *any* case of misconduct, it is intended that his powers be exercised in relation to serious or systemic corruption and that he refer allegations of serious or systemic misconduct or maladministration to public sector agencies to investigate or otherwise deal with.

Note that serious penalties apply under section 22 of the ICAC Act for statements that are false or misleading in a material particular or complaints or reports made in the knowledge there are no grounds.

A person who makes a complaint or report to the OPI must be mindful of the confidentiality obligations imposed by the ICAC Act. In particular, all public sector

employees must acquaint themselves with the restrictions contained within section 56 of the Act. Information provided by the OPI or the ICAC to a public sector employee or an agency must be treated confidentially and in accordance with the obligations contained within section 54 of the Act.

Note that the Code of Ethics also obliges public sector employees to report to an appropriate authority, workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct.

Specialist Advice Available from Workforce Services, Corporate and System Support Services

Human Resources (HR) and Workplace Relations (WR) staff are available to provide advice to managers in relation to managing unsatisfactory performance and misconduct. HR and WR staff can access specialist advice as necessary. It is important to seek advice from Workforce Relations, Workforce Services where termination of the employment of an employee is likely or being considered.

Legislation and policies

Although this Part provides a comprehensive guide to managing disciplinary matters, managers must nevertheless make themselves aware of other information which impacts on the employment relationship. These may include State and Federal Acts, Awards, Enterprise Agreements, the Code of Ethics for Public Sector Employees, pursuant to the *Public Sector Act 2009 (SA) (PS Act),* The Directions and Guidelines of the Commissioner, pursuant to the *Independent Commissioner Against Corruption Act 2012* and other industrial instruments. Relevant State and Federal Acts and Regulations include:

- SA *Health Care Act 2008*
- SA *Fair Work Act 1994*
- SA *Public Sector Act 2009*
- SA *Public Sector Regulations 2010*
- SA *Public Sector (Honesty and Accountability) Act 1995*
- *SA Work Health and Safety Act 2012*
- SA *Equal Opportunity Act 1984*
- The *Disability Discrimination Act 1992* (Cth)
- SA *Workers Rehabilitation and Compensation Act 1986*
- *SA Independent Commissioner Against Corruption Act 2012*

Human Resources Manual Part 3 - Grievance Procedure

The procedures outlined in this Part do not impact on employees' rights in respect of Part 3 – Grievances and Disputes.

4-1-7-1 NATURAL JUSTICE, PROCEDURAL FAIRNESS AND OTHER FUNDAMENTAL CONSIDERATIONS

In addition to having valid reasons for taking disciplinary action, an employer must also ensure that the principles of natural justice and procedural fairness are adhered to in processes leading up to a decision to either find an employee liable to disciplinary action and in relation to any intended sanction.

Even if there is a valid reason for disciplining an employee, if they are not afforded natural justice and/or procedural fairness, disciplinary outcomes may be successfully challenged either by way of Judicial Review in the Supreme Court of South Australia, by way of a Grievance as set out in Part 3 herein or in the case of termination of employment, before the unfair dismissal jurisdiction of the Industrial Relations Commission of South Australia pursuant to the *Fair Work Act 1994.*

The opportunity to be heard by an impartial decision maker is at the heart of the rules of natural justice. The rules of natural justice apply whenever the rights, property or legitimate expectations of an individual are affected by a decision.

The concept of 'procedural fairness' is synonymous with that of natural justice and basically requires that the processes leading to decisions are fair. This is particularly important where, as in the public sector, there are defined policies and processes for administrative decisions.

Decisions relating to the management of alleged unsatisfactory performance and misconduct, including the imposition of a sanction(s), clearly affect the rights or legitimate expectations of public sector employees and are clearly categorised as administrative decisions. It is to these administrative decisions that one must variously apply the rules of natural justice and procedural fairness.

There are three basic principles employers must follow/adhere to: these are commonly known as the hearing rule; the bias rule and the no evidence rule.

The **hearing rule** demands that a person whose interests may be adversely affected by a decision must be given an opportunity to be heard. This means the employee in disciplinary proceedings must be provided with as much detail as possible about the allegations against him/her and the factual basis for those allegations and be afforded the opportunity to respond. Where documentary evidence supports allegations (providing it is not subject to privilege or immunity - such as legal advice) anything that

the employer is relying upon must generally be provided to the employee in advance of a hearing.

Note that this aspect of natural justice can be satisfied in a number of ways. For example, if, for some reason, the employer is not able to question an employee[1], allegations may be put to the employee in writing and the employee given a reasonable opportunity to respond either orally or in writing.

The **bias rule** demands that the decision maker should be disinterested and/or unbiased in the matter to be decided. Justice should not only be done but be seen to be done. If fair minded people would reasonably apprehend/suspect the decision maker has prejudged the matter, the rule is breached (often referred to as 'a reasonable apprehension of bias').
The application of the bias rule is most easily established when the person who is in the position of accuser also is the decision maker or participates in the investigation/decision or gives advice throughout the course of the matter. This is not a hard and fast rule and will depend to a large extent on the circumstances of a matter.

The **no evidence rule** means, in essence, that the decision that is eventually made must be based on logically probative evidence (proven on the balance of probabilities - that is, the alleged behaviour is more likely to have occurred than not).

It is also important that in making decisions, administrative decision makers:

- take into account relevant considerations;
- do not take into account irrelevant considerations;
- act for a proper purpose; and
- ensure that the decision is not unreasonable in the sense that no reasonable decision maker could have reached such a decision.

An administrative decision maker is under a dual duty; to take account of relevant considerations and not take into account irrelevant ones. What is relevant or irrelevant will depend on the instrument (legislation or policy) conferring the power on the decision maker. It is impossible to be precise and attempt to list all possible relevant and irrelevant considerations[2] however decision makers can be guided by the legislative context considered governing the employment relationship. Matters relevant to employment will usually be relevant, such as the nature and seriousness of the alleged behaviour under examination; the procedure adopted by the employer in investigating and inquiring into allegations; the evidence gathered in an investigation; the employee's responses to the allegations. Matters such as the employee's marital status and political beliefs would not only be irrelevant considerations but if considered would amount to discrimination under relevant legislation.

[1] for example, the employee claims to be too ill to participate in an interview.
[2] furthermore the fact that an irrelevant consideration was taken into account will not always sustain a challenge to the decision on Judicial Review if that consideration was one of a number of other relevant considerations.

An administrative decision maker may not exercise their power unreasonably. Courts may interfere with an administrative decision if it was so unreasonable that no reasonable decision maker could have come to it in the circumstances. Proving unreasonableness is a difficult burden.

Other fundamental considerations include:

- Conduct, performance and behaviour are in essence one and the same in the workplace setting. In other words, the concept of unsatisfactory performance is an extremely broad one and is not constrained to a simple assessment of whether an employee is or is not capable of performing the duties of their role satisfactorily, but is based on an assessment of the totality of their conduct or relating to their role as a public sector employee.

- In cases where there is staff behaviour involves unacceptable absenteeism, managers should familiarise themselves with the SA Health Attendance Management Guidelines

- Managers should avoid narrow thinking when managing unsatisfactory performance/misconduct. For example, some conduct that might amount to misconduct and render an employee liable to disciplinary action, is most effectively dealt with by way of a performance management process. This is so for minor misconduct that is part of a course of conduct – for example consistent lateness for work. Ultimately, discipline might eventuate if the employee's performance does not improve.

- Certain unsatisfactory behaviour will clearly amount to serious and wilful misconduct and must be dealt with by way of disciplinary processes. Examples include conduct such as theft, fraud or violence in the workplace. Refer to Part 4-1-7-6-1.

- The provisions of Part 2 of the PS Act and the Code of Ethics for Public Sector Employees mean that there is a significant likelihood that improper conduct outside of the workplace will have a connection to an employee's employment as a public sector employee, and thus render them liable to disciplinary action.

- There is no obligation to inform an employee that an investigation into their alleged behaviour is underway unless the investigation is at the stage where allegations are to be put to the employee or a decision has been made to subject them to a disciplinary process. Neither legislation nor the principles of natural justice require any form of preliminary notice or notice of investigation and in the vast majority of cases it is advisable not to issue such notice.

- Persons participating in an investigation should not act as the decision maker in relation to any eventual allegations arising from the investigation.

- Workplace policies and procedures must be clearly communicated to employees and periodically re-emphasised.

- The management of alleged unsatisfactory performance or misconduct must be initiated in a timely manner. If such action is unreasonably delayed it may

be argued that management has accepted or condoned the unsatisfactory performance or conduct.

- It is crucial that accurate and detailed records are kept by management. Records must be maintained in accordance with the *State Records Act 1997* and the destruction schedules issued pursuant to that Act.

  A copy of the General Disposal Schedule No. 30 which applies to general administrative records created and maintained by State Government Agencies of South Australia can be obtained from the State Records of South Australia website.

4-1-7-2 MANAGING UNSATISFACTORY PERFORMANCE

In addition to keeping in mind that unsatisfactory performance is a wide concept, it must be borne in mind that unsatisfactory performance may not be the fault of the employee. Illness or injury, for example, can, and often does cause unsatisfactory performance.

The management of unsatisfactory performance should therefore be undertaken in a constructive and supportive manner with a focus on assisting employees to improve their performance to a satisfactory level wherever possible.

Formal disciplinary action in relation to unsatisfactory performance must only be taken when all other remedial options have been unsuccessful or are not appropriate in the circumstances.

Employees should have a clear understanding of what constitutes appropriate/satisfactory performance. Where possible, clear instruction on expected outcomes should be specified through clearly articulated goals, objectives and expected standards, recorded in writing.

Causes of unsatisfactory performance

Unsatisfactory performance may not be wilful and can be caused by a number of work and non-work related factors including:

- interpersonal conflict with other staff;
- personal problems outside the workplace;
- poor communication and/or understanding of expected work outcomes;
- lack of knowledge and/or training;
- illness or injury; or
- substance abuse, e.g. alcohol or other drugs.

4-1-7-2-2 Disciplinary Sanctions for Unsatisfactory Performance

In circumstances where an employee's unsatisfactory performance is not resolved by appropriate support, performance management processes or, where relevant, informal counselling, management may conclude that the employee is liable to disciplinary action and that a formal sanction is warranted/appropriate.

It is essential that management is able to demonstrate that the employee has been made aware of the manner in which their performance is unsatisfactory and provided with reasonable opportunity (and where relevant, support) to rectify their performance to an acceptable standard. It is also vital that management is able to demonstrate that the employee has been afforded natural justice and procedural fairness. Refer to Part 4-1-7-1.

Refer to Part 4-1-7-4 as to the possible disciplinary sanctions that may be imposed.

4-1-7-3 INVESTIGATION OF POSSIBLE MISCONDUCT

A thorough investigation must be undertaken into alleged or possible misconduct in a timely manner in order to establish the facts.

As soon as an incident comes to notice, management must take action to ascertain whether a policy or instruction may have been breached, the seriousness of the alleged breach and the employee involved. At this stage it must be determined whether further investigation is necessary.

Where further investigation is necessary, managers need to decide if expert assistance is required to conduct such investigation, i.e. with the assistance of the local human resource team and/or the Government Investigations Unit or a private investigator.

Management can require that employees who witness alleged misconduct cooperate by providing a statement of their observations and that they otherwise assist (for example in proceedings in the Industrial Relations Commission of South Australia).

For further information, refer to Appendix 4-1-7-3: Management Guideline 2 - Investigations

4-1-7-3-1 Suspension with pay

Management may consider suspending an employee from duty with pay in circumstances where there are suspicions or allegation(s) of serious misconduct against the employee. In addition to allegations of serious misconduct, other relevant considerations to suspending an employee from duty with pay include:

- where there is a risk that the employee will destroy evidence or collude with other employees;
- any risk to the health, safety and welfare of employees; and
- the reputation of the health service, Department and Government.

Management should always consider if it is viable for employees to perform alternate duties and/or the same duties from another location, including from home, as an alternate to suspension.

For further information, refer to Appendix 4-1-7-3-1: Management Guideline 2.1 – Suspension with Pay

4-1-7-3-2 Decision

The relevant burden of proof for allegations of misconduct (or other forms of unsatisfactory performance) is the balance of probabilities. This means that the

decision-maker (Chief Executive Officer or delegate) must be persuaded that an alleged event(s) is more likely to have occurred than not. If a decision-maker concludes that an allegation(s) is/are proven, the employee is liable to disciplinary action and a disciplinary sanction may be imposed.

Before a disciplinary sanction is imposed, the decision-maker must notify the employee that they:

(a) have concluded they are liable to disciplinary action;
(b) advise them of the disciplinary sanction they propose to impose in light of their findings;
(c) invite them to make a submission as to the intended sanction; and
(d) objectively consider any submissions made by or on behalf of the employee.

4-1-7-4 DETERMINING THE APPROPRIATE DISCIPLINARY SANCTION

Where misconduct has/have been proven, or unsatisfactory performance (following performance management processes and informal counselling) has been identified and documented, the appropriate disciplinary sanction can be determined.

Prohibited grounds for disciplinary action

Current legislation states that disciplinary action, including termination, must not be taken on the following grounds:

- temporary absence from work because of illness or injury;
- union membership or participation in union activities outside working hours or during working hours with the employer's consent;
- non-membership of a union;
- seeking office, acting or having acted as an employee representative;
- filing a complaint or participating in proceedings against the employer involving an alleged violation of laws or regulations;
- race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin; or
- absence from work during maternity or other parental leave.

Relevant Considerations

In addition to the seriousness of the particular misconduct or unsatisfactory performance, factors relevant in determining the appropriate disciplinary sanction include:

- the duration of the employee's service and record of service including any previous incidents of proven misconduct or unsatisfactory performance and the outcome;

- how other employees have been treated in similar circumstances – keeping in mind that each matter is judged according to its individual facts;
- whether the employee has been made aware of the relevant policy/instruction breached, including relevant training, qualifications, and/or professional obligations;
- the employee's personal circumstances; and
- any mitigating circumstances.

For further information, refer to Appendix 4-1-7-4: Management Guideline 3 – Determining Appropriate Disciplinary Sanction

4-1-7-5 FORMAL DISCIPLINARY SANCTION: WARNINGS

4-1-7-5-1 Warnings

An employee may be formally warned for proven misconduct or unsatisfactory performance.

A formal warning differs from a managerial caution, which is not a form of disciplinary sanction. The imposition of a caution or counselling may be a legitimate managerial response, for example, in circumstances of minor misconduct or unsatisfactory performance where despite an employee being technically liable to disciplinary action, a manager believes the circumstances warrant an exercise of their discretion not to officially sanction the employee but that they would respond appropriately to a caution/counselling.

A warning:

- is a sanction short of termination of employment;
- both sanctions the employee, and operates as an individual deterrent to them and a general deterrent to other employees;
- will be relevant in future in the event the employee commits further misconduct or unsatisfactory performance.

There are two types of formal warning:

1. separate/single warning (that may be one of a series of warnings); and
2. final warning.

For further information, refer to Appendix 4-1-7-5-1: Management Guideline 4 - Formal Disciplinary Actions: Warnings

4-1-7-6 FORMAL DISCIPLINARY ACTION: TERMINATION

Termination of employment is the most severe form of disciplinary sanction available to an employer. It is imposed in circumstances where by way of their misconduct or unsatisfactory performance, an employee has displayed an intent to no longer be bound by the terms and conditions of their contract of employment, and only following a process whereby the employee is afforded natural justice and procedural fairness. Formal assistance and advice **must** be sought from the local human resources team

when the circumstances are such that termination of employment is a possible outcome or management is considering terminating an employee's employment. The delegation to terminate lies with the CEO of the Health Network/SAAS.

Termination of employment may be with or without notice. Termination without notice is sometimes referred to as summary or instant termination.

For further information, refer to Appendix 4-1-7-6: Management Guideline 5: Formal Disciplinary Action: Termination.

Also refer to Appendix 4-1-7-6-2: Management Guideline 5a - Formal Disciplinary Action: Meetings with/Interviews of Employees

4-1-7-6-1 Criminal offences

An employee is required to notify the Chief Executive Officer (or delegate) at the first available opportunity if they are charged with a criminal offence.

An employee who does not so notify the Chief Executive Officer (or delegate) may be subject to disciplinary action.

Interaction between Disciplinary Action and Criminal Proceedings

Disciplinary and criminal proceedings may be related by the same set of facts but are separate and distinct processes. Disciplinary proceedings must be undertaken irrespective of the status or outcome of any criminal proceedings. For example, it may be appropriate to terminate an employee's contract of employment even though criminal charges regarding incident are withdrawn or they are eventually acquitted of such charges.

Imprisonment/Remanded in Custody

If an employee is sentenced to a term of imprisonment in custody, reference can be made to Part 4-1-13 and Part 4-1-7-7-3.

4-1-7-7 OTHER CIRCUMSTANCES WHERE AN EMPLOYEE'S EMPLOYMENT IS TERMINATED

4-1-7-7-1 Constructive dismissal (forced resignation)

Constructive dismissal occurs when an employee appears to have resigned their employment but in the circumstances was given no reasonable alternative but to do so.

In these circumstances, the employment actually ends at the initiative of the employer and an employee can challenge their dismissal in the Unfair Dismissal jurisdiction of the Industrial Relations Commission of South Australia.

Management must not act in a manner that it effectively gives an employee no option but to resign their employment.

4-1-7-7-2 Frustration of contract

An employment contract is frustrated when fulfilment of the contract becomes impossible because of a significant change in circumstances that was not contemplated at the time the contract was entered. The change in circumstances is such that it makes performance of the contract impossible. Management must make all reasonable efforts to afford an employee natural justice and procedural fairness before declaring that their contract of employment has ended due to frustration. Specialist assistance must be sought from the local human resources team in situations where it is possible that an employee's contract may be ended due to frustration.

4-1-7-7-3 Abandonment of employment

Abandonment of employment is termination of a contract of employment at the initiative of the employee and occurs when an employee has been absent from the workplace without a reasonable excuse, and/or without approval and in the circumstances indicate that they have abandoned their employment. Management must make all reasonable efforts to afford an employee natural justice and procedural fairness before declaring that their employment has ended through abandonment.

4-1-7-7-4 Resignation

Resignation of employment is a unilateral act by an employee to terminate their employment. Management does not 'accept' a resignation – there is no bargain being made – instead, management acknowledges the communication of the resignation. Management may accept a shorter notice period than is required in legislation or industrial instrument.

Management should seek advice from the local human resources team in circumstances where an employee resigns or purports to resign in what might be described as 'unusual circumstances'. For example, in the 'heat of the moment' whilst, i.e. being spoken to by management in respect of suspected or alleged misconduct or unsatisfactory performance; or when it is known or reasonably obvious to management that the employee is suffering from an illness or disability that might affect their judgement.

For further information, refer to Appendix 4-1-7-7: Management Guideline 6: Other types of termination.

APPENDIX 4-1-7-3: MANAGEMENT GUIDELINE 2 - INVESTIGATIONS

Preliminary considerations

In circumstances where allegations of misconduct or unsatisfactory performance have been made against an employee(s) or where management suspects such conduct, it must determine if a full investigation is required. This will usually be obvious by the nature and seriousness of the allegations/suspicions as well as the possible consequences if they are proven.

An investigation is intended to establish the facts, in circumstances of alleged or suspected misconduct or unsatisfactory performance, in a timely manner.

Records of interview or notes of observations should be made either at the time of the alleged misconduct or immediately after. Where notes relate to conversations they should be recorded in dialogue form using, as much as is reasonably possible, the actual language used.

Where further investigation is necessary, management needs to decide if expert assistance is required to conduct investigations, i.e. with the assistance of human resources or an External Investigator (any costs to be borne by the relevant operational unit). Workforce Relations may decide that the matter should be referred to the Crown Solicitor's Office, for it to engage the Government Investigations Unit. It needs also to consider if it is obliged to refer the matter to another relevant authority (see 'Notification to other bodies' below).

During an investigation, normal management processes should continue, such as communication, consultation, performance management. For example, when an employee is subject to formal performance management processes and an allegation of misconduct is made against them, the performance management processes should typically be continued, depending of course whether this is appropriate in the circumstances.

When investigating an employee, it is necessary to check whether they are employed at another SA Health site or even another public sector agency, so that relevant work history can be taken into account (e.g. previous warnings) and so the employee can be made aware that any suspension with pay will have application across the public sector, and that any disciplinary action will apply to them as an employee *per se* and be relevant to such other public sector employment.

Notifying Employee of Investigation

Before it has been established that a full investigation is necessary, there is no obligation to inform an employee that an investigation into their alleged behaviour is underway. However, the employer may write to the employee advising them of the allegations/suspicion and that an investigation is in process.

At this point, it is necessary to determine whether suspension of the employee from duty with pay is warranted (refer Manager's Guidelines 2.1).

Written notification must include the following details:

- An investigation into the alleged misconduct or unsatisfactory performance will take place;
- A summary of the suspected/alleged conduct that is being investigated and any relevant legislation, instrument, policy, direction or instruction that may have been contravened;
- The name of the contact person;
- Advice that the employee has the right to be accompanied by a support person at any stage of the process (including an interpreter if necessary) and be assisted by a representative in respect of submissions in response to allegations and intended managerial or disciplinary responses (sanction(s));
- That the employee will be provided with detail of allegations and evidence in support of them and afforded a reasonable opportunity to respond before any decision is taken in respect of their employment; and
- Where suspension with pay is warranted, detail of this and any managerial directions appropriate in the circumstances.

Advice should be sought from Workforce Relations when an investigation is underway and new allegations or suspected misconduct by an employee comes to light.

Notification to other bodies

The Code of Ethics for the South Australian Public Sector obliges all public sector employees to notify a relevant authority in circumstances of workplace behaviour that a reasonable

person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct. Thus, it may be necessary to notify one or more external bodies in relation to alleged or suspected misconduct by an employee:

- The South Australia Police for matters relating to suspected criminal activity – on advice from human resources;
- Australian Health Practitioner Regulation Authority for matters related to the conduct, health and performance of a registered health practitioner – refer to Sections 140 – 147 of the *Health Practitioner Regulation National Law and the AHPRA website for details http://www.ahpra.gov.au/Notifications-and-Outcomes.aspx.* Such notifications are normally made by the relevant professional lead and Human Resources informed accordingly. It is also strongly

recommended that the appropriate Director/General Manager/CEO be briefed on notifications to AHPRA;

- Child Abuse Report Line (Families SA) 13 1478. Where a person suspects on reasonable grounds that a child has been or is being abused or neglected and this suspicion is formed in the course of the person's work then they have a responsibility to notify the Child Abuse Report Line as soon as practicable after he/she forms that suspicion. Refer Child Protection Act Part 4 Notification and Investigation for further information.
- Aged Care Complaints Investigation Scheme for matters relating to abuse of the elderly - within 24 hours of the allegation being made in accordance with S63-1AA(2 to 9) Aged Care Act 1997.

When making notifications to external bodies, regard should be had for the confidentiality of patient information, as relevant.

The timing and detail of the notification to external bodies should be the subject of advice from Human Resources, Workforce Relations and other professional advice as appropriate.

For matters relating to financial irregularity, Internal Audit will normally be advised by Workforce Relations.

Information Gathering

An investigator(s) must strive to ensure that all relevant information relating to alleged or suspected misconduct or unsatisfactory performance is gathered in a timely way.

Where necessary and relevant to an investigation, management may seize or order the return of government equipment/assets. Employees have no propriety in government assets.

If information technology equipment is relevant to an investigation, the equipment should be secured as soon as possible however data should not be accessed prior to the receipt of specialist advice.

Where interviewing is not necessary

Interviewing of either witnesses or employees who are suspected of or the subject of allegations of misconduct is not mandatory and is merely a means to collect evidence and one measure of affording employees procedural fairness.

It is often not necessary to resort to interview, i.e. where evidence of alleged misconduct is strong and/or the circumstances are not particularly complex. In such situations, management can conduct the process via correspondence only.

Records of interview or statements from witnesses, including complainants

Witnesses and complainants must be informed that; they are not entitled to opt not to be involved or assist; that any evidence they provide in support of alleged or suspected misconduct of another employee may be made available to that employee; that their identity will not be kept anonymous unless the information they provide is or they reasonably believe it to be public interest information under the *Public Interest Disclosure Act (2018)*Specialist advice should be obtained where it is possible that a witness attracts or is claiming the protection of this Act. Witnesses and complainants must also be informed that the information they provide must be kept otherwise confidential.

Potential witnesses should be interviewed or statements from them facilitated as soon as possible after the event. Statements are to be signed and dated by the witness. Copies of records of interview should be provided to witnesses and they should normally be asked to check the record for accuracy, however it is not necessary for them to approve the content for the information to be relied upon.

Information provided in the statement should answer at least the following questions:

What is the incident that took place? What was said and by whom? (include the actual words spoken or as near as possible)

When did the incident occur or come to the witness' attention? This should include the time, date, month and year of the incident.

Where did the incident occur, and where were any objects/people relevant to the incident located?

Who was involved in the incident or in the vicinity? Include their names, role titles and any other relevant information.

How did the incident occur?

Records of interview or witness statements may be produced in a court or tribunal as evidence, thus accuracy is critical.

Further interviews with witnesses

In some instances where further clarification is required (e.g. when there are conflicting stories), an investigator may need to interview or re-interview the witnesses.

The investigator should try to refrain from using leading questions when conducting any interview.

Investigation interview with employee who is the subject of allegations or suspicions of misconduct

The main purpose of an investigatory interview is to put detail of allegations of misconduct to the relevant employee as well as evidence in support of such allegations and to afford them an opportunity to respond to such allegations.

Management may direct employees to attend an investigation interview, however employees may not be directed to answer questions. In other words, employees have a right against self-incrimination even in disciplinary matters. Depending on the circumstances, an adverse inference may be taken from an employee's silence however.

Consideration should be given to whether a management representative other than the interviewer should be present during interviews.

When an interview is conducted by an external investigator, a request by the employee to have a management representative present should be favourably considered to ensure, as necessary, that issues of organisational context are understood by the investigator.

Record of interview

It is recommended that the interview be recorded on audio tape and transcribed, otherwise detailed notes must be taken. Either party to the interview may make an audio tape recording and it is not necessary to have the agreement of the other party. Any recording must be done openly as covert recording may amount to a criminal offence.

The employee (and, if appropriate, their support person) must be provided with a copy of the notes/transcript as soon as possible following the interview and asked to check them for accuracy. It is not necessary that the employee agree with the transcript.

Beginning an interview

Explain what will happen in the interview

The interview begins with an explanation of the role of those present at the interview. The employee must be told of the reason for the interview including at that time, a brief overview of the suspected/alleged conduct. He or she must be informed that it is an opportunity for them to respond to the allegations. The employee must be informed that the matter will be dealt with thoroughly and the interview will take as long as is necessary, and that an adjournment may be requested at any time by either party throughout the interview. Also, further interview or interviews may be necessary.

Explain the decision-making process

The employee must be advised that the decision as to whether the allegations are proven on the balance of probabilities will only be made following careful consideration of all the information and evidence, and that any responses by the employee during the interview or otherwise will be considered including that claims made be thoroughly

investigated as necessary. The employee is advised that if the allegations are found to be proven on the balance of probabilities, all relevant considerations, including their work record and any other mitigating circumstances will be taken into account in determining whether to consider a disciplinary sanction and if so, as to the appropriate sanction.

The employee is reminded of the range of disciplinary action that may be taken in the event of proven misconduct. They should be ensured that no sanction will be imposed without the employee having been notified of any proposed/intended sanction and afforded the opportunity to respond prior to any being imposed.

Support person

Employees who are the subject of allegations of misconduct or who are suspected of having committed misconduct are permitted to be accompanied by a support person during interviews or meetings relating to the allegations.

A support person can be an appropriate person who themselves is not implicated in or potentially witness to the conduct under investigation: i.e. a union representative, friend, relative or work colleague. If the employee's nominated support person is not available to attend within a reasonable period of time, the manager may allocate a support person. Employees are naturally entitled to decline to be accompanied by a support person.

The employee and their support person should be advised that management is seeking responses from the employee and that generally speaking, the support person is not able to respond to the allegations on behalf of the employee. Management/interviewers should not be dogmatic in this respect. The support person may be able to assist the employee, for example, by clarifying issues so that the employee can respond, summarising discussion, advising and explaining issues to the employee. They make ask for interviews to be adjourned in order to do so.

Management support/witness or note taker

Management or the interviewer should identify any person present as a management representative or, where the proceedings are not being recorded on audio tape recording, any person taking notes on management's behalf. The employee or their support person is entitled to record the process, including by taking notes.

Summarise the events to date

Management or the interviewer should provide the employee with a brief history of the matter to date, including the alleged or suspected conduct, the investigation procedure, and any relevant correspondence from either party.

The interview

The interviewer must, in as detailed a manner as possible, inform the employee of any allegations and the evidence in support of them. This includes detail of witness evidence, taking care that the identity of any person protected by the *Whistleblowers Protection Act* is not divulged.

Interviewers should, where necessary, ask questions in clarification of responses by employees.

Management is not entitled to direct employees to answer questions unless they have been personally delegated the powers of the Commissioner for Public Sector Employment under section 18 of the *Public Sector Act 2009.* The interview is to give the employee the opportunity to respond. They may choose not to respond and, for example, may prefer to make written submissions at a later time.

Where necessary, the interviewer should confirm his/her understanding of the employee's response(s) to the allegations (without expressing any views or purporting conclusions).

Ending the interview

When all relevant aspects of the matter have been discussed thoroughly the employee should be advised that management is sufficiently informed to report to the Chief Executive Officer (or delegate), **or** that further investigation and consideration of the issue is required. The employee should be assured that proper consideration will be given to all of the information collected throughout the investigation.

There should be no indication of any final decision(s) at this stage.

New evidence may be revealed during or following the investigation interview which could affect the decision as to whether the allegation is proven. New evidence must be investigated by management at the earliest opportunity. In such circumstances it may be necessary to arrange a further interview with the employee to ensure that he or she is informed of the impact the new evidence may have on the investigation. In any case, the manager must ensure that the employee is aware of any new evidence, and has had the opportunity to respond to it.

APPENDIX 4-1-7-3-1: MANAGEMENT GUIDELINE 2.1 – SUSPENSION WITH PAY

When an employee is suspended from duty, they should also be issued with appropriate managerial directions, for example:

- not to attend the workplace(s);
- not to contact certain employees (either during or out of working hours);
- to return property of the Crown; and/or
- to remain contactable during working hours.

Employees should be reminded of their right to utilise the Employee Assistance Program.

Suspension is not a disciplinary sanction but sometimes an appropriate response pending investigation and or consideration of allegations or suspicions of misconduct.

Suspension of an employee from duty should only be resorted to in limited circumstances when relevant considerations dictate that it is not appropriate for the employee to remain in the workplace pending either investigation and or disciplinary processes arising. Relevant considerations include:

- the seriousness of the alleged or suspected misconduct and apparent strength of the evidence in support of it;
- the health, safety and welfare of the employee who is the subject of the allegations or other employees or persons in the workplace;
- the propensity for the employee to interfere with evidence or investigatory processes if they remain in the workplace; and/or
- any risk to the reputation of the Chief Executive, Department, public sector, Minister and/or Government by the employee's continued presence in the workplace.

Management should consider whether assigning or transferring the employee to alternative duties for an interim period is possible/appropriate as an alternative to suspension from duty.

During periods where an employee is suspended from duty, they are to be paid their base salary/wage (not including penalties and allowances such as shift and nurse in-charge allowance: but including allowances such as Managerial Allowances and Nurses Additional Qualifications Allowance).

An employee should be advised that they are suspended from duty orally and in writing, along with any relevant managerial directions. However, before an employee is suspended, they should first be afforded procedural fairness by being put on notice as to the intent to suspend and reasons therefore and given the opportunity to respond.

This is not an onerous process and the requirement may be satisfied orally; i.e. during a meeting whereby the Chief Executive or Delegate puts the employee on notice as

the intent to suspend them from duty and why, and affords them an opportunity to submit why they should not do so. A break should be taken where the decision-maker considers the matter, including any submissions made by the employee, before making a final decision and advising the employee accordingly.

Notes must be taken at any meeting with an employee where suspension from duty is discussed.

Note that it is not open to management to suspend employees employed under the *Health Care Act 2008* without pay.

When suspending an employee from duty, it is necessary to check whether they are employed at another SA Health site or other public sector agency so that management ensures that the processes is effective to suspend them from all public sector work and managerial directions are adequate.

APPENDIX 4-1-7-4: MANAGEMENT GUIDELINE 3 – DETERMINING APPROPRIATE DISCIPLINARY SANCTION

Decision as to whether allegation proven on the balance of probabilities

The relevant burden of proof for allegations of misconduct (or other forms of unsatisfactory performance) is the balance of probabilities. This means that the decision-maker (Chief Executive/Delegate) must be persuaded that an alleged event(s) is more likely to have occurred than not. Generally speaking, the more serious the allegations and potential consequences should they be proved, the more the decision-maker should be convinced that the relevant conduct occurred, as alleged.

Before making a decision, the decision-maker must not only ensure that the matter has been adequately investigated but that the employee has been afforded procedural fairness.

Decision as to appropriate disciplinary action

If a decision-maker concludes that allegations of misconduct against an employee are proven on the balance of probabilities, the employee is thereby liable to disciplinary action and a disciplinary sanction may be imposed, that is, they are liable to the imposition of a warning or termination of their employment.

Relevant Considerations

In addition to the seriousness of the particular misconduct or unsatisfactory performance, factors relevant in determining the appropriate disciplinary sanction include:

- the inherent seriousness of the proven conduct;
- whether the employee has cooperated with investigations; admitted the allegations at the earliest available opportunity and demonstrated genuine contrition;
- the duration of the employee's service and record of service including any previous incidents of proven misconduct or unsatisfactory performance and the outcome;
- how other employees have been treated in similar circumstances – keeping in mind that each matter is judged according to its individual facts and circumstances;
- whether the employee has been made aware of the relevant policy/instruction breached, including relevant training, qualifications, and/or professional obligations;

- the employee's personal circumstances; and
- any other relevant mitigating circumstances.

Before a disciplinary sanction is imposed, the decision-maker must notify the employee in correspondence that they have found the allegations against them proven; that they are liable to disciplinary action and as to the sanction the decision-maker intends to impose/is or is considering. The employee is to be afforded a reasonable opportunity to make a written submission in respect to this.

If the circumstances are such that termination of employment is a possible consequence including if the decision-maker is considering this option, advice should be sought from Workforce Relations.

APPENDIX 4-1-7-5-1: MANAGEMENT GUIDELINE 4 - FORMAL DISCIPLINARY ACTIONS: WARNINGS

Separate/single warning

Examples of situations where there would be good cause to issue a separate/single written warning for proven misconduct or unsatisfactory performance include:

- unsatisfactory performance continues despite performance management processes and the employee has not previously committed like misconduct or performed unsatisfactorily; or
- the employee has not responded to a managerial caution/counselling in respect of previous misconduct or unsatisfactory performance; or
- the particular misconduct or unsatisfactory performance is of such seriousness as to warrant the imposition of a warning, taking into account all relevant considerations.

In some circumstances, a separate/single warning may be imposed as part of a series of warnings imposed upon an employee. Circumstances where a series of warnings may be appropriate include:

- Subsequent/repeated unsatisfactory performance or misconduct following a period of satisfactory performance; and
- subsequent unsatisfactory performance or misconduct which is of a fundamentally different nature/type than unsatisfactory performance or misconduct for which the employee has previously been disciplined.

Each situation must be managed according to its individual facts and circumstances and managers should seek specialist advice from human resources.

Final warning

Examples of situations where good cause to issue a final written warning include where:

- unsatisfactory performance of a like nature continues following the imposition of a separate/single or series of written warning(s);
- a further and/or similar instance of misconduct has occurred following the imposition of a separate/single or series of written warning(s); or
- the unsatisfactory performance or misconduct is sufficiently serious to justify the imposition of a final written warning, taking into account all relevant considerations.

APPENDIX 4-1-7-6: MANAGEMENT GUIDELINE 5: FORMAL DISCIPLINARY ACTION: TERMINATION

Termination with notice

Termination of an employee's employment with notice may be appropriate when - taking into consideration all relevant considerations - a final written warning has been previously imposed upon an employee and either there is repeated misconduct, or the employee's performance continues to be unsatisfactory or the unsatisfactory performance or misconduct is so serious it is a fundamental breach of the contract of employment such that the employee indicates they are no longer bound by the terms and conditions of the employment contract but summary (instant) termination is not appropriate. Management may cease the employee's employment immediately and make payment in lieu of notice.

The *Fair Work Act 1994* prescribes the minimum period of notice required. The periods are as follows:

Employee's period of continuous service with the employer	**Period of notice**
Not more than 1 year	At least 1 week
More than 1 year but not more than 3 years	At least 2 weeks
More than 3 years but not more than 5 years	At least 3 weeks
More than 5 years	At least 4 weeks

The period of notice is increased by one week if the employee is over 45 years old and has completed at least 2 years continuous service with the employer. The *Fair Work Act 1994* prescribes matters or events that are to be disregarded in ascertaining whether an employee's period of service is continuous. The period of notice will be greater than prescribed above if otherwise prescribed in an award.

Termination without notice (summary (instant) dismissal)

The employment of an employee may be 'instantly' terminated for serious and wilful misconduct, and as a consequence foregoes the period of notice (or payment in lieu).

Summary dismissal may be justified when - taking into account all relevant considerations - an employee's misconduct is serious and wilful in nature and clearly displays that the employee no longer considers themselves bound by the terms and conditions of their employment contract. It is behaviour that goes to the very heart of the employee's obligations under the contract.

Behaviour which may justify instant dismissal

Decisions of industrial tribunals provide a useful guide in determining when instant dismissal for serious misconduct is justified. Examples of serious misconduct that have been held to have justified summary termination are listed below. These are

examples only and each case must be considered according to its particular facts and circumstances.

- fighting at work;
- assault of another person whether during or outside of working hours;
- threatening behaviour towards other employees whether during or outside of working hours;
- contravention or failure to comply with lawful and reasonable directions;
- theft of property of the Crown or another employee or person, whether committed during working hours or not;
- other criminality whether committed during working hours or not;
- disclosure of personal information, relating to any patient, obtained in the course of employment other than when the employee is required to divulge that information by law or is authorised to do so by his or her employer;
- failure to observe Work Health and Safety requirements;
- conduct of an obscene nature including but not limited to accessing or promulgating pornographic images using property of the Crown, whether during or outside of working hours;
- sexual harassment, whether during or outside working hours; and/or
- serious dishonesty or other misconduct falling short of criminality - whether committed during working hours or not.

APPENDIX 4-1-7-6-2: MANAGEMENT GUIDELINE 5A - FORMAL DISCIPLINARY ACTION: MEETINGS WITH/INTERVIEWS OF EMPLOYEES

Preparing for a meeting/interview

Where:

- management desires to meet with an employee to advise them of allegations/suspicions of misconduct by them, including with respect to suspension of employment;
- management desires to interview an employee suspected of misconduct so as to put allegations to them and provide them an opportunity to respond; or
- a decision-maker has found allegations of misconduct against an employee proven or that they have performed unsatisfactorily; that it is appropriate to impose a disciplinary sanction; and that it is appropriate to advise the person of their decision in person (recorded in writing); -

The employee must be given reasonable notice to allow time to arrange to be accompanied by a support person.

Assistance/advice from Workforce Relations should be sought as necessary.

Management should consider whether, in the circumstances, it is appropriate for another representative of management to be present with the manager (or external investigator) conducting the relevant meeting.

Disciplinary interviews – and if necessary other meetings – should be recorded on audio tape and if not, detailed notes must be taken including detail of the date, time and location, who was present, and what was said by whom.

The employee (and, where appropriate, their support person) must be provided with a copy of transcripts of recordings or notes as soon as possible following the meeting and given the opportunity to highlight purported errors. It is not necessary that the employee agrees with the record of meeting.

Prior to a meeting/interview

Prior to a meeting/interview, the employee must be told:

- in summary form, the purpose of the meeting/interview;
- the time, date and location;
- that the employee may be accompanied by a support person;
- who else will be in attendance;
- where it is an interview, that the employee will be provided with detail of allegations and evidence in support of them and provided with a reasonable opportunity to respond or advised as to any intended disciplinary sanction and be given an opportunity to make submissions in respect of same; and
- if, in due course, either a finding that the employee has committed misconduct or performed unsatisfactorily or that a sanction is being imposed, that written documentation relevant to the matter will be retained on the employee's personal

file and retained in accordance with the *State Records Act 1997* and destruction schedules issued under that Act and otherwise dealt with in accordance with the Cabinet Information Privacy Principles.

A meeting/interview

The meeting/interview proceeds as follows:

- the manager or interviewer outlines the purpose of the meeting/interview and the identity and roles of those present;
- for interview, an overview/summary of the allegations is initially provided and then detail of such allegations and evidence in support of them;
- where an investigation has been undertaken, a summary of the misconduct, the investigation and its findings is provided , or an account of the employee's Unsatisfactory Performance .;
- the intended disciplinary sanction is outlined and the employee provided with an opportunity to make a submission in relation to this, either at the time or later in writing (note that this is often done by correspondence however);
- where the employee has been afforded an opportunity to make a submission in respect of an intended sanction, they are advised of the decision-maker's decision in this respect (note that this is often done by correspondence however);
- if necessary, the meeting or interview will be adjourned;
- where appropriate, the employee is advised of the importance of maintaining confidentiality but advised that information will be dealt with in accordance with the Cabinet Information Privacy Principles, including the provision to other parties (including agencies) as appropriate; and
- Where appropriate, management reiterate the required standards of conduct/performance to the employee and the possible consequences of future misconduct or unsatisfactory performance; and
- if applicable, a date(s) is set for a meeting(s) during which the employee's performance will be further reviewed (or the employee advised that a further meeting(s) will be scheduled for this purpose).

Following a meeting/interview

- Following a meeting or interview, the employee (and, where appropriate, their support person) must be provided with a copy of the transcript or notes and given the opportunity to highlight any purported errors. It is not necessary that the employee agrees with the record;
- where appropriate, the decision-maker's finding on fact is provided to the employee either in correspondence or in a further meeting and, where a disciplinary sanction is proposed, they are provided with an opportunity to make written submissions in respect of that;
- where appropriate, a disciplinary sanction is imposed either by way of correspondence or at a further meeting (supported by correspondence);
- where appropriate, training, education, counselling etc is arranged; and
- management continues to manage the employee appropriately, including by addressing any future misconduct or unsatisfactory performance in a timely manner.

Where the meeting is for the purpose of advising an employee their employment is being terminated they are informed of the following, which is recorded on correspondence to be provided to them at the time:

- the reason(s) termination of employment is considered the appropriate response to the relevant misconduct or unsatisfactory performance, advising that all relevant considerations have been taken into account, including mitigating factors;
- the effective date the employment is to be terminated;
- that the employee is to return or facilitate the return of any property of the Crown in their possession; and
- that the value of accrued entitlements to long service and recreation leave and, where appropriate, in lieu of any period of notice, will be paid into their nominated financial institution in the near future.

Where the meeting is for the purpose of imposing upon an employee a written warning, they are advised of the following, which is recorded on correspondence to be provided to them at the time:

- the reason(s) a warning is considered as the appropriate response to the relevant misconduct or unsatisfactory performance, advising that all relevant considerations have been taken into account, including mitigating factors;
- information as to acceptable standards of behaviour, and the consequences for further misconduct/continued Unsatisfactory Performance ; and
- that a copy of the written warning will be placed and retained on the employee's personal file, and that it will be relevant to any future proven misconduct or unsatisfactory performance.

Where the meeting is in respect of proven misconduct or unsatisfactory performance where the decision-maker has exercised their discretion not to impose a disciplinary sanction but to deal with the matter managerially through a managerial caution or counselling, the employee is advised of the following, which is to be recorded in a letter to be handed to them at the time:

- that the findings of fact mean that the employee is liable to disciplinary action;
- the reason(s) for the exercise of discretion to deal with the matter managerially;
- expected standards of conduct and the possible consequences of future misconduct or unsatisfactory performance; and
- that a copy of the letter is to be retained on their personal file and may be relevant to future misconduct or unsatisfactory performance.

APPENDIX 4-1-7-7: MANAGEMENT GUIDELINE 6: OTHER TYPES OF TERMINATION

Frustration of Contract

Illness, injury or incapacity

The most common way a contract of employment is ended by frustration is prolonged, indefinite absence from the workplace due to non-work related illness, injury or incapacity of an employee. If there is a reasonable likelihood that the employee will be able to return to work in a fit state to perform all of the inherent requirements of their role within a reasonable period, there must be consideration of whether it is appropriate to provide the employee with leave without pay or to consider the contract of employment ended by frustration. What is considered a reasonable period depends on the particular circumstances and relevant considerations.

If it seems unlikely that the employee will be able to return to work and frustration of contract is a possible outcome, advice must be sought from Workforce Relations to see if an independent medical examination is an appropriate option in order to determine whether the employee is able to fulfil his or her contract of employment within a reasonable time frame. Workforce Relations can provide advice on appropriate information to be sought from a medical practitioner for an independent medical examination and appropriate courses of action once a medical report has been provided, including further clarification from the medical practitioner.

Loss of an essential qualification

Employees in a number of occupational groups are required to be registered with a board or other authority in order to lawfully perform the duties of their role. Such a requirement is in addition to any other qualification considered essential for a role.

If, for example, an employee's professional registration is cancelled, suspended or not renewed, the employee is no longer able to meet an essential term of the contract of employment.

In instances where there is merely a failure to renew professional registration by the required date, the employee should be given an opportunity to renew the registration. The employee should be treated as being on leave without pay until such time as he or she is able to demonstrate that their registration has been renewed. The employee may be allowed to utilise annual leave in circumstances considered appropriate by the employer.

If an employee does not renew their professional registration after a reasonable opportunity has been given – it is likely their contract will have ended by way of frustration. When this is possible, advice from Workforce Relations should be sought. If the employee took an unreasonable time to renew professional registration and frustration of contract was not asserted, they may be liable to disciplinary action on the basis of misconduct.

Should an employee's professional registration be cancelled or suspended, almost inevitably, their contract of employment will be considered as having been ended due to frustration.

A contract of employment may similarly be ended by frustration by the loss of other essential qualifications by an employee, such as a licence to drive a motor vehicle.

Imprisonment

If an employee is sentenced to a term of imprisonment or remanded in custody, the matter must be referred to Workforce Relations for advice. A contract of employment is almost inevitably ended by frustration in such circumstances.

Abandonment of Employment

If an employee has been absent without authority for more than 10 working days, the employer must take all reasonable steps to put them on notice that unless they report for duty or provide a satisfactory reason for their absence within a reasonable time, they may be regarded as having terminated their employment by way of abandonment.

Where management is considering treating a contract of employment as having come to an end by way of abandonment by the employee, it is important that the employee not be permitted to return to work should they appear at the workplace unexpectedly. They should be directed to remain absent until the question of their employment status is resolved.

In some circumstances, even where management is not entitled to determine that an employee has abandoned their employment or being so entitled does not do so, the employee may still be liable to disciplinary action on the basis of misconduct *vis-à-vis* an unauthorised absence from the workplace.

Resignation

Resignation of employment is a unilateral act by an employee to terminate their employment. Management does not 'accept' a resignation instead, management acknowledges the communication of the resignation. Management may accept a shorter notice period than is required in legislation or industrial instrument or pay an employee for the period of notice in lieu.

4-1-8 SOUTH AUSTRALIA PUBLIC SECTOR ACT 2009 AND THE CODE OF ETHICS

The *Public Sector Act 2009* (PS Act) and the *Public Sector (Honesty and Accountability) Act 1995* form the foundation for Public Sector Employment in South Australia and provide a modern, flexible employment framework. Agencies and employees across the whole of the public sector are governed by a comprehensive set of principles with greater emphasis on 'one government'.

A copy of these Acts can be obtained from the Office for the Public Sector website.

4-1-8-1 APPLICABILITY OF THE PUBLIC SECTOR ACT 2009 TO HEALTH CARE ACT EMPLOYEES

All Parts of the PS Act (except Parts 6, 7, Schedule 2 and 3) apply to employees who are employed pursuant to the *Health Care Act 2008*.

However, from 1 July 2016, Part 7 (as modified by the Public Sector Act Regulations 2010) of the PS Act *will* apply to employees who are employed pursuant to the *Health Care Act 2008* and the *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017*.

4-1-8-2 CODE OF ETHICS FOR THE SOUTH AUSTRALIAN PUBLIC SECTOR

The Code of Ethics for the South Australian Public Sector is the code of conduct for the purposes of the PS Act. The code embodies and builds upon the principles of the PS Act and seeks to advance the objects of the PS Act in the pursuit of good government in South Australia.

The *Code of Ethics* seeks to:

- Guide and support public sector employees in all of their professional activities;
- Strengthen public confidence in the public sector;
- Earn respect from citizens, government and employees for the public sector as an institution which is critical to good government in South Australia, and
- Set out standards of professional conduct expected of every public sector employee

Further information and a copy of the *Code of Ethics* can be obtained from the Office for the Public Sector website

4-1-9 PREVENTION AND RESOLUTION OF SEXUAL HARASSMENT

Policy statement

The purpose of a policy for the Prevention and Resolution of Sexual Harassment is to establish and maintain a working environment free from Sexual Harassment. Sexual harassment is a form of discrimination, and is consequently unlawful, under the SA Equal Opportunity Act, 1984. It is also contrary to Department for Health and Wellbeing policy on equality of opportunity in employment and the Chief Executive of the Department for Health and Wellbeing regards it as a serious and important issue, which should be dealt with in a considered and deliberate manner.

In addition to the negative effect on performance the Department for Health and Wellbeing recognises that sexual harassment in the workplace is not consistent with the right of employees to "safe and healthy working conditions".

This policy contains clear statements of the Legal Requirements, Principles, Procedures, Roles & Responsibilities which are consistent with existing personnel policies and practices which aim at providing a proper balance between work performance and good conduct, privacy and the rights of individual employees. It is applicable to both male and female employees.

Sexual harassment involves a range of uninvited and unwelcome behaviours. In the legal context, sexual harassment can take many forms including, but not limited to:

- sex-oriented verbal or written suggestions;
- sexually-based jokes or innuendos;
- physical contact of a sexual nature, such as patting, pinching or brushing up against a person unnecessarily;
- displaying sexually graphic material;
- demanding sexual favours;
- sexually offensive staring, leering or gesturing.

In addition, there is also a range of behaviours which are inappropriate in the workplace and which may constitute harassment. For example, making belittling comments based on sex-role stereotypes.

Sexual assault is a criminal offence which could be the subject of Police proceedings.

Legal requirements

Sexual harassment is legally defined in section 87 of the Equal Opportunity Act, 1984, (SA) as follows:

87(11) For the purposes of this section, a person subjects another to sexual harassment if he or she does any of the following acts in such a manner or in such circumstances that the other person feels offended, humiliated or intimidated:

- he or she subjects the other person to an unsolicited and intentional act of physical intimacy;
- he or she demands or requests (directly or by implication) sexual favours from the other person;
- he or she makes, on more than one occasion, a remark with sexual connotations relating to the other person and it is reasonable in all the circumstances that the other person should feel offended, humiliated or intimidated by that conduct.

The Equal Opportunity Act, 1984, sections 87 and 91, imposes a positive obligation on the employer* to take such steps as may be reasonably necessary to create and maintain a work environment that is free from sexual harassment. This means that, as far as practicable, an employer must ensure that an employee or voluntary worker does not subject a fellow employee or voluntary worker, or a person seeking employment or voluntary work, to sexual harassment.

Similarly, as providers of services to the public, there is a duty to take steps to ensure that their employees do not subject the users of their services to sexual harassment. The same measures apply in respect of persons seeking employment, voluntary workers, trainees, apprentices and students.

If an employer fails, either through refusal or neglect, to take action to prevent sexual harassment, the employer is liable for the occurrence and for the recurrence of sexual harassment in the workplace.

A person may not be vicariously liable for an act of sexual harassment committed by an agent or employee, unless he or she instructed, authorised or connived in that act.

*In the Equal Opportunity Act, 1984 (SA) the "employer" in relation to the holder of a public or statutory office, means the Crown (section 5).

Principles

The purpose of sexual harassment policy is to provide a set of procedures for dealing with complaints, the objectives of which are to stop the behaviour which caused offence and ensure that a just and appropriate resolution without any disadvantage is reached for the complainant.

- sexual harassment complaints should receive immediate attention. Where the parties involved continue to work together, the need to deal with a complaint without delay is particularly important;
- sexual harassment complaints should be resolved, if circumstances permit and the complainant agrees, at the workplace and without formal procedures. Emphasis should be placed on resolution through conciliation;

- a flexible approach should be adopted when addressing complaints and alternative courses of action. Assurance should be given that an unbiased investigation will be undertaken and confidentiality will be maintained;
- confidentiality must be respected at all times for and by the parties concerned. In addition, the number of people who become involved in dealing with the complaint must be kept to a minimum;
- where it is established that harassment has occurred, emphasis should be placed on education rather than punishment; options may include counselling, retraining and awareness education for the offender and disciplinary action or dismissal if appropriate;
- the complainant's wishes are to be respected at all times throughout the process.

Department for Health and Wellbeing procedures

Department for Health and Wellbeing Procedures will include: a network of Sexual Harassment Contact People.

- The Hospital/Health Service will nominate an appropriate number of Sexual Harassment Contact Persons;
- the Sexual Harassment Contact Person will report directly to the Chief Executive Officer (or their delegate*) in their role as a Sexual Harassment Contact Person.

*In the Equal Opportunity Act, 1984 (SA) the "employer" in relation to the holder of a public or statutory office, means the Crown (section 5).

The role of Chief Executive Officers

It is the responsibility of a Chief Executive Officer (or delegate) to take all reasonable steps to ensure that the work environments and all areas of health service delivery, are free from sexual harassment in any form.

A Chief Executive Officer (or delegate) will:

- appoint a designated officer who is charged with the overall responsibility of oversight and implementation of the policy;
- ensure that the policy statement and relevant information about sexual harassment, and the prevention and resolution of complaints is promulgated to all employees;
- distribute the sexual harassment policy and other available documentation and ensure that all information on sexual harassment is readily accessible and visible to all employees;
- ensure that all employees are informed of their legal rights and obligations;
- ensure that all managers are clear about their roles and responsibilities and are provided with appropriate training;
- implement and monitor procedures for dealing with sexual harassment;
- ensure that complaints are resolved promptly;

- ensure that sexual harassment records are brief and factual. Confidentiality and limited access to any records must be strictly preserved and safeguarded until they are destroyed;
- provide appropriate education and training aimed at preventing sexual harassment in the workplace for all employees, volunteers, trainees, apprentices and students;
- include this policy in staff development and induction courses;
- have access to advice from the EEO Committee as necessary.

The role of EEO committees

The EEO Committees will:

- advise the Chief Executive Officer (or delegate) on all matters pertaining to EEO issues including the implementation of the Prevention and Resolution of the Sexual Harassment Policy;
- be pro-active in the implementation of the Prevention and Resolution of Sexual Harassment Policy;
- advise the Chief Executive Officer (or delegate) on an appropriate number of Sexual Harassment Contact Persons required to implement this policy in;
- develop policies on Sexual Harassment in line with policy;
- provide support for Line Managers and Sexual Harassment Contact Persons;
- advise the Chief Executive Officer (or delegate) and Line Managers on the need for Sexual Harassment awareness, education and training.

The responsibilities of line managers

Line managers will:

1. actively promulgate the Department for Health and Wellbeing policy on the prevention of sexual harassment, and ensure that information about procedures, including disciplinary and external grievance procedures, is readily available to all officers and employees in their supervisory area;
2. provide access to training for Sexual Harassment Contact Persons;
3. provide support for Sexual Harassment Contact Persons;
4. provide access to a private room and a phone where conversations cannot be over heard and ensure that the Sexual Harassment Contact Person has direct access to senior executive staff and other appropriate staff for support and to enable them to carry out their role;
5. take appropriate action to resolve the complaint informally at the request of the complainant, for example:
    - speak to the alleged harasser
    - ask that an offending poster be removed
    - address staff on acceptable behaviour in the workplace etc.
    - investigate and attempt to resolve informal complaints
    - take action as directed by the Chief Executive Officer (or delegate) in the resolution of sexual harassment complaints.

If the issue is serious or complex enough for a formal complaint investigation to be initiated, or the complainant is not satisfied with the outcome of the informal intervention, the complaint should then go in writing to the Chief Executive Officer (or delegate) who will delegate responsibility to an appropriate person to carry out the investigation.

In summary it is highly desirable to ensure that the number of options open to the complainant be kept as broad and flexible as possible, and the right of the complainant to decide which option/s to take and in what order should be safeguarded, however the procedures are implemented.

Keeping records

Some record of the substance of the complaint as first told to either the contact officer or line manager (remembering the complainant may go to either of these people for help) is essential to facilitate subsequent action and to provide a check-list of agreed actions for reporting back to the complainant. Each party, the complainant and the person who agrees to take steps on their behalf, should hold a copy of the records, securely stored to ensure confidentiality. Records should be retained for long enough to ensure that people who become involved in the resolution of the sexual harassment complaints will be in a position to defend their actions subsequently; for instance if the alleged harasser instituted a grievance appeal.

It is not acceptable to expect people to take responsibility in this area, yet deny them the safeguard of being able to give a clear account of what happened in particular circumstances. At the resolution of the complaint the records should be destroyed.

The role of sexual harassment contact persons

The Sexual Harassment Contact Person is there to listen to complaints in the first instance and provide support for the complainant. In many cases, advice and suggestions at an early stage may assist persons to resolve any specific problems themselves. The Sexual Harassment Contact Person does **NOT** have a formal role in the resolution process.

The Sexual Harassment Contact Person will:

- listen sympathetically to the complaint,
- not judge matters as too trivial, or prejudge either party,
- be aware that the complainant may initially be reluctant to disclose all details, and the gravity of the matter may be underestimated,
- find out what outcome the complainant wants,
- assist the complainant to explore options to resolve the complaint,
- have a knowledge of options that are appropriate for different circumstances,
- ensure that at all times the complainant is aware of the process,
- liaise with the EEO Committee on matters of policy implementation, education and training,

- treat all complaints in the strictest confidence and record the substance of the complaint to facilitate subsequent action and to provide a check-list for agreed action for reporting back to the complainant;
- encourage the complainant to keep notes of dates, times and nature of incidents.

Options for the complainant

The options for a person who alleges sexual harassment are:

- to speak to the alleged harasser;
- to seek advice from the nominated Sexual Harassment Contact Person in their workplace;
- contact their relevant union for assistance;
- to have a friend, colleague or union representative present during an interview or counselling meeting with the Sexual Harassment Contact Person;
- to lay an informal complaint with the line manager or chief officer;
- to lay a formal complaint with the Chief Executive Officer (or delegate);
- to contact the Chief Executive Officer (or delegate) if the matter cannot be resolved;
- to contact the Equal Opportunity Commission;
- to contact the police in the case of allegations or offences of a criminal nature;
- to consult with a relevant health care professional in cases of severe stress or physical/indecent assault.

Procedures

Procedures for dealing with informal complaints

You should:

- make sure everyone knows that contact people have management support;
- respond promptly to requests for discussion, help or advice from contact people;
- arrange a suitable place for private meetings with a telephone available;
- intervene informally to resolve complaints by speaking to the person complained against if requested to do so by a contact person with the complainant;
- discuss the problem with the person complained against;
- clarify which aspects of the behaviour are unacceptable;
- explain what action will be necessary to resolve the complaint, for example, this could be a verbal or written apology and an undertaking to stop the behaviour which caused offence;
- explain, if the behaviour does not stop, what more formal steps may be taken to investigate and resolve the complaint;
- record notes as per Keeping Records.

Procedures for dealing with formal complaints

Upon receiving a signed formal complaint the Chief Executive Officer (or delegate), or the delegate officer will explain the internal process for dealing with the formal complaint and will advise the complainant that they have the right to complain to the Equal Opportunity Commission. However, every effort will be made to resolve the complaint at the local level.

The issue to be resolved is the persistence of feelings of offence, humiliation or intimidation on the part of the complainant. As long as the complainant continues to feel aggrieved, the matter has not been satisfactorily resolved, whatever the alleged "facts" of the matter. Once these processes have been established proceed to:

- inform the alleged harasser that a complaint has been lodged. (The alleged harasser has the right to know details of the complaint and the name of the person who lodged the complaint.)
- proceed immediately to investigate the case in an unbiased way and take appropriate action to achieve resolution through conciliation.

The investigative process

This should include:

- appointment of an investigating officer who has had appropriate training in sexual harassment resolution;
- the establishment of the allegations with the complainant;
- advising the complainant, they can have a friend, colleague or union representative present during an interview or counselling meeting;
- advising the alleged harasser that a complaint has been received and that a meeting will be arranged to discuss the matter;
- at the same time, the alleged harasser should be informed that he or she has the right to have a friend, colleague or union representative present at the meeting.

Conciliation process

Following a formal investigation a report will be forwarded to the Chief Executive Officer (or delegate) whether or not the allegation is sustained.

The conciliation process should include:

- supportive counselling for the complainant.
- educational counselling for the harasser to demonstrate how his/her conduct contributed to the complaint.
- outline clearly the possible outcomes should the behaviour continue.

If the complaint cannot be satisfactorily resolved through conciliation, complaints should be referred directly to the Chief Executive Officer (or delegate) who may seek assistance from Workforce Services, Corporate and System Support Services of the Department for Health and Wellbeing or the Equal Opportunity Commission.

If disciplinary procedures are required the Chief Executive Officer (or delegate) will utilise the process set out in Part 4-1-7.

Resolution process

When the complaint has been satisfactorily resolved the Chief Executive Officer (or delegate) will:

- implement appropriate strategies to ensure harassment does not continue to occur.
- inform all parties (i.e. complainant, the alleged harasser, Sexual Harassment Contact Person) of action that has been taken.
- provide support and assistance for both parties to readjust in the workplace.

Complaint from an employee or members of the public against a client

The Line Manager will provide appropriate support to ensure that the health welfare and safety of an employee is not at risk in any way.

If a formal complaint is lodged the Line Manager should advise the employee that this matter is not covered by the Sexual Harassment provision of the Equal Opportunity Act.

However, various sections of the act make it unlawful for an Employing Authority/Delegate to subject a person to a detriment on any of the grounds covered in the act. Thus failure to respond appropriately or to take action to resolve an employee's complaint of sexual harassment (or indeed harassment on any other ground of the act) by a client or a member of the public could give rise to a complaint of discrimination on the ground of sex or other ground.

However, the Chief Executive Officer (or delegate) should carry out an investigation following the same procedures as outlined in the investigation process above. A hospital/health service does still have a responsibility under the Equal Opportunity Act to implement appropriate strategies to deal with the matter. These could include:

- vary work practices to minimise employee's risk.
- make alternative arrangements for providing the service.
- advise the employee they have the right to seek legal action against the client or member of the public.
- withdraw services to the client or member of the public.

Complaints from clients or members of the public against an employee

Line Managers should follow the same procedures as detailed in Procedures for Dealing with Informal Complaints.

Chief Executive Officers should follow the same procedures as detailed in Procedures for Dealing with Formal Complaints.

Time limitations

It is expected that in the investigation/resolution of an alleged sexual harassment incident action will proceed immediately. There shall be a time limit of no more than five (5) working days from the date of request by which an alleged harasser must respond to a legitimate request for information and/or an interview.

Employees are encouraged to report any incidents as soon as possible to increase the chances of a successful resolution. Reporting of an incident should occur immediately or as soon as possible after the incident. If a complainant wishes to refer an alleged incident of sexual harassment to the Equal Opportunity Commission, the South Australian Equal Opportunity Act requires that there shall normally be a limit of no more than six (6) months between the occurrence of an incident and the official lodging of a complaint. If the complaint is made under the Commonwealth Sex Discrimination Act the complainant has 12 months.

False complaints

The sexual harassment provisions of the Act explicitly require organisations to take whatever reasonable steps are practicable to ensure that sexual harassment does not occur in the workplace. This requirement has been generally interpreted to mean that the organisation should have a policy on sexual harassment which is known to all employees and a set of procedures for dealing with complaints. These guide-lines designate a range of employees who have particular responsibilities for dealing with complaints.

Such people are entitled to share any information relevant to a complaint as long as this is part of the legitimate obligation imposed on them by the guide-lines. Complainants have the right to make their concerns about sexual harassment known to anyone, but certainly to contact officers, supervisors, managers, directors, the coordinator, anyone who investigates a complaint, union representatives or doctors.

In these circumstances, all such people would be able to claim “qualified privilege" as a defence against a charge of defamation, unless they disseminated the matter to others with no legitimate right to the information.

The complainant would only be liable if they disseminated verbally or in writing, allegations about anther person which were proved to be malicious and untrue. They would not be liable even for untrue claims they made about another persons behaviour, as long as the claims were made in good faith; that is, were sincerely believed to be true. This protection would exist if the allegations were made to those responsible for assisting them to resolve their complaint.

Employees may be the subject of a defamation action by an aggrieved party if they report that they have been sexually harassed, knowing that the report is untrue.

Disciplinary action where any employee knowingly lodges a false, vexatious or malicious complaint may also be taken.

Victimisation

Section 86 of the Equal Opportunity Act states that it is an offence to commit an act of victimisation. This includes any unfavourable treatment against a person who has, in good faith, brought any proceedings under the Act or who has reasonably asserted their rights under the Act.

Employees will not be subjected to unfavourable treatment because of a false, vexatious or malicious complaint which has been made against them.

External grievance procedures

The Equal Opportunity Commission is the statutory office charged with the responsibility for implementing the Equal Opportunity Act, 1984 and for dealing with complaints made pursuant to the Act.

An individual can approach the Equal Opportunity Commission on a confidential basis, either to lodge a complaint or before deciding whether to proceed with any complaint.

If action is to be taken through that avenue, a complaint must be lodged with the Equal Opportunity Commission within six months if the complaint is made under South Australian Equal Opportunity Act of the date of the alleged offence and 12 months if the complaint is made under the Commonwealth Sex Discrimination Act.

4-1-10 PUBLIC INTEREST DISCLOSURE ACT (PROTECTION FOR WHSITLEBLOWERS)

SA Health supports the Government's commitment to ensuring the public sector is free from corruption, the misuse and waste or public resources and poor administration practices.

SA Health has nominated the following persons as Responsible Officers to receive disclosures of public interest information:

- The Chief Executive, SA Health;
- The Director Workforce Services, Corporate and System Support Services;
- The Group Director Risk and Assurance Services;
- The Chief Executive Officers of Local Health Networks and the SA Ambulance Service; and the Group Executive Director Statewide Clinical Support Services;
- The Directors of Workforce (or equivalent positions) of the Local Health Networks; the SA Ambulance Service; and Statewide Clinical Support Services.

The Public Interest Disclosure Act and relevant information for all South Australian Public Service employees can be found here.The Independent Commissioner Against Corruption has also established Guidelines to assist with the interpretation and implementation of the Public Interest Disclosure Act. Information on how the Act is relevant to SA Health employees can be found here.

4-1-11 WOMEN ON GOVERNMENT BOARDS AND COMMITTEES

The provisions contained herein apply to Ministerial or government appointments to Boards and to advisory committees established by the Minister for Health and Ageing or government.

The Government has an objective of 50 percent representation of women on all government boards and committees by the year 2000. A register of women exists for appointment to government boards and committees. It is held in the Office for the Status of Women.

Background

A review of the Equal Opportunity Program for Women conducted in 1992 identified the need for increased participation of women in government boards and committees at all levels to ensure government decision making structures better reflect the composition of the South Australian community and that policies and services meet the needs of women.

Women's Register

The Register will facilitate the matching of the requirements for membership of a particular board or committee with the skills and qualifications of the women on the database. The Office for the Status of Women maintain the Register, providing timely lists of nominees to appropriate agency staff.

The Register has restricted access to ensure that privacy standards are met. Registration is open to all women and nominations are encouraged from wide sections of the community. Nominees to the Register are required to provide details of background and areas of expertise and the names of two referees. Registration does not guarantee appointment to a committee or board.

The use of the Register does not preclude other merit based or statutory systems of identifying suitable candidates but it is expected that the Register will provide a wider field of prospective nominees than might otherwise be the case.

General

Staff involved in the appointment of members to Government appointed boards and committees are required to consult the Register when recommending appointments, keeping in mind the targets that Cabinet has set.

When organisations are requested to put forward names for committees/boards, the Government's policy in relation to the representation of women must be drawn to their attention.

Companies and non-government organisations should be alerted to the existence of the Register and invited to use the resource if they wish. If such enquiries are received, no name will be forwarded without prior consent.

Application Forms

For those employees wishing to be considered for nomination to South Australian government bodies, application forms are available from the Office for the Status of Women 136 North Terrace Adelaide SA 5000, telephone: (08) 8303 0961.

4-1-12 CONTRACT OF EMPLOYMENT

Salaried employees

The contract of hiring of every salaried employee shall in the absence of express award provision or other contract to the contrary, be deemed to be a hiring the fortnight, subject, however, to the following provisions relating to those employees whose contract of hiring is by the fortnight:

- An employee who absents themselves from duty shall not be entitled to payment in respect of time of such absence except in respect of days for which they are eligible for paid leave granted by the employer.
- Employment may be terminated by one fortnight's notice given by the either party, which notice may be given at any time provided that the termination of the employment shall take effect at the end of a day's work or by the payment of forfeiture (as the case may be), of a fortnight's wage; provided that nothing herein contained shall derogate from the employer's right at common law to dismiss an employee without notice for unsatisfactory performance, misconduct, or other sufficient cause.
- Where an employee has given or been given notice as aforesaid they shall continue in their employment until the date of the expiration of such notice. An employee who, having given or been given notice as aforesaid, without reasonable cause (proof of which shall lie on the employee) absents themself from work during such period shall be deemed to have abandoned their employment and shall not be entitled to payment for work performed within that period.
- If an employee is justifiably dismissed for any reason they shall be entitled to payment for work performed in that week proportionate to the time worked but to that only.

Weekly paid employees

The contract of hiring of weekly paid employees shall in the absence of express award provision or other contract to the contrary, be deemed to be a hiring by the week, subject, however, to the following provisos relating to those employees whose contract of hiring is by the week:

1. An employee who is absent from duty will not be entitled to payment in respect of time of such absence except in respect of days for which the employee is eligible for paid leave granted by the employer.
2. The required period of notice for termination is worked out as follows;
    - If the employee's period of continuous service with the employer is not more than 1 year – the period of notice is at least 1 week; and

- If the employee's period of continuous service with the employer is more than 1 year but not more than 3 years – the period of notice is at least 2 weeks; and
- If the employee's period of continuous service with the employer is more than 3 years but not more than 5 years – the period of notice is at least 3 weeks; and
- If the employee's period of continuous service with the employer is more than 5 years – the period of notice is at least 4 weeks

But if the employee is over 45 years old and has completed at least 2 years continuous service with the employer, the period of notice is increased by 1 week.

3. Where an employee has given or been given notice as aforesaid they shall continue in their employment until the date of the expiration of such notice. An employee who, having, given or been given notice as aforesaid, without reasonable cause (proof of which shall lie on the employee) absents themself from work during such period shall be deemed to have abandoned their employment and shall not be entitled to payment for work done within that period. Provided that where an employer has given notice as aforesaid, an employee other than a casual employee, on request, shall be granted leave of absence without pay for one day in order to look for alternative employment.

4. The employer shall not be liable to pay an employee for time lost when work is unavoidably stopped because of breakdown of plant and/or machinery or failure of power or a shortage of material or a strike, or any cause for which the employer cannot reasonably be held responsible.

5. Where works, or a section of the works, are closed down for the purpose of allowing annual leave to all or the bulk of employees concerned, the employer may stand off for the duration of the close down all employees on the works of section of the works concerned, and allow a full period of leave and to who are not so qualified for such a period of leave and to those who are not so qualified paid leave on a proportionate basis to the completed months of the employee's continuous services.

6. If an employee is justifiably dismissed for any reason they shall be entitled to payment for work performed in that week proportionate to the time worked.

Absence without leave

Effect on continuity of service

In cases where an employee is absent without leave and is continued in employment, the question of the effect the absence has on the employee's continuity of service for the purposes of leave of absence is to be submitted for direction by Workforce Services, Corporate and System Support Services and the following information is to be supplied:

1. the reason for the absence, and whether in the opinion of the Chief Executive Officer (or delegate) it was deliberate or otherwise;

2. the length of absence;
3. the length of employee's continuous service;
4. a statement as to the past attendance record of the employee;
5. whether the absence resulted in loss or inconvenience to the workplace and the extent thereof.

Communication with an employee absent without leave

Where an employee has been absent without leave for more than two weeks, the Hospital/Health Service should communicate in writing with the employee informing them that unless they report for duty or furnish a satisfactory reason for their absence and the estimated duration within a specified time (which is to be not more than two weeks from the date of the written communication) they will be regarded as having terminated their employment on the date that they last attended duty (i.e. without notice).

If the employee neither reports for duty nor sends in a satisfactory reply within the specified time, they should be informed in writing that they are regarded as having terminated their service on the date they last attended for duty (i.e. without notice).

In these circumstances, any monies in hand to the extent of a weeks wage will then be forfeited in lieu of notice.

4-1-13 CONTINUITY OF SERVICE FOR IMPRISONED EMPLOYEES

If an employee is sentenced to a term of imprisonment or remanded in custody, Workforce Services, Corporate and System Support Services, Department for Health and Wellbeing shall determine whether specific action should be taken to terminate the employee's services having regarded the duration of the term of imprisonment, the nature of the offence, the employee's record and other relevant factors.

If specific action is taken to terminate the employment of the employee, they shall be regarded as a new entrant for all purposes if subsequently re-employed.

If specific action is not taken to terminate the employment of the employee and the employee has not resigned:

1. **Long Service Leave**—their service shall be deemed continuous if re-employed within two years, but the period of absence from duty until their re-engagement shall not count as service.

2. **Annual Leave and Pro-Rata Leave**—the period of absence other than the period from which paid leave is granted shall not count as service for annual leave or pro-rata purposes.

    - **annual leave** accrued due may be paid if the employee is not normally granted annual leave at a close down period but shall be paid if the period of absence includes the period of close down.
    - **pro-rata** leave shall not be paid unless the period of absence of close down.

3. **Sick Leave**—sick leave credited to the employee before their imprisonment, or remand may be retained on their re-engagement but the date on which they will next receive additional sick leave credit shall be extended by the period of absence.

4. **Service pay** (where applicable)—if the service of an employee has been terminated otherwise than by reason of resignation, or dismissal for misconduct, and they are re-employed within two years their service shall be deemed continuous, but the period of absence from duty until their re-engagement shall not count as service.

4-1-14 MEDICAL EXAMINATION OF EMPLOYEES

An employee may be requested to submit him or herself as required by his or her employer to a legally qualified medical practitioner for examination on matters relating to appointment of staff and employees seeking sick leave or further sick leave entitlements.

If an employee is not performing their duties satisfactorily and it appears that such unsatisfactory performance may be caused by mental or physical incapacity, the employee may be required to undergo an independent medical examination by a medical practitioner selected by the employee from a panel of medical practitioners. An employee may only be so required with the approval of the Chief Executive/Chief Executive Officer. Additionally, an employee should only be so required in circumstances where adequate information cannot be obtained from the employee's treating practitioner. For more information on the circumstances in which independent medical examinations are appropriate, please refer to the SA Health Management of Non-Work Related Disability or Medical Incapacity Guideline.

4-1-15 FREQUENT FLYER SCHEMES

Accumulation and use of benefits

An employee who is a private member of a frequent flyer or other benefit scheme, is not entitled to accrue personal benefits through this membership as a consequence of undertaking government related business. Given the requirements already in place under the Code of Ethics for Public Sector Employees which preclude employees from accepting gifts and benefits in the course of their duty, **entitlements accrued as a result of government funded travel become an entitlement of the government.** The individual nature of the relationship between the member and the airline company offering the benefit does not negate the government's entitlement.

Accordingly, the individual employee with frequent flyer benefits arising from government funded travel must inform their Chief Executive Officer of those benefits, so that they can utilise them for future work related purposes.

Chief Executive Officers should ensure the establishment of an appropriate reporting and monitoring process for the management of frequent flyer points arising from government funded travel, that is suited to their agency's circumstances, and is capable of being audited if required.

If an employee accumulates frequent flyer points as a result of privately funded travel the employee is entitled to use those points for private purposes. However, the obligation to prove and account for a private benefit entitlement as a result of privately accrued points then falls upon the individual, not just the Chief Executive Officer. Accordingly Chief Executive Officers should make a provision in their reporting

systems that allow an employee to provide reasonable evidence of what points are a private entitlement.

A preferred course is for individuals to have separate frequent flyer accounts for private and business usage. However, that is not mandated because under some circumstances of special need this approach may not be allowed by the airlines.

4-1-16 INTELLECTUAL PROPERTY POLICY

For information on Intellectual Property please refer to the Intellectual Property Policy incorporating the Monetary Rewards Framework for SA Health.

For information on the state's Intellectual Property laws, refer to the State Government's policy and for broader research policies, visit the SA Health's Research, Governance Policy Directive page.

4-2 EMPLOYMENT CATEGORIES

4-2-1 TEMPORARY EMPLOYMENT

Introduction

Temporary employment contracts are a useful means of filling vacancies for a known period or purpose.

Where a temporary employment contract expires due to the effluxion of time (the end date being reached) or the end event occurring, the termination usually falls outside the unfair dismissal jurisdiction of the Industrial Relations Commission.

It is important that temporary contracts be worded clearly and unambiguously, to minimise the risk of confusion or misunderstanding about whether or not the employment is in fact temporary or some other more permanent arrangement.

A temporary contract for a set period of time must have a start date and an end date (or end event) clearly specified. Accordingly, at the end date, the temporary contract automatically and entirely ceases by virtue of the effluxion of time (or the specified event) and not at the initiative of either of the parties. Again, this can become important in the event of an unfair dismissal application, as termination must be at the initiative of the employer if the applicant is to be successful

Raising expectations as to future employment

It is critical that an expectation of ongoing employment is not created by the employer (Human Resource representative, relevant manager or supervisor), either at the time of engagement, or during the term of the contract. An employee may, in a hearing in

the Industrial Relations Commission, rely on discussions, admissions, promises or indications made in emails.

Types of temporary contracts

If the temporary contract is to be for a fixed or specified period of time that is known in advance, the contract should reflect a start date and an end date only and the period of employment should not be further qualified in any way.

At the end date, the temporary contract expires by virtue of the effluxion of time.

An alternative is to have the temporary contract automatically cease on either the end date or upon a specified event, whichever is the earlier. In these circumstances, the contract should reflect the start date, end date and should clearly state the eventuality that would result in the contract ceasing earlier than the end date. Such an "event termination" would need to be described in specific enough detail for both parties to clearly understand when the condition is met.

Ambiguity is likely to lead the commission deeming that only the end date is effective in terminating the contract.

Example

"The period of employment is from [start date [and will continue until the earlier of either [end date], or [the specific condition that will trigger the end of the contract]."

Special Arrangements

Temporary employment arrangements for some groups are governed by another associated agreement e.g. Visiting Medical Specialists and Visiting Dental Specialists Agreements. In these circumstances, it is important that temporary contracts of employment be developed consistent with the requirements of the respective agreement. This should also include providing the prospective employee with a copy of any special agreements as part of the offer of temporary employment.

Commencing a temporary employment contract

Upon engagement, temporary employees are to be informed in writing of at least the following;

The start and end dates of the term of employment (and the specified event that will end the contract, if relevant);

All sources that pertain to the terms and conditions of employment including for example, Health Care Act, relevant Award, relevant Enterprise Agreement, and the SA Health (Health Care Act) HR Manual;

The classification, salary and relevant increment within the salary range; and

A clear indication (usually in the letter of offer) that for the temporary contract to become valid, the employee must accept the offer of employment and conditions in writing prior to commencing employment.

Termination of a temporary contract

Termination upon notice

One common flaw in a temporary contract of employment is the insertion of a clause that provides for the contract to be terminated upon notice.

For example, a contract is stated to run from 1 January 200X until 30 June 200X. However, there is a clause in the contract that states that either party can terminate the contract during the term for any reason with two weeks notice. It has been held in the industrial tribunals that the effect of such a provision is that the contract is not deemed to be for a specified period of time.

Earlier termination of the contract due to Unsatisfactory Performance or misconduct

Certain common law rights to terminate a contract of employment exist regardless of the specified period nature of a temporary contract. Such rights may be exercised in instances such as deliberate misrepresentation when entering into the contract, continued Unsatisfactory Performance or serious misconduct. These rights continue to exist and need not be expressly referred to within the contract of employment.

Important considerations for a series of temporary contracts

Some Enterprise Bargaining Agreements have specific provisions relating to temporary contracts. The Agreement takes precedence over these provisions in relation to any inconsistency.

Where a series of temporary contracts have been offered consecutively, the risk increases that the employment may be deemed permanent and that the temporary contracts are simply, designed to retain the employee whilst avoiding the potential risk of an unfair dismissal application upon termination.

Ideally, temporary contracts should be discreet and separate contracts and not be extended or allowed to roll over. It is possible, however, for the temporary employee to be offered further temporary contracts.

Where a temporary employee is to be offered a further temporary contract, it should be offered on the basis that it is a new and separate contract and not an extension of the existing contract. If the new temporary contract is to commence immediately following the cessation of the existing contract, it should be offered and accepted in writing before the existing contract expires.

Leave

Prior to the expiration of their temporary contract, employees should take all recreation leave accrued during their contract. Where this is not possible, and if the employee is to be offered a further contract, the employee should be paid out any unused recreation leave upon cessation of their temporary contract. In this circumstance employees should be allowed to have a break between contracts.

4-2-2 CASUAL EMPLOYMENT

Introduction

Casual employment refers to the employment of a person in any one of the following circumstances:

- if the person is employed for less than 15 hours per week;
- if the duration of engagement is less than one month; or
- if the ordinary hours to be worked vary from week to week, irrespective of the span of hours or the duration of engagement.

NOTE: Where an award or industrial agreement provides a definition of casual employment different from the above, then the provision of that award or industrial agreement will apply.

Those persons employed for less than 37.5 or 38 hours per week (as the case may be) and who do not meet the definition above, shall be regarded as part-time employees. Such employees will be entitled to pro rata annual leave, sick leave and payment for public holidays on which they are rostered off, according to hours normally worked.

Employees to be informed on engagement

On engagement, casual employees are to be informed in writing that:

- they are hired by the hour
- they will be paid for actual time worked only
- a casual loading (as prescribed) will apply
- they are not entitled to payment for public holidays not worked, nor paid leave of any type (excluding long service leave)
- their continued employment is not guaranteed
- they must accept the offer of employment and conditions in writing prior to commencing employment.

The following casual loading rates apply:

22% from the first full pay period commencing on or after 1 January 2012

23% from the first full pay period commencing on or after 1 July 2012

24% from the first full pay period commencing on or after 1 July 2013

25% from the first full pay period commencing on or after 1 July 2014

Hourly rate of pay

- The hourly rate of pay will be the appropriate weekly rate applying to the position divided by either 37.5 or 38 as the case may be (excluding the relevant casual loading).
- In the case of adult employees the hourly rate will not be less than the minimum rate prescribed from time to time by the SA Industrial Relations Commission.

Calculation of penalties etc.

When calculating shift penalties and overtime provisions of awards for casual employees, the penalty rate or overtime rate must be calculated on the “hourly rate of pay”.

Ordinary hours

Unless elsewhere specified in awards, the ordinary hours (i.e. not being overtime) of a casual employee will not exceed 7.5 or 7.6 hours in any one day nor 37.5 or 38 hours in any one week (as the case may be).

Payment for public holidays worked

A casual employee working ordinary hours (not being overtime) on a public holiday will be paid at the “hourly rate” plus the additional (relevant) casual rate for all ordinary hours worked (refer to table below for exact percentage).

Example

A casual employee working 7.6 hours in ordinary time and 4 hours in overtime on a public holiday should be paid as follows:

	Historical								**Current**	
Date	**Pre January 2012** **20%**		**1 January 2012** **22%**		**1 July 2012** **23%**		**1 July 2013** **24%**		**1 July 2014** **25%**	
Actual Hours Worked		11.60 hours		11.60 hours		11.60 hours		11.60 hours		11.60 hours
Public holiday penalty for 7.6 hours **(i.e. ordinary time)**	**70%**	5.32 hours	**72%**	5.47 hours	**73%**	5.54 hours	**74%**	5.62 hours	**75%**	5.69 hours
Public holiday penalty for 4 hours **(i.e. overtime)**	**170%**	6.80 hours	**172%**	6.88 hours	**173%**	6.92 hours	**174%**	6.96 hours	**175%**	7 hours
TOTAL (at ordinary rate)		**23.72 hours**		**23.95 hours**		**24.06 hours**		**24.18 hours**		**24.29 hours**

Note:

- The additional payments for ordinary time and overtime are inclusive of the casual loading
- Although the penalty rate for ordinary time and overtime worked on a public holiday is 150%, the loading takes into account 100 per cent of the penalty for ordinary time leaving a balance payable of 50 per cent.
- The loading does not take into account any part of the penalty for overtime worked on public holidays.

Under no circumstances should the hourly rate of pay be increased to include the casual loading

4-2-3 VACATIONAL STUDENTS

The employment of current, full-time tertiary students during vacation periods is approved subject to the following criteria being satisfied:

- financial provision must exist within budget allocations;
- a Government scholarship and cadetship holders are to receive preference for any short-term work opportunities that might exist; and
- undergraduates are only to be engaged on work related to their academic training and anticipated career path.

Typically these placements occur during the vacation period and are for a period of up to eight weeks.

Rates of pay

During a paid work placement, students are to be paid at ASO1 (or equivalent) rates. If the student is aged under 21 years they should be paid at the specified rate for their age. If a student is over 21 years of age, the ASO1 adult rates are to be used, commencing at the first adult increment.

The Chief Executive Officer (or delegate) may at any time vary the rates and allowances upon giving notice in writing to the student. The new rate of pay must not exceed the ASO1 (or equivalent) level except in exceptional circumstances and with the approval of Workforce Services, Corporate and System Support Services, Department for Health and Wellbeing.

Conditions

Although it is understood that potential applicants are from defined areas of study, selection and appointment processes must be based on merit. Therefore, while it may be unnecessary to advertise as widely and to the same extent as for other positions, processes must reflect personnel management standards and the expectations of the community for equitable access to available employment opportunities. For example, to avoid limiting the pool of potential applicants, advertisements could be placed at the university campus to ensure all students in the particular course are aware of the opportunity.

Work placements should be in work related to the academic qualification and anticipated career path.

The student will not be considered a relevant public sector employee and will not be eligible to apply for a position advertised internally or on Jobs SA, unless such a position is also advertised externally to the South Australian Public Sector.

The student should be placed on probation while employed during the tertiary placement.

Vacational students will be eligible for leave provisions as prescribed in this manual, except for sick leave, which will be credited on a pro-rata basis according to the number of months in the contract.

4-2-4 PART-TIME EMPLOYMENT

A Chief Executive Officer (or delegate), at the request and with the consent of an employee, may determine that the duties of a position be performed on a part-time basis.

A summary of employment conditions applicable to part-time employees is contained herein.

Definition

An employee is defined as working permanent part-time when they are:

“engaged for less than 37.5 (38 or 40, as the case may be) hours per week, working 15 hours or more per week, for a continuous period of one calendar month or longer where the hours of work are fixed and constant”.

Employment for less than 15 hours per week is normally defined as “casual”, even if it is on-going and the hours of work are fixed and constant, but in some circumstances it may be approved on a permanent part-time basis -see dot point 6 below.

Part-time employees are entitled to pro-rata recreation leave, sick leave, special leave with pay, and payment for public holidays on which they would normally be on duty, according to hours normally worked.

Fundamental aspects of part-time employment

Part-time employment seeks to benefit the public sector from the contribution to be made by employees who prefer not to work full time. As such, opportunities exist for employees to vary their career pattern to suit a desired life pattern.

1. Any person employed or seeking employment under the Health Care Act is eligible to apply to work part-time.

   Part-time employment covers all occupational categories (i.e. base-grade and promotional positions in professional, technical or clerical/administrative, etc., occupations).

2. Part-time employment is intended primarily to respond to the needs of employees and potential employees.

3. Employees cannot be forced to go part-time.

   Although part-time employment can be used as a management tool in relation to genuine rationalisation and re-organisation of services, it is not to be seen as a mechanism for reduction of staffing levels. In relation to occupied positions,

conversion to part-time employment must be at the request and with the consent of an employee.

4. The Hospital/Health service may examine vacancies regarding their suitability for conversion to part-time.
5. Part-time positions are established by altering the hours of full-time positions or by creating a new position.

   As with full-time positions, the determining factors regarding the creation of a part-time position include workplace needs, availability of funds, and compatibility with staffing levels.
6. Permanent part-time may be appropriate for employment for less than 15 hours per week.

Where an employee or potential employee seeks employment for less than 15 hours per week on a permanent part-time basis and the workplace's need for such employment is on-going permanent part-time employment, on a fixed and constant basis, may be approved. Both the Chief Executive Officer (or delegate) and the employee or potential employee must agree that permanent part-time employment is more appropriate than casual employment in the particular circumstances.

A situation where an existing full-time permanent employee seeks to reduce hours to less than 15 hours per week, on a fixed pattern, and the Chief Executive Officer (or delegate) is satisfied that the employee's continued permanent employment on the proposed reduced basis is in the interest of the unit is an example of appropriate circumstances.

Conditions of employment

The guiding principle is that conditions of service for part-time employees are, in general, as apply for full-time employees but on a pro-rata basis and in proportion to hours normally worked.

Salary

The salary payable to a part-time employee is the full-time rate adjusted in proportion to the actual hours worked.

Incremental progression applies in a similar fashion to full-time employees. Accordingly, first and subsequent increments are payable on the following basis irrespective of the number of hours worked.

Juniors — on next birthday, in occupations where junior rates apply.

Adults — on the completion of the current part-time year of adult service or experience, whichever is relevant.

Note: An employee working half-time does not have to serve for two calendar years to qualify for an increment.

As for full-time employees, increments will be postponed by the number of working days leave without pay taken since the last increment was granted. This calculation will be based on the normal pattern of working days at the time the leave is commenced.

Recreation leave

In general, leave is calculated, taken and recorded in working days. Therefore, the days to be recorded as recreation leave are those on which the employee would have worked had they not been absent on leave. Payment for recreation leave is based on payment which would have been received had the employee been on duty for the full period of the leave.

Part time employees are entitled to the same period of recreation leave (i.e. 4, 5, or 6 weeks) as full time employees, however, the number of paid hours of recreation leave is to be calculated on a pro-rata basis according to actual hours worked.

Refer to Part 7-3.1 Entitlement to leave for calculation examples.

Sick leave

Whilst the basis for the annual entitlement is 12 days (90 hours in most cases), as for full-time employees, the entitlement for part-time employees is calculated on a pro rata basis according to a part-time employee's normal working pattern.

Leave is to be calculated, taken and recorded in working hours. The hours to be recorded as sick leave are those on which an employee would have worked had they not been absent on account of sickness.

(For example, employee works Monday (7.5 hours), Thursday (6 hours), Friday (5 hours) - entitled to 18.5/37.5 x 90 = 44.5 hours to the nearest quarter of an hour - debit 7.5 hours if absent on account of sickness on a Monday, 6 hours if absent on a Thursday or 5 hours if absent on a Friday).

Payment for sick leave is based on the payment which would have been made had the employee been on duty on the days they were absent.

Long service leave

Part-time employees are entitled to Long Service Leave which accrues and is recorded and granted on the same basis as for full-time employees.

A part time employee has the same number of calendar days of long service leave as an employee with no part time or casual service, based on the length of service. However the number of paid working hours available for payment is adjusted on a pro-rata basis.

Refer to Part 7-4-4 Salary whilst on leave for further information regarding the taking of long service leave.

Parenting leave

Part-time employees are entitled to similar conditions as full-time employees. While the maximum period (52 calendar weeks) is available, the number of working days absence to be debited on the employee's record is in accordance with the principles outlined for recreation leave above.

Temporary variation in hours of duty

Under the definition of part-time employment, an employee's hours are fixed and constant. However, there may be exceptional reasons for temporary variations to an employee's working hours. Since the usual reasons for seeking part-time employment are because of other commitments, any variations must be agreed to by the part-time employee.

"Overtime"

Time worked up to 7.5 hours on any day is not to be regarded as overtime but an extension of the contract hours for that day and should be paid at the normal rate of pay.

Overtime shall not be payable unless the total time worked on any day exceeds 8 hours.

Additional days worked, up to a total of five days per week, are also regarded as an extension of the contract and should be paid at the normal rate.

A temporary extension (or reduction) in an employee's working hours may affect subsequent leave entitlements as well as affecting payment for the current period. Such approved extensions (or reductions) must therefore be recorded on the employee's leave records.

Variations of hours including the possibility of negotiated periods of full-time work, should be short and known in advance. For example, the duties of a position may entail regular periods of country travel for a few days each year. It would not be unreasonable to expect a part-time employee to agree to work full-time for the period of the country travel, provided there is sufficient notice.

Education assistance

Part-time employees are provided the same conditions and benefits as full-time employees except that the time off with pay is granted according to the following formula:

15 hours to 20 hours / week	2 hours
21 hours to 26 hours / week	3 hours
27 hours to 33 hours / week	4 hours
34 hours to 37.5/38/40 hours / week	5 hours

Special leave with pay

Part-time employees may be granted special leave with pay on the same basis as for full-time employees with payment made according to the normal pro rata rate.

Examples:

(i) Urgent Pressing Necessity

For any day of approved special leave with pay the employee will be paid the same amount that would have been received if the employee had been on duty for their normal hours for that day.

(ii) Military Leave

The full entitlement as for full-time employees will apply, however the payment will only be made for those hours that the employee would have been on duty but for the leave.

(iii) Sporting Leave

May be granted on a similar basis to full-time employees but on a proportionate basis, e.g. an employee who works 3 days per week will be eligible for 3/5 of the normal maximum entitlement in working days.

Special leave with pay will only be debited on those days on which the employee would have normally worked and payment will be made according to the hours that would have been worked had the employee been on duty.

Part time employees are entitled to special leave with pay on a pro-rata basis. When an employee takes leave the hours to be recorded as special leave with pay are those hours which the employee would have worked if they had not been absent.

Leave without pay

Leave without pay is available on the same basis as for full-time employees.

For determining the effect of leave without pay on other entitlements, the leave without pay credit is calculated as follows:

(22 x 7.5) x (contracted hours/37.5)

(where 7.5 and 37.5 are substituted with 7.6 and 38 hours where appropriate.)

The leave without pay credit is the number of hours of leave without pay that do not affect other leave entitlements.

Superannuation

Reference should be made to the Superannuation Board regarding questions of eligibility and benefits applicable.

Flexitime

In principle, part-time employees may avail themselves of flexitime but, due to the variety of ways in which part-time work may be undertaken, it is not possible to set down precise guidelines in this Instruction. Employees should discuss requirements with their supervisors in the first instance. It should be noted that there may be areas in which it will not be possible to introduce flexitime for full or part-time employees.

Processing of requests for permanent part-time employment

Employees wishing to convert from full-time to part time must apply in writing. The usual first contact for this request would be the employee's supervisor.

The supervisor should consider the request fully and in the event of rejection of the application the onus is on the workplace to demonstrate that conversion to permanent part-time is inappropriate.

A supervisor, before rejecting a request must consult with the officer responsible for part-time employment, before deciding.

In instances when a request cannot be granted exactly as requested, a negotiated compromise may be possible between the applicant and the supervisor. For example, conversion to part-time may have to be referred for a short while or different days may have to be agreed.

Difficult or unusual cases

Each workplace should designate an employee who as part of their duties is a specialist resource/consultant on part-time employment. In the first instance, managers should refer difficult/unusual requests to this employee.

Should the request fall outside the scope of permanent part-time employment or be in any other way problematical, advice may be sought from the local human resources team.

Publicity and promotion

Part-time employment policy should be well known and widely understood within the workplace and managers and supervisors should be positive and sympathetic to staff interest in it.

4-2-5 VOLUNTEERS

Guidelines for good practice

Introduction

The purpose of these guidelines is to acknowledge the role of volunteers, to enhance the standing of volunteers and to identify the responsibilities of all parties. The rights

of volunteers and paid staff and the importance of maintaining the scope and level of paid employment within the public sector are paramount.

The guidelines have been developed as a result of extensive consultations with and contributions from various government departments and Hospitals and health services with volunteer programs, paid staff including volunteer co-ordinators, representatives of the voluntary sector and SA Unions (formally known as the United Trades and Labor Council of South Australia) and its key public sector unions.

The guidelines are of necessity broad in scope since they are intended to apply to a number of agencies where volunteers are used in a variety of contexts. It is important that specific policy and practice guidelines are developed regularly reviewed. All parties concerned should be involved in the preparation and review of guidelines.

Volunteering allows people to participate actively in all facets of society in a way that contributes to the spirit of democratic involvement. In wishing to live their lives to the full, many people have the desire to give voluntarily of their time in some form of socially acceptable and satisfying activity of their own choosing.

The harnessing of people's time, interests and skills can provide benefits, to the persons or projects assisted, the organisation within which they work, to the community at large and to the volunteers themselves.

The South Australian Government recognises that certain services can be enhanced by the contribution of volunteers.

Workplaces will have different needs, capacities and abilities to involve volunteers. The participation of volunteers should not be imposed without appropriate consultation.

When contemplating the involvement of volunteers should make a careful assessment of their services and the tasks to be performed by volunteers. In defining areas of work and responsibilities of both paid and volunteer staff, consultation must take place between management, paid staff, volunteers and unions.

Definition

Volunteering involves people undertaking defined activities:-

- of their own free will;
- without payment (other than out-of-pocket expenses); and
- which will be of benefit to the community and the agency concerned.

These guidelines are intended to apply to volunteers working within and under the direction of Hospital/Health Service as a regular augmentation of service delivery. Where the involvement of volunteers is governed by legislation any legislative provisions will prevail.

It is recognised that there are other forms of volunteering. These include participation on consultative and advisory boards or as "friends" of cultural and heritage institutions.

Where the tasks of these volunteers require that they work within an Incorporated Hospital or SAAS, the principles outlined in this policy document should apply.

The involvement of volunteers in agency programs must not displace paid staff.

Responsibilities of Hospitals/Health services

1 The main focus is primarily on the outcomes of activities and on ensuring a sustained quality of service, however, the interests of both paid and volunteer staff must be considered.

The different roles, rights and responsibilities of volunteer and paid staff need to be clearly defined and understood by all parties and a climate of mutual respect and confidence engendered.

2 It must be ensured that volunteer tasks:-

- are clearly defined and consistent with the agency's role and function in the same way as they are for paid staff;
- are useful, meaningful and do not exploit volunteers.

3 It must be ensured that volunteers have a clear understanding of the objectives, role and function of the workplace.

4 To ensure that an effective working relationship is established, volunteers must be given:-

- a clear description of the tasks to be performed;
- orientation and appropriate training;
- appropriate supervision.

5 During induction the Work Health and Safety Policy Directive and any other WHS policy directives, guidelines and procedures' including information on the agency's accident and incident reporting system shall be given to and explained to the volunteer.

6 Responsibility for volunteer programs must be vested with a member of the paid staff who possesses appropriate skills in working with volunteers.

7 Policy on staff development and training should cater for volunteers while ensuring that the staff development and training needs of paid staff are not sacrificed to the needs of volunteers.

8 It should be ensured that a volunteer's expectations, interests, time commitment and skills match the task to be performed. This involves a clear description of the task and a competent assessment and match of the volunteer.

9 Communication channels should be clear to all concerned and volunteer staff should be consulted on decisions which affect them. Consultation is especially necessary during times of change.

10 Volunteer activities should be assessed regularly. In addition and where appropriate, individual volunteers should be given the opportunity for a formal appraisal of their contributions.

11 Volunteers, as is the case for agency employees, will be covered by Equal Employment Opportunity policy and legislation.

12 Volunteers must be adequately protected from unsafe situations in accordance with the principles and practices as set out in the Work Health and Safety Act 2012.

- Workplaces for volunteers must be maintained in a condition which ensures, so far as reasonably practicable, that the volunteer is, while in the agency, safe from injury and risk to health and volunteers must be provided with a safe working environment, safe systems of work, plant and substances in a safe condition and adequate facilities as prescribed for their welfare.
- Volunteers must be provided with adequate information, instruction, training and supervision, as far as is reasonably necessary, to ensure that they are safe from injury and risks to health.
- The provisions of the Work Health and Safety Act 2012 and Regulations must be maintained for all employees and volunteers employed or engaged by the agency.

13 It must be ensured that the budgetary and general resource costs of volunteer programs can be met. These costs include out-of-pocket expenses, accommodation and facilities as well as the time of paid staff for recruitment, orientation, support, supervision and training.

14 There should be clear guidelines concerning the payment of out-of-pocket expenses, assessed to be fair and reasonable, to cover matters such as mileage, fares and other costs associated with the job. The rates and circumstances attracting payment will as a minimum be based on those which apply to paid staff; however, some circumstances, such as the payment of mileage expenses, may require reimbursement to exceed this approach and it is important that the reasons for this are clearly understood by volunteers and staff.

15 The provides insurance cover for volunteers as part of its self-insured program. Appendix 4-2-5 details the coverage.

16 Corporate and System Support Services of the Department for Health and Wellbeing must be provided, as part of the Annual Insurance and Risk Management questionnaire, details of the approximate numbers of volunteers and a brief description of the nature of the tasks undertaken by volunteers, to ensure that the volunteers are covered by the Government's arrangements. Volunteers are covered for personal accident, and claims made against them for civil liability, whilst undertaking their volunteer activities. No responsibility for property damage or third party bodily injury incurred in the use of a private vehicle can be accepted. Details of the coverage provided by these arrangements are set out in Appendix B. Appendix C contains details about administrative and financial matters relating to the coverage.

17 Volunteers must be made aware of and understand their duties and responsibilities

18 There must be specific, practical guidelines about the involvement of volunteers which are regularly reviewed in consultation with the appropriate parties, including unions.

Responsibilities of Volunteers

1 The objectives, role and function of the workplace should be clearly understood by volunteers.

2 Volunteers have the same obligation as paid staff

3 Volunteers should make realistic commitments in terms of both time and area of involvement and acknowledge the right of the workplace within which they are working to expect these commitments to be fulfilled.

4 As with paid staff, volunteers need to be aware of their responsibility to act according to instructions from appropriate individuals, and to adhere to the normal reporting mechanisms as practised by the workplace or as specifically established by their supervisor.

5 Material is often of a confidential nature. It must be ensured that volunteers who may have access to such information are aware of the importance of preserving confidentiality and that failure to do so may result in the volunteer not participating in activities in the future.

6 Volunteers bring energy, skills and attributes to the workplace. Nevertheless, many activities will require that they participate in training, to enable them to perform particular tasks and to familiarise themselves with the workplace. Accordingly volunteers will be required to participate in necessary orientation and training.

7 After being made aware of the principles, practices and regulations set out in or in association with the Work Health and Safety Act 2012, volunteers will be required to observe these provisions and undertake any necessary training in order to operate in a manner which will not place at risk the safety of themselves or any other person.

8 Volunteers must ensure that they are suitably attired for the work they are to perform.

Industrial Issues

The involvement of volunteers should complement the work of paid employees. In deciding whether or not to involve volunteers, the following shall be considered:

whether by doing so there is the possibility of:-

- depriving others of a livelihood;
- constituting a threat to the security and job satisfaction of paid employees; and
- displacing paid labour.

The involvement of volunteers will be subject to the mutual agreement of the hospital/health service, paid employees and the relevant unions, as the central

purpose of voluntarism is to enhance services provided. It should be ensured that tasks to be performed by volunteers rather than paid staff are clearly established, and mutually agreed upon by paid employees and the relevant unions.

While volunteering provides opportunities for people to learn new skills and test possible career areas, it should never be stipulated or otherwise required that volunteering should be a pre-requisite to a paid job.

The principles and practices as prescribed in the Work Health and Safety Act 2012 will be applied to volunteers.

Records will be kept, providing information on the extent of the contribution of volunteers. This information will be made available to appropriate bodies including the relevant unions on request.

APPENDIX 4-2-5

Definition For the purpose of this cover, a volunteer is regarded as being a person involved in undertaking defined activities:

- of their own free will
- without payment (other than out-of-pocket expenses), and
- which will be of benefit to the community and the particular workplace

1. Personal Accident and Illness Insurance

On: Voluntary workers and Board Directors (herein after referred to as Volunteers) who have been engaged by the Department for Health and Wellbeing and associated Incorporated Hospitals or SAAS which participate in the Self Insured Program.

Cover: Generally in line with the philosophy underlying the Workers Rehabilitation and Compensation Act, 1987 but modified where appropriate to reflect the circumstances of volunteers.

Benefits are paid on an out-of-pocket basis after other entitlements have been used. A volunteer is required to first claim on Medicare, private health cover, personal insurance, superannuation, employment sick leave entitlements, compulsory third party bodily injury insurance, etc. The workplace then meets any non-recompensable expenditure with regard to:

- Medical costs
- Reasonable rehabilitation costs
- Cost of lost or damaged apparel or other personal effects.

Lump sum payments for death or serious disability are paid on the same basis for WorkCover schedule.

Weekly income is paid to a volunteer who can demonstrate a loss of income. The benefit payable will take account of actual lost income up to WorkCover ceiling of twice State Average Weekly Earnings. For long term incapacities, benefit reduction in line with WorkCover rules apply.

In special circumstances, where volunteers necessarily incur costs as a result of incidents arising out of their volunteer involvement, additional benefits may be paid if considered appropriate by the Treasurer.

All benefits, except weekly income benefits for long term incapacities, are payable regardless of age.

2. Liability

On: **(a) Public Liability** (of volunteers to third parties)

Legal Liability for personal injury or property damage arising out of the acts, omissions of volunteers.

(b) Professional Indemnity

Legal liability of volunteers for the financial losses of third parties caused by a breach of professional duty e.g. negligent advice.

Conditions: 1. Those participating in the Self Insured Program must keep a register of the names and dates of attendance of all volunteers and will, if required, submit the register to the Insurance Services Unit for inspection.

2. On the occurrence of an incident likely to give rise to a claim, the workplace will:

- Advise the Insurance Services Unit and within thirty (30) days provide a claim form and medical certificate detailing particulars of the Incident.
- Forward to the Insurance Services Unit documents, information and evidence that may be required in respect to the Incident.

3. Heath Units must give the Insurance Services Unit written notice as soon as practicable of every claim, writ, summons or proceedings, including any prosecution or request, and all information in relation to such matters from which there may arise any liability.

4. Claims made fraudulently or benefits obtained by fraudulent means will not be recognised under this cover. The Department may take action available to it at Law to recover payments where fraud has been detected.

Excess: $500 on each and every claim

4-2-6 EXTERNAL CONSULTANTS - ENGAGEMENT AND USE

Definition

A consultant is defined as either an organisation or an individual engaged on a temporary basis to give advice or provide services of a professional, technical or general management nature. An organisation or person is deemed to be an external consultant when they are engaged for their advice in changing the organisation, its image, customer understanding, direction, operation, structure and the like.

As an example consultants could include public relations and advertising agencies but would normally include all market researchers, management consultants, consultants to the professions, or public servants who might do these jobs for another agency. By contrast graphic designers who design the front cover of an Annual Report would not be captured by the definition.

The definition excludes the hiring of casual contract or temporary staff to supply labour, working under direction or day-to-day supervision.

Therefore routine service delivery contracts are not included in the definition. Examples of contracts excluded from this definition cover Visiting Medical Officer services, photocopier and computer maintenance contracts, and computer programmers contracted for routine work. Any computing consultancy with an organisational or management impact however would fall within the definition of a consultant.

Any queries regarding the determination of whether a person is a consultant as defined or an employee should be directed to the Legal Services Unit.

Why use consultants?

Typical reasons for engaging consultants include the following:

- an absence of the required skills and expertise in the workplace and the public sector generally;
- existing employees being fully occupied on current workloads and the additional work being required as a matter of high priority and urgency;
- the need for objective advice on key issues even if the skills may be available in the government.

The use of consultants on tasks as a means of assisting to achieve objectives does not avoid the workplace's responsibility for successful completion of projects. Effective management of consultants and evaluation of their work is therefore essential.

Estimated costs; alternatives

Engaging a consultant should be considered only when satisfied that the work is essential and cannot or should not be performed using S.A. Government employees.

Clearly, the expenditure should be justified and affordable. The cost should take overheads into consideration (e.g. support staff and accommodation).

Part of this consideration involves broadly estimating and documenting the cost and time implications of the alternatives. If a decision is made to proceed to a consultancy the availability of funds should be confirmed prior to seeking approval to invite offers from consultants.

Engagement of consultants

The engagement of consultants is subject to the successful negotiation of a written contract between the consultant and the Hospital/Health Service. In addition a submission to engage a consultant must be completed by the Executive Director and approved by the Chief Executive Officer (or delegate). Persons must not begin work until this process has been formalised unless approval is given by the Chief Executive Officer (or delegate).

Contracts will be based on the principle of a fixed price for a completed task or service.

There can be no provision in such contracts for leave entitlements or deductions for taxation as the Department for Health and Wellbeing does not have such responsibilities to consultants. The contracts may, however provide reimbursement of work related expenses in line with existing Department for Health and Wellbeing criteria.

Annual reports will need to include information on the use of external consultants.

The following section is intended to assist in seeking, selecting, managing and evaluating external consultants.

Seeking consultant responses

The procedure for inviting bids for consultancy services is essentially dependent on the estimated cost and time of the proposed consultancy and the range of suitably qualified consultants to be given the opportunity to bid for the project. A Hospital/Health Service should ensure that invitations are appropriately circulated in a manner most suitable to the specific nature of the consultancy (e.g. specific industry publications, ethnic press, local newspapers). Invitations should clearly indicate that there is an equal employment opportunity policy.

The options are as follows:

To call open tenders, usually using the public press

This tends to produce a flood of paper and should generally only be contemplated if the consultancy is very large or if the unit has no idea which consultants have the necessary expertise.

A disadvantage of going straight to tender is that it will usually require that a highly detailed brief be prepared. Obviously the workplace concerned will have a good idea

of what it wants done and why, but there are advantages in allowing consultants to suggest a range of options to achieve what is required. This can be difficult if tenders are locked into a detailed brief at the initial stage. Its important to be prepared to allocate substantial amounts of time to spend with tendering consultants as the consultants have only one chance to make a successful bid.

To call for expressions of interest, again usually using the public press

This method has the advantage of generating less paper and is likely to produce a range of suggestions for achieving the required outcome. Consultants are aware that an expression of interest merely requires them to establish their credentials for the project and are much less demanding of the time of consultants and unit contact people.

After the expressions of interest have been received the unit can then ask interested consultants to quote in detail, seeking no less than three representative offers where possible. Such quotes are usually on the basis of a more detailed brief than would have been provided for the expression of interest process.

To approach consultants, asking them to quote

Three representative offers should be sought where possible.

This method assumes that the market is known by the workplace and it has the advantage that initial discussions can be informal; potential consultants can be asked to suggest alternative methods for achieving the required outcome.

It also happens from time to time that a workplace will wish to hire, often at short notice, a particular consultant (who is the only person known to have the required expertise or who has successfully worked on previous aspects of a program in the workplace or for special reasons such as those of confidentiality). This is equivalent to a waiving of tenders situation for the procurement of goods under the State Supply Act.

Where this situation arises, the person approving the engagement of the consultant should ensure that, along with other documents referred to below, the formal documentation includes satisfactory reasons for the waiving of competitive quotes.

Using large numbers of consultants

Those using large numbers of consultants such as accountants, architects, engineers and lawyers, on a continual basis, may establish pre-registered lists of consultants following public advertising and evaluation. Firms should be able to apply for registration at any time, with registration to be reviewed annually or when a significant change occurs in the structure or personnel of the firm. Those using pre-registered lists should advertise the existence of such lists at not less than three yearly intervals.

In those cases where, despite reasonable efforts to obtain three quotes/tenders, less than three are received, a consultant may be engaged provided that full details of the action taken is documented.

In all cases the Chief Executive Officer (or delegate) should give formal approval prior to the actual inviting of bids or tenders including a reasonable time period for their acceptance. A record of this approval with all relevant documents should be maintained.

The person giving approval to invite bids must be fully satisfied that the invitation covers a discrete project and does not bind the Employing Authority/Delegate to further commitment to the selected consultant for additional work outside that being tendered. This person should also be satisfied that the projected work has not been "split" to enable the total project to be kept below specific expenditure approval levels. It is advisable for open-ended or roll-over agreements to be avoided.

Urgent Cases

Other special circumstances:

There will be occasions when a genuine urgent need leaves insufficient time for the development of a written brief and comprehensive specification, the calling of tenders, and/or a detailed selection process.

Similarly, other special circumstances may arise infrequently. For example, it may be necessary to seek advice confidentially without even revealing that a study has been undertaken. Alternately, only one person or firm may be able to provide the skill requirements because of their experience, understanding or specialised skills.

Whenever these cases genuinely arise there are still some essential steps to be followed;

- obtain prior verbal approval from the Chief Executive Officer (or delegate) and subsequent written confirmation of the approval;
- arrange for a suitable level of management to review the justification for such actions independently to ensure that the grounds will stand up to full public scrutiny;
- review the conditions of engagement to ensure that the same probity requirements apply as would normally be the case; ensure that the engagement of the consultant is formalised in the normal manner;
- ensure that normal management of the consultancy is in place;
- provide a written report to the Chief Executive Officer (or delegate) detailing these steps and retain the report for auditing and reporting purposes;
- evaluate the consultancy in the normal manner;
- include the consultancy in the annual report.

Selecting the consultant

The engagement process for consultants is similar to staff recruitment process where the task is to obtain the most appropriate skills and expertise for the position. Many consulting firms have high staff turnovers and, therefore, in selecting the consultant it is important to be satisfied that the actual personnel to be provided by the firm have the appropriate expertise and experience.

Bids, quotes or tenders received should be checked to ensure whether:

- there is a sufficient range of legitimate bids, quotes or tenders to ensure value for money comparisons;
- they conform with the specification and time criteria provided;
- they are within budget limits for the project. Should this not be the case and it is decided to consider additional expenditure, a report should be provided detailing why the estimate was exceeded and confirming whether or not the scope of the work was correctly identified.

An appropriate selection group should be established for large or complex consultancies.

In all cases a person with appropriate professional understanding of the work to be performed should be involved in the selection of the consultant.

The recommendation need not solely be governed by the selection of the lowest offer received. No consultancy should be justified merely as an extension of previous work undertaken. The principal concern is to obtain best value for money whilst maintaining full probity and equality of competitive opportunity for bidders.

The approving person for the acceptance of the recommended quote/tender should be an appropriate senior authorised person.

All written quotes and tenders received and records of verbal/telephone quotes must be kept as official documentation.

Contractual arrangements

Following the approval to engage a consultant a formal letter of engagement, together with a contract document if considered necessary, should be forwarded to the selected consultant. The consultant should be required to provide a formal reply accepting the terms and conditions of engagement and, in relevant cases, the signed contract.

As a general rule a letter of engagement may be used for smaller or less complex consultancies, for example when the consultant does not need to be permanently on site or use workplace facilities and a written report as outlined in the specification is the only product required from the consultancy.

A formal contract document should be used on those occasions when the consultancy is of a large or complex nature of where particular product(s) or outcome(s) are required to a specified standard or quality level.

Consultants are not generally covered for workers' compensation by the Worker's Compensation Program. They should be covered by their own organisation, but it is essential to ensure that they do, in fact, have adequate cover and that the workplace does not incur any liability. If necessary this should be covered in the terms and conditions of engagement.

Overall, the proposed agreement should be legally, financially and operationally capable of protecting the interests of the Hospital/Health Service.

Managing the process

Good management of consultancies is essential to ensure that:

- Value for money is obtained and cost overruns are eliminated or reduced to a minimum.
- The required outcomes are achieved (satisfying the terms of reference).
- Unnecessary delays are avoided and the work is completed on time to the quality required.
- Disputes can be settled easily without litigation.
- Variations to the consultancy during the progress of the project must be reported upon without delay and prior approval obtained for any proposed significant changes in the work or cost.

Evaluation and reporting

Evaluation:

Evaluation of consultancy projects is essential in determining whether the project objectives have been achieved and whether the use of consultancy assistance was justified.

The evaluation should be completed prior to and forwarded with the recommendation for final payment to the consultant.

Reporting:

Annual reports will need to include information on the use of external consultants. See Administrative Circular No.1.42 for details.

4-2-7 BOARD AND COMMITTEE FEES

1. Appointments and re-appointments of employees of the Government and officers of the Crown to committees, councils and boards formed under Government sponsorship, Act, or Statute are to be made without remuneration.

2. Payments for meetings held outside normal office hours may only be made to employees of the Government, or officers of the Crown, with specific approval of the Commissioner for Public Sector Employment. Any applications for exemption are to be forwarded to Workforce Services, Corporate and System Support Services, Department for Health and Wellbeing.

3. Board/committee fees are **not** to be paid **to** Government employees (except in the circumstances outlined in point 2 above) **or for** Government employees appointed to Government boards and committees.

4 In the case of Major Government Commercial Boards an exception may be made to allow Government Agencies, with the specific approval of the Commissioner for Public Sector Employment in each case, to charge the major Government Commercial boards the approved board members fee as payment for the membership of their employee(s) on the Board.

5. Where arrangements were already in place to make payment of board/committee fees to the member's agency prior to 30 June 1997, those arrangements may remain in place for the present. However, unless specifically endorsed by the Commissioner for Public Sector Employment as a major government commercial board (see above) these arrangements should be phased out by 1 January 2000.

6. Cabinet has recently varied this policy to allow Government Agencies, with the specific approval of the Commissioner for Public Sector Employment in each case, to charge boards fully funded by Industry the approved board members fee as payment for the membership of their employee(s) on the Board.

Definitions

"Government employee" and "Officer of the Crown" includes employees and officers of State Government organisations including departments, Hospitals incorporated under the Health Care Act, SAAS and statutory boards and committees; employees or officers of either house of Parliament; any person whose remuneration is fixed by Act of Parliament; Judges and Magistrates.

Major Government Commercial Boards are defined as "Major Government Commercial Boards which are subject to Corporations Law or are fully corporatised under the Public Corporations Act".

Further clarification can be obtained from Workforce Services, Corporate and System Support Services.

4-2-8 CADETSHIPS

Introduction

Cadetships can be used to meet staffing needs across the Department, in both metropolitan and regional areas, and to recruit staff in specialist areas where it is difficult to obtain staff. Appropriate approval from the relevant delegate should be sought before engaging a cadet. This is particularly important as cadets are considered employees and are therefore included in a staff's establishment.

Public Sector Special Employment Programs

Currently the following programs are considered public sector equal employment opportunity or special employment programs:

- CareerStart SA Program (Trainees/Cadets/Apprentices)
- Skills Employment Register

- Aboriginal Employment Register
- National Indigenous Cadetship Program
- Disability Employment Register
- South Australian Graduate Program
- Government Apprenticeship Scheme

Cadetships must be advertised on Jobs SA, however, the Department may also self-source.

Overview of Cadetships

A cadetship is available for

- youth (aged between 17-24 years of age inclusive)
- Aboriginal or Torres Strait Islander
- declared disability
- long-term unemployed
- currently or have been under State Care

It provides financial assistance to an employer and a work placement for a person studying Certificate IV to Advanced Diploma (either part-time or full-time) in a recognised training organisation e.g. TAFE.

A cadetship combines formal vocational training with a paid work placement of 12 weeks which can be undertaken either as

- full-time study with 12 weeks paid work placement at the end of the study or
- part-time study and employed 0.5 FTE

Other features:

- is provided with a temporary employment contract
- completes a nationally recognised qualification at the Certificate IV to Advanced Diploma Level
- is typically between 18 and 24 months
- must not be currently employed in the State Government in a permanent/full-time capacity
- must not have taken a package from the State Government within the last 3 years.

Cadetship Terms and Conditions

Duration of cadetship

The cadetship will begin on the first day of the academic year of the relevant institution and unless terminated will continue until the student has satisfactorily completed all requirements of the course (including satisfactory completion of the work placement).

Employment during the cadetship

During the period of the cadetship the student will be an employee while undertaking the work placement and will be offered a temporary employment contract to cover this period.

The duration of the work placement will depend on the structure of the course and may include the opportunity to work one day (or more) a week throughout a semester.

The business unit will ensure that the cadet is provided with a duty statement for any periods of employment and arranges appropriate mentoring, support and performance development processes for the cadet. The duty statement should include key activities and performance requirements.

NOTE: Full-time public sector employees are ineligible to apply for a cadetship however, employees who are considered to be in "precarious" employment may apply e.g. casual employee.

Funding

CareerStart SA will provide a monetary incentive (through Department for Health and Wellbeing) which can be used at the employer's discretion e.g. to assist in funding the cost of training and/or salaries/wages.

Remuneration

During the period of employment, i.e.

- full-time study with 12 weeks paid work placement on completion of study or
- part-time study and employed 0.5 FTE

the rate of pay for a cadet will be at the ASO1 (or equivalent) level, with the increment level to be determined by the Employing Authority/Delegate. In doing so consideration should be given to the individual's relevant existing experience and/or existing relevant qualifications and the type and nature of work to be undertaken during the work placement.

The cadet will be employed under the Health Care Act during the period of employment.

NOTE: The remuneration level must not exceed the maximum increment level of ASO1 or equivalent) throughout the work placement component of the cadetship.

Probation

The cadet will be deemed to be on probation for the duration of the work placement.

Leave Entitlements

The time spent during the work placement shall be counted as effective service in the SA Public Sector for the purposes of determining eligibility and entitlement to relevant leave.

Appointment at the end of the cadetship

Upon successful completion of the study component and the work placement, a cadet will be eligible for inclusion on the Skills Register and should be encouraged to contact the Coordinator by phoning 8463 5600 and register. This will allow the participant full access to all vacancies lodged on Jobs SA for a period of 3 years following successful completion of the cadetship.

Cadets referred to a position from the Skills Register may be converted to ongoing after 12 months.

For Aboriginal Primary Health Care Worker positions, it is anticipated that a person who has completed their cadetship may be eligible for appointment at the ASO3 or ASO4 level, based on experience and qualifications.

4-3 REDEPLOYMENT

This section does not apply to employees covered under the *South Australian Public Sector Wages Parity Enterprise Agreement: Weekly Paid 2017.* For these employees, reference should be made to:

- **Appendix 1: Changes to Workforce Composition and Managing Excess Employees: Redeployment, Retraining and Redundancy of the *South Australian Public Sector Wages Parity Enterprise Agreement: Weekly Paid 2017*; and**

- **The documents relating to redeployment, retraining and redundancy for Weekly Paid employees on the Office for the Public Sector's website.**

Additionally, this section does not apply to employees covered under the *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017.* For these employees, reference should be made to:

- **Appendix 1 Redeployment, Retraining and Redundancy of the *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017;* and**

- **The documents relating to redeployment, retraining and redundancy for Salaried Employees on the Office for the Public Sector's website.**

4-3-1 CONSULTATION

Where a Chief Executive Officer (or delegate) becomes aware there are, or are likely to be, excess employees, and, where relevant, there are no opportunities to place the employee elsewhere, the Chief Executive Officer (or delegate) shall notify the relevant employee representatives/union of the number and levels of excess employees and the reasons why this has occurred. Following consultation, the Chief Executive Officer (or delegate) shall advise the employee or group of employees affected, and provide details of the redeployment process.

Where an Executive level employee is involved, the Chief Executive Officer (or delegate) shall advise the Chief Executive, Department for Health and Wellbeing through the Director Workforce Services, Corporate and System Support Services.

4-3-2 REDEPLOYMENT MANAGEMENT OF EXCESS EMPLOYEES

SA Health is obligated to effectively manage its excess workforce and to meet Cabinet directions in relation to FTE workforce reduction and to improve redeployment opportunities and outcomes for excess employees.

SA Health's role in achieving and contributing to the aims of enhanced redeployment has been defined in the Redeployment – Management of Excess Employees Workforce Operations Advice (Issue No WOA0005/12) and the Office of the Public Sector's Management of Excess Employees Policy. These documents also define current redeployment practice/requirements and the practical tools and assistance available to SA Health staff involved in redeployment practice and case management.

Unlike previous practices, current circumstances require that hiring managers will accept excess employees matched to suitable vacancies at any level.

The advice applies across the SA Health portfolio; however particular attention is required of Workforce/Human Resources Departments and Local Health Network/Health Services' Executives and Managers to facilitate the successful integration of enhanced redeployment directives and guidelines into workplace practice.

The Redeployment – Management of Excess Employees Workforce Operations advice can be accessed via the **REDEPLOYMENT INFORMATION PAGE** under the heading Redeployment Directions/Instructions.

4-3-3 REDUCTION OR CLOSURE OF SERVICES

The following is provided for the information of management when considering the reduction or closure of a service.

If after careful evaluation by management it is determined that a service is to be reduced then:-

1. the appropriate Divisional Executive Director shall be advised of the proposal; and will then consult with the Minister for Health and Ageing on the proposal.
2. subsequent to an affirmative response from the Division, discussions should then be held with the appropriate union officials and employees concerned.
3. redeployment of any employee/s defined as surplus because of the reduction in service, must also be initially negotiated with the employee and the relevant union in an endeavour to achieve satisfactory placement of the employee/s concerned.
4. redeployment will be firstly examined within the particular unit, if this is unsuccessful redeployment within the total health system shall be examined.
5. the principles of redeployment as prescribed in Part 4-3-3 of this Manual.

Where it has been determined by management that it is essential to terminate a service then **it will be necessary to seek the approval of the Minister for**

Health and Ageing prior to any action being taken. Consequent to Ministerial approval being given procedures as detailed in sections (2) to (5) above, shall be followed.

The local human resources team shall be informed prior to any discussions being held with unions, and will be available to assist in any negotiations.

4-3-4 EXCESS AND WORK INJURED EMPLOYEES

Work injured employees who are not able to carry out their normal duties as a result of compensable injury and therefore require alternative duties as part of a Rehabilitation and Return to Work Plan are still to be given priority consideration ahead of excess employees.

Identification of excess and work injured employees

Employees when declared excess in the following circumstances -:

(a) The position occupied by the employee is no longer required;
(b) The services of the employee have become under-utilised;
(c) An employee is no longer required to perform or cannot perform the duties of his or her position because of changes in technology or work methods, or changes in the organisation or nature or extent of operations of the workplace;
(d) Loss of an essential qualification necessary for the performance or proper performance of the duties (through no fault of their own).
This does not include -
    i.) Failure of an individual to renew or maintain a professional registration (e.g. Nurse's Annual Practising Certificate) or other professional certificate or licence;
    ii.) Loss of a professional registration through wrongdoing or misconduct.
(e) Loss of skills, ability or technical competence that is necessary for the performance or proper performance of the duties; and
(f) a work-injured employee requires transfer and/or alternative duties

the Chief Executive Officer (or delegate) must advise the local Director Workforce Services. Employees will be added to the Employee Transition Management System by human resources.

When identifying an employee as excess to requirements, regard should be given to:

(a) Suitable positions that are available or likely to become available within a reasonable time and to which an excess employee can be appointed, with or without re-training.

(b) The employee's personal circumstances, such as current study arrangements, children's schooling, spouse or partner's employment, their housing situation, transport arrangements and other personal commitments especially with regard to possible geographic relocation.

(c) The Chief Executive Officer (or delegate) should also consider whether the possibility of natural attrition, or the transfer of employees who volunteer to do so will satisfactorily resolve the problem.

Placement of work injured employees

Chief Executive Officers (or delegates) are responsible for ensuring that all public sector employees who have suffered a work injury are, at the earliest opportunity, and wherever possible, successfully rehabilitated and restored to pre-injury work duties or alternatively found a position suited to the employee's capabilities or qualifications consistent with their post-rehabilitation capacity.

If the Chief Executive Officer (or delegate) is satisfied that an employee is not able to perform the duties of their current position due to an ongoing mental or physical incapacity, the Chief Executive Officer (or delegate) can use the process as outlined in Appointment/Transfer of Excess Employees within SA Health of this manual, for assignment, appointment or transfer of employees to positions at the same remuneration level. In circumstances where an appropriate position at the same remuneration level is not available, the Chief Executive Officer (or delegate) must consult with the local Director Workforce Services regarding the transfer of the employee to another position at a lower remuneration level.

In cases where the employee continues to be totally incapacitated or there is no suitable alternative work, reference should be made to Part 4-1-7-7-2 Frustration of Contract of this manual.

The Workers Rehabilitation and Compensation Act 1986 (WR&C Act) outlines the responsibilities to rehabilitate and find suitable work for employees who are unable to carry out the duties of their substantive position due to a work related injury. Section 58C of the WR&C Act requires that WorkCover and the employee be notified if the decision to pursue termination is made. Notice of at least 28 days must be given prior to the date of the proposed termination. There may still be ongoing obligations to the employee under the WR&C Act.

4-4 RECRUITMENT AND SELECTION

Recruitment and selection of non-executive employees

4-4-1 INTRODUCTION

The legislative base for the appointment of staff is the Health Care Act, 2008. Section 34(1) and 52(1) of the Act states "*An employing authority may employ persons to perform functions in connection with the operations or activities of an incorporated hospital or SAAS*". Therefore all staff appointments are the responsibility of the employment authority, and these guidelines provide broad principles for the development of policies and practices for the recruitment and appointment of non-executive employees.

A decision to recruit an individual to a position in an organisation is one of the most important decisions a manager will make. Considerable resources are devoted to defining jobs, advertising and selecting the best person for the job, and then developing the successful person. Poor recruitment decisions can have a considerable impact on productivity and can prove costly both to the individual employee and the organisation if not done correctly.

4-4-2 A STRATEGIC APPROACH TO EMPLOYMENT

Decisions to create, change and fill positions should be based on the strategic and corporate objectives. Short term operational flexibility should be balanced against longer term workforce requirements when making such decisions.

4-4-3 THE POSITION DEFINED

The duties and outcomes related to the position, and determine the requirements of a person to perform the job prior to beginning the process of filling the position. This process should include

- an assessment of the need for the position. Consideration should be given as to whether the position is actually required, and if the outcomes of the position could be more appropriately achieved by employees in other positions in the organisation;
- the definition of the duties and key outcomes of the position. An exit interview with the previous occupant and discussions with relevant managers, clients and other employees with close working relationships with the position can provide a good basis for such an analysis;
- the definition of the essential and desirable education, knowledge, experience and abilities which will "ensure" a person can achieve the key outcomes of the

position. These should reflect those requirements which are critical to success, rather than an extensive or narrowly focused list which may unnecessarily exclude persons from other agencies or other areas of the agency from gaining the position. Again, exit interviews and discussions with managers, clients and employees can be a useful tool for determining such requirements;

- the fixing of a remuneration level for the position, which should be within the appropriate remuneration structure and relevant criteria. Refer also to information herein re setting and varying of remuneration levels;
- a consideration of the degree to which flexible working arrangements may assist in attracting a wider range of applicants and contribute to success in the position. Such arrangements could reflect both employee needs and responsibilities and organisational needs and flexibility, and could include part-time work, job sharing, flexible hours or other arrangements considered appropriate by the agency;
- a realistic assessment of how long a position will continue, recognising that if a position cannot be classified as temporary or casual, then it must be an ongoing position.

Qualifications

Please refer to Workforce Operations Advice Issue No. WOA0006-12 - Minimum qualification requirements for non executive SA Health employees.

4-4-4 GUIDELINES FOR FILLING VACANCIES

When filling a position, applicants should be sought using processes which optimise operational efficiency while at the same time providing appropriate access to employment opportunities to employees and persons in the wider community. Where possible the vacancies should be filled with existing public sector employees.

Vacancies of up to six months duration

If a vacancy is up to six months duration, offering a temporary appointment to existing staff (without the need to call for expressions of interest) and arranging remuneration at the higher level (where relevant) may be considered in order to balance between the needs to fill the vacancy quickly and providing staff with career development opportunities.

NOTE: Remuneration at the higher level can only be approved for an employee assigned for a continuous period of more than one week and must not continue past six months, except in exceptional circumstances with approval from the relevant delegate in accordance with local HR Delegations. Refer to Part 5-1 for further information.

Vacancies of up to twelve months duration

A vacancy, which is of up to twelve months duration, may be advertised internally seeking expressions of interest from eligible employees. Persons registered on pools that have been established for a particular category of position may be considered for appointment to the vacancy.

Refer to Part 4-4.6 for conditions and considerations for filling of all vacancies

Vacancies of greater than twelve months

Where a vacancy is greater than twelve months the vacancy is to be advertised on Jobs SA.

For twelve month temporary positions, consideration may be given for the appointment of a trainee (for vacancies at the ASO1, and other remuneration levels where traineeships have been established) or the appointment of a graduate (for vacancies at the ASO2 or PO1 levels)

NOTE: When considering filling a temporary vacancy with a participant of the Aboriginal Register, the Trainee Employment Register or the Disability Employment Register (refer to Part 4-4.6), an appointment may be made without forwarding the vacancy through the Jobs SA system, even if the vacancy is greater than twelve months. Consideration may then be given to conversion of the temporary position to permanent, after a six month period, consistent with Part 4-4.5.

Permanent Vacancies

All permanent vacancies are to be advertised on Jobs SA. Refer to Part 4-4.6.

4-4-5 CONVERSION OF TEMPORARY APPOINTMENT TO AN ONGOING APPOINTMENT

It is recognised that in many cases employees are selected for temporary positions using competitive merit based selection processes. In addition, such employees often develop skills and experience while working in the position which means that if the position was subsequently called on a permanent basis, any further selection processes would most likely merely be an unnecessary administrative process.

The following provisions apply to employees appointed to a temporary position.

It is important to note that an employee does not have a right to be appointed on a permanent basis after a period of 6 months. The decision lies with the Hospital/Health Service and will be based on requirements in line with the requirements of the HR Manual.

Selection processes will not be required for appointment of employees to their existing temporary positions on a permanent basis subject to the following conditions:

- The temporary position was originally advertised on Jobs SA as being for at least 6 months duration; **or**
- The temporary position was filled through another merit based process recognised by the Commissioner for Public Sector Employment which include:

- recruitment through the University Graduate Youth Recruitment Initiative coordinated by the Office for the Public Sector (for graduate ASO2 and equivalent positions only)
- recruitment through the Australian Government Youth Training Scheme (youth traineeships). For the purposes of this Part, a traineeship position is considered equivalent to an ASO1 position if the employee would continue to perform the same overall duties in the same area.
- placement of persons from the Trainee Employment Register (for ASO1 and equivalent positions only) or Aboriginal Register (for positions at all levels) coordinated by the Office of Employment and Youth, Youth Initiatives and Aboriginal Employment Programs Unit in the Department of Education, and Children's Services.
- placement of persons from the Disability Employment Register coordinated by the Office for the Public Sector in the Department of the Premier and Cabinet (for positions at all levels);

and

- the employee has met required performance standards in the temporary position to the satisfaction of the Chief Executive Officer (or delegate) for a period of at least 6 months; and
- it is required for the temporary position to continue on a permanent basis. An employee does not have a right to be appointed on a permanent basis after a period of 6 months. The decision lies with the Hospital/Health Service and will be based on requirements. Alternatively it may be elected to advertise the permanent position and fill it using normal processes outlined in this manual; and
- the remuneration level of the permanent position is the same as that of the originally advertised temporary position.

4-4-6 CONDITIONS AND CONSIDERATIONS FOR THE FILLING OF ALL VACANCIES

Recruitment processes should reflect the government's public sector wide workforce management policies and programs. For the filling of all vacancies, consideration must first be given to

- Work injured or excess employees from within the workplace,
- Participants of equal employment opportunity programs from established registers (e.g. SA Government Youth Training Scheme, SA Public Sector Aboriginal Recruitment and Development Strategy, Strategy for the

Employment of People with Disabilities, Trainee employment Register, University Graduate Youth Recruitment Initiative.

If there are no suitable work injured or excess employees or participants of equal employment opportunity programs, then the vacancy can be submitted for advertising on the *I Work for SA* job board.

Vacancies below ASO6 (or salary equivalent) should be advertised on *I Work for SA* in the first instance to ascertain the availability of suitable applicants from within the public sector. Approval to advertise vacancies below ASO6 (or salary equivalent) outside the public sector must be obtained from the relevant delegate in accordance with local HR Delegations.To gain approval, it must be demonstrated that there are not, or there are not likely to be, any suitable applicants from within the public sector.

Consideration must be given to work injured or excess employees who do not occupy a substantive position or do not have a right of return to any position and have not been formally declared excess to requirements.

A redeployee can only be considered for appointment to a vacancy that is commensurate with the employee's remuneration level, or unless by mutual agreement with the employee, at a remuneration level lower than the employee's substantive remuneration level. Please refer to Part 4-3 Redeployment Principles.

Subject to the above considerations, vacancies may be held and withdrawn from the advertising process.

4-4-7 PERSONS ELIGIBLE FOR APPLYING FOR VACANCIES

- Public Sector Management Act employees of administrative units (includes those employees appointed subject to the provisions of the Act (i.e. ongoing) and those employees appointed on a contract basis (i.e. temporary, casual and longer term contract employees)
- Hourly, daily and weekly paid employees of administrative units
- Employees of administrative units employed under the Children's Services Act, 1985, the Education Act, 1972 or the Technical and Further Education Act, 1975
- Police Officers employed in the Police Department who are Legal Officers, Engineers, Psychologists and Research Officers to whom Clause 29(f) of the Police Officers Award applies
- Persons currently employed by South Australian Public Sector agencies through the South Australian Public Sector Graduate Recruitment Program for the first 12 months of employment under that Program
- Participants of equal employment opportunity programs gazetted by the Minister under Section 67 of the Public Sector Management Act, in line with processes approved by the Commissioner for Public Sector Employment. Further details on specific programs are provided in Appendix 1 of PSM Act Determination 2 - Recruitment and Employment of Non Executive Employees
- Presiding Officer, Promotion and Grievance Appeals Tribunal
- Persons employed in the following public sector agencies and other organisations:
    - Adelaide and Mount Lofty Ranges Natural Resources Management Board
    - Adelaide Festival Centre Trust
    - Alinytjara Wilurara Natural Resources Management Board
    - Carclew Youth Performing Arts Centre Incorporated
    - Chiropractors Board of South Australia
    - Courts Administration Authority, but only those appointed pursuant to the Courts Administration Act, 1993 including those appointed pursuant to Section 6(3) of the Sheriff's Act, 1978
    - Country Arts SA
    - Country Fire Services Board
    - Dairy Authority of South Australia
    - Education Adelaide
    - Elliston Le Hunte Animal and Plant Control Board
    - Eyre Peninsula Natural Resources Management Board
    - Essential Services Commission of South Australia
    - Government House
    - Grant Animal and Plant Control Board
    - History Trust of South Australia
    - Homestart Finance, but only those employees who were formerly employees of the South Australian Housing Trust and who were transferred to Homestart Finance by proclamation of the Governor on 21 December 1995.
    - Hospitals Incorporated under the Health Care Act, 2008
    - Kangaroo Island Natural Resources Management Board

- Land Management Corporation, but only employees who: were transferred from the Department for Administrative and Information Services by proclamation of the Governor on 21 May 1998; or were transferred from the Department for Environment, Heritage and Aboriginal Affairs by the Commissioner for Public Sector Employment on 11 October 1999; or were previously employed as greenkeepers in the MFP Development Corporation; and who have maintained such rights since their transfer
- Legal Services Commission of South Australia
- Lucindale Naracoorte Animal Plant Control Board
- Northern and Yorke Natural Resources Management Board
- Northern Yorke Peninsula Animal and Plant Control Board
- Nurses Board of South Australia
- Parliament, Officers of either House or a person under the separate control of the President of the Legislative Council or the Speaker of the House of Assembly
- Personal Assistants to Members of Parliament (but not those employed on a temporary or casual basis) whose employment is or has been terminated because of a change of Member or status of Member as a result of the State Election on 9 February 2002. This determination is effective for any Personal Assistant who has been so terminated for a period of 12 months from the declaration of the poll
- Police Complaints Authority
- Rangelands Integrated Natural Resources Management Group
- SA Arid Lands Natural Resources Management Board
- SA Murray Darling Basin Natural Resources Management Board
- Senior Secondary Assessment Board of South Australia
- South Australian Ambulance Service
- South Australian Fire and Emergency Services Commission, but not operational Fire-fighters in the Metropolitan Fire Service, effective 1 October 2005
- South Australian Forestry Corporation
- South Australian Metropolitan Fire Service, but not operational firefighters
- South Australian Tourism Commission
- South Australian Water Corporation
- South East Natural Resources Management Board
- Superannuation Funds Management Corporation of South Australia
- Tandanya - National Aboriginal Cultural Institute Incorporated
- TransAdelaide, excluding AN employees made available to operate metropolitan railways
- West Beach Trust

WorkCover Corporation of South Australia, but only those employees who were formerly members of the staff of the South Australian Occupational Health and Safety Commission as employees of the Department for Industrial Affairs and who transferred to WorkCover Corporation of South Australia by proclamation of the Governor pursuant to the Clause 2 of the Schedule of the WorkCover Corporation Act, 1994 and only in relation to Public Sector Management Act vacancies

4-4-8 SUITABLE APPLICANTS SELECTED

All selection processes must be based on the Personnel Management Standards and should give proper consideration to:

- merit, which in relation to the selection process means the extent to which each of the applicants has abilities, aptitude, skills, qualifications, knowledge, experience (including community experience), and personal qualities relevant to the position. This could also encompass the potential for development of the applicants;
- the provision of equal opportunities for employees to secure promotion and advancement, together with the valuing of diversity;
- ensuring that all decisions and processes embody the principles of natural justice, are free from bias, patronage and nepotism, and are appropriately documented and capable of review;
- maintaining appropriate confidentiality; and
- providing appropriate feedback to all applicants on the outcome of the selection process, their performance in the selection process and the reasons for the final selection decision.

4-4-9 SUCCESSFUL NEGOTIATION OF APPROPRIATE EMPLOYMENT CONDITIONS

Employees are appointed on terms and conditions as set out in relevant industrial awards and agreements which fix the remuneration structure and remuneration levels within that structure.

When a person is appointed to temporary, casual or a permanent position, a contract should be negotiated which reflects operational needs and government public sector wide policy.

Reference should also be made to Part 5-1-4 Salary and Increment Determination.

You should:

- Ensure that each contract is carefully constructed so that it accurately reflects the characteristics of the employment category. Reference should be made to Part 4-2 Employment Category.
- Write each contract as far as possible in plain English, while recognising that a contract should be a legally binding document.
- If a person does not understand a contract they should be encouraged to seek independent advice from their union, a legal representative or another appropriate person.
- If either party do not agree with a proposed contract it should not be signed. In any even a contract should be signed by both parties before a person is appointed to a position. Verbal agreements may constitute a contract of employment and should not be given before a written contract is agreed.

Any appointment of a person from outside the public sector should be subject to the satisfactory completion of an employee declaration addressing relevant employment issues, including proof of essential qualifications, where appropriate.

No person is to be appointed, either on a casual, temporary, or permanent basis:

- Within a period coinciding with the number of weeks' TVSP pay (based on 100% TVSP) paid to them, from the effective date of their separation, upon receiving any separation package from the South Australian Government; or
- If that person has an unresolved worker's compensation claim. It is necessary to ensure that no applicant for employment has an unresolved workers compensation claim, or a medical injury or condition which would restrict them from fulfilling the duties of the vacant position, or place them at unnecessary risk, including the ability to respond in an emergency;

Without providing satisfactory declarations regarding criminal charges or convictions incurred prior to their appointment

4-4-10 RESOLUTION OF GRIEVANCES

A Chief Executive Officer (or delegate) should try to resolve by conciliation any grievances about decisions related to the creation, change or filling of positions prior to such matters being brought before the Grievance Review Panel. All affected parties should be involved in any conciliation process, including the person(s) making the decision, the appellant(s) or person(s) with the grievance, and in the case of a grievance about the nomination of a person for a position, the nominee(s).

4-4-11 SUCCESSFULLY MANAGED PERFORMANCE OF NEW EMPLOYEES

The performance and development of all employees should be managed. Specific attention should be given to those employees who are newly appointed to positions to maximise the outcome of a recruitment decision. Consideration should be given to:

- Developing an induction package which addresses the particular requirements of the position as well as wider public health sector issues;
- Where a person is newly appointed to the public sector, determining an appropriate period of probation and using an appropriate performance management system to actively manage the performance of the person throughout the probationary period. If the person is not performing adequately during or at the end of the probationary period then the appointment should be terminated, after the employee has been given a reasonable opportunity to improve and following a reasonable period of notice. Refer to Part 4-1-7 Managing Unsatisfactory Performance , Misconduct and Termination:

- Note that a probationary period must be determined in advance and must be of a reasonable length given the nature of the position.
- And using the appropriate procedures, and where relevant the termination provisions of contract, to address unsatisfactory performance of employees.

4-4-12 SHORTHAND AND TYPING PROFICIENCY TESTING

Outlined herein are the necessary procedures for conducting shorthand and typing tests. The tests should be undertaken when assessing an employee's shorthand and/or typing speed.

The Hospitals and Health Service are responsible for not only the testing of candidates but also all aspects of test administration.

Preparation of further testing materials (e.g. typing/shorthand) including conducting of tests may be negotiated with the Adelaide College of TAFE for a fee payable by the Hospital/Health service.

Responsibility for the administration and conduct of testing should rest with a nominated officer. The name of this officer should be brought to the attention of staff through newsletters, notice boards, etc.

Any employee who wants to gain an indication of their current level of proficiency in Shorthand, Typing or English for personal development reasons should contact the nominated officer.

Test materials

A complete set of test papers for all proficiency subjects, including a shorthand audio tape (80 wpm and 100 wpm), is available for loan from Workforce Services, Corporate and System Support Services.

Testing guidelines

Typing speed tests

Tests should be conducted in accordance with Australian Standard 2708-1984 (part copy attached - these standards are reproduced by kind permission of Standards Australia).

General office typing test

The advice in Australian Standard 2708-1984 regarding preparatory steps applies. Instructions for the actual conduct of the test appear on test papers themselves.

Note: This test paper supersedes the previous manuscript and tabulation tests.

English tests

Instructions appear on the test materials themselves and are self explanatory.

Useful reminders

Part copies of the Australian Standards outlining the assessment and certification details are available from Workforce Services, Corporate and System Support Services to assist in the conduct and marking of proficiency tests.

It is useful to have a stop watch or a clock with a sweep second hand, as the time allotted for each test must be strictly adhered to.

At the end of each test session, all test papers must be collected by the supervisor and returned to a secure storage place.

Corrections

Normal typing correction methods may be used during the general office typing examination. Correction methods to be used for speed typing are outlined in Australian Standard 2708-1984, page 6.

Copyright

The Australian Standards Association has permitted Workforce Services, Corporate and System Support Services to make available copies of the relevant sections of the Standards to avoid breaches of the Copyright Act. Complete copies of the Australian Standards may be purchased from the Australian Standards Association at 853 Port Road, Woodville, 5011, telephone 8268 6133.

Marking procedures

All marking should be conducted according to the Australian Standard requirements.

When results are available, employees should be informed of their success or otherwise via a written statement. Those candidates who are unsuccessful in part or all of the test should be advised that they can, if they wish, re-sit all or part of the test.

Shorthand Speed Test

For Shorthand, Typing and General Office Typing Tests, marking instructions are attached on the covering page of the relevant passage included for the test.

English

An answer sheet and a marking guide are provided with the test material.

4-5 RESIGNATION, RETIREMENT AND RE-EMPLOYMENT

4-5-1 RESIGNATION

Notice of intention to resign

An employee is required to provide the Chief Executive Officer (or delegate) with 14 days notice, in writing, of an intention to resign. Weekly paid employees should refer to their relevant Award for the prescribed period of notification required when resigning. Appendix 4-5 A provides the standard wording to be used by employees to notify their intention to resign. The Chief Executive Officer (or delegate), where appropriate, may consider a shorter period of notice.

If a requested shorter period of notice is not approved, failing to comply with notice requirements and failing to attend work will amount to a breach of contract. The usual outcome is that the employee is not remunerated for the relevant period.

A notice of resignation may not be withdrawn before the effective date of resignation. Resignation, once acknowledged by the Chief Executive Officer (or delegate), ends the employment contract. If the Chief Executive Officer (or delegate) permits the employee to continue working, they are effectively creating a new contract of employment.

Effective date

Unless an employee specifically applies for long service leave at the time of resignation and that application is approved, their services shall be deemed to have ceased at the completion of their last working day.

Where this policy is considered to cause undue hardship human resources should be consulted.

4-5-2 ABSENCE WITHOUT AUTHORITY

A Chief Executive Officer (or delegate) may determine that an employee has resigned if the employee:

- is absent without authority for a continuous period of ten working days, and
- provides no proper written explanation or excuse for the absence before the expiration of the period.

Wherever possible, employees must be given the opportunity to explain their absence before any action is taken. A Chief Executive Officer (or delegate) must take reasonable steps to communicate with the employee at the employee's last known place of residence. This advice to the employee must explain the implications of not

responding, any reasons which will not be acceptable to the Chief Executive Officer (or delegate) and within what period a response is required.

Refer to Part 4-1-12 Communication with an employee absent without leave and Part 4-1-7-7 Abandonment of Employment.

4-5-3 EMPLOYMENT OPTIONS WHILE CONTESTING AN ELECTION

Employees contesting a state election

Employees intending to contest a State Election should note the provisions of Section 45(2) of the Constitution Act 1934 whereby an officer or employee of the Crown may be disqualified from being elected to the South Australian Parliament unless they have had their resignation accepted to be effective no later than the close of business on the day before the declaration of the poll.

Potential candidates should be aware that if they are the only candidate, Section 55(2) of the Electoral Act requires that the person be declared as elected without a poll on the date that nominations close. Such a declaration may leave the person in a situation where insufficient notice of resignation can be given.

Advice from the Crown Solicitor's Office is that a provisional resignation which is to be effective only if successful in the election, is unlikely to meet the requirements of the Constitutional Act.

Refer to reappointment below in the event that the employee is not elected.

Employees contesting a federal election

Employees intending to contest a Federal Election should note the provisions of Section 44 of the Commonwealth of Australia Constitution Act (persons incapable of being elected to either House of Parliament of the Commonwealth). Public Sector employees must resign **prior to nomination** when standing as a candidate for election to the Commonwealth Parliament otherwise they are incapable of being elected and their place in Parliament becomes vacant.

Conflict of Interest

Whether or not an employee resigns at an earlier date if contesting a State or Federal election is a matter for the employee to decide, having regard to the general duty to avoid conflicts of interest. Employees who decide not to resign in order to contest an election (and who therefore either electioneer in their own time or take leave of absence) should be made aware that they are placing themselves in a position of potential conflict.

Options available for electioneering

Having regard to the above legislative requirements, employees who intend contesting a parliamentary election may either:

- resign
- apply for long service leave, recreation leave (if any entitlement exists) and/or leave without pay; or
- electioneer in their own time. Employees are not permitted to campaign during normal working hours nor make use of workplace property for campaigning purposes.

Reappointment

Where an employee has chosen to resign in order to contest an election and is not successful and applies for re-appointment, the employee may not return to duty until:

- the Chief Executive Officer (or delegate) is satisfied that the employee was unsuccessful; and
- the employee is re-appointed to the public sector by the Chief Executive Officer (or delegate).

An employee must apply for reappointment to the public sector within two months after the return of the writ for the election. The employee must be reappointed without any requirement for selection processes and without probation to their former position or a position with the same remuneration level as that position. For the purpose of determining the rights of an employee who is reappointed, the period between the resignation and reappointment is to be taken to be leave without pay.

NOTE: As the break in service will be deemed to be leave without pay if the person resigns and is re-appointed, normal terminal payments on resignation should be held in abeyance and only implemented if the person is not re-appointed.

Guidance for all public servants wishing to contest a State or Federal Election can be found on the Office of the Public Sector website.

4-5-4 RETIREMENT

Employees can retire any time after 55 years of age.

Appendix 4-5 B provides the standard wording to be used by employees to notify their intention to retire.

A Chief Executive Officer (or delegate) should ensure that any employee who is known to be intending to retire is advised of the options in relation to entitlements to recreation and long service leave and to benefits available from Superannuation entitlements.

4-5-5 SUPERANNUATION ENTITLEMENTS

Employees who cease public sector employment should contact Super SA to determine their superannuation entitlements and options.

4-5-6 ADVICE TO EMPLOYEES

In some cases it may be decided it is appropriate to remind an employee on termination of employment that they:

1. must continue to maintain after termination of employment the confidentiality of information gained during public employment;
2. cannot use any confidential information gained by virtue of their public employment with the intent of securing a benefit for themselves, any person, company or future employer;
3. must return all confidential and sensitive documents and any copies of those documents, and any other workplace property, in their possession on termination of employment;
4. understand that failure to comply in the way stated above may result in them being liable for legal proceedings, which could include action for damages or injunction, for breach of confidence.

APPENDIX 4-5 A: RESIGNATION FORM

Date …….

Full Name of Employee……

I hereby tender my resignation from the position of ……

in the ……Department/Administrative Unit.

I intend ceasing work at the close of business on……

An application for * long service leave
* a cash payment in lieu of long service leave

is attached herewith. I apply for payment of the monetary value of recreation leave to which I am entitled.

…… ……
(signature) (Title of position)

Private Address……

* Delete words not applicable

APPENDIX 4-5 B: RETIREMENT FORM

Date……

Full Name of Employee……

I hereby tender my resignation from the position of ……

in the ……Department/Administrative Unit with effect from the close of business on …….. ……...

I intend ceasing work at the close of business on……

An application for
* long service leave
* a cash payment in lieu of long service leave
* recreation leave
* a cash payment in lieu of recreation leave

is attached herewith.

…… ……
(Signature) (Title of position)

Age at retirement as above: ….. ……..years

Private Address

……

……

* Delete words not applicable

PART 5 - WAGES AND RELATED MATTERS

5-1 CLASSIFICATIONS AND WAGES RATES

5-1-1 TEMPORARY APPOINTMENT TO A HIGHER LEVEL AND ADDITIONAL DUTIES ALLOWANCES

Appointment to a higher level - Salaried employees

To provide responsive, effective and efficient services and to reflect better service delivery it is necessary from time to time to make temporary arrangements to fill positions as a result of long term sickness or other absence, or positions becoming vacant due to resignations, promotions, transfers etc. This may result in existing staff being offered a temporary appointment and arranging remuneration at the higher level (where relevant).

Remuneration at a higher level can only be approved for an employee appointed for a continuous period of more than one week and must not continue past six months, except in circumstances with the prior approval of the relevant delegate in accordance with local HR Delegations.

In making offers to existing staff for temporary appointments to a higher level, selection should be based on merit, and the most competent person available. However, Chief Executive Officers (or delegates) may exercise some discretion in this matter, e.g. it is quite proper to rotate a number of people through a particular position or positions for staff development. In making such a decision obviously due regard must be given to the rights and aspirations of all employees and the delegation exercised responsibly and equitably.

However, in the case of a vacancy of greater than three months, consideration should be given to internal expressions of interest or advertising on Jobs SA. Refer to Part 4-4-4 Guidelines for filing vacancies.

Note that employees clearly appointed to a different position at a higher remuneration level should be paid according to the remuneration appropriate for that position, not through the use of an additional/higher duty allowance on top of their normal remuneration. Employees should be given a variation to their contract for the period of the appointment, indicating a return to their substantive remuneration at the completion of the appointment as appropriate.

Considerations regarding employees appointed to a higher level for temporary purposes

The continued payment at the higher level whilst an employee is on paid leave, is not subject to qualifying periods. The above should be taken into account when decisions are made to appoint employees to a higher level for temporary purposes or to grant leave to employees during a temporary appointment to a higher level.

Practical considerations will help determine the arrangements which could apply during an appointment for temporary purposes. These considerations may include the following:

1. The objective of most short term appointments is to cover urgent work requirements. Obviously if recreation leave is sought by an employee during this period it may be in conflict with the need for the work to be completed.
2. In view of the above, recreation leave should not be granted in such cases except in exceptional circumstances and then for short periods
3. If a proposed appointee (to cover urgent short term work requirements) intends to seek long periods of leave during the period, it is recommended that the employee is not appointed or arrange, with agreement of the employee, for the employee to revert to their substantive position for the period of leave sought.
4. it may be appropriate to defer recreation leave in some cases where, short term appointments to a higher level are made.

Similarly, terminal leave payments are based on the remuneration being paid as at termination (without qualification), however it is not intended that short term arrangements should confer any additional monetary advantage to employees terminating for reasons other than death.
Therefore, if an employee is temporarily appointed to a higher level, the contract should include a provision outlining that if the employee terminates during the temporary period, the employee will revert to their substantive position for the purposes of calculating terminal leave payments.

Weekly paid employees - Higher duties

1 Payment to a weekly paid employee for the performance of higher duties shall be made when the Chief Executive Officer (or delegate) has required the employee to perform such higher duties. In determining the requirement for an employee to perform higher duties consideration should first be given to the necessity that higher duties be performed, particularly in circumstances involving a short term.

2 Where an industrial award or agreement includes a provision concerning payment of higher duties or "mixed" functions, then that award or agreement must be observed in respect of employees covered by its ambit.

3 An employee who performs the duties of a position under another award shall be paid the rate of pay applicable to that position for the time so worked.

Weekly paid employees acting in salaried positions

1 The employee must be performing the whole or substantively the whole of the duties of the salaried position for at least one working day.

2 If the employee has been in receipt of his or her existing rate of pay for less than 12 months the weekly rate determined whilst performing the duties of a salaried position will be the weekly equivalent of the lowest salary limit of the salaried position.

3 If the employee has been in receipt of his or her existing rate for more than 12 months and the weekly equivalent of the first increment of the salaried position does not give an increase in the employee's total actual weekly rate of pay at least equal to half the difference between the first increment and the second increment of the salaried position, the weekly rate determined shall be the weekly equivalent of the second salary increment in the salary range of the salaried position. However, if the second salary increment does not give an increase in the total actual weekly rate of pay equal to half the difference between the second and third salary steps of the higher position the procedure described above should be repeated until the total actual weekly rate is increased by at least half an increment.

Example - WHA-3 Year 2 acting in an ASO-1 position

Classification	Annual rate	Weekly rate	Difference between increments	Difference halved
WHA-3/1		$640.30		
WHA-3/2		$650.40		
ASO-1/1	$30,958	$593.45	$15.06 (ASO-1/2 – ASO-1/1)	$7.53
ASO-1/2	$31,744	$608.51	$16.51 (ASO-1/3 – ASO-1/2)	$8.26
ASO-1/3	$32,605	$625.02	$15.07 (ASO-1/4 – ASO-1/3)	$7.53
ASO-1/4	$33,391	$640.09	$15.10 (ASO-1/5 – ASO-1/4)	$7.56
ASO-1/5	$34,179	$655.19	$16.43 (ASO-1/6 – ASO-1/5)	$8.22
ASO-1/6	$35,036	$671.62		

If the substantive position is WHA3 increment 2, the weekly rate of pay is $650.40, then the first ASO1 increment above this is ASO1, increment 5.

However the weekly rate of pay of ASO1 increment 5 needs to provide an increase of greater than 50% of the difference between ASO1 increment 5 and ASO1 increment 6. (The difference between ASO1 increment 5 and ASO1 increment 6 (as a weekly amount) is $16.43, half of this amount is $8.22 according to the table above).

Therefore the rate of pay needs to be greater than $650.40 + $8.22 = $658.62. As the salary of ASO1 increment 5 is $655.19 (as a weekly amount), which is less than $658.62, and therefore does not provide an increase of greater than 50% of the difference between ASO1 increment 5 and ASO-1 increment 6, ASO-1 increment 6 is paid.

Additional duties allowance - salaried employees

An employee directed by the Chief Executive Officer (or delegate) to perform specified duties, in addition to those on which the remuneration level of the employee's position is based may be paid an allowance for performing these additional duties where the employee continuously performs these duties for more than one week.

An additional duties allowance is only to be used in circumstances where an employee remains in their substantive position but takes on additional duties/responsibilities which equate to a higher remuneration level, which may or may not be in a formally established and approved position.

Where part-time employment is involved:

- Where additional duties at a higher level do not form part of a higher level position 'more than one week' is to be interpreted as more than the number of working days on which the additional duties are required to be carried out during a calendar week.
- "More than one week" is to be interpreted as more than the normal working week (in working days) for the higher position where the additional duties form part of a higher position.

Whilst this normally means that an individual employee would need to carry out the duties for more than one week as above to qualify, aggregate carrying out of the duties for more than one week as above is sufficient to satisfy this criteria if all the duties are shared on a planned basis by more than one employee.

- "Continuously performs" is to be interpreted as continuous in the same sense that part-time employment is regarded as continuous, e.g. three days per week worked on a regular basis every week is regarded as continuous employment.

For example, when a part-time employee, who normally works two days per week (Monday and Tuesday), performs duties of a part-time higher position, which is normally worked over three days per week (Monday, Tuesday and Wednesday), payment of the higher level can be authorised if the higher duties are performed for more than three working days either by working:

- Monday and Tuesday for two consecutive weeks (four working days consecutively according to the employees normal pattern) or
- Monday, Tuesday and Wednesday of one week and Monday of the following week (four working days consecutively according to the normal pattern for the position.)

(This method is subject to the employee being prepared to increase their working hours temporarily).

The working pattern of a part-time higher level position may be based on a period greater than one week e.g. three days first week, two days second week, three days third week, etc.

In this situation more than one week will have been worked where the sum of the proportions of the part-weeks worked is greater than one e.g. two days in first week

(2/3 of week) plus one day in second week (1/2 of week) gives 7/6 weeks or more than one week.

Subject to the above requirements, consideration may be given for a part-time employee to perform additional duties even though they may carry out those duties for less than the normal daily hours of the higher position, provided that adequate performance of the higher level position will be achieved.

Consideration for part time employees may also be given to performance of specific duties only or of all duties of a position but on a lesser number of days per week provided that an adequate level of service is maintained and that the duties undertaken warrant payment of an additional duties allowance.

In all cases payment at a higher level will be determined on the higher side of actual hours worked at the higher level.

5-1-2 FEES FOR PART-TIME LECTURES

The appropriate lecturing fee should be negotiated with the individual visiting lecturer. The lecturing fees paid by the Colleges of Advanced Education and the University of Adelaide may be used as a guide.

Current fees can be obtained direct from Colleges or the University on an as needs basis.

5-1-3 CLASSIFICATION REVIEW PROCEDURE

Reclassifications

Sections 34(2) and 52(2) of the Health Care Act 2008 provides that employees may be appointed upon Terms and Conditions “fixed by the employing authority and approved by the Commissioner for Public Sector Employment”. As Terms and Conditions include classifications, any request for reclassification has to be considered by both the Chief Executive, Department for Health and Wellbeing and the Commissioner for Public Sector Employment. To facilitate such requests, the Commissioner for Public Sector Employment has authorised a delegate within the Department for Health and Wellbeing to exercise the Commissioner’s authority in this matter. This has been further delegated, (please refer to your local HR Delegations)

Source of requests for reclassification

There are two methods by which a reclassification can be sought for a position.

1. The Hospital/Health Service may seek a reclassification of a position if that is in line with its organisational requirements.

2. The individual can seek a reclassification for the position that he/she substantively occupies if he/she feels that the current classification is inappropriate.

The methods of seeking reclassification

Reclassification submissions for occupied positions may be initiated by:

- management, (departmental submissions) or by
- the substantive occupant (personal application for reclassification).

There is no right of review against a decision on a management-initiated submission.

Personal applications for reclassification are prepared by the substantive occupant of a position. This provides the occupant with a right of review to a Classification Review Panel set up by the Department for Health and Wellbeing.

Whether the reclassification is sought by the incumbent of a position or by the employing authority, there are some basic requirements which will ensure that the request is dealt with as quickly as possible.

- Completed form 'Application for Reclassification' should be submitted.
- A comprehensive up-to-date role description should be provided. This should outline all major responsibilities and duties of the position and should also list the skills, attributes and experience required of the incumbent of the position. The role description should be signed by both the incumbent (where occupied) and the authorised representative of the employing authority so that it represents a true and agreed set of duties and responsibilities for the position. The original role description should also be provided.
- Where the role description is to reflect responsibilities envisaged in a new organisation, that should be indicated together with the agreement of the incumbent to perform those duties if a personal reclassification is also sought for the incumbent.
- Each request for reclassification should be accompanied by a submission which seeks to highlight changes in the position since the time it was last classified. A clear analysis of changes in work value is required, i.e. demonstrate a change in the nature of the work which constitutes such a significant net addition to work requirements. A clear statement of the proposal together with relevant background information that has led to the changes in responsibility should be submitted.
- An approved Organisational Chart that indicates the organisational relationships between the subject position and other positions in the area should be provided.
- In both instances references and assessments must be made using appropriate Award Classification Criteria and Work Level Definitions .
- A clear assessment and recommendation of support or otherwise from the Manager included.

The degree of support expressed for the submission reflects the true merits of the submission and the organisation's needs.

Results of reclassification requests

The Chief Executive Officer (or delegate) following reclassification of a position, may appoint the incumbent at the higher classification if the change in classification is no more than one classification level, e.g. from ASO-3 to ASO-4. In instances where two or more classification steps are involved, e.g. ASO-2 to ASO-4, or in instances where the Reclassification is the result of a re-organisation, then the position will be advertised as a promotional position unless approval is given to forego that requirement in accordance with local HR Delegations.

Timing of reclassifications

Applications for reclassification will be dealt with as quickly as possible. However, there are instances where determinations will take some time to finalise, and in such instances the reclassification can be back-dated to a time three months after the receipt of that application for reclassification by the Hospital/Health Service. This timing will not apply in instances where there is a requirement for the position to be advertised, or a major organisational change is involved.

Reclassification committees

In some disciplines, there are Reclassification Committees whose task it is to advise the classification outcome to the Commissioner for Public Sector Employment and the Department for Health and Wellbeing delegate following assessment of the application for reclassification. Such committees have developed their own modus operandi, including the use of particular forms and these operational aspects will be made known to the various categories of staff involved. However, the same procedures as above will apply to dates of application etc.

Officers appointed under Public Sector Act seeking Reclassification under the Health Care Act

As emphasised previously, it is the position that is reclassified, not the individual. Therefore, when a position is reclassified and the incumbent is entitled to be appointed to that position, such appointments will be made under the Health Care Act 2008, e.g. if an ASO-4 seconded Public Servant seeks reclassification and an ASO-5 classification is agreed upon, then it is a Health Care Act ASO-5 position to which the employee will be appointed either by the Incorporated Hospital/SAAS or the Department for Health and Wellbeing depending upon the location of the employment.

Classification review procedure

An employee may apply to have a recommendation relating to a personal reclassification application reviewed by the Classification Review Panel.

Please refer to Part 3-1 Grievance and Reclassification Appeal Procedure of this manual.

Further advice

Further advice may be sought from the local human resource team.

5-1-4 SALARY AND INCREMENT DETERMINATION

For Salaried Employees Only

An employee shall be remunerated at a rate appropriate to the remuneration level of the position occupied by the employee.

The following guidelines are provided to assist in defining the appropriate rate.

On assignment to a base grade position

Base grade (clerical, technical, general)

The commencing salary in these base grade categories of employment is generally determined in one of four ways:

- by age - generally relating to those persons who are 20 years of age or less where the salary range provides for rate for age payments. Increment date will be on the next birthday.
- by aggregation of years of relevant adult experience where the salary range provides for years of adult service/experience. The next increment will be payable on completion of the current year of service/experience. See Section 1.1.5 for calculation of years of experience when part of that experience is on a part time basis.
- at the minimum of the salary range if the assignment is to a general division classification category (not expressed in years of adult service/experience). The next increment will be payable on completion of twelve months service.
- in relation to existing employees of the Crown - the existing rate of pay for an employee of the Crown in South Australia should be considered when determining commencing salary and increment (see 1.3).

A number of classification groups have some variation to/within these principles and thus each classification should considered as a separate entity when determining salary and increment.

Base grade professional

In the case of base grade professional employees, commencing salary is determined by a number of factors;

- commencing salary is generally determined on the basis of years of relevant experience since the date of completing **ALL** requirements of the course or, in appropriate cases, since registration.
- in certain categories of employment the possession of an Honours, higher or second degree results in the person's salary being advanced one increment beyond the point which would have applied, had the commencing salary been determined by aggregating years of relevant experience, only.
- the next increment will be payable on completion of the current year of relevant experience since completing all requirements of the course, or registration, or whatever other provision applies to that classification.

In relation to existing employees of the Crown - the existing rate of pay for an employee of the Crown in South Australia should be considered when determining commencing salary and increment (see Consideration to existing employees of the crown below).

Position with salary progression to a second grade or level

Certain categories of positions have two or more grades or levels with progression subject to prescribed conditions being met. In such instances the years of relevant experience should be the major factor in determining the commencing salary and where it can be established that the prescribed conditions for progression have been met, the commencing salary may be within the second or higher level(s).

Position with salary barrier

Several categories of position have, within the classification structure, one or more prescribed salary barriers with progression past such barriers being subject to prescribed conditions being met. In such instances the years of relevant experience should be the major factor in determining the commencing salary and where it can be established that the prescribed conditions for progression have been met, the commencing salary maybe within the second or higher level(s).

Part-time position

In determining a commencing salary for a part time employee all calculations are based on the number of hours to be worked in the position (e.g. position is 30 hours per week) and

1. person has three years relevant adult experience on full time basis—credit with three years experience
2. person has three years experience on a half time basis—credit with 23 months experience (36x0.5x37.5/30)

NOTE: that the credit may be less than, but never more than, the actual period of experience.

On assignment to a classified position

Salary is normally to be determined at the minimum of the salary limits and the next increment will be payable on completion of 12 months service at that salary level. Determination otherwise should only be made in exceptional circumstances.

In relation to existing employees of the Crown the existing rate of pay should be considered when determining commencing salary and increment.

Consideration to existing employees of the crown

For the purposes of salary and increment determination an employee of the Crown is defined as any current employee under the Public Sector Management Act, or any other employee of an administrative unit e.g. a person employed as weekly or daily paid, or employed pursuant to an Act enabling the engagement of staff by a Department. If any break at all (of one working day or more) occurs between previous employment by the Crown and appointment and assignment under the PSM Act the provisions of this Section (1.3) do not apply.

Where a break has occurred but the Commissioner for Public Sector Employment is satisfied that the circumstances constitute a redeployment situation and that the break occurred as a result of proper redeployment procedures not having been followed the normal principles for determining remuneration for redeployees shall apply.

If there is ANY DOUBT as to whether a prospective employee is an “employee of the Crown", the advice of Workforce Services, Corporate and System Support Services, Department for Health and Wellbeing should be obtained.

Where an existing employee of the Crown is appointed and assigned to a position the following principles should apply:

(a) if the employee's existing rate of pay and salary increments are identical to those of the vacant position the existing salary and increment date will continue.

(b) if the employee's existing remuneration is less than the new minimum and the employee has been in receipt of that existing remuneration or its equivalent for less than 12 months the commencing salary will be at the minimum of the new salary range.

- if the increase in salary represents less than 50% of an increment in the new salary range the existing increment date will be retained.
- if the increase in salary represents at least 50% of an increment in the new salary range the next increment will be payable on completion of twelve months service at the new salary level.

(c) if the employee's existing remuneration is less than the new minimum and the employee has been in receipt of that existing remuneration or its equivalent for 12 months or more then providing the increase in salary exceeds 50% of an incremental step in the new range, the commencing salary will be at the minimum of the new range. However, if the increase is less than 50% of an increment, commencing salary will be the next higher increment in the new range. In both circumstances the next increment will be payable on completion of twelve months service at the new salary level.

(d) if the employee's existing remuneration exceeds the minimum commencing salary in the new range and the employee has been in receipt of the existing remuneration for less than 12 months the commencing salary will be the next higher figure in the new range. If the resultant increase is less than 50% of an increment in the new salary range the existing increment date will be retained.

If the resultant increase is at least 50% of an increment the next increment will be payable on completion of 12 months service at the new salary level. However, where the employee has been in receipt of the existing wage for more than 12 months, the commencing salary will be that incremental step in the new range that gives at least 50% of an increment in that range and the next increment will be payable on completion of 12 months service at the new salary level.

(e) If the position is one which age and/or years of relevant adult experience (in the case of Professional employees (relevant experience since the appropriate date) and qualification, where applicable, is the normal criterion used for determining commencing salary, and the use of that formula would result in a higher commencing salary, then that method should be used.

(f) Where a Weekly Paid employee is being appointed and assigned under the Health Care Act 2008:

- Service pay and those allowances paid for all purposes of the Award/Agreement will be regarded as part of the normal ordinary rate of pay which is used to determine commencement salary.

- If existing ordinary rate of pay is more than the maximum (or the effective maximum when the employee is unable to meet requirements of salary progression/barrier (refer to Clause 1.3 and Clause 1.4) of the new salary range, income maintenance, in the form of an allowance, may be provided to make up the difference between the maximum (or effective maximum) of the new salary range and the existing ordinary rate of pay.

Employees who are eligible for income maintenance and the extent and cost of such maintenance are to be as determined by the Commissioner from time to time. It should be noted that during a period of maintenance subsequent variations (e.g. National Wage rise and general increases) which apply to the employee's previous employment or new employment may require a recalculation of the income maintenance allowance.

Salary and increment determination on reassignment

Normal reassignments

(including reassignment to a higher level for temporary purposes)

Salary on reassignment is the minimum of the salary limits of the position to which the reassignment is being made and the next increment is payable on completion of 12 months service after re assignment.

However:

The salary determined for reassignment at a higher level for temporary purposes is **NOT** 'previous salary' for the purposes of the following directions; in these circumstances 'previous salary' refers to the salary received in respect of the position formerly occupied on an on going basis by the employee.

1. if salary increments are identical, or if the salary ranges overlap and those increments that do overlap are identical, the salary will be determined at the minimum in the new range or at the identical increment whichever appropriate. Existing increment date will be retained. However, if the employee's previous salary was the maximum, and had been received for more than 12 months, salary on reassignment would be the next higher figure in the new range in which case the next increment will be payable on completion of 12 months service at the new salary level.

2. if previous salary is less than minimum in the new range and the employee had been in receipt of previous salary for more than 12 months and the resultant increase, by determination at the minimum, would constitute less than 50% of an incremental step in the new range, the salary will be determined at the next higher increment in that new range.

The next increment will be payable on completion of 12 months service at the new salary level.

3. if previous salary is greater than the new minimum, but is not an increment in the new range, and the employee has been in receipt of that salary for less than 12 months, salary will be the nearest higher increment in the new range. If the resultant increase is less than 50% of an increment in the new range existing increment date will be retained, otherwise the next increment is payable on completion of 12 months service at the new salary level.

4. if previous salary is greater than the new minimum, but is not an increment in the new range, and the employee has been in receipt of the salary for more than 12 months, salary will be the next higher increment in the new range that achieves an increase in remuneration of at least 50% of an incremental step in the new range.

The next increment is payable on completion of 12 months service at the new salary level.

Reassignment to a higher level for temporary purposes

Reassignment to a higher level immediately following reassignment to a higher level for temporary purposes

Where a reassignment to a higher level is immediately preceded by a reassignment to a higher level for temporary purposes which was at the same or a higher salary level, the period of the temporary reassignment may be counted as service for incremental purposes in determining salary and next increment.

Similarly, payment of an allowance giving a total remuneration of an equivalent or higher salary level may be counted as service for this purpose.

This method shall be used if it produces a more beneficial result for the employee than the formulae in dot point 4 above.

Where reassignment out of a higher level position was by prior agreement to enable an employee to take leave and the employee is immediately reassigned back to the higher level position on resumption of duty this method shall be used (but not counting the period of the leave).

Miscellaneous salary and Increment determination

Payment of a junior assigned/reassigned to a position having adult rates only

Where a person under the age of 21 years is assigned/ reassigned to a position which has adult rates only, salary is determined by application of one of the following principles:

Base grade position

- if a junior is undertaking all duties and meets all other criteria the normal formulae apply.
- in any other case advice should be sought from the Department of Labour.

Classified Position

- the age of an incumbent of a classified position does not affect the salary paid for performance of all the duties of the position.

Effect of leave without Pay

Juniors: Any periods of leave without pay will have no effect on increment dates while increments are being paid according to age.

Adults: (and juniors not receiving increments according to age) - Incremental date is to be postponed in accordance with Part 7-10 unless the Chief Executive Officer (or delegate) has directed that the period of leave without pay will count as service.

Effect of leave without pay
Juniors - any periods of leave without pay will have no effect on increment dates while increments are being paid according to age.

Adults (and juniors not receiving increments according to age) - Incremental date is to be postponed in accordance with the provisions of Part 7-10 Leave without pay, unless the Chief Executive Officer has directed that the period of leave without pay will count as service.

Effect of suspension without pay on increments

Any period of suspension without pay will not count as service for incremental purposes unless the suspension is revoked because the employee is either acquitted of the charge or is found not liable to disciplinary action.

Casual employment

Casual employment is defined as employment which is:

- on full or part time hours for a continuous period not exceeding four weeks; OR
- for an irregular pattern of hours i.e. to no set pattern.

Employment for less than fifteen (15) hours per week which is according to a set pattern is normally defined as casual but in some circumstances it may be approved on a part time basis rather than as casual employment.

Calculation of the base rate (before application of any loading) is to be on the same basis as for ordinary full time or part time employment. In the case of casual employees, a salary loading (refer to Part 4-2-2 for loading rates) is added to the applicable annual salary rate, and the total figure reduced to an hourly rate to give the stated remuneration.

The employment contract must include as a special condition the following standard wording:

> "This rate of pay includes allowance for the fact that no payment will be made for public holidays and no sick or recreation leave entitlements will accrue. Total remuneration is according to the actual number of hours worked (x hours per week)".

Salary progression

Chief Executive Officers (or delegate) have been delegated power to approve salary progression within a salary range or to a higher salary range which is prescribed by Industrial Award or Agreement.

Considerations

- The employee has been in receipt of a prescribed salary for at least 12 months.
- Work of a higher level is available on a continuing basis and such higher level work is being discharged in a satisfactory manner. If any doubt exists regarding what constitutes work of a higher level seek advice from local human resources team.
- The employee's behaviour and general conduct has been satisfactory.
- Any other prescribed condition has been satisfied.

Date of operation

Requests for progression, if applicable, should be dealt with immediately prior to the employee serving 12 months on the prescribed salary. If all requirements are satisfied as at that date the progression should operate from the next working day.

Where all conditions are not satisfied until a later date, the date of operation is to be the first Monday after all conditions have been satisfied.

Date of next increment

Generally the following criteria apply:

If progression has been approved from the anniversary of the employee serving 12 months on the prescribed salary, existing increment date is retained.

If progression is not approved as above but is approved to operate from a later date, the next increment will be the anniversary of the employee's date of progression.

Documentation

All submissions to the Chief Executive Officers (or delegate) concerning salary progression should identify the following points:

- existing title
- current salary and how long in receipt of that level certification of progression considerations
- date of operation
- new salary and future increment date
- If progression is to a higher salary/classification range, in addition to above
- new title
- new classification code

Employees passing examination

Advice of passing examinations

Chief Executive Officers (or delegate) should ensure that employees are aware that completion of a course of study appropriate to their work should be advised as soon as possible, especially where such completion gives eligibility for an increase in remuneration.

The onus is on the employee to give written advice (with satisfactory evidence) as soon as relevant qualifications are obtained or as soon as qualifications already held become relevant to remuneration.

Date of passing examinations

For normal end of year examinations or secondary school assessments etc. the qualification is to be regarded as having been obtained as from the 1st of January in the year following the examination.

Results in supplementary examinations held before the end of February are to be regarded as having been obtained as from the previous 1st January.

Qualifications obtained at other than normal end of calendar year examinations are to be regarded as having been obtained from the first Monday occurring after completion of the examination(s).

Date of operation of increased remuneration

Provided that advice (and evidence) is submitted within six months of obtaining a qualification, or of an existing qualification becoming relevant, any increase in remuneration is to operate from the date of obtaining the qualification (as above) or the qualification becoming relevant, as applicable.

An increase in remuneration as a result of an advice later than six months is to operate from the date of receipt of the advice.

Re-assignment of unqualified employee

An employee is not eligible for re assignment to a position if the employee does not have qualifications determined by the Commissioner for Public Sector Employment to be essential in respect of the position.

In the exceptional circumstances where the duties of a position for which an academic qualification has been deemed essential need to be carried out urgently and a qualified employee is not available advice should be sought from the Insurance Services on appropriate means of utilising the services of 'unqualified' employees to carry out some of the duties of the position.

'Unpaid' experience

Assessment of relevant adult experience or relevant professional experience can take into account voluntary work or other 'unpaid' experience.

The extent to which such 'unpaid' experience can be included is dependent upon the assessor being able to satisfactorily establish the nature and extent of such experience.

5-1-5 INCREMENT DETERMINATION - WEEKLY PAID EMPLOYEES

When an employee has been in continuous employment comprising full-time, part-time and/or casual service, all service can be taken into account in determining incremental progression.

A permanent employee progresses to the next increment within their classification at the completion of 12 months continuous service.

Part-time service does not count on a pro-rata basis, e.g. a part-time employee who has completed 12 months continuous service would progress an increment, in the same way as a full-time employee.

Provided there has not been a break in service of more than 3 months, weekly paid casuals are also entitled to increments when the employee has worked the equivalent number of days as a full time employee would work over a 12 month continuous period of service (i.e. 240 working days), irrespective of how many hours are worked in each day. This provision is subject to an employee not being entitled to be paid an increment until a time period of at least 12 months has elapsed since the employee was appointed to the current salary or increment level.

Previous service of an employee shall not be taken into account in the event of their re-employment. An exception to this is when an employee is granted leave without

pay, the period of absence in any year of service up to one month shall count as service.

If the service of an employee has been terminated other than by reason of resignation or dismissal for misconduct, and the employee is re-employed within two years their service shall be deemed to be continuous but the period between termination and re-employment does not be counted as service.

5-2 PAYMENT OF WAGES

5-2-1 ATTENDANCE BOOKS

Please note this section is under review.

Every employee who is required to attend at their place of employment during ordinary hours and is not exempted by the Chief Executive Officer (or delegate) shall, in an attendance book provided by the workplace:

- enter the actual time of their arrival for duty and sign their name at the time of their arrival for duty each day; and
- enter the actual time of their departure from duty at the time of their departure from duty each day.

An appropriate person shall be appointed to be in charge of each attendance book and such person shall ensure that entries in the books under his/her control are properly and accurately recorded.The following shall apply to employees who are exempted from signing an attendance book.

- Each employee so exempt shall keep a record in a form similar to the one attached and have the certified form forwarded to the Pay Clerk each fortnight.
- No employee irrespective of salary shall be exempt from signing an attendance book unless such exemption is authorised by the Chief Executive Officer (or delegate) in writing.

Where the flexitime principle of recording hours of duty has been approved, employees may not be required to sign an attendance book but must comply with the directions given on the operation of automatic time-recording equipment and manual adjustment sheets.

Where required, employees shall record their attendance on a time-sheet and shall follow the instructions given in this regard.

EXAMPLE OF ATTENDANCE BOOK

WORKPLACE _____

Record for fortnight ending_____

Name_____

	Location	Particulars of Absence from Duty
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____

CERTIFIED CORRECT

_____

Employee

Notified for payroll purposes.

_____

Pay Clerk

_____

Checked with leave records

Appropriate Senior

_____

Officer

Staff Record Clerk

5-2-2 DEDUCTIONS FROM SALARIES AND WAGES

The required commission rate for approved payroll deductions is 3.0% including deductions made for Medibank Private contributions and union fees. Organisations exempt from the commission charge are listed in Commission rate for deductions.

The 3.0% commission rate will not affect Commission rates that apply to specific schemes negotiated between Incorporated Hospitals or SAAS and fund managers (e.g. the Hospitals and Health Services Association superannuation schemes operated by National Mutual). Where specific schemes are provided for employees it is up to the hospital/health service to maximise commission revenue by negotiating with the relevant organisation.

The following must be deducted from employee's payroll for deductions which are, remitted to organisations, and administrative fee equal to either;

- 3% of the gross value of deductions to be remitted, where the amount remitted includes GST or;
- 3.3% where the remitted amount is GST exclusive (but subject to any ACCC requirements)

Authority to make deductions from salaries and wages

A regular deduction from a salary or wage of an employee other than a deduction under a statutory requirement shall be made only on the written and signed authority of that employee preferably in accordance with a procuration order.

Procuration orders shall be recorded and retained by the paying authority.

Continuation of deduction authorities for employees transferred between Government agencies

Where an employee is transferred to another Government agency:

- all procuration orders shall be forwarded to that government agency; or
- a statement of normal deductions signed by an accounting officer, shall be forwarded to that government agency.

Where a statement of normal deductions is forwarded it shall be sufficient authority to continue deductions. The original procuration orders shall be retained by the transferring agency.

Authorised deduction organisations

Deductions from salaries and wages shall be limited to those organisations approved by Treasury Department (listed under Organisations Approved for Payroll Deductions).

Deductions owed to an authority

Deductions of amounts owing to an authority other than overpayments of salaries or wages (e.g. rent, messing) require the authority of the employee.

Statutory deductions, including tax instalments

Deductions under statutory requirements shall be in accordance with those statutes (e.g. the Income Tax Assessment Act).

Two separate arrangements apply to the regular payment of income tax instalment deductions to the Australian Taxation Office (ATO):

1. Hospital/health services which paid income tax instalments in excess of $5 million in total to the ATO in the prior financial year shall remit to the ATO twice monthly tax instalments deducted from salaries and wages of employees. Instalment deductions made during the first fourteen days of the month shall be paid on the twenty-first day of that month. Deductions made during the balance of the month shall be paid on the seventh day of the following month.

2. Hospitals/Health services having income tax instalment deductions less than $5m million in total in the prior financial year, shall remit to the ATO on the seventh day of the following month tax instalments deducted for the month from employee's salaries and wages.

If the twenty-first day or the seventh day falls on a weekend or a Public Holiday, payments shall be withheld until the next available working day.

The Chief Executive Officers (or delegates) shall ensure that payments are not made until the due date in order to maximise the earning potential from the investment of funds.

Deductions to be paid to deduction organisation

The total amount of deductions for each deduction organisation shall be paid by cheque and reach the organisation on the pay period ending date.

Stopping employee deductions

Before proceeding to stop deductions for industrial organisations, medical funds etc, written authority shall be obtained from the employee concerned.

Commission rate for deductions

Commission shall be calculated at the rate advised by Treasury Department and shall be credited to the hospital/health service revenue as Department for Health and Wellbeing funds.

Commission shall not be charged for deductions made to:

- Financial institutions for credit to savings accounts
- Government superannuation funds
- Deductions under law
- Union Subscriptions

Internal Controls for Pay Deductions

Wherever practicable, internal controls shall be implemented to ensure:

- that the calculation of commission earned on deductions is correct; and
- the correct amount is credited to The Employing Authority/Delegate revenue.

Organisations Approved for Payroll Deductions

Organisations approved for payroll deductions

Health funds

- Medical Benefits Fund of Aust. Ltd
- Medibank Private
- Mutual Community
- N.I.B.Health Funds
- Public Service Health Benefits Fund
- SA Police Employees Health Fund Inc.
- SGIC Health Pty Ltd
- Teachers Health Society
- Government Employees Health Fund
- Grand United Friendly Society

Life Assurance, Superannuation, Sickness, Accident Policies

- Life Assurance, Superannuation, Sickness, Accident and Related Policies.
- ACC Life Ltd
- Adriatic Life Ltd
- Aetna Life of Australia & New Zealand
- Amev Life Assurance Co Ltd
- ANZ Life Insurance
- APA Life Insurance
- Armstrong Jones
- Australian American Assurance Co Ltd
- Australian Eagle Insurance Co Ltd
- Australian Manufacturers Life Assurance
- Australian Mutual Provident Society
- Australian Workers Union
- Business Men's Assurance Co. of Aust.

- Capita Benefits Planning
- Capita Financial Group Limited
- Colonial Mutual Life Assurance Society
- Combined Insurance Co. of Aust.
- FAI Insurance Society Ltd
- Friends Provident Life Office
- Greater Pacific Life Association Co. Ltd
- Guardian Assurance P.L.C.
- Hibernian Australian Catholic Benefit Society of NSW
- Investors Life Insurance Co. of Aust.
- Legal and General Life of Australia Ltd
- Lumley Life Limited
- Mercantile Mutual Insurance (Aust) Ltd
- Mercantile Mutual Life Insurance Ltd
- Mutual Community Ltd
- Mutual Life and Citizens Assurance Co.
- National Mutual Life Association of Aust.
- Norwich Union Life Insurance Society
- NZI Life Ltd
- Oceanic Life Ltd
- Phoenix Life Assurance Co. of Australia
- Prudential Assurance Co. Ltd
- Regal Life Assurance Australia Ltd
- Securitee Plan Insurances Pty Ltd
- Scottish Amicable Life Assurance Society
- Sentry Life Assurance Ltd
- Sun Alliance Life Assurance Ltd
- State Government Insurance Commission
- Tyndall Life Insurance Co Ltd
- Westpac Life
- Zurich Australian Life Insurance Ltd

General Insurance

- Mercantile Mutual Insurance (Aust) Ltd
- Mutual Community Ltd
- SGIC
- Union Insurance Co.

Insurance Brokers

- Donnelly Insurance Brokers Pty Ltd
- SAIT Insurance Brokers
- WIP Insurance Brokers Pty Ltd

Government Superannuation Funds

- Local Government Superannuation Scheme
- Parliamentary Superannuation Fund

- Police Pensions Fund
- SA Superannuation Fund

Unions and Associations

- Amal Soc Carpenters & Joiners Aust.
- Amalg Metal Workers Union
- Assoc. of Professional Engineers, Aust.
- Assoc. of Railway Prof Officers Aust.
- Aust. Fed Union of Locomotive Enginemen
- Australian Government Workers Assoc.
- Australian Journalist Association
- Australian Meat Industry Employees Union
- Australian Medical Association
- Australian Railways Union
- Australasian Society of Engineers
- Australian Theatrical & Amusement Employees Union
- Australian Transport Officers Fed.
- Australian Workers Union
- Baking Trades Union
- Buildings Workers Industrial Union
- Clothing & Allied Trade Union of Aust.
- Electrical Trades Union of Australia
- Federated Clerks' Union of Aust (SA Branch)
- Federated Engine Drivers & Firemens Assn
- Federated Furnishing Trade Society Aust.
- Federated Iron Workers Assoc. of Aust.
- Federated Miscellaneous Workers Union
- Federated Moulders (Metals) Union Aust.
- Government Printing Association
- Health Services Union
- National Union of Workers (SA Branch)
- Operative Painters & Decoraters Union
- Plasterers and Plaster Workers Fed. Aust.
- Plumbers & Gasfitters Employees Union
- Police Association of South Australia
- Printing & Kindred Industries Union
- Public Service Association of SA
- South Australian Institute of Teachers
- South Australian Salaried Medical Officers Assoc.
- Timber Workers Union
- Transport Workers Union

Savings deductions

- PSA Savings & Loans Society
- Police Credit Union
- Satisfac Credit Union

Rent

- Office of Govt Employee Housing

Other

- Australian & New Zealand College of Mental Health Nurses Inc.
- Australian Post-Tel Institute
- API Commerce Club
- Freedom from Hunger
- Royal Australian Institute of Public Administration (SA Division)

5-2-3 RECOVERY OF OVERPAYMENT OF SALARIES AND WAGES

Shared Services SA has established a centralised Salary Overpayments Team within Payroll Services. A standardised, legislatively compliant process will apply to all salary overpayments.

A copy of the Recovery of Payroll Overpayments procedure is available here.

5-2-4 LATE TIMESHEETS

If an employee does not complete a duly authorised timesheet by the required time each pay period, his/her pay should be temporarily withheld until the timesheet is completed. The employee's pay should be made available as soon as the timesheet is received, and if necessary a manually prepared cheque is to be drawn.

5-2-5 DAYLIGHT SAVING

On the commencement of daylight saving and the termination of daylight saving, the length of any shift shall be deemed to be the number of hours represented by the clock at the beginning of the shift and time so recorded at the end, the time of the clock in each case to be set to the time fixed pursuant to State legislation.

5-2-6 TIME LOST OWING TO WEATHER CONDITIONS

Weekly Paid Employees Only

Employees are to paid for time lost owing to weather conditions, waiting for materials, or other causes incidental to their employment. The supervisor or other person in charge shall be solely responsible for deciding when work is to cease owing to

weather conditions, and employees are to hold themselves available for duty until discharged by the supervisor or other person in charge.

This instruction does not apply to employees under awards and determination who are paid a casual or hourly rate of pay which includes a loading for lost time etc. The inclement weather provision of the relevant award must be observed in respect of these employees.

5-2-7 SHIFT WORK

When an employee is changed from shift work to ordinary day work or vice versa at the convenience of the Hospital/Health service, any time short of the 38 hours per week due to the difference in the number of hours on shift and day work shall be adjusted, and no time shall be lost by the employee on account of the change.

The provisions of the appropriate award or determination will determine whether overtime worked during that week shall be taken into account as part of the 38 hours ordinary time.

5-3 ALLOWANCES

5-3-1 CASHIERS AND PAYING OFFICERS

Salaried Employees Only

The following allowance for cashiers and paying officers apply:

An allowance will be payable to any employee whose normal salary (together with allowances in the nature of salary) does not exceed the maximum of the ASO-1 clerical officer salary range who is required in the course of duty to act as receiver and/or disburser of money and who is personally responsible for any shortages which occur.

The allowance is only payable where cash is received from and/or paid to the public in the course of transacting official business and is restricted to the first handling of the cash received or disbursed.

The allowance payable shall be for each day on which the employee's cash receipts and/or disbursements exceed the nominated daily amount and shall be in addition to the employee's normal salary. Cheques, money orders, postal notes, EFTPOS or any other credit card transactions are not to be included in calculating the daily figure.

The following transactions do not qualify for payment of the allowance:

- receipt from the bank of cash in lieu of pay cheques or counting and distributing salary or wage payments;
- conveyance of money to the Treasury or bank for deposit; and
- cash receipts and/or disbursements deemed by the Chief Executive Officer (or delegate) not to be the Employing Authority/Delegate's responsibility.

The allowance is also payable where applicable to temporary employees.

For the current allowance rate and nominated daily amount, refer to the Commissioner for Public Sector Employment's *Determination 3.2: Employment Conditions - Remuneration – Allowance and Reimbursements*.

5-3-2 FIRST AID

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

The following conditions should be observed when appointing employees as first-aid officers and when determining the allowances payable:

When appointing first-aid officers the Chief Executive Officer (or delegate) should have regard to the requirements of the work site and to the provisions as outlined in:

- Section 274 of the *Work Health and Safety Act 2012*; Division 3 Section 42 *Work Health and Safety Regulations 2012*
- Work Health and Safety and First Aid in the Workplace - Approved Code of Practice, under section 274 of the *Work Health and Safety Act 2012*; and in particular the relevant requirements with regard to the ratio of first aiders and training of first aiders.

Employees appointed must be in possession of a current first-aid certificate prior to appointment. Records of the date of expiry of the current certificate should be kept.

Where the Chief Executive Officer (or delegate), with the agreement of an employee, selects such employee for appointment as a first-aid officer for which a current first-aid certificate or equivalent is required, the employee will be given the opportunity to undertake an appropriate course to become so certified during ordinary working hours, (where such course is available during ordinary working hours), and be reimbursed the cost of acquiring such qualifications.

Where a first-aid officer agrees to renew the first-aid qualification, such an employee will be given the opportunity to undertake the retraining during ordinary working hours, (where such course is available during ordinary working hours), and be reimbursed by the Hospital/Health service the cost of renewing the qualification.

Where the Chief Executive Officer (or delegate), with the agreement of an employee, selects such employee for appointment as a first-aid officer for which a current first aid certificate or equivalent is required and the employee already possesses the qualification, the cost incurred in gaining the qualification is not to be reimbursed.

When first-aid officers are on leave, the provisions of Part 7-8 Remuneration during leave are to be observed.

Employees appointed as first-aid officers shall be paid a first-aid allowance of $15.35 per week provided that such employees are appointed first-aid officers on at least three days of such week. Employees appointed as first-aid officers for less than three days will be paid an allowance calculated at the rate of 40 cents per hour for each hour or part thereof.

Where an employee is working an average of 38 hours per week are paid an allowance of $14.90 per week, the payment will accrue towards a programmed day off.

These allowances are operative from the beginning of the first pay week to commence on or after 1 July 2016.

Historical Listing of Rates can be found in Appendix 5-3-2

5-3-3 JUNIORS WITH DEPENDANTS

Juniors who have at least one child and whose spouse or de facto spouse is not in receipt of any income should be paid an additional allowance above their normal rate

of pay to bring their earnings in any pay period up to the minimum wage prescribed for adult employees.

In making these payments, it should be noted that:

- the allowance does not form part of the employee's salary/wage for any purpose;
- the allowance is not related to the adult rate of pay for a particular job but to the specified minimum wage applying from time to time, irrespective of the nature of the employment (this rate can be obtained from the Insurance Services);
- In determining the payment to be made any other income of the junior and spouse or de facto spouse shall be taken into account; and
- this provision shall also apply to juniors who are without a spouse but have at least one child.

5-3-4 LOCALITY

Locality allowances compensate employees appointed to remote localities for the following factors:

1. adverse environment;
2. abnormal depreciation of motor vehicles;
3. increased costs of living arising from country service, and some aspects of isolation; and
4. the cost of travelling from distant localities to Adelaide for recreation leave.

It should be noted that the amount to be reimbursed to the employee for factor (4) will vary according to the prevailing motor vehicle reimbursement rates.

Definitions

"Spouse" means a person with whom an employee is cohabiting, either in marriage or a permanent de facto or a bona fide domestic relationship. (It should be satisfied that cohabitation exists before paying the allowance for "employee with spouse").

"Dependent Child" means any child of whom an employee is a parent; or any child for whom the employee is legally responsible (whether alone or jointly with another person) for the day-to-day care, welfare and development of the child, and where the child is wholly or substantially dependent on the employee and, is either under the age of 16 years or a full time student under the age of 22 years.

Allowances

22 December 2016

General area

Except for those localities listed under Special Localities, employees whose permanent headquarters are north of the line described hereunder:

"Easterly along the 34th parallel of latitude from the point of intersection with the western boundary of the State to the 136th meridian of longitude, thence northerly along the 136th meridian of longitude to the southern boundary of the county of Le Hunte, thence easterly along the southern boundaries of the counties of Le Hunte, Buxton and York to the 137th meridian of longitude, thence northerly along the 137th meridian of longitude to the 32nd parallel of latitude, thence easterly along the 32nd parallel of latitude to the 139th meridian of longitude, thence southerly along the 139th meridian of longitude to the 33rd parallel of latitude, thence easterly along the 33rd parallel of latitude to the border of New South Wales", shall be paid the following allowance:

Employee with a spouse	**$1213p.a.**
Employee without a Spouse	**$610p.a.**

Special Localities

Employees whose permanent headquarters are at any of the following localities must be paid the allowance prescribed hereunder in lieu of the allowance payable under General Area.

	Employee with a Spouse	**Employee without a spouse**	**Operative Date (On and From)**
	$p.a.	**$p.a.**	
(1) Browns Well, Carrieton, East Murray, Geranium, Kangaroo Inn, Narrung, Padthaway, Point	**$1078**	**$555**	**1 Jul 2016**

McLeay,Salt Creek			
(2) Canopus, Ceduna, Cleve, Coffin Bay, Cowell, Cummins, Hypurna, Kimba, Kingscote, Lake Victoria, Lake Wangary, Lock, Lock 7, Lock 8, Lock 9,Mount Hope, Streaky Bay, Todd River Reservoir, Tumby Bay, Ungarra, Wanilla, Warramboo, Wudinna	**$1213**	**$610**	**1 Jul 2016**
(3) Elliston, Murray Lagoon (KI), Parndana, Penneshaw, Port Neill, Seal Bay (KI)	**$1653**	**$829**	**1 Jul 2016**
(4) Cape Borda (KI), Cape Willoughby, Flinders Chase, Haslam, Hawker, Hesso, Iron Baron, Iron Knob, Karkoo, Kelly Hill Caves,	**$1706**	**$1104**	**1 Jul 2016**

Mannahill, Minnipa, Nunjikompita, Poochera, Wirrula			
(5) Cockburn, Darke Peak, Karcultaby, Miltaburra, Olary,Paney Homestead, Port Kenny, Wharminda Siding, Wilpena, Yunta	**$2148**	**$1324**	**1Jul 2016**
(6) Oraparina	**$3095**	**$2270**	**1 Jul 2016**
(7) Leigh Creek, Woomera	**$3485**	**$2881**	**1 Jul 2016**
(8) Parachilna	**$3925**	**$3101**	**1 Jul 2016**
(9) Kooniba, Mount Gunson, Penong	**$4541**	**$3714**	**1 Jul 2016**
(10) Yalata	**$6195**	**$5155**	**1 Jul 2016**
(11) Coober Pedy	**$7460**	**$6628**	**1 Jul 2016**
(12) Glendambo, Kingoonya,	**$7868**	**$6823**	**1 Jul 2016**

Tarcoola			
(13) Balcanoona, Nepabunna	**$8085**	**$7259**	**1 Jul 2016**
(14) Andamooka, Cook, Coorabie, Marree, Olympic Dam Village, Roxby Downs	**$8498**	**$7455**	**1 Jul 2016**
(15) Amata, Ernabella, Fregon, Indulkana, Innamincka, Kenmore Park, Marla, Mimili, Mintabie, Mt. Dare, Oodnadatta	**$9137**	**$8094**	**1 Jul 2016**
(16) Murputja, Oak Valley, Pipalyatjara, Watarru	**$10016**	**$8972**	**1 Jul 2016**

Recreation leave: Allowances for cost of travelling

Employees who are entitled to payment of the allowance prescribed under Allowances herein, and whose permanent locality is more than 320 km by nearest practical road route from the Adelaide GPO are entitled to an allowance for the cost of commuting in their own vehicle to Adelaide and return for recreation leave purposes.

The allowance is limited to the total kilometres travelled from the employee's permanent locality to the Adelaide GPO and return, less 640 km.

The allowance, to be paid once annually shall be computed at the motor vehicle reimbursement rates for motor cars, station wagons and utilities, for the time being prescribed by Part 8-4-2 underneath the heading entitled: Transfer of Headquarters.

Some examples of the distances to be used in computing the allowances are:

Balcanoona	684km	Mannahil	176km
Canopus	56km	Miltaburra	768km
Ceduna	916km	Minnipa	568km
Cleve	426km	Mt Gunson	288km
Cockburn	288km	Mt Hope	730km
Cowell	342km	Nunjikompita	808km
Cummins	646km	Olary	150km
Darke Peak	394km	Oraparina	256km
Elliston	650km	Paney Homestead	480km
Glendambo	548km	Parachilna	344km
Haslam	816km	Penong	1062km
Hawker	104km	Poochera	638km
Hesso	104km	Pt Kenny	780km
Hypurna	46km	Pt Neil	500km
Iron Baron	224km	Streaky Bay	760km
Iron Knob	118km	Todd River Reservoir	630km
Kangaroo Inn	106km	Tumby Bay	566km
Karcultaby	610km	Ungarra	554km

Karkoo	682km	Wanilla	708km
Kimba	290km	Warramboo	492km
Kingoonyga	634km	Wharminda Siding	500km
Kooniba	994km	Wilpena	266km
Lake Wangary	664km	Wirrulla	730km
Lake Victoria	60km	Woomera	328km
Leigh Creek	476km	Wudinna	494km
Lock	574km	Yalata	1328km
Lock 7	60km		
Lock 8	120km		
Lock 9	60km		

1. The following localities shall be paid a loading of 40 per centum over and above the rate prescribed in the Part 8-4-2 underneath the heading entitled: Transfer of Headquarters, computed at the motor vehicle reimbursement rates for motor cars, station wagons and utilities.

Amata	2294km	Mintabie	1592km
Andamooka	540km	Mimili	1752km
Coober Pedy	1054km	Marla	1520km
Cook	1742km	Murputja	2506km
Coorabie	1232km	Nepabunna	614km
Ernabella	1998km	Oak Valley	2060km

Fregon	1920km	Olympic Dam Village	496km
Mt Dare	1324km	Oodnadatta	1466km
Indulkana	1626km	Pipalyatjara	2720km
Innamincka	1440km	Roxby Downs	476km
Kenmore Park	1926km	Tarcoola	798km
Maree	714km		

Permanent Kangaroo Island employees

An employee who travels to and from the mainland for recreation leave will be reimbursed the actual cost of transport by sea for their immediate dependant family, one motor vehicle, and either a caravan or trailer, subject to provision of a tax invoice.

Where an employee travels to and from the mainland by air, the employee will be reimbursed the equivalent of the cost of transporting themselves and their immediate family (excluding the cost of transporting a motor vehicle, caravan or trailer) by sea, subject to provision of a tax invoice.

Reimbursement (for any purpose) will be made only once each financial year. Reimbursement of the costs of transporting a car, caravan or trailer will only be made if the employee does bring their car and trailer or caravan to the mainland at the time of taking all or part of their recreation leave for that year.

A part-time employee who wishes to travel to and from the mainland for their recreation leave will be reimbursed on a pro-rata basis under similar arrangement to full time employees. The pro-rata amount of the reimbursement should bear that relationship to the full amount as the employee's hours of work bears to a normal working week.

Allowances for dependent children

Allowances for dependent children

Operative date: 1 July 2016

In addition to the allowances provided by Allowances and Allowance for Cost of Travelling, employees who have dependent children, whether the dependent child is a resident or not, and whose permanent headquarters are at any of the following localities, shall be paid an allowance or allowances as prescribed hereunder:

	For the first Dependent Child $p.a.	For the second and each subsequent $p.a.
(1) Amata, Andamooka, Cook, Coorabie, Ernabella, Fregon,Glendambo, Indulkana, Innamincka, Kenmore Park, Kingoonya, Maree, Marla, Mimili, Mintabie, Mt. Dare, Murputja, Oak Valley, Olympic Dam Village, Oodnadatta, Pipalyatjara,Roxby Downs, Tarcoola, Yalata	**$610**	**$417**
(2) Balcanoona, Cockburn, Coober Pedy, Dark Peak, Elliston, Karcultaby, Kooniba, Miltaburra, Mount Gunson, Murray Lagoon (KI), Nepabunna, Olary, Oraparina, Paney Homestead, Parachilna, Parnadana, Penneshaw, Penong, Port Kenny, Port Neill, Seal Bay (KI),Wharminda Siding, Wilpena, Yunta	**$494**	**$328**
(3) Canopus, Cape Borda, Cape Willoughby, Ceduna, Cleve, Coffin Bay, Cowell, Cummins, Flinders Chase, Haslam, Hawker, Hesso, Hypurno, Iron Baron, Iron Knob, Karkoo, Kelly Hill Caves, Kimba, Kingscote, Lake Victoria, Lake Wangary, Leigh Creek, Lock, Lock 7, Lock 8, Lock 9, Mannahill, Minnipa, Mount Hope, Nunjikompita, Poochera, Streaky Bay, Todd	**$417**	**$255**

River Reservoir, Tumby Bay, Ungarra, Wanilla, Warrambo, Wudinna, Wirrula, Woomera, plus other places included as per clause 2		
(4)	**$328**	**$221**
Browns Well, Carrieton, East Murray, Geranium, Kangaroo Inn, Narrung, Padthaway, Port McLeay,Salt Creek		

Provided that where more than one employee contributes to the maintenance of any dependent child, the said allowance shall be divided equally between them.

Temporary transfers

Where an employee is temporarily transferred from a non-allowance locality to an allowance locality for a period in excess of 21 calendar days (calculated from the date of arrival at the employees temporary headquarters) the employees may be paid the appropriate locality allowance for such excess period.

NOTE: Except as provided for in Temporary Absence, travelling expenses are not payable whilst an employee is receiving a locality allowance.

Where an employee is temporarily transferred from an allowance locality to a non-allowance locality or a different allowance locality the allowance applicable to his/her permanent headquarters shall continue for 21 calendar days (calculated from the date of arrival at his/her temporary headquarters), after which the allowance will cease and/or the new locality allowance commence, unless otherwise specifically directed by Workforce Services, Finance and Corporate Services.

Temporary transfers

Where an employee is temporarily transferred from a non-allowance locality to an allowance locality for a period in excess of 21 calendar days (calculated from the date of arrival at the employees temporary headquarters) the employees may be paid the appropriate locality allowance for such excess period.

NOTE: Except as provided for in Temporary Absence, travelling expenses are not payable whilst an employee is receiving a locality allowance.

Where an employee is temporarily transferred from an allowance locality to a non-allowance locality or a different allowance locality the allowance applicable to his/her permanent headquarters shall continue for 21 calendar days (calculated from the date of arrival at his/her temporary headquarters), after which the allowance will cease

and/or the new locality allowance commence, unless otherwise specifically directed by People and Culture, Finance and Corporate Services.

Temporary absence

Operative date: 1 July 2016

Employees whose permanent headquarters are located in a locality allowance area and who are required in the course of their duties to temporarily travel away from their usual headquarters, shall continue to receive the appropriate locality allowance.

Such employees will also be eligible to receive the appropriate travelling expenses and/or field allowances provided for in Part 8-3.

Employees whose permanent headquarters are not located in an eligible locality and who are in receipt of reimbursement of travelling expenses as provided for in Part 8-3 and who are working in a Locality Allowance area for a continuous period of 21 calendar days or more shall be paid a proportion of the annual Locality Allowance for the whole period as follows:

	$ pw	Operative Date: 1 July 2016
(a) General Area	**$5.80 p.w.**	**1 Jul 2016**
(b) Special Localities		
(1) Browns Well, Carrieton, East Murray, Geranium, Kangaroo Inn, Narrung, Padthaway, Point McLeay, Salt Creek	**$5.35 p.w.**	**1 Jul 2016**
(2) Canopus, Ceduna, Cleve, Coffin Bay, Cowell, Cummins, Hypurna, Kimba, Kingscote, Lake Wangary, Lake Victoria, Lock, Lock 7, Lock 8, Lock 9, Mount Hope, Streaky Bay, Todd River Reservoir, Tumby Bay, Ungarra, Wanilla, Warramboo, Wudinna;	**$5.90 p.w.**	**1 Jul 2016**

(3) **Elliston, Murray Lagoon (KI), Parndana, Penneshaw, Port Neill, Seal Bay (KI)**	**$7.95 p.w.**	**1 Jul 2016**
(4) **Cape Borda, Cape Wiloughby, Flinders Chase, Haslam, Hawker, Hesso, Iron Baron, Iron Knob, Karkoo, Kelly Hill Caves, Mannahill, Minnipa, Nunjikompita, Poochera, Wirrula**	**$15.25 p.w.**	**1 Jul 2016**
(5) **Cockburn, Darke Peak, Miltaburra, Karcultaby, Olary, Paney Homestead Port Kenny, Wharminda Siding, Wilpena, Yunta**	**$17.50 p.w.**	**1 Jul 2016**
(6) **Oraparina**	**$19.35 p.w.**	**1 Jul 2016**
(7)Leigh Creek, Woomera	**$17.60 p.w.**	**1 Jul 2016**
(8) **Parachilna**	**$19.75 p.w.**	**1 Jul 2016**
(9) **Kooniba, Mount Gunson, Penong**	**$31.55 p.w.**	**1 Jul 2016**
(10) **Yalata**	**$57.40 p.w.**	**1 Jul 2016**
(11) **Coober Pedy**	**$43.40 p.w.**	**1 Jul 2016**

(12) **Glendambo, Kingoonya, Tarcoola**	**$45.30 p.w.**	**1 Jul 2016**
(13) **Balcanoona, Nepabunna**	**$55.50 p.w.**	**1 Jul 2016**
(14) **Andamooka, Cook, Coorabie, Maree, Olympic Dam Village, Roxby Downs**	**$57.40 p.w.**	**1 Jul 2016**
(15) **Amata, Ernabella, Fregon, Indulkana, Innamincka, Kenmore Park, Marla, Mimili, Mintabie, Mt. Dare, Oodnadatta**	**$69.65 p.w.**	**1 Jul 2016**
(16) **Murputja, Oak Valley, Pipalyatjara, Watarru**	**$86.65 p.w.**	**1 Jul 2016**

Where continuous travel is in an adjacent locality area, payment is to be made at the appropriate rate for each area.

General guidelines for application of locality allowances

1. Once calculated, the allowance provided by Allowances, Allowance for cost of Travelling and Temporary Absence of this Determination must be payable to part time employees on a pro-rata basis. The amount of the allowance payable to a part time employee will be in proportion to the amount of the allowance payable to a full time employee according to the actual hours worked.

2. If an employee with a spouse and the spouse are both employed as full time employees, one allowance only, calculated at the rate prescribed for an employee with a spouse, must be paid and will be divided equally between them.

3. If an employee with a spouse is employed as a full time employee and the spouse is employed as a part time employee, one allowance only, calculated at the rate prescribed for a full time employee with a spouse shall be paid. The proportion of

that allowance payable to the part time employee will be calculated in accordance with the following formula:

a/2 x b/c

Where:

a = annual amount of allowance

b = hours worked per week by the spouse employed part time

c = normal hours per week of a corresponding full time employee.

4. If an employee with a spouse and the spouse are both employed as part time employees the total allowance payable and the proportion of that total allowance payable to each employee, shall be calculated in accordance with the following formula:

   Total Allowance = Allowance payable to a full time employee with a spouse x total hours worked per week by both employees/total hours worked per week by 2 equivalent full time employees

5. If the spouse of an employee is employed by the SA Government other than as an employee, and that spouse is receiving a locality allowance from their employment, the locality allowance payable to the employee must not exceed the difference between the allowance prescribed for an employee with a spouse and the allowance paid to the spouse.

6. If an employee with a spouse is employed as a full time employee and the spouse is employed as a part time employee and both qualify for the weekly allowance as prescribed in Temporary Absence clause 2 of this Determination, one allowance only, calculated at the rate prescribed for a full time employee with a spouse shall be paid. The proportion of that allowance payable to the part time employee shall be calculated in accordance with the formula contained in 3 above.

7. If an employee with a spouse and the spouse are both employed as part time employees and both qualify for the weekly allowance as prescribed in clause 6 (ii) of this Determination, the total allowance payable and the proportion of that total allowance payable to each employee, shall be calculated in accordance with the formula contained in (iii) above.

8. Where an employee is permanently transferred from a non-allowance locality to an allowance locality, the allowance commences on and from the date of arrival at the employees new headquarters.

9. Where an employee is permanently transferred from one locality allowance area to another, or from an allowance area to a non-allowance area, the allowance payable in the locality from which the employee is transferred continues until the end of the day before the employee arrives at their new headquarters.

Leave of absence

Locality Allowances will be paid during periods of recreation and long service leave and special leave with pay but shall not to be included in the remuneration upon which recreation leave loading in calculated.

Exceptions

The provisions of Allowances - Locality do not apply to employees living in Hospital/Health service camps or employees who are paid camping-out allowances.

Savings clause

Where the allowance applicable to any employee immediately before the date of operation of Allowances -Locality was greater than the allowance prescribed Allowances - Locality, such allowance shall not be reduced by the operation of Allowances - Locality whilst the employee remains at the place at which he/she was then appointed, except where any such reduction is the result of the application of Exceptions.

5-3-5 MEAL

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

Operative date: 22 December 2018

1. Any employee who by direction of the Chief Executive Officer (or delegate) commences duty two hours or more before the time prescribed for commencing duty or who remains on or returns to duty and works for two hours or more after the time prescribed for ceasing duty may, where such additional duty necessitates taking a meal away from such employee's place of residence, be reimbursed for such meal at the rate of **$12.20** for meals other than an evening meal, and at the rate of **$17.40** for each evening meal.

   For those employees working on an approved flexi-time basis which is different to the prescribed times, the agreed commencing and ceasing times for those employees may be substituted for the prescribed times. If there are no agreed times on a particular day when directed to commence early or remain or return to work then the prescribed times shall apply.

2. Any employee, who by direction of the Chief Executive Officer (or delegate) is required to perform duty extending beyond a meal break on a Saturday, Sunday or Public Holiday on which the employee would not normally be required to work and who is not entitled to payment for that meal break, may be reimbursed for the cost of each meal necessarily taken away from the employee's place of residence at the rate of **$12.20** for each meal other than an evening meal, and at the rate of **$17.40** for each evening meal; provided that an employee shall not be paid meal allowances for Saturday, Sunday or Public Holiday work that is a normal feature of the employee's employment.

3. The meal allowances provided by clauses 1 and 2 above will not apply where a meal is supplied (without charge) to an employee. Where a meal is supplied for which a charge is made the meal allowance payable to the employee shall not exceed the amount charged for that meal.

4. Meal allowances prescribed under this topic may be paid in addition to any payment for overtime.

5-3-6 ON CALL

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

The following conditions apply to the payment of "on call allowances" outside regular hours:

(a) An employee who is on call shall not be required to remain at home for the whole time of on call but may leave their home, provided that they can be contacted by telephone and remain in reasonably close proximity to the most probable place of employment. Advice of the telephone contact must be given by the employee concerned prior to leaving their home.

(b) If an employee on the on call roster wishes to change with another employee on the roster, they may do so providing the approval of the supervisor is obtained before normal finishing time.

(c) Should an employee rostered to be on call be recalled, they shall be entitled to receive the normal overtime provisions that apply to their classification, in addition to the rates detailed above.

(d) On call must only be authorised where it is essential that employees be contactable after normal working hours at their private residence or any other mutually agreed place, and be available to return to duty within a reasonable time of being recalled. The need to have a formal on call roster should be carefully considered. For example, a work situation which involves perhaps 1 or 2 call outs per month would not usually justify the establishment of a formal on call roster, with its associated expense and restrictions on employees' movements.

(e) The provisions of Part 6 Hours of work - Rest Period after Overtime do not apply to periods of recall unless the actual time worked is greater than three hours on such recall or recalls.

(f) Payment of these allowances should be authorised by the Chief Executive Officer (or delegate).

For details of motor vehicle reimbursement for recall duties, refer to Part 8 - Motor Vehicle Reimbursement Rates

Weekly Paid Employees

Programmed Days Off

Where an employee is recalled to duty, on their programmed day off, they should be paid in accordance with the relevant overtime or recall provisions of their award, and they will not be entitled to substitute another day for the programmed day off.

Medical Officers Only

With regard to clause 5.6 of the South Australian Medical Officers Award, the following points should be noted:

Where it is known prior to normal finishing time that an employee will be required to return to work out of hours, management should ascertain whether it would be more economical to recall the employee and pay a minimum of three hours at time and a half, or extend the employee's rostered hours in accordance with clause 5.15 to include the period of required duty, and where such extension causes the number of hours worked to exceed the maximum set out in clause 5.1.8, to pay the penalty rates set out therein (which are not subject to a three hour minimum). That is, there should not normally be a recall within 3 hours of normal finishing time, unless such recall is in response to a genuine emergency unknown at the time that the employee completed his/her normal rostered duty, or unless it is expected that the total period of additional duty is likely to exceed three hours in duration.

All recalls and/or overtime should be authorised by the appropriate Director of a Unit (or delegate) as soon as practicable after the "out of hours" work has been completed. To facilitate such authorisation, it is suggested that a claim form should be completed by the Trainee Medical Officer at the end of each period of out of hours work and left for authorisation on the following day, whether recalled in accordance with clause 5.6 or rostered to work in accordance with clause 5.1.5 and clause 5.1.8.

Historical On-Call Allowance

This allowance is paid to all staff (except employees covered by the SA Medical Officers Award, the Government Stores Employees Interim Award and the Nurses (SA Public Sector) Award)

Historical Listing of Rates can be found in Appendix 5-3-6.

5-3-7 PART-TIME INTERPRETERS AND TRANSLATORS

Salaried Employees Only

Registration

An allowance shall only be paid to an employee who is a part-time Interpreter or Translator accredited or recognised by the National Accreditation Authority for Translators and Interpreters (NAATI) and registered with Multicultural SA. Registration is obtained from the Interpreting and Translating Centre located within the Department of Communities and Social Inclusion only after employees have:

- obtained approval from their Chief Executive Officer (or delegate) to engage in such a service; and
- been accredited or recognised as a Para-Professional (formally Level 2) Interpreter or Translator by NAATI.

Applications

Applications for registration as a part-time Interpreter or Translator should be forwarded to The Manager, Interpreting and Translating Centre, GPO Box 292, Adelaide SA, 5001

Definitions

An employee must perform interpreting work that meets the definition of interpreting contained in the Part-Time Interpreters or Translators (Public Service) (SA) Award (clause 1.6.1) i.e. acting as an intermediary in order to facilitate verbal communication in a three way situation. This communication must be associated with duties other than the duties of the employee's substantive position.

An employee performing translating work must be actually transcribing written material from one language to another (as defined in clause 1.6.2) not merely verbally interpreting written material into a language other than the one in which the material is written. Multicultural SA, Justice Department provides a central translating resource through the Interpreting and Translating Centre.

Allowances

The Part-Time Interpreters or Translators (Public Service) (SA) Award provides for the payment of both a Linguistic Allowance and a Performance Allowance provided that an employee meets the necessary prerequisites detailed in the Award to qualify for receipt of these allowances.

Linguistic allowances (clause 7)

This allowance is for the possession of interpreting or translating skills and payment does not depend on the use of those skills.

No employee at or above the salary level of ELI or equivalent shall be nominated for registration as a part-time Interpreter or Translator and any employee whose salary exceeds the maximum salary level of ASO5 or equivalent shall be nominated for registration as a part-time Interpreter or Translator only in exceptional circumstances.

Such circumstances would be where the linguistic skills of an employee are in high demand and/or limited supply.

Performance allowance (clause 8)

This allowance is calculated as prescribed in the Award with a minimum payment of one hour on any day on which the interpreting or translating transaction occurs. All time in excess of one hour is to be paid to the nearest 15 minutes.

Employees whose substantive salary is in excess of the third increment of ASO-2 shall not receive the Performance Allowance. Tax invoices or receipts are not required.

Unregistered employees not to interpret or translate

Employees not registered as part-time Interpreters or Translators will not be required to perform interpreting or translating duties.

Deregistration

The Chief Executive Officer (or delegate) must review registration annually and applications to cancel an employee's registration shall be made to Multicultural SA. It is envisaged that applications will be made on the basis of a change in an employee's circumstances (e.g. transfer/promotion, etc), which may remove the employee from a public contact area and hence the need to perform interpreting or translating duties.

For further information refer to the Part-time Interpreters or Translators (Public Service) (S.A.) Award.

5-3-8 WHYALLA ZONE

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

Employees whose headquarters are determined as Whyalla or a suburb thereof or at Iron Knob or Iron Baron shall be paid, as an addition to the salaries prescribed elsewhere for their positions, the following amounts:

Adults	**$26.00 per annum**
Juniors under 21 years of age	**$13.00 per annum**

Part-time employees shall be paid the allowance on a pro-rata basis. The amount of the allowance payable to a part-time employee shall bear the same proportion to the amount of the allowance payable to a full-time employee as the hours of duty of the part-time position bears to the hours of duty of a corresponding full-time position.

Operative date: 22 July 2006

5-3-9 CAMPING IN THE OPEN

An employee who, in the performance of their official duties is required to camp out or who is employed in a field party with no fixed headquarters will be paid in accordance with Commissioner for Public Sector Employment's *Determination 3.2: Employment Conditions - Remuneration – Allowance and Reimbursements*. an allowances in accordance with the relevant award or agreement.

APPENDIX 5-3-2

HISTORICAL FIRST AID ALLOWANCE

Allowances which applied up until the beginning of the first pay week commencing on or after the following dates:

Up until 30 June 2012	**Rate**
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$13.45**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**35 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$13.05**
Up until 30 September 2011	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$13.00**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**34 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$12.60**
Up until 30 September 2010	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$12.55**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**33 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$12.15**
Up until 30 September 2009	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$12.23**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**32 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$11.90**
Up until 30 September 2008	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$11.75**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**31 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$11.40**
Up until 30 September 2007	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$11.31**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**30 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$11.00**

Up until 30 September 2006	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$11.00**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**30 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$10.65**
Up until 21 July 2005	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$10.65**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**30 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$10.30**
Up until 21 July 2004	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$10.25**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**29 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$9.95**
Up until 21 July 2003	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$9.90**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**28 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$9.60**
Up until 21 July 2002	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$9.55**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**27 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$9.25**
Up until 21 July 2001	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$9.30**
First aid allowance for first aid officers **appointed for less than 3 days per week**	**26 cents per hour or part thereof**
First aid allowance where an employee is working an **average of 38 hours per week**	**$9.00**
Up until 21 July 2000	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$9.00**
First Aid Allowance for employees working an average of 37.5 hours per week	**25 cents**
First Aid Allowance for employees working	**20 cents**

an average of 40 hours per week	
Up until 21 July 1999	
First aid allowance for first aid officers appointed on **at least 3 days per week**	**$8.80**
First Aid Allowance for employees working an average of 38 hours per week	**24 cents**
First Aid Allowance for employees working 37.5 hours per week	**24 cents**

APPENDIX 5-3-5

Historical Meal Allowance

Allowances which applied up until the beginning of the first pay week commencing on or after the following dates -

Up until 21 December 2016

- Meal Allowance other than for evening meal:
  $12.05
- Meal Allowance for evening meal:
  $17.20
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $12.05
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $17.20

Up until 21 December 2015

- Meal Allowance other than for evening meal:
  $11.90
- Meal Allowance for evening meal:
  $17.00
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $11.90
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $17.00

Up until 21 December 2014

- Meal Allowance other than for evening meal:
  $11.65
- Meal Allowance for evening meal:
  $16.65
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $11.65
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $16.65

Up until 22 December 2013

- Meal Allowance other than for evening meal:
  $11.40
- Meal Allowance for evening meal:
  $16.30

- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $11.40
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $16.30

Up until 22 December 2012

- Meal Allowance other than for evening meal:
  $11.20
- Meal Allowance for evening meal:
  $16.05
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $11.20
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $16.05

Up until 22 December 2011

- Meal Allowance other than for evening meal:
  $10.75
- Meal Allowance for evening meal:
  $15.45
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $10.75
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $15.45

Up until 22 December 2010

- Meal Allowance other than for evening meal:
  $10.50
- Meal Allowance for evening meal:
  $15.05
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $10.50
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $15.05

Up until 22 December 2009

- Meal Allowance other than for evening meal:
  $10.35
- Meal Allowance for evening meal:
  $14.85

- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $10.35
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $14.85

Up until 22 December 2008

- Meal Allowance other than for evening meal:
  $9.85
- Meal Allowance for evening meal:
  $14.15
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $9.85
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $14.15

Up until 22 December 2007

- Meal Allowance other than for evening meal:
  $9.70
- Meal Allowance for evening meal:
  $13.95
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $9.70
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $13.95

Up until 22 December 2006

- Meal Allowance other than for evening meal:
  $9.35
- Meal Allowance for evening meal:
  $13.45
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $9.35
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $13.45

Up until 22 December 2005

- Meal Allowance other than for evening meal:
  $9.10
- Meal Allowance for evening meal:
  $13.05

- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $8.90
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $13.05

Up until 22 December 2004

- Meal Allowance other than for evening meal:
  $8.90
- Meal Allowance for evening meal:
  $12.75
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $8.90
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $12.75

Up until 22 December 2003

- Meal Allowance other than for evening meal:
  $8.60
- Meal Allowance for evening meal:
  $12.30
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $8.60
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $12.35

Up until 22 December 2002

- Meal Allowance other than for evening meal:
  $8.30
- Meal Allowance for evening meal:
  $11.85
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $8.30
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $11.85

Up until 19 February 2002

- Meal Allowance other than for evening meal:
  $8.10
- Meal Allowance for evening meal:
  $11.60

- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $8.10
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $11.60

Up until 20 December 2000

- Meal Allowance other than for evening meal:
  $7.65
- Meal Allowance for evening meal:
  $11.05
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $7.65
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $11.05

Up until 21 July 2000

- Meal Allowance other than for evening meal:
  $7.40
- Meal Allowance for evening meal:
  $10.70
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $7.40
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $10.70

Up until 3 August 1999

- Meal Allowance other than for evening meal:
  $6.80
- Meal Allowance for evening meal:
  $9.80
- Meal Allowance (Saturday, Sunday or Public Holiday) other than an evening meal:
  $6.80
- Meal Allowance (Saturday, Sunday or Public Holiday) for evening meal:
  $9.80

APPENDIX 5-3-6

Historical On-Call Allowance

Allowances which applied up until the beginning of the first pay week commencing on or after the following:

This allowance is paid to all staff (except employees covered by the SA Medical Officers Award, the Government Stores Employees Interim Award and the Nurses (SA Public Sector) Award)

Up until 30 September 2020
On-Call Allowance for Rostered Night Work: $33.65
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $58.85

Up until 30 September 2019
On-Call Allowance for Rostered Night Work: $32.90
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $57.55

Up until 30 September 2018
On-Call Allowance for Rostered Night Work: $32.15
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $56.25

Up until 30 September 2017
On-Call Allowance for Rostered Night Work: $31.45
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $55.00

Up until 30 September 2016
On-Call Allowance for Rostered Night Work: $30.70
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $53.65

Up until 30 September 2015
On-Call Allowance for Rostered Night Work: $29.95
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $52.35

Up until 30 September 2014
On-Call Allowance for Rostered Night Work: $29.20
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $51.05

Up until 30 September 2013
On-Call Allowance for Rostered Night Work: $28.35
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $49.55

Up until 30 September 2012
On-Call Allowance for Rostered Night Work: $27.00
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $47.20

Up until 30 September 2011
On-Call Allowance for Rostered Night Work: $26.30
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $46.10

Up until 30 September 2010
On-Call Allowance for Rostered Night Work: $25.70
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $44.95

Up until 30 September 2009
On-Call Allowance for Rostered Night Work: $13.90
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $27.60

Up until 30 September 2008
On-Call Allowance for Rostered Night Work: $13.40
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $26.70

Up until 30 September 2007
On-Call Allowance for Rostered Night Work: $12.90
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $25.80

Up until 30 September 2006
On-Call Allowance for Rostered Night Work: $12.50
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $24.90

Up until 30 September 2005
On-Call Allowance for Rostered Night Work: $12.10
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $24.10

Up until 30 September 2004
On-Call Allowance for Rostered Night Work: $11.70
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $23.30

Up until 30 September 2003
On-Call Allowance for Rostered Night Work: $11.20
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $22.40

Up until 30 September 2002
On-Call Allowance for Rostered Night Work: $10.80
On-Call Allowance for a Full Sat/Sun/Public Holiday/ Programmed Day Off: $21.50

Up until 30 March 2000
On-Call Allowance for Rostered Night Work: $6.70
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $14.90

Up until 21 July 1999
On-Call Allowance for Rostered Night Work: $6.50
On-Call Allowance for a Full Sat/Sun/Public Holiday/Programmed Day Off: $14.50

PART 6 - HOURS OF WORK, OVERTIME

6-1 HOURS OF WORK / OVERTIME

6-1-1 HOURS OF DUTY

Reference should be made to the appropriate Award/Enterprise Agreement. The ordinary working hours of employees shall be an average of 37.5 hours per week or 38 hours per week (as determined) to be worked on each day (Mondays to Fridays inclusive) between the hours of 8.00 a.m. to 6.00 p.m. (This determination does not vary the ordinary working hours of existing employees)

6-1-2 MEAL BREAKS

A minimum meal break of 30 minutes per day shall be taken by all employees and such time shall not count as part of the employee's ordinary working hours. In any event no employee shall be required to work more than 5 hours without such a break.

6-1-3 OVERTIME

Reference should be made to the appropriate Award/Enterprise Agreement.

Payment for overtime shall only be made to employees who work in excess of the ordinary working hours determined in Part 6-1 Hours of Work/Overtime.

Payment for overtime shall not extend to any employee:

- paid an allowance in lieu of overtime;
- whose salary (or salary and allowances in the nature of salary) exceed the maximum salary of the ASO-5 classification as applying from time to time

Where an employee's salary exceeds the maximum salary of the ASO-4 classification as applying from time to time, the hourly overtime rate shall be calculated on the maximum salary of the ASO-4 classification.

Payment of overtime or giving of time off in lieu (TOIL) to employees whose salary exceeds the maximum salary for the classification of ASO5 is limited to instances where employees are regularly required, and there is an ongoing need, for such employees to work overtime. As such, overtime is not paid to employees whose salary exceeds the maximum salary for the classification of ASO5 for the performance of one off tasks.

The factors which should be taken into consideration in approving either the payment of overtime or giving of TOIL to such employees are:

- the nature and extent of the extra duty;
- whether the extra duty has been directed and certified; and

- whether the extra duty is regular and excessive (compared with that worked by staff generally at the same level) over a long period of time, ie on a continuing basis.

The rate at which the overtime is calculated will be in accordance with the following:

Where the employee's salary equals or exceeds the minimum salary of ASO6, yet is less than the minimum of ASO7, overtime is to be calculated at the rate of the minimum salary increment of ASO5.

Where the employee's salary equals or exceeds the minimum salary of ASO7, overtime is to be calculated at the rate of maximum salary increment of ASO5.

The salary levels prescribed under this topic are operative from the beginning of the first pay week to commence on or after 1 June, 1991.

Payment for overtime shall only be made if approved by the Chief Executive Officer (or delegate).

"Overtime" for the purposes of this section means:

(i) Time worked in excess of 7.5 or 7.6 hours per day, as the case maybe, however overtime shall not be paid unless the total time worked in any one day exceeds 8 hours.
(ii) All time worked on Saturdays, Sundays and Public Holidays, other than work performed on any such day which has been determined as constituting part of an employee's ordinary hours of duty.
(iii) No employee shall work continuously for any period in excess of 5 hours on any Saturday, Sunday or Public Holiday without an unpaid break of at least 30 minutes.

6-1-4 OVERTIME RATES

Reference should be made to the appropriate Award/Enterprise Agreement.

Employees who qualify for overtime payment shall be paid on the following basis for overtime worked:

a) On Monday to Friday inclusive - at the rate of time and a half for the first three hours and double time thereafter,

b) On a Saturday (other than a Saturday which is a public holiday) at a rate of time and a half for the first three hours and double time thereafter except that all time worked after noon shall be at the rate of double time with a minimum payment as for three hours work at the appropriate rate. For example:

An employee commences overtime on Saturday morning at 11:00 a.m. and completes duties at 12:00 noon. Overtime payment shall be 1 hour at the rate of time and a half and 2 hours at the rate of double time - a minimum payment as for three hours work.

c) On a Sunday - at the rate of double time for all time worked with a minimum payment as for three hours work at such rate.

d) On a public holiday at the rate of double time and a half for all time worked with a minimum payment as for three hours work at such rate.

e) An employee who works for more than two hours after normal finishing time on weekdays shall be allowed an unpaid break of at least 30 minutes. For the purposes of this topic, the 'normal finishing time' shall be regarded as the time an employee with the agreement of his/her supervisor normally finishes his/her work for the day. Under the flexitime system 'normal finishing time' shall be between the hours of 4:00 p.m. and 6:00 p.m. subject to satisfying the provisions of Overtime.

The hourly rate for overtime payment shall be ascertained by using the following formula:

Fortnightly salary/ordinary hours of duty per fortnight x 3/2

Provided that:

- for double time the multiplier shall be 2/1 instead of 3/2.
- for double time and a half the multiplier shall be 5/2 instead of 3/2

6-1-5 REST PERIOD AFTER OVERTIME

When overtime work is necessary it shall, whenever reasonably practicable, be so arranged that employees have at least eight consecutive hours off duty between the work of successive days.

An employee who works so much overtime between the termination of his/her ordinary work on one day and the commencement of his/her ordinary work on the next day that he/she has not at least eight consecutive hours off duty between those times shall, subject to this topic, be released after completion of such overtime until he/she has had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

If on the instructions of the employee's supervisor such an employee resumes or continues work without having had such eight consecutive hours off duty the employee will be paid at double time until released from duty for such period is entitled to be absent until they have had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

The provisions as set out above do not apply to employees engaged in Bushfire Fighting.

6-1-6 TIME OFF IN LIEU OF OVERTIME

(Other than public holidays)

Employees may with the agreement of the Chief Executive Officer (or delegate) take time off equal to the overtime worked in lieu of receiving overtime payment. In these circumstances the time off should be taken as soon as practicable after the overtime is worked.

The Chief Executive Officer (or delegate) may permit time off in lieu to accumulate up to five working days provided that it is taken out before the end of the financial year in which the overtime is worked.

6-1-7 RECALL TO DUTY

Except as provided in Hours of Work/Overtime an employee recalled to work overtime after leaving the place of employment shall be paid for a minimum of three hours work even if the work is completed within a shorter period.

The calculation of payment for recall is to occur from the time that the employee leaves his/her place of residence to the time that the employee returns to his/her place of residence.

An employee recalled to work within three hours of starting work on a previous recall shall not be entitled to any additional payment for the time worked within a period of three hours from the time of commencement of the previous recall.

The above recall provisions shall not apply where it is customary for an employee to return to work to perform specific work outside of ordinary working hours, or where the overtime is continuous with the completion or commencement of ordinary working hours.

6-1-8 PART-TIME EMPLOYEES

The provisions of Hours of Work/Overtime shall apply to part-time employees, however the requirement to work overtime must be made with the agreement of the part-time employee.

Time worked up to 7.5 or 7.6 hours whichever the case may be in one day is not to be regarded as overtime but as an extension of the contract hours for that day and should be paid at the normal rate of pay.

Overtime shall not be payable unless the total time worked on any day exceeds 8 hours. Part-time employees will be paid at the appropriate overtime rates in accordance with the provisions of Hours of Work/Overtime.

6-1-9 REIMBURSEMENT OF REASONABLE CHILD CARE COSTS

Reference should be made to the relevant Enterprise Agreement.

Where an employee performs work outside of their ordinary hours of work, the employee will be entitled to reimbursement of reasonable child care costs. These provisions do not apply to employees employed subject to a casual contract.

Reimbursement should not be made where the claim for work, which, while performed outside of an employee's usual pattern of ordinary hours of work, occurs on a systematic or regular basis. In assessing work patterns any work undertaken within an agreement for voluntary, flexible work arrangements must be included in the assessment of the work pattern.

Reimbursement is available to an employee agreeing to perform work outside of their usual pattern of ordinary hours with less than 24 hours notice, who as a result utilises paid childcare.

(a) The period of 24 hours notice is to be calculated from the time at which the extended work is to begin.
(b) Reimbursement is to be for reasonable costs incurred. Unless extenuating circumstances apply reasonable cost is determined to be the fee charged up to a maximum of $45 per child per extended work period, irrespective of the number of hours comprising the extended work period.
(c) In extenuating circumstances, the Chief Executive Officer (or delegate) may determine to pay an increased amount, up to the amount actually incurred by the employee. Extenuating circumstances may include remote area childcare charges or overnight care.

Substantiation

(a) Employees must provide the original tax invoice or receipt, and complete the form provided as Appendix 6-1 A.
(b) Childcare reimbursement could have implications for employees who have entered into salary sacrificing arrangements.

6-1-10 REIMBURSEMENT OF REASONABLE TRAVEL COSTS

Reference should be made to the relevant Enterprise Agreement.

Where an employee performs work outside of their ordinary hours of work, the employee will be entitled to reimbursement of reasonable travel costs. These provisions do not apply to employees employed subject to a casual contract.

Reimbursement should not be made where the claim for work, which, while performed outside of an employee's usual pattern of ordinary hours of work, occurs on a systematic or regular basis. In assessing work patterns any work undertaken within an agreement for voluntary, flexible work arrangements must be included in the assessment of the work pattern.

Reimbursement of reasonable travel costs is available where such costs have been incurred by an employee who:

(a) Is required to work outside of the employee's usual pattern of ordinary hours of work; and
(b) The commencement or completion of this work is outside the timetabled operating hours of public transport; and
(c) Public transport is the normal means of transport used by the employee to travel to/from work.

Travel costs to be reimbursed are for home to work or work to home only and travel must be by the most direct route.

Where it is not an option to issue a cab charge voucher or access to a Government vehicle is unavailable, reimbursement will be made for:

(a) Taxi travel, on the production of a tax invoice or

(b) Travel in a privately owned motor vehicle, calculated in accordance with Part 8-4.2 (motor cars, station sedans, utilities (petrol, diesel or LPG) on completion of Appendix 6-1 B.

This section should not detract from existing procedures for out of hours travel which takes into account work health and safety considerations.

6-1-11 PAYMENT OF SHIFT PENALTIES

Reference should be made to the appropriate Award/Enterprise Agreement.

Where an employee works a night shift which straddles a weekend, penalty rates should only be applied for the time actually worked on the weekend (i.e. apply the actual hours worked rule).

Where an employee works a night shift which straddles a public holiday, the public holiday shift will be regarded as being the shift on which more than half of the total rostered shift hours fall on the public holiday (i.e. apply the majority of hours worked rule).

APPENDIX 6-1 A: CHILD CARE REIMBURSEMENT FORM

Name of care giver: ……..…..

Name of employee: ……..

Number of children cared for: …….

Date: ……

Start time: ……..

Finish time: …….

Payment provided by employee: ……

Signed: ……..

APPENDIX 6-1 B: MOTOR VEHICLE REIMBURSEMENT FORM

Certificate by Claimant

I certify that:-

(i) the distance for which payment is claimed was actually and necessarily travelled whilst travelling to

or from work to work approved additional hours commencing or finishing outside normal public transport hours and;

(ii) Public transport is the normal means of travel to or from work and;
(iii) I travelled the distance of ……. kms in:

*a motor car, station wagon, utilities (petrol, diesel or LPG)
*a motor cycle/scooter

(* delete whichever is not applicable)

Claimant Date

_____
Endorsed: Appropriate Senior Employee

6-2 FLEXI-TIME PROVISIONS

Salaried Employees Only

6-2-1 INTRODUCTION AND GENERAL GUIDELINES

General

Flexitime provides a system of flexible working hours for employees, having regard to efficiency, and the continuation of service delivery by their work unit.

Flexitime is not an employee entitlement but rather a privilege which may be withdrawn.

As Flexitime only applies between 8.00 a.m. and 6.00 p.m. on weekdays (excluding public holidays) time can only be accumulated whilst working between those hours. Work necessarily undertaken outside of those hours may be regarded as either Overtime or Time Off in Lieu subject to prior approval by the relevant authorised officer. It must not be recorded as a Flexitime adjustment.

Management

The management of Flexitime is vital to its effectiveness within the workplace. The Section/Branch Supervisor has the first line responsibility for oversight of the Flexitime system. It is important that Supervisors have a thorough understanding of the requirements, and that these are applied uniformly. It is the responsibility of Management to ensure that adequate training is established for Supervisors.

A Chief Executive Officer (or delegate) also has a responsibility to ensure that Flexitime is managed effectively.

Explanation of terms used

Core time

This is the time between the latest permissible starting time and the earliest permissible finishing time. Core time will operate from 10.00a.m. - 4.00p.m., Monday to Friday of each week (excluding public holidays).

Bandwidth

This is the time between the earliest permissible starting time and the latest permissible finishing time (i.e. Flexitime plus core time). The earliest permissible starting time will be 8.00a.m., the latest permissible finishing time will be 6.00p.m.

Lunch period

An employee must take a minimum of half an hour lunch and may take up to 1 hour. However, with the Supervisor's prior approval, the employee may extend the break to 2 hours, and the lunch break may be taken at any time between 12 noon and 2.00 p.m., except where work requirements prevent this.

Accounting period

The normal accounting period is 4 weeks. Therefore, an employee who would normally work 37.5 hours per week, would be required to work 150 hours in the 4 week accounting period.

Carry over of debit and credit hours

It is permissible to carry over a credit or debit of hours worked into the next accounting period, to a maximum of 10 hours in each case. With the prior written approval of the authorised senior officer, and only arising from special or unusual work demands, an employee may be permitted to carry over a credit of hours worked in excess of 10 hours into the next accounting period. Such written approval must be attached to the time record. Accumulated hours must be cleared within 6 months from the date of approval, or they will be forfeited. In order to clear accumulated hours in credit beyond 10, it is permissible for an employee to be granted consecutive flexidays subject to written approval by the relevant authorised senior officer.

Under no circumstances can the debit carry over of hours be extended beyond 10 hours.

Maximum Time to be Worked - The maximum hours to be worked on any one day is 9.5, provided that no more than 5 hours are worked without a meal break of at least 0.5 hours. The maximum time to be worked in any one week is 42.5 hours. Any variations from this requirement must be approved by the authorised Senior Manager and accommodate the Work Health and Safety needs of employees.

Accessing flexitime with automatic recording equipment

Employees accessing flexitime in areas with automatic recording equipment, are required to use that equipment. Employees must insert a plastic pre-coded key (if applicable) into the appropriate time recorder allocated for their use when they are ready to commence work.

Where there is insufficient automatic time recording equipment, individual manual time records can be used, but only with the prior written approval of the relevant authorised senior manager. The Chief Executive Officer (or delegate) is requested to review all such existing arrangements and to confirm in writing their approval for continuance. If an employee performs the majority of their duties off the premises, or the automatic recording of hours is impractical, the Chief Executive Officer (or delegate) may approve the manual recording of hours.

The key must be removed on any occasion when an employee is taking a meal break or ceasing duty for any other reason, and the key re-inserted on return to duty. The total of hours worked will be that figure showing on the clock when the key is removed on ceasing work at the end of the day.

A separate manual time adjustment sheet is to be maintained by each employee to be used in conjunction with the machine.

Individual manual time records must clearly identify times worked and/or absences from the work site.

Authorised officers must examine and certify time adjustment sheets and individual time records at the end of each recording period.

Classification limit for application of flexi provisions

Where Flexitime provisions are adopted, it is normally expected that staff up to a classification level of ASO-8 or MAS-3 inclusive within the Administrative Services Officer salary structure, or equivalent salary level in other classifications, will operate under the Flexitime arrangements. However, existing staff classified at ASO-6, ASO-7, ASO-8 and MAS-1, MAS-2, and MAS-3 or equivalent salary levels may elect not to be on flexitime. Notification should be given to the appropriate senior manager.

Staff not on flexitime will work a minimum of 37.5 hours per week, Monday to Friday between 8.00 am and 6.00 pm. Some work will be necessary outside of these hours from time to time. Senior managers may grant time off in lieu to staff who work excessive hours.

Higher duty allowance

Subject to the usual provisions concerning Higher Duty Allowance, a higher duty allowance may be granted for the total period where the higher duties are performed as a consequence of another employee's absence on a full day's flexi leave taken in conjunction with other leave.

Medical and dental appointments

Urgent medical, dental etc. appointments taken during core time must have the Supervisor's approval. However, it is expected that all routine appointments will be made as far as practicable outside of core time, or during a lunch break. It is recognised that Specialist appointments may not always be available in Flexitime hours.

Irrespective of whether such appointments are taken during core time or Flexitime, the key (if applicable) must be removed for the period of absence and no credit is to be recorded.

Absence to attend a medical, dental etc. appointment is not to be debited as sick leave unless the relevant health practitioner certifies that the employee was unfit to work on that day.

Where special circumstances justify official leave with pay (e.g. blood donor attending a blood taking centre), the time absent (during core time) is to be added to the manual adjustment sheet. Where an employee attends a medical etc. appointment as a consequence of an injury which has been approved for worker's compensation, all working time absent (core time and/or Flexitime) is to be added to the manual adjustment sheet.

Red Cross blood donors

An employee called to the Red Cross Blood Bank as a donor, will be credited for the time absent from work. The Supervisor must be notified of visits prior to the employee leaving the Hospital/Health service.

Overtime and travelling time

Irrespective of an employee's starting time, overtime is paid only after 7.5 hours have been worked in any one day.

In a normal office environment, i.e. where regular office hours are regarded as being 8.45 a.m.–5.00 p.m., as a general principle it is expected that normal overtime provisions will apply for hours worked beyond the latest permissible Flexitime finishing time, subject to prior approval.

When overtime is worked, an employee has the right to choose payment at appropriate penalty rates for hours worked, or to take "time-off-in-lieu", in which case the equivalent number of hours actually worked is taken as time off at a period agreed with their supervisor.

Similarly, the provisions relating to "Travelling Time" on official duty, time-off-in-lieu will apply for such time falling outside the earliest permissible starting time, and the latest permissible finishing time. This time is not to be included in Flexitime adjustments.

The "normal finishing time" is regarded as being that time at which the requisite 7.5 hours of duty is completed. A break of at least 0.5 hours must be taken no later than two hours after such "finishing time".

A separate record should be maintained of overtime worked, and any hours paid at overtime rates are not to be counted with normal Flexitime hours.

It is not usual for flexidays (or half days) to be granted whilst an employee is working continuous periods of overtime, unless the flexiday is required for urgent private business. This is subject to the prior approval by the Chief Executive Officer (or delegate).

Study leave

Time off for such purposes is to be administered on the basis of normal working hours (viz. 8.45 a.m.–5.00 p.m.) in accordance with terms and conditions prescribed.

A manual time adjustment must be made by adding full approved time off with pay (including approved travelling time). Arrangements must be made to ensure that where time off without pay is approved, appropriate adjustments are made to the employee's salary.

Use of flexitime

If an employee is able to accumulate sufficient time by working in excess of the ordinary hours of duty of 37.5 per week they may, with the prior approval of their Supervisor, take either one full day (flexiday) or two half days off per four week period. In special circumstances, it will be possible for them to go into debit and take time off, providing all the other requirements are met.

Employees wishing to avail themselves of a half or full day flexi leave must seek prior approval. Such leave is conditional on suitable arrangements being made where necessary to cover the employee's absence by re-arranging work schedules, and maintaining satisfactory work operations and any required services to the public. Extra staff must not be employed to cover the employee's absence. If considered essential to the operation of the unit, Flexitime may be cancelled at short notice by the supervisor.

Excess debits and credits

If an employee is in debit to a greater amount than the maximum allowable, some adjustment to pay is necessary. Unless special circumstances exist, and prior approval of the relevant Chief Executive Officer (or delegate) is obtained in writing, where accumulated hours exceed the maximum credit allowable, they will forfeit some hours so that the amount carried into the next accounting period does not exceed the maximum (10 hours).

Leave - time adjustment

Adjustment to an employee's record of hours worked is required in the following instances of absence:

Recreation Leave	Add 7.5 hours to adjustment sheet - for each working day absent
Long Service Leave	Add 7.5 hours to adjustment sheet - for each working day absent
Leave Without Pay	Add 7.5 hours to adjustment sheet - for each working day absent

Special Leave With Pay	Add 7.5 hours to adjustment sheet - for each working day absent
Absence on Duty	Add the number worked each day to a maximum of 9.5 hours per day

Public holidays

When an employee does not work on a public holiday, add 7.5 hours to the manual adjustment sheet where that employee would normally be rostered for duty, had it not been a public holiday.

Sick leave

Adjustment to an employee's record of hours worked are required when sick leave is taken; for each full working day absent, add 7.5 hours to adjustment sheet.

If an employee only works for part of a day because of illness or injury, add number of hours necessary to bring up to 7.5 hours (employee must apply for the number of hours absent (to the nearest quarter of an hour) as sick leave).

In the event that an employee has expended all paid sick leave entitlements, there is to be no adjustment of credit hours. Unless the employee utilises annual leave entitlements, remaining hours not worked up to 7.5 hours for that day, are to be deducted from salary. An appropriate notation is to be made by the Supervisor advising the number of hours to be deducted from salary. A credit of hours deducted will be made to the employee's Flexitime record.

Shift work

Flexitime may be worked in any shift work situation for which the Chief Executive Officer (or delegate) has approved a specific scheme. Shift penalties will be calculated on actual shift time worked. Therefore, no penalty payment will be made in respect of time off during any shift.

Flexitime worked in excess of a normal shift length of 7.5 hours will be paid for at the appropriate shift penalty rate.

Part-time employment

It is the policy of the Department for Health and Wellbeing that employees working part-time hours may avail themselves of Flexitime arrangements. If a suitable agreement can be reached with the Supervisor, and the normal criteria for Flexitime is complied with, viz:

- suitable arrangements for an employee's absence is made;
- acceptable re-arrangement of work schedules;
- maintenance of a satisfactory service to the public.

Witnesses

Where employees are required to attend as witnesses on behalf of the State, they are to be regarded as on duty, i.e. the time absent is to be added to the adjustment sheet. Such employees must not accept witness fees. Fares and expenses are to be paid by the Department which initiated the request for the employee to attend.

Employees subpoenaed or called as witnesses (other than on behalf of the State) may utilise Flexitime provisions or apply for leave.

Discipline

The operation of Flexitime requires trust between the parties to ensure that it operates effectively and contributes to efficiency. Employees should be aware that breaches of that trust will be regarded seriously and may result in disciplinary action.

Termination of employment

On termination of employment (resignation, dismissal, etc.), payment is not made for any credit time remaining; it is expected that any credit time will be taken out on or before the last day of employment. Debit time remaining at time of cessation of duty will be deducted from salary due on termination of service.

Transfers

Transfers of debits and credits are not permitted when an employee moves between Incorporated Hospitals/SAAS.

6-3 38 HOUR WEEK-EMPLOYEES GUIDE

This section does not apply to employees working more than 8 hours per day. For employees working more than 8 hours per day, this section is currently under review.

6-3-1 INTRODUCTION

There are various methods of implementing a 38 hour working week, some examples being as follows:

a) employees working less than 8 ordinary hours each day, e.g. 7 hours, 36 minutes each day; or
b) employees working less than 8 ordinary hours one or more days each week, e.g. 8 hours on 4 days and 6 hours on the fifth day of the week; or
c) fixing one weekday on which all employees will be off during a particular work cycle, e.g. the workshop, depot or site shuts down for a day once each 4 weeks and 8 hours are worked on the other 19 weekdays of those 4 weeks; or
d) rostering employees off on various days of the week during a particular work cycle, e.g. as in (c) above, except that employees take various days off according to a roster so as to avoid a shut down.

6-3-2 19 DAY/4 WEEK CYCLE

The following conditions apply in respect of employees working a 19day/4 week cycle:

- the working day is 8 hours per day and the working week 40 hours, except for one week in each 4 week (20 day) cycle, when only 4 x 8 hour days are worked to enable the programmed day off to be taken.
- to avoid fluctuations in pay, each employee's pay must be averaged over the 4 week cycle. This will be achieved by each employee earning credits during the 19 work days in each cycle.
- although the employee works 8 hours per day, he/she must only be paid 7 hours, 36 minutes per day, at a 38 hour week rate of pay. The remaining 24 minutes (0.4 hours) per day must be credited and accumulated over the 4 week period. The accumulated credit (19 x 0.4 hours = 7.6 hours) provides for the programmed day off.
- the programmed day off must not coincide with a public holiday. Where a public holiday falls on a day that would otherwise have been an employee's programmed day off, then that employee must be given an alternative programmed day off on the working day immediately preceding or immediately following the public holiday, or as soon as practicable thereafter.

6-3-3 EMPLOYEES' QUESTIONS AND ANSWERS

How many programmed days off do I get each year?

You are entitled to a maximum of twelve days off per calendar year.

What is my payment for the programmed day off?

Your programmed day off payment is at the ordinary daily rate (i.e. 7.6 hours at the ordinary hourly rate of pay, i.e. 1/38th of the weekly rate) provided credits have been accrued during the work cycle.

If you have unpaid absence from work, then the credit payment on the programmed day off are reduced at the rate of 0.4 hours per day of unpaid absence. Leave without pay does not accrue credits.

As an example, if you work the full 19 days in any one cycle, you are paid as follows.

Ordinary Accumulated/Credit Total

Week	Hours Worked	Paid	Debit Hours	Paid Hours
Week 1	40	38	(5 x 0.4) + 2.0	38
Week 2	40	38	(10 x 0.4) + 4.0	38
Week 3	40	38	(15 x 0.4) + 6.0	38
Week 4	32	30.4	(19 x 0.4) + 7.6	38
Total	**152**	**144.4**	**7.6**	**152**
		(144.4+7.6=152)		

When do I get my programmed day off?

This may vary depending on the requirements of each location. You may either be on a roster with fellow employees so that there is always a work-force "on duty" or you, along with your work group, will have the same programmed day off.

What if I am required to work on my programmed day off?

If you have been given prior notice (such notice to be given as soon as practicable) that you will be required to work on your programmed day off, you are to be paid at the ordinary time rate for such day and be given a substitute day off.

When will this substitute day be?

Arrangements for the taking of a substitute day off in lieu of the programmed day should be agreed between yourself and the officer-in-charge and should be taken as soon as is practicable.

Only in special cases approved by the relevant delegate in accordance with local HR Delegations will employees be permitted to accumulate programmed days off.

What if I am called in from a rostered day off?

What happens if I am rostered on call and am recalled to work on my programmed day off?

If you are recalled to work overtime on your programmed day off you must be paid in accordance with the relevant recall provisions of your award and you are not entitled to substitute another day off in lieu of the programmed day off.

Can I change my programmed day off for my own personal reasons?

Where the whole section or branch has the same programmed day off (that is, a section or branch shut-down), the answer is **NO**. In rostering situations and depending on your personal circumstances, it might be possible to change your programmed day off, subject to convenience. If this need arises you should discuss it with your supervisor.

Are my days off affected by absence from work?

Is my entitlement to programmed days off affected by absence from work?

Even if you are absent for part or the whole of the 4 week work cycle, you are still expected to take your programmed day off within the 4 week period.

Your entitlement to full credit payment for the programmed day off is not affected by the following absences in the related 4 week work cycle:

- Paid Bereavement Leave
- Paid Public Holidays
- Paid Sick Leave
- Paid Jury Service
- Paid Workers Compensation
- Paid Australian Reserve Forces Training
- Paid State Emergency, CFS etc. Duty

On these days you are paid 7.6 hours per day, plus you earn 4/10 of an hour towards a programmed day off.

If you are absent on the working day before and/or the working day after your programmed day off, you shall not be entitled to payment for such working day(s) unless you produce a medical certificate or a statutory declaration.

It should be noted, that absence due to a compensable injury will be subject to the provisions of the Workers Rehabilitation and Compensation Act 1986, and that entitlement to programmed days off is covered in Chapter 20.3 of the Workers Compensation Claims Management manual.

What if I am sick on my programmed day off?

If you are absent due to personal illness on your programmed day off, such day shall stand as the programmed day off, and you shall not be permitted to substitute another day for the programmed day.

You shall not be entitled to sick pay in addition to payment for the programmed day off and the day shall not be debited as sick leave.

If you have been informed that you will be required to work on your programmed day off, and you are subsequently absent on that day due to personal illness the day shall be paid as the programmed day off and a substitute day shall not be granted.

Annual leave with no programmed days off, my position?

If I split my annual leave and neither period includes a programmed day off, what is my position?

The annual leave to which you are entitled in respect of any one year of service shall be taken in one period unless it is satisfied that good reason exists for allowing such leave to be taken otherwise (e.g. urgent personal reasons). Where you have been granted annual leave in two or more periods, such periods should be in multiples of a week.

The year is divided into thirteen 20 day cycles. All employees are entitled to 4 weeks annual leave per year (i.e. 4 weeks of 38 hours) and a maximum of 12 programmed days off. During annual leave you are not at work and so do not earn credits for a 13th programmed day off. Irrespective of when or how annual leave is taken, the maximum entitlement is 12 programmed days off per calendar year. Accordingly, you should apply for your annual leave so that it includes one day that would otherwise have been a programmed day off. Annual leave will not be extended by the day that would otherwise have been the programmed day off.

Programmed days off whilst on long service leave?

Am I entitled to programmed days off whilst on long service leave?

No, long service leave will be paid at the hourly rate based on 38 hours per week and no credits will accrue for the programmed day off.

What happens if I terminate my employment?

On termination you will receive your normal entitlements plus pay for any outstanding credits at the time of termination.

Transfer from one section to another?

What happens when I am transferred from one section to another section?

If you are transferred from one section to another section, your programmed day off will be re-arranged, if necessary, in accordance with the new section's programmed

day off roster, to ensure that you have twelve programmed days off over the twelve month period.

Programmed days off if I am at college?

As an apprentice, what will happen if my programmed day off coincides with technical college?

If you are required to attend Technical College on your programmed day off, you shall be permitted to substitute another day for the programmed day. The substitute day off may be taken on the day before or the day after your attendance at Technical College.

6-4 PDO-EMPLOYEES REQUIRED TO WORK ON PROGRAMMED DAY OFF

Employees required to work on PDO other than recall to duty

When an employee has been given prior notice (such notice to be given as soon as practicable) that he/she will be required to work on his/her PDO due to an emergency, the employee shall be paid at ordinary time for that day and a substitute day off shall be granted.

Attendance at Technical College on PDO

When an apprentice is required to attend Technical College on his/her PDO, a substitute day shall be granted, which may be taken on the day before or the day after his/her attendance at Technical College.

"In Block" Attendance at Technical College on PDO

When an apprentice is required to attend Technical College "In Block" (e.g. 6 weeks at one time), he/she shall accumulate time towards his/her PDO(s), and therefore be permitted to substitute another day(s) for the PDO(s). The substitute day(s) should be taken as soon as practicable after the apprentice returns to duty.

PART 7 - LEAVE OF ABSENCE AND PUBLIC HOLIDAYS

7-1 LEAVE AND ABSENCE FOR STAFF DEVELOPMENT

The objectives of staff development are to enhance the skills of individual employees so that they can perform at optimum levels, and to meet operational needs. The responsibility for staff development is shared between employees their managers and the Chief Executive Officer (or delegate). However, individual employees should show initiative in seeking developmental opportunities. Assistance and advice is available from line managers, personnel sections and local human resources team.

Staff development can be achieved through a formal course of study at a recognised institution, or developmental activities such as management and executive programmes, conferences and seminars, etc.

7-1-1 ASSISTANCE FOR FORMAL STUDY PROGRAMMES

Study assistance should be part of a planned approach to improve job performance, provide trained staff for specific workforce requirements, increase the stability of staff, as well as providing the opportunity to stimulate personal development. Study assistance is available to all employees, part-time, full-time and temporary staff.

Study programmes may include:

- attendance at courses run by tertiary institutions;
- vocational training courses;
- study tours;
- planned periods of research;
- field trips;
- short courses.

In assessing applications for study assistance, the following criteria should be assessed and seek a balance between them.

- the relevance of the proposed study to the Service wide needs.
- the operational requirements
- The table at Appendix 7-1 A may be a useful framework for helping agencies decide what level of assistance is appropriate.

Employees who should be given special consideration and assistance are those from designated groups - e.g. redeployees, disabled, people from non-English speaking backgrounds, Aborigines and women.

Employees who have been granted studies assistance and move to another Incorporated Hospital or SAAS must reapply for continued studies assistance. The leave may be granted on the same basis as that which applied in the previous unit, if their operating requirements allow.

Any employee who has an application for studies assistance refused should he counselled and advised of the reasons for the decision.

If, after counselling, an applicant is still dissatisfied, then a review of the decision may be sought by lodging a grievance appeal.

7-1-2 ASSISTANCE FOR PART-TIME STUDY

Paid leave of up to 5 hours per week is granted for study activities, lectures, tutorials, practicals. It can also include time to study for correspondence courses. Where a high priority need is identified and operational requirements permit, additional support may be provided at the discretion of their Chief Executive Officer (or delegate). Extended support may include additional paid leave per week or additional paid leave for compulsory full time segments of part time courses (e.g. block release).

Travel

In addition to the **MAXIMUM** 5 hours per week, necessary travelling time is allowed for.

Block releases

Paid leave of up to 20 days per year is given so that employees can attend compulsory full time segments of part-time courses. However, if more time off is required, it is left to the discretion of Chief Executive Officer (or delegate).

Similarly a Chief Executive Officer (or delegate) may choose to pay any expenses related to the block release such as fees, fares and travelling allowances up to the current rate, but they are **NOT** obliged to do so and may choose to pay nothing, partial or full costs depending on the benefits derived by the employee attending the course.

Exams

Paid leave may be granted plus necessary travelling time to attend sit for examinations, including time off for take home exams.

Repeat subjects

Paid leave should not be granted unless it is believed that extenuating circumstances existed which caused or largely contributed to the failure. Leave without pay and leave and on a make up basis may be granted by the Chief Executive Officer (or delegate).

Statistics

Whatever statistics considered useful should be kept and students' academic results at the end of each year should be requested by management.

7-1-3 HIGHER EDUCATION CONTRIBUTION SCHEME (HECS) REIMBURSEMENT

The Chief Executive Officer (or delegate) is authorised to reimburse 100% of the cost of tertiary study (i.e. compulsory tuition and examination fees) including payment of the HECS liability or fees charged in lieu and other fees charged by tertiary institutions, only when the study is:

- an essential condition of employment and is Hospital/Health Service initiated; or
- in an area of skill shortage, identified by the Commissioner for Public Sector Employment, where recruitment or retention is causing difficulties across the public sector.

The skill areas identified by the Commissioner for Public Sector Employment are:

- accounting, finance, economics .
- information technology
- property management/valuation
- public administration
- speech pathology
- post graduate studies in management

Proposals for reimbursement which relate to other significant areas of need are to be referred to the Commissioner for Public Sector Employment for consideration.

Chief Executive Officer (or delegate) is also authorised to reimburse some or all of the cost of tertiary study (i.e. compulsory tuition and examination fees) including payment of the HECS liability or fees charged in lieu and other fees charged by tertiary institutions, when the study is a cost effective approach to the management of excess or potentially excess employees by providing skills needed for successful redeployment.

Union fees are not to be reimbursed.

Payments are to commence for the 1990 academic year, be made annually and be subject to employees furnishing proof of successful completion of a year of study.

It should be noted that none of the DETAFE courses attract a HECS liability.

7-1-4 FEES REIMBURSEMENT IN OTHER CIRCUMSTANCES

Fees reimbursement in circumstances other than those outlined in Part 7-1-3 is limited to compulsory tuition and examination fees, and is payable subject to proof of passing being provided.

Union fees are not to be reimbursed.

General service fees levied by DETAFE are not to be reimbursed.

Employees who have withdrawn from a course due to Hospital/Health Service's operating requirements may have all fees refunded.

Compulsory tuition and examination fees incurred by employees undertaking apprenticeships, including compulsory fees for materials used as part of the apprenticeship training, are to be reimbursed. General service fees levied by DETAFE are not be reimbursed unless the employee has an entitlement under an award.

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7-1-5 FULL TIME STUDIES ASSISTANCE

Level of support

The level of support can vary (see options for support below) depending on;

- the perceived benefit the study will bring to both parties

In order for the Employing Authority/Delegate to gain benefit from the support provided, it should be considered to enter into an agreement with each employee. This agreement may take the form of either a work contract or financial agreement.

Options for support

Options for support include;

Employees are considered on duty and they receive full pay together with any relevant allowances (e.g. fees, books, travel and fares). This level of support would only be given where the study will provide substantial benefits to the Hospital/Health service.

- continuation of full salary only
- payment of partial salary, with or without any relevant allowances.
- leave without pay. with or without any relevant allowances.

The table at Appendix 7-1 A may be useful in determining the appropriate level of support.

Allowances

Payment of allowances for travelling and other associated expenses should follow the appropriate circulars.

Period of paid leave

Leave with pay may be granted for up to 12 months for the purpose of staff development. A Chief Executive Officer (or delegate) may therefore approve up to 12 months leave with pay for study purposes where completion of a course is of high priority to the Hospital/Health Service. Any period exceeding 12 months must be referred to Workforce Services, Corporate and System Support Services for determination.

It should be noted the granting of full time leave with pay will result in the loss of an employee who will still be counted on the staffing level. Any replacement will need to be accomplished within agreed funding and staffing levels.

Travel within Australia

Chief Executive Officer (or delegate) has authority to grant paid leave to staff undertaking study in Australia.

Travel overseas

Study involving overseas travel is subject to the requirements of the Overseas Travel Committee, and the Hospital/Health service is responsible for preparing submissions to the Committee for approval.

7-1-6 ATTENDANCE AT EXTERNAL DEVELOPMENTAL ACTIVITIES

Attendance at staff development programmes of various types and lengths can be authorised by and may include:

- management development programmes
- conferences
- seminars
- workshops
- general developmental courses
- trade union training

Varying levels of support can be provided. Where substantial benefits exist, employees should be considered on duty and all associated costs should be paid by the Hospital/Health service. Where moderate benefits exist, it may be considered that the employee is to be on duty but not pay any associated costs. Where little benefit exists leave without pay or recreation leave may be granted.

Please note that a special incidental allowances is payable to employees attending residential management programs.

APPENDIX 7-1 A: GUIDELINES FOR ASSESSING APPROPRIATE LEVELS OF SUPPORT

For example, if a study or staff development, course is likely to yield low benefit to the Hospital/Health service but high benefit for the individual, **leave without pay** is recommended. Conversely if the Hospital/health service is likely to gain a great deal from a person undertaking a course but the personal benefits are low, it is advised to grant **leave with pay**.

BENEFITS TO THE PUBLIC SERVICE	BENEFITS TO THE INDIVIDUAL	RECOMMENDED TYPE OF LEAVE
Low	Low	No Leave or Leave Without Pay
Low	Medium	Leave Without Pay
Medium	Low	Leave Without Pay
Low	High	Leave Without Pay
Medium	Medium	Leave Without Pay which counts for Long Service Leave and Retention Leave
Medium	High	Leave Without Pay which counts for Long Service Leave and Retention Leave
High	Low	Leave With Pay
High	Medium	Leave With Pay
High	High	Leave With Pay

7-2 PARENTAL LEAVE

(LEAVE WITHOUT PAY ALL STAFF)

Parental leave encompasses maternity leave and leave for child care/rearing, including leave required as a result of adoption of a child.

7-2-1 UNPAID PARENTAL LEAVE FOR CHILD CARE/REARING

These provisions should be read in conjunction with other industrial instruments.

Parental leave includes maternity leave, paternity leave and adoption leave.

Subject to the terms of this clause and following the receipt of an application, the employer shall grant leave without pay up to a maximum of the equivalent of 52 weeks to an employee for the purpose of care/rearing of a child who has not yet commenced school age. This leave without pay is inclusive of the entitlements relating to paid and unpaid parental leave contained within the appropriate industrial instrument (for example the total of paid and unpaid maternity/adoption/paternity/parental leave is not to exceed 104 calendar weeks in relation to the employee's child).

Such leave without pay, referred to as parental leave, is available to both female and male employees. Parental leave may be granted to more than one employee in respect of the same child, but not at the same time, and not so that the aggregate periods of leave granted to the employees in relation to the same child exceeds 52 weeks.

All employees are entitled to unpaid parental leave, regardless of how long they have been employed and whether they are employed on a permanent, temporary or casual basis. However, employees employed on a temporary contract are not entitled to leave without pay past the end of the term of the contract except where they hold the right to further ongoing appointment at the end of the contract. If such a right is held, and the leave without pay will extend past the end of the term of the contract, then the employee should seek leave without pay from the position in which they hold the contract appointment and the position in which they hold the right to further ongoing employment.

Casual employees are also entitled to "parental leave". However, rather than granting leave without pay, they will not be require to work for a period of time up to 52 weeks. Note that this period during which the casual is not required to work is not to be considered effective service for the purposes of determining long service leave entitlements. If the employee continues working as a casual after the period of "parental leave", the period of suspension is not considered as a break in service, regardless of whether or not it continued for more than three months.

Part time employees are entitled to the same amount of leave without pay as full time employees (i.e. the equivalent of 52 weeks).An employee exercising care

responsibilities for a young child not of school age is entitled to leave without pay to care for the child even if he/she is not the parent of the child. However, the employee must be able to demonstrate to the Chief Executive Officer's (or delegate's) satisfaction that such care responsibilities do exist.

Each period of leave without pay applied for by an employee must be for the equivalent of a minimum of one week, unless otherwise approved by the Chief Executive Officer (or delegate) in extenuating circumstances.

An employee may instead of or in conjunction with parental leave, take any recreation leave or long service leave to which they are entitled.

Paid sick leave or other paid absence is not available to an employee during their absence on parental leave.

Right to request

An employee entitled to parental leave may request the employer to allow the employee:

- to extend the period of simultaneous unpaid leave provided for under Part 7-2.4 paternity leave and Part 7-2.3 adoption leave provisions below:
- to extend the period of unpaid maternity leave by a further continuous period of leave not exceeding 12 months.
- to return to work from a period of parental leave on a part-time basis until the child reaches school age, to assist the employee in reconciling work and parental responsibilities.

7-2-2 MATERNITY LEAVE

Reference should be made to the appropriate Enterprise Agreement to identify the quantum of paid and unpaid maternity leave applicable to each classification. In any case the following guidelines for the granting of paid maternity leave are applicable to all classifications.

Part time employees will have the same entitlements as full time employees, but paid on a pro-rata basis according to the average number of contracted hours during the immediately preceding 12 months (disregarding any periods of leave).

An employee requesting maternity leave must provide a statement from a medical practitioner which shall indicate the date upon which the birth of the child is expected.

Paid maternity leave must be taken from the date the parental leave commences. Other employees are not able to take unpaid parental leave for the same child at the same time as an employee takes paid maternity leave or adoption leave for that child, apart from unpaid paternity leave of up to 1 week at the birth of the child.

An employee may commence parental leave at any time within 6 weeks immediately prior to the expected date of birth. Where an employee continues to work within the 6

week period immediately prior to the expected date of the birth or where the employee elects to return to work within 6 weeks after the birth of the child, a CEO (or delegate) may require the employee to provide a medical certificate stating that she is fit to work her normal duties.

Maternity leave cannot extend beyond the child's first birthday (unless a greater entitlement exists under a relevant Enterprise Agreement).

If a pregnancy results in a stillborn child, the employee is still entitled to paid maternity leave. In situations where there is a miscarriage, the employee is not eligible for paid maternity leave. However, the employee may be eligible for sick leave or other special leave with pay. In addition, Chief Executive Officers (or delegates) could consider allowing the employee to access recreation leave, long service leave or leave without pay in such circumstances.

Sick leave with pay must not be granted for a normal period of absence for confinement. However, any illness arising from the incidence of the pregnancy may be covered by sick leave to the extent available, subject to the usual provisions relating to the production of a medical certificate and where a medical certificate is obtained, that the medical certificate indicates that the illness has arisen from the pregnancy.

An employee who returns to work after the completion of maternity leave is entitled to the position which she held immediately prior to commencing that leave or in the case of an employee who was transferred to a safe job, to the position she held immediately prior to such transfer.

If that employee's position no longer exists but there are other positions available which the employee is qualified and is capable of performing, she is entitled to a position nearly as possible, comparable in status and pay of her former position.

Transfer to a safe job – maternity leave

If in the opinion of the medical practitioner, illness or risk arising out of the pregnancy or hazards connected with the work of the employee make it inadvisable for the employee to continue her present work, the employee must, where appropriate to do so, be transferred to a safe job until the commencement of maternity leave.

If the transfer to a safe job is impractical the employee is entitled, or the employer may require the employee, to take leave for such period as is certified by a medical practitioner.

Please also refer to Part 7-2.4 General provisions applicable to maternity, adoption and parental leave.

7-2-3 ADOPTION LEAVE

Reference should be made to the appropriate Enterprise Agreement to identify the quantum of paid and unpaid adoption leave applicable to each classification. In any

case, the following guidelines for the granting of paid adoption leave are applicable to all classifications except where specified.

Part time employees will have the same entitlements as full time employees, but paid on a pro-rata basis according to the average number of contracted hours during the immediately preceding 12 months (disregarding any periods of leave).

Paid adoption leave must be taken from the date parental leave commences.

Adoption leave cannot extend beyond the child's fifth birthday.

The employee must provide the Chief Executive Officer (or delegate) with a statement from Children Youth and Family Services as to the presumed date of placement of the child with the employee for adoption purposes;

or

a statement from Children Youth and Family Services confirming that the employee is to have custody of the child pending application for an adoption order;

OR

a copy of the application to the court pursuant to the Adoption of Children Act 1966 made by the employee for the adoption of the child.

If both parents of a child are employees (of the S.A. Government)

both employees are not to be granted leave at the same time apart from up to 3 weeks at the time of the placement of the child or except in the case of the adoption of a child resident overseas, in which case such concurrent leave shall be granted provided that the period of concurrent leave does not exceed six weeks.

The leave granted to both employees in aggregate shall not exceed 52 weeks. This leave is in addition to the entitlements relating to paid and unpaid adoption leave contained within the appropriate industrial instrument. A Chief Executive Officer (or delegate) before granting adoption leave to an employee may request the employee to provide a statutory declaration to the effect that no other employee is concurrently seeking adoption leave in respect of the same child.

Where one adoptive parent has proceeded on adoption leave and the other adoptive parent (hereafter called the second parent) wishes to share adoption leave in respect of the same child, the second parent shall notify the Employing Authority/Delegate in writing of the date the first parent intends to cease adoption leave and the name of the employer of the first parent. Such notice to the employer shall be given at least fourteen days prior to the date upon which the second employee intends to commence adoption leave.

Special adoption leave

An employee who has received approval to adopt a child who is overseas is entitled to such unpaid leave, as is reasonably required by the employee to obtain custody of the child.

Where an employee has been granted leave on the grounds of an overseas adoption and the employee applies for leave to undertake the care of that child, the maximum period (52 weeks) of leave to be granted for the care of the child is to be reduced by the portion of leave which was taken for the purpose of overseas adoption.

A Chief Executive Officer (or delegate) shall grant an employee leave without pay not exceeding five days in total to attend any interviews, work shops, court attendances or medical examinations as are necessary or required for the purpose of adopting a child provided that the employee shall give notice as is reasonable but adequate in the circumstances of the desire to take such leave.

This leave does not affect any entitlement to parental leave.

An employee and the employee's spouse may take this leave concurrently. Where paid leave is available to the employee, the employer may require the employee to take such leave instead of this special adoption leave.

In this sub-clause a "child" shall include a person under the age of 16 years.

Adoption leave, applied for but not commenced, shall be cancelled should the placement of the child not proceed.

Where the adoption of a child by an employee then on adoption leave does not proceed or continue, or if the court refuses to make an order for adoption, the employee shall given written notification to the Chief Executive Officer (or delegate) forthwith and the Chief Executive Officer (or delegate) shall nominate a time which is fair and reasonable from receipt of notification for the employee's resumption of work.

Both male and female employees are entitled to one or two periods of adoption leave, the total of which must not exceed 52 weeks. The two periods available should be broken up as follows:

- an unbroken period of up to 3 weeks at the time of the placement of the child
- a further unbroken period of 49 weeks in order to be the primary caregiver of the child.

7-2-4 PATERNITY LEAVE

Unpaid paternity leave is available to male employees when they produce a medical certificate to the employer. A male employee is entitled to one or two periods of paternity leave, the total of which must not exceed 52 weeks. The two periods available should be broken up as follows:

- an unbroken period of up to 1 week at the time of the birth of the child
- a further unbroken period of 51 weeks in order to be the primary caregiver of the child.

This leave is in addition to the entitlements relating to paid and unpaid parental leave contained within the appropriate industrial instrument (for example, the total of paternity and parental leave is not to exceed 104 calendar weeks in relation to the employee's child).

Paternity leave cannot extend beyond the child's first birthday.

7-2-5 GENERAL PROVISIONS APPLICABLE TO PARENTAL LEAVE (1) AND (2)

In determining eligibility for paid maternity and paid adoption leave in accordance with the applicable Enterprise Agreement, 12 months continuous service is to be calculated on the same basis as effective service for long service leave. It will include any service with organisations, which has been recognised as effective service under Part 7-11 Recognition of prior service.

Employees on leave without pay are eligible for paid maternity leave and paid adoption leave, even if they have been on leave without pay for more than 12 months, provided that they meet the 12 months continuous service criteria as outlined above.

Employees who have previously taken paid maternity leave or paid adoption leave are eligible to take another period of paid maternity leave on the birth (or adoption) of a further child, without accruing a further 12 months of effective service and without returning to work.

Employees employed on temporary contracts are not entitled to paid maternity or adoption leave past the end of the term of their contract.

Recreation leave or long service leave may be taken before paid maternity/adoption leave; between paid maternity/adoption leave and unpaid parental leave; and after unpaid parental leave. In addition, periods of unpaid parental leave may be broken by the periods of recreation leave, long service leave or work.

A period of paid maternity or paid adoption leave is to be treated as special leave with pay, subject to any requirements of the provisions of the appropriate Enterprise Agreement. Such leave is separate from and in addition to other entitlements to special leave with pay outlined in Part 7-7.

An employee who has applied for parental leave (inclusive of maternity/adoption leave) or an employee who has commenced such leave may apply to vary the approved period of leave provided that an amended application is submitted within a reasonable period of time prior to the requested change (normally 3 weeks is considered sufficient). An amended period must be agreed between the employee and the Chief Executive Officer (or delegate), however, an employee is entitled to take up to the maximum amount of maternity/adoption leave provided for under the relevant Enterprise Agreement, or parental leave under this part.

If an employee has advised the employer that they are pregnant, an employee's spouse is pregnant or an employee is adopting a child, an employer must inform the employee of their entitlements and their responsibility to provide various notices or certificates.

An employee may return to work at any time as agreed with the employer, provided that the time does not exceed 4 weeks from the recommencement date in the employee's original leave application.

Maternity and paternity leave cannot extend beyond the child's first birthday. Adoption leave cannot extend beyond the child's fifth birthday.

Communication during parental leave

Where an employee is on parental leave and a definite decision has been made to introduce significant change at the workplace, the employer 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 employee held before commencing parental leave and;

- provide an opportunity for the employee to discuss any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave.

The employee shall take reasonable steps to inform the employer about any significant matter that will affect the employee's decision regarding the duration of parental leave to be taken, whether the employee intends to return to work and whether the employee intends to request to return to work on a part time basis.

The employee shall also notify the employer of changes of address or other contact details, which might affect the employer's capacity to adhere to their responsibilities to inform the employee.

Return to work after parental leave

An employee must confirm the employee's intention to return to work, by notice in writing, to the employer giving at least four weeks before the end of the period of parental leave.

On returning to work after parental leave an employee is entitled to the position which the employee held immediately before commencing parental leave, or in the case of an employee who was transferred to a safe job, to the position which she held immediately before the transfer.

If the employee's previous position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, the employee is entitled to a position as nearly as comparable in status and pay to that of the employee's former position.

Termination of employment

An employee on parental leave may terminate their employment at any time during the period of leave by giving the required notice.

An employer must not terminate the employment of an employee on the grounds of her pregnancy or an employee's absence on parental leave. Otherwise the rights of an employer in relation to termination are not affected by this clause.

A replacement employee is an employee specifically engaged or temporarily promoted or transferred, as a result of an employee proceeding on parental leave.

Before an employer engages a replacement employee, the employer must inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

Variation or cancellation of parental leave

Without extending the entitlement to parental leave, parental leave may be lengthened once by the employee giving the employer 14 days written notice stating the period the employee requires the period to be lengthened.

Parental leave may be shortened, lengthened or cancelled by agreement between the employee and employer.

Parental leave is cancelled if the pregnancy terminates other than by the birth of a living child or the placement for a child adoption does not proceed. If these circumstances occur then the employer must allow the employee to return to work within 4 weeks of receipt of the notice of the termination of the pregnancy or the non-placement for adoption.

Part time work

An employee who is pregnant or is entitled to parental leave may, by agreement with the employer, reduce the employee's hours of work, subject to the following:

- where the employee is pregnant – to do so is necessary or desirable because of the pregnancy; or
- where the employee is entitled to parental leave – by reducing the employee's entitlement to parental leave for the period of such agreement.

7-3 RECREATION LEAVE

7-3-1 ENTITLEMENT TO LEAVE

Employees working Monday to Friday inclusive are credited with recreation leave in hours at a rate equivalent to 1 2/3 working days recreation leave for each completed month of service (equivalent to 20 working days per service year).

Part-time employees

Part-time employees are entitled to the same period of recreation leave (i.e. 4, 5, or 6 weeks) as full time employees, however the number of paid hours of recreation leave are to be calculated on a pro-rata basis according to the actual hours worked. The following examples illustrate the calculation for the payment of leave.

Example 1:

A full time employee accrues 12.5 hours of recreation leave for each completed service month.

A part-time employee is contracted to work 0.5 FTE or 37.5 hours per fortnight = 75 hours per month.

Therefore the recreation leave entitlement for that month is

12.5 x (75/150) = 6.25 hours

Therefore the employee is entitled to take 1 2/3 days leave for which they will be paid 6.25 hours.

Example 2:

A part-time employee is contracted to work 22.5 hours per week. During a service month, the employee works 3 additional shifts of 6 hours duration each.

Total number of hours worked in service month-

90 + (3 x 6) = 108

Recreation leave entitlement for that month

12.5 x (108/150) = 9 hours

Therefore the employee is entitled to take 1 2/3 days leave for which they will be paid 9 hours.

Employees rostered over 7 days per week

Additional leave is to be granted to employees who are rostered, on a rotating basis, to work over seven days including Sundays and public holidays.

The entitlement for these employees is 2 1/12 working days for each completed month of service (= 25 working days for service year).

7-3-2 GENERAL CONDITIONS

Recreation leave may only be granted to an employee on application made to the Chief Executive Officer (or delegate) in a form approved by the Chief Executive Officer (or delegate). The granting of such leave is subject to organisational convenience and the requirements of the position. Employees should not make travel or other arrangements without first obtaining authority for the leave.

An employee, including an employee in their first year of service, is entitled to take recreation leave which has accrued and been credited on the basis of completed months of service.

Recreation leave must be applied for and granted so that the employee's recreation leave entitlement for a service year is taken before the end of the following service year.

A 'service year' means the period 12 months from the commencement of the employee's service in the public sector or any of the succeeding periods of 12 months.

An employee is regarded as having taken recreation leave during a service year if the leave or any remaining balance is taken in a continuous period commencing before or at the end of that service year.

If an employee refuses or fails to apply for and take recreation leave as required, the Chief Executive Officer (or delegate) may direct the employee to take that leave by giving at least two weeks notice before the recreation leave is to be taken. If the employer determines the time for taking recreation leave, the leave must be granted.

Full-time employees may take recreation leave in single day periods not exceeding 10 days in any calendar year for the purpose of family carer's leave as set out in Part 7-9-7 of the Manual.

Recreation leave - Christmas/New Year period

Employees not required to work over the Christmas/New Year period shall be deemed to have been granted recreation leave for the non-public holiday working days in this period even if no credit is available on the basis of months worked. The Chief Executive Officer (or delegate) has no discretion in these circumstances. The recreation leave deemed to have been granted must be deducted from the employee's normal entitlement to leave for the service year in which the period occurs.

For employees whose service commenced in the first half of a financial year, leave for the Christmas/New Year period shall be deducted from the leave available in the next financial year and shall continue to be deducted in each case from the following financial year and not from the financial year in which that Christmas period occurs.

When applying for recreation leave at any other time employees must make allowance for recreation leave required over the Christmas/New Year period.

Employees who have applied for, and been granted long service leave, sick leave or special leave without pay for a period which includes the non-public holiday workings days over the Christmas/New Year period are not subject to this requirement..

Alternatively, the Chief Executive Officer (or delegate) may approve employees using time previously accrued under flexible working arrangements during this period instead of one or more days of recreation leave.

Conditions

- Recreation leave is to be calculated, and recorded in working hours and taken on the basis of whole working days
- Leave without pay taken during a service year may reduce an employee's leave entitlement.
- A public holiday occurring during a period of leave is not to be debited as recreation leave, irrespective of whether the public holiday would have been a rostered day on or a rostered day off.

Special conditions

A Chief Executive Officer (or delegate) may require or permit an employee to take recreation leave on a different basis than that provided for in this topic subject to the following directions.

Leave in advance

No recreation leave may be taken by an employee in advance of accrued leave, except where employees are not required to work over the Christmas/New Year period.

Deferment of leave

Recreation leave must be applied for and granted so that the employee's recreation leave entitlement for a service year is taken before the end of the following service year. In most circumstances the deferral of recreation leave should not occur. A Chief Executive Officer (or delegate) may approve an employee to accrue and carry forward any amount of recreation leave for a maximum of two years from the date of entitlement.

A Chief Executive officer (or delegate) may only approve the deferral of leave for a longer period of time in exceptional cases.

In approving deferment, the Chief Executive Officer (or delegate) should take particular care to ensure that deferred leave is taken as soon as possible, so that the value of terminal payments is not inordinately enhanced by deferred leave, especially on retirement.

Payment in advance

Before commencing recreation leave, an employee may be paid the salary which would otherwise have been paid to her/him on pay days occurring during the leave.

Conversion to sick leave/special leave

Converting recreation leave to sick leave or special leave with pay (e.g. on account of family bereavement) may be permitted (refer to Part 7-9 and Part 7-7)

Re-instatement of recreation leave

Where recreation leave has been granted to cover a period of absence as a result of injury or illness and leave without pay is subsequently granted, the number of days recreation leave previously approved is to be added to the employee's current recreation leave entitlement.

Recreation leave not to break long service leave

Recreation leave is not to be granted immediately after a period of long service leave and immediately prior to a further period of long service leave unless:

- it is required to cover an employee's continued absence after all current long service leave entitlements have been exhausted and pending a further entitlement becoming due; or
- The employee has been directed to take annual leave by the Chief Executive Officer (or delegate) in order for their recreation leave entitlement to be taken before the end of the following service year.

Public holidays/interstate

An employee whose permanent headquarters are in South Australia and who travels on duty interstate is to be granted one day off on return to South Australia if a public holiday occurs in South Australia during the period.

If a public holiday occurs in the other State during the period, the employee is to be regarded as on duty (full pay and travelling expenses to continue).

An employee whose permanent headquarters are interstate is to observe the public holidays occurring in the State in which located.

Recreation leave on termination of services

(a) Recreation leave which could have been granted as at the date of termination (based on completed years and months of service) shall be converted into the monetary value of the leave except where an employee remains in the employ of the State but in a different capacity (e g. Weekly paid employee). (It should be

noted however that it is the responsibility of the employee concerned to ensure that he/she is permitted to “carry over” any entitlement to recreation leave).

(b) An employee must repay the monetary value of leave granted in respect of which service has not been given (i.e. leave taken in anticipation) at the time he/she leaves the Service, unless:

- repayment is considered by the Chief Executive Officer (or delegate) to be inappropriate in the particular circumstances; or
- the leave was taken on the basis of mutual error (however so caused) by the parties as to the true accrued entitlement.

(c) The monetary value of leave or repayment shall be based on the employee's normal recreation leave entitlement for each completed month of service in respect of which he/she has or as not (as the case may be) been granted leave.

In the case of repayment, it is to be calculated at the same rate of pay which applied when the “excess" leave was taken.

(d) In calculating this entitlement special care should be taken where an employee’s service commenced during the period July to December. Such an employee may have been granted recreation leave in advance each year to cover the Christmas/New Year period.

(e) Where an employee who is entitled to recreation leave dies, entitlements shall be calculated on the basis that service ceased at close of business on the date of death and payment of the monetary equivalent of the leave is to be authorised to dependants (if any). If there are no dependants or difficulties arise in determining whether there are dependants, or who are the dependants, payment may be authorised to the employee's personal representatives - refer to Part 7-4 for more detailed information.

No adjustment shall be made if recreation leave has been taken in anticipation and the employee dies before the entitlement to leave accrues.

(f) If an employee elects to take long service leave immediately before they resign, and that long service leave extends the employee's service beyond the current service month, the period of long service leave in the following service month is not service for the purpose of accruing recreation leave.

(g) Subject to any direction by the disciplinary authority, any recreation leave due to an employee who is dismissed should be paid, unless the dismissal resulted from misappropriation of Government funds or wilful damage to Government property, in which case payment should only be made after restitution has occurred.

(h) A resignation should be effective as at the close of business on a working day, unless the Chief Executive Officer (or delegate) is satisfied that the circumstances warrant waiving this requirement.

Employees working flexible working arrangements

The following conditions apply for employees that have voluntary flexible working arrangement provisions in their Enterprise Agreements.

Employees purchasing leave

Employees taking additional purchased leave are considered to be taking leave without pay. Refer to Part 7-10 Leave without pay for salaried employees for details of the impact of leave without pay on recreation leave entitlements.

An employee cannot apply for recreation leave while they are using the purchased leave component. However, purchased leave may be taken in conjunction with other leave including recreation leave.

Employees working compressed weeks

The compressed week's option does not affect an employee's entitlement to a period of recreation leave.

There is no minimum period of recreation leave for an employee on a compressed weeks arrangement.

The number of hours the employee would normally have worked in their compressed weeks agreement on a particular day must be recorded as recreation leave if the employee is on recreation leave for that day. However if the nominated day of non-attendance of an employee falls during a period of recreation leave, then the hours of recreation leave are not recorded for that day although the day will count towards the employee's entitlement of a period of leave.

Employees working flexitime hours

During recreation leave, the hours that would normally have been worked must be recorded on the adjustment system as recreation leave.

Employees working from home

An employee's entitlement to recreation leave is unaffected by a working from home arrangement.

Recreation leave accrued prior to 1 July 2004

Where an employee commenced employment prior to 1 July 2004 recreation leave was accrued in service years but taken within the financial year the employee's service year expires. In effect, employees were credited with their recreation leave entitlement on 1 July each year. The entitlement credited on 1 July represented a proportion of leave that was accrued and a proportion of leave that was granted in advance, depending on the employee's service date.

Example:

Employee's service date 16 October
Granted 20 working days leave on 1 July 2001
The 20 days comprises of leave accrued from 16 October 2000 to 1 July 2001 and leave in advance from 2 July 2001 to 15 October 2001.
The employee has until 30 June 2002 to take the 20 days granted on 1 July 2001.

From 1 July 2004, recreation leave is accrued and taken in service years for all employees. Where an employee's service date fails between 1 July 2003 and 30 June 2004 is when they start accruing recreation leave month by month.

Using the employee's service date in the above example;

Employee granted 20 working days leave on 1 July 2003. As of 16 October 2003 the employee commences accruing recreation leave on a completed month basis. As at 16 November 2003 the employee has accrued 1 and 2/3 working days of leave and by 15 October 2004 the employee has accrued 20 working days leave.

Employees were not requested to take or formally seek approval to defer any recreation leave not taken by 30 June 2004.

7-3-3 RECREATION LEAVE FOR EMPLOYEES ON WEEKLY CONTRACT OF HIRE

The leave conditions set out hereunder apply to:

(a) All other employees on a weekly contract of hire.

(b) These provisions shall not apply to:

- Employees who are paid casual or hourly hire rates of pay.
- Employees covered under an award who are at present receiving conditions equal to or greater that the conditions set out herein.'

Period of annual leave

Employees on weekly contract of hire Rostered for Duty over Seven Days Per Week in Psychiatric Institutions

At the convenience of the Hospital/Health service, an employee may, be granted annual leave on the basis of 2 ½ working days of annual leave for each completed month of service (equivalent to six weeks leave per service year) excluding paid public holidays occurring during the period of leave.

Employees on weekly contract of hire who are Not Rostered Over Seven Days per Week in Psychiatric Institutions

At the convenience of the Hospital/Health service, an employee may be granted annual leave on the basis of 1 2/3 working days of annual leave for each completed month of service (equivalent to four weeks leave per service year) excluding paid public holidays occurring during the period of leave.

Employees on a Weekly Contract of Hire Not Employed in Psychiatric Institutions

At the convenience of the Hospital/Health service, an employee may be granted annual leave, exclusive of paid public holidays occurring during the period of leave, on the following basis:

(a) If employed other than a seven day week worker, at a rate of 1 2/3 working days for each completed month of service (equivalent to four weeks annual leave per service year).

(b) If employed as a seven day week worker (i.e. an employee who is rostered to work his/her ordinary hours over seven days of the week and who is rostered to work regularly on Sundays AND Public Holidays), at a rate of 2 1/12 working days for each completed month of service (equivalent to five weeks leave per service year).

This provision does not apply to employees who are regularly required to work overtime at weekends or to be on call at weekends. These employees would continue to be granted leave in accordance with (a) above.

General Conditions applicable to annual leave

(a) An employee who is employed part-time as a seven day week worker may be granted pro rata annual leave on the basis of five or six (as appropriate) weeks per annum with respect to completed months of service as a seven day week worker.

(b) Where an employee is employed for part of a service year as a seven day week worker for more than one period, then such periods shall be aggregated for the purpose of determining completed months of service as a seven day week worker. A period is defined as any time rostered as a seven day a week worker which includes a Sunday and/or a Public Holiday as part of the ordinary hours of duty.

(c) Annual leave is to be calculated and recorded in working hours and taken on the basis of whole working days. The annual leave to which an employee is entitled in respect of any one year of service shall be taken in one period unless the employer is satisfied that good reason exists for allowing such leave to be taken otherwise e.g. Christmas closedown, urgent personal reasons. In all cases, the Hospital/Health Service convenience should be of prime consideration and due regard should be had to the extensive time recording associated with the principles of the 38 hour week. Having regard to those principles, it is considered that where an employee has been granted

annual leave in two or more periods, such periods should be multiples of a week.

(d) Annual leave must be applied for and granted so that the employee's recreation leave entitlement for a service year is taken before the end of the following service year.

(e) A "service year" means the period 12 months from the commencement of the employee's service in the public sector or any of the succeeding periods of 12 months.

(h) An employee is regarded as having taken annual leave during a service year if the leave or any remaining balance is taken in a continuous period commencing before or at the end of the service year.

If an employee refuses or fails to apply for and take annual leave as required, the Chief Executive officer (or delegate) may direct the employee to take that leave.

Prior to the 5th of July, 1982 four weeks annual leave was equal to four weeks of 40 hours (i.e. 160 hours). From 5th July, 1982 an employee's entitlement to annual leave after 12 months continuous service is equivalent to 4 weeks of 38 ordinary hours (i.e. 152 hours) which they would otherwise work if they were not on annual leave. Thus, the monthly rate at which annual leave accrued prior to 5th July, 1982 was 13 1/3 hours (160 hours/12 months) and from 5th July, 1982 is 12 2/3 hours (152 hours/12 months).

This change in the rate at which annual leave accrues applies when calculating pro rata leave on termination and for the purpose of annual closedowns etc.

(i) An employee is entitled to a period of four or five weeks annual leave, as appropriate, and a maximum of twelve programmed days off. Consequently the period of annual leave must include one programmed day off and the period of annual leave must not be extended by that one day.

This means that an employee who takes four weeks annual leave in one period would be entitled during a twelve month period to twelve programmed days off if they were working under a system which provided for one programmed day off in each four week cycle.

If, due to extenuating circumstances an employee is granted leave in two or more separate periods, then those periods should be arranged so that throughout the twelve month period an employee is granted no more than twelve programmed days off.

Should circumstances arise such that the period or periods of annual leave include more than one programmed day off, (e.g. employee entitled to five weeks annual leave or employee who splits annual leave to cover unpaid sick leave), then the period(s) of leave shall be extended by each programmed day off in excess of one occurring therein.

Notice of annual leave

Whenever an employee is required to take annual leave by an employer, they shall be given at least four weeks notice of the leave.

Reinstatement of annual leave

Where annual leave has been granted to cover a period of absence as a result of injury or illness and leave without pay is subsequently granted for that same period, the number of days annual leave previously approved for that period is to be added to the employee's current annual leave entitlement.

Payment for annual leave

Each employee whilst on leave will be paid the ordinary rate of pay they would have received in respect of ordinary time they would have worked had they not been on leave during that period. For the purposes of this sub-clause the following payments, where applicable shall be included in determining the amount so payable for annual leave:

(i) Award rate of pay for appropriate classification.

(ii) Other payments to which an employee is entitled in accordance with his/ her contract of employment for ordinary hours of work (e.g. over-award and service payments) other than - special rates, travelling or board allowances, reimbursement of expenses, camp allowance, motor mileage and overtime.

(iii) Certain award allowances, e.g. leading hand, team leader, industry allowances, multi-storey allowance, first-aid allowance, and allowances for apprentice pattern-maker.

(iv) In addition to the payments prescribed by subclause (a) (i), (ii) and (iii) each employee shall be paid a loading on annual leave as follows:

(i) If employed other than as a shift worker or a seven day week worker (i.e. an employee entitled to four weeks annual leave)	Either a loading of 17 1/2 percent calculated on the total of subclauses (a)(i) & (ii) hereof, where applicable. Or the penalties he/ she would have received had he/ she worked and not been on leave during the relevant period, whichever is the greater.

(ii) If employed as a shift worker or a seven day week worker (i.e. an employee entitled to five or six weeks annual leave)	Either a loading of 20 percent calculated on the total of subclauses (a) (i) & (ii) hereof, where applicable. Or the weekend and shift penalties they would have received had they worked and not been on leave during the relevant period, whichever is the greater.

Note that no maximum amount of annual leave loading applies to employees on weekly contract of hire.

An employee who is employed for part of a year as a shift worker or a seven day week worker may be paid a loading of 17.5 percent plus the difference between the 17.5 percent and 20 percent loading calculated on a pro rata basis in respect to completed months worked as a shift worker or a seven day week worker.

An employee whose annual leave is deferred shall be paid a leave loading calculated on the rate payable at the time deferred leave is taken.

For the purposes of this subclause a shift worker shall mean an employee engaged in a method of working whereby operations are continued by the engagement of one group of employees upon work which another group had been engaged upon immediately paid prior to the work.

Postponement of annual leave

Employees are to be especially informed that they will be directed to take annual leave if it is not applied for and granted so that the annual leave entitlement for a service year is taken before the end of the following service year. A Chief Executive (or delegate) may approve the deferral of annual leave for a further year, provided that the employee has requested (or agreed to) such deferral and agreed to take the leave in the following year, and not more than one service years entitlement is deferred. In any case, deferral should only occur where necessitated by the urgent need or demand of the work on which the employee is engaged, and not merely at the request or convenience of employees.

Where an employee has had the previous year's annual leave postponed and they take two year's annual leave entitlement in the same year, it should be ensured that for the two 12 month periods the employee only has 12 programmed days off in each of those 12 month periods.

Example:

Year 1= 12 programmed days off
1 day annual leave taken
19 days postponed annual leave.

Year 2= 12 programmed days off
19 days annual leave (postponed from previous year)
=20 days annual leave (current entitlement).

Employees stationed in country areas

Each employee, before going on annual leave, may be paid the wage due to them for the period for which they are entitled to leave.

Where employees stationed in the remote areas listed hereunder travel to Adelaide for their normal period of recreation leave they may be granted leave for travelling to the extent specified.

Locality	**Additional Leave**
West of 137 degrees longitude (except localities mentioned below)	1 day
Kangaroo Island	1 day
Hawker	1 day
Lake Victoria	1 day
Locks 7,8, and 9	1 day
Oraparinna	1 day
Andamooka, Leigh Creek	2 days
Marree	2 days
Oodnadatta	2 days
Coober Pedy	2 days
Yalata	2 days
Indulkana	3 days
North West Aboriginal Reserve (Amata)	4 days
Ernabella	4 days
Fregon	4 days

Workers compensation

Section 40 of the Workers Rehabilitation and Compensation Act 1986 deals with weekly payments (of compensation) and leave entitlements.

This section states that “neither the liability to make weekly payments to a worker in respect of a period of incapacity nor the amount of such weekly payments is affected by a payment, allowance or benefit for annual leave or long service to which the worker is entitled in respect of that period (S40(1))”.

This means, in effect, that an employer cannot force a worker under this Act to take annual or long service leave whilst they have an entitlement to weekly payments and if

such action is taken, then the worker may be entitled to both weekly payments in addition to leave entitlements.

It is possible, however, for weekly payments to cease for the period of agreed leave if the worker signs and understands an appropriate consent to discontinuance of weekly payments in accordance with section 36(1)(a) of the Act. There are advantages for both the employer and the worker if leave can be taken during the course of a workers compensation claim. For instance, the employer can discharge the liability to pay certain leave entitlements and the worker can take the opportunity to have a break from the workers compensation system and the need to attend the workplace to participate in a rehabilitation and return to work plan.

Should a worker have received weekly payments in respect of total incapacity for work over a period of 52 weeks or more, annual leave for that period is deemed to have been 'satisfied' (i.e. taken), although there remains an obligation to pay the annual leave loading (S40(3)&(4)). It is not necessary for the 52 weeks to be consecutive. Care should be taken, therefore, when considering the granting of annual leave to a worker who is totally incapacitated for work in terms of the likelihood of that person continuing such incapacity beyond the 52 weeks.

Pro rata annual leave

On termination

In all cases of termination of employment, whether by resignation, invalidity or dismissal, an employee will be paid the monetary equivalent of pro rata leave at the rate of one twelfth of the annual period of leave for which the employee would be eligible for each completed calendar month of service in respect of which the employee has not been granted annual leave.

The calculation for pro rata annual leave purposes is:

152/12 = 12 and 2/3 hours for each completed month of service.

Other than termination

Subject to the convenience of the Hospital/Health Service, a weekly paid employee may be granted any pro rata leave which may have accrued based on completed months of service; however no recreation leave may be taken in advance of accrued leave except at Christmas time where employees are not required to work.

Payment

(1) Employees entitled to payment of pro rata leave (in accordance with the 'Other than termination' section in Part 7-3 of this manual) will be paid the amount of wages they would have received in respect of ordinary time they would have worked had they not been on leave during that period. The payments to be taken into consideration in determining the amount so payable are the same as those set out in the 'Payment for annual leave' section in Part 7-3 of this manual.

Pro Rata Leave Granted To Employees Continuing In Employment

(2) Where for any reason an employee is to be granted pro rata leave and is continuing in the employment of the employer and the number of hours leave available to them does not divide equally into working days, the employee is to be granted the number of full working days.

Effect of long service leave on pro rata leave

Where an employee is eligible for long service leave and the employee resigns or retires and elects to receive fortnightly payments for long service leave, the employee will be granted pro rata leave in respect of all service up to the completion of long service leave, provided that pro rata leave is not to be granted on account of service in a year of service in which an employee is not on active duty for any part of such year. If the employee elects to receive a cash payment in lieu of long service leave, then the notional period of long service leave does not count as service for further pro rata leave.

Recommencement of employment following pro rata leave

When an employee has been granted pro rata leave they will not be permitted to resume work where they have been granted the leave or any other Hospital or Health Service until the expiration of the leave.

Fractions of a month will not be taken into account in calculating any pro rata leave.

APPENDIX 7-3 A

(a) During any period of recreation leave a full time employee shall be paid a loading in accordance with the provisions of the Public Service (Recreation Leave Loading) Award and/or other relevant Awards. Employees involved in calculating or providing advice on leave loadings should obtain a copy of the Award.

In the case of part time employees no such employee shall receive a loading in excess of the same proportion of the maximum amount determined in the above Award that the hours of duty of the part time position bears to the hours of duty of a corresponding full time position.

For the purposes of the Award, salary shall include allowances prescribed in Part 7-8.

(b) The loading shall be applied as follows:

(i) if employed other than as a shift worker or as a seven day week worker and working not less than 37.5 or 40 hours per week.

As specified in the Award.

(ii) if employed other than as a shiftworker or as specified in the Award a seven day week worker and working less than 37.5 or 40 hours per week but working 15 or more per week for a continuous period of one month or longer where the ordinary hours of work are fixed and constant.

Provided that the amount of Recreation Leave Loading payable to a part-time employee shall be the same proportion of a full-time employee's recreation leave loading entitlement as the hours of duty of the part-time position bear to the hours of duty of a corresponding full-time position. as specified in the Award.

(iii) if employed as a shift worker or a seven day week worker (i.e. an employee who is working rotating shifts on seven days a week or who is rostered to work regularly on active duties on Saturdays. Sundays and public holidays) and not working less than 37.5 or 40 hours per week.

As specified in the Award.

(iv) if employed as a shift worker or a seven day week worker (as defined in (iii) and working for less than 37.5 or 40 hours per week but working 15 hours or more per week for a continuous period of one month or longer where the ordinary hours of work are fixed and constant.

As specified in the Award provided that the amount payable to a part-time employee shall bear the same proportion to a full-time employee's recreation leave loading entitlement as the hours of duty of the part-time position bear to the hours of duty of a corresponding full-time position.

(v) An employee who is employed for part of a year as a shift worker or a seven day week worker shall be paid a loading as prescribed by either subclauses (b)(iii) or (b)(iv) hereof whichever is appropriate, on a pro rata basis in respect of completed months worked as a shift worker or a seven day week worker and for the balance they shall be paid a loading as prescribed by either subclauses (b)(i) or (b)(ii) hereof whichever is appropriate.

(vi) Payment should be made in amounts proportionate to actual period of recreation leave taken (calculated to the nearest cent). (This procedure also applies to non-public holidays during the Christmas/New Year period where applicable).

An employee who is entitled to the maximum amount of leave loading, shall, in the event of taking recreation leave in periods of less than a normal entitlement, be paid an amount of leave loading which bears the same relationship to the maximum amount of leave loading payable as the period of leave taken bears to the employee's normal recreation leave entitlement.

On termination (for any reason) an employee must be paid leave loading for any leave entitlement for which the employee receives the monetary equivalent

(vii) An employee must repay the recreation leave loading granted in respect of that period of service which has not been performed by the employee at the time they leave the S.A. Government, unless repayment is considered by the Chief Executive Officer (or delegate) to be inappropriate in the particular circumstances.

(viii) For employees who remain in the S.A. Government and have been paid a leave loading and whose salary is subsequently increased with retrospective date of operation: that the appropriate adjustment be made where they qualify for additional payment.

For employees who have left the Service before the increase is determined: that such ex-employees are eligible for a retrospective adjustment. The Chief Executive Officer (or delegate) is required to take reasonable steps to acquaint ex-employees of their entitlement to claim an adjustment.

(ix) An employee whose recreation leave is deferred shall be paid a leave loading calculated on the salary payable at the time the deferred leave is taken.

(x) Employees requiring payment of leave loading prior to the commencement of recreation leave must submit their application for leave four weeks prior to the commencement of the leave.

Payment will then be made accordingly. It must be ensured that the loading is paid where practicable, prior to the taking of compulsory leave during the Christmas/New Year period.

7-4 LONG SERVICE LEAVE

7-4-1 ENTITLEMENT TO LEAVE

An employee who has completed at least 10 years effective service is entitled to the following long service leave:

- 90 calendar days for the first 10 years
- 9 days for each subsequent year of effective service*.

* Changes to Long Service Leave entitlements made by the *Statutes Amendment (Budget 2010) Act 2010* (*the Act*) took effect on 1 July 2011. This means that the rate of accrual of long service leave no longer increases to 15 calendar days after the first 15 years of effective service. Instead, long service leave continues to accrue at the rate of 9 calendar days for each completed year of service. The amendment does not affect long service leave entitlements accrued before 1 July 2011.

For employees who have completed at least 15 years of service before 1 July 2011, the calculation of the long service leave entitlement for the month of June 2011 will be calculated on a pro rata basis.

Pursuant to section 64(2) of *the Act,* the following provisions of the following enterprise agreements are declared to no longer apply from 1 July 2011:

a) Clause 26.1.3 of the SA Health Visiting Medical Specialists Enterprise Agreement 2009;
b) Clause 12 of the SA Ambulance Service Enterprise Agreement 2011.

A Chief Executive Officer (or delegate) may grant to an employee, who has completed 10 years effective service, long service leave at a time and for a period agreed between the employee and the Chief Executive Officer (or delegate).

A Chief Executive Officer (or delegate) may permit an employee who has completed 7 (but less than 10) years effective service to take pro-rata long service leave based on his/her completed years of service subject to organisational convenience. For the purpose of the pro-rata entitlement, the maximum period of leave an employee may apply for is to be based on 9 days for each completed year of effective service.

PUBLIC SECTOR SKILLS & EXPERIENCE RETENTION LEAVE ENTITLEMENT

The Statutes Amendment and Repeal (Budget 2012) Act 2012 established a public sector "skills and experience retention leave entitlement" ("retention leave") that came into effect on 1 July 2012 together with a transitional arrangement for 2011/2012.

The Retention Leave entitlement will apply to public sector employees who have completed 15 or more years of eligible service and who are employed under either the *Public Sector Act 2009* or the *Health Care Act 2008.* See the "Explanatory Sheet - Public Sector Skills and Experience Retention Entitlement" on the Shared Services SA website for details.

7-4-2 DEFINITION OF EFFECTIVE SERVICE FOR LONG SERVICE LEAVE PURPOSE

Effective service is defined as the period of the employee's continuous service together with any period required by this Manual to be counted as part of the employee's effective service but does not include any period required by this Manual to be excluded from the employee's effective service.

In relation to the above, periods to be counted as part of an employee's effective service means:

Aggregation of previous service

Aggregation of Previous Service is to be authorised by the Chief Executive Officer (or delegate).

This only applies where the employee has been re-employed after having prior employment in the Public Service or was terminated on health grounds or as a result of becoming an excess employee. Where the break in service exceeds two years the Chief Executive, must first be satisfied that the employee sought re-employment as soon as reasonably practicable in the circumstances.

Other prior service

For adjustment to leave rights based on prior service with a recognised employer – refer Part 7-11 Recognition of Prior Service for Leave Purposes. Aggregation of

separate periods of service as a 'casual' employee is subject to the requirement of service being 'continuous'.

Exclusions

Periods to be excluded from an employee's effective service means where an employee has been granted a period(s) of leave without pay (including the second half of a period of long service leave on half pay) which does not count as effective service

Whilst the period during which an employee is in receipt of weekly worker's compensation payments counts as effective service, any extension of that period of absence which is neither covered by weekly workers compensation payments nor paid leave does not count as effective service.

A period of suspension without pay is to be excluded from an employee's effective service unless specifically determined to be included by the Department for Health and Wellbeing.

7-4-3 GENERAL PROVISIONS

A request for long service leave may only be granted where an employee makes application for such leave.

Employees who have completed at least ten years effective service are expected to give a reasonable period of notice of their intention to take long service leave. In most cases one month should be sufficient. If a Chief Executive Officer (or delegate) is unable to agree to a request from an employee to take leave a mutually acceptable commencement date and period should be sought. In these circumstances it is expected that appropriate arrangements will be made to grant leave to the employee as soon as practicable. An application must not be deferred indefinitely.

Long service leave must not be granted concurrently with weekly worker's compensation payments.

Minimum period of long service leave

Long service leave arrangements now offer an opportunity for employees to utilise periods of recreation in the traditional way or to strategically use shorter periods to support more flexible working arrangements.

Long service leave may be applied for and taken in calendar days for periods of at least seven days or in working days for periods less than seven days.

Leave of at least seven calendar days

When applying for a period of long service leave of at least seven calendar days, the period of long service leave must commence on the first normal working day of absence and continue up to, but not including, the day on which the employee resumes duty, or commences other leave. Every day of a period of long service leave (whether it is a working day or not) is to be regarded as a day of long service leave.

Example: An employee applying for seven calendar days long service leave for the period Monday 7 January to Sunday 13 January, returning to work on Monday 14 January, will need to record Monday 7 January as the first day of absence and Sunday 13 January as the last day of absence on the leave application form.

Leave of less than seven calendar days

Where a request is made for long service leave to be taken for a period of less than seven calendar days, the appropriate conversion from calendar days to working days should be made, viz one standard working day is equal to 1.4 calendar days for long service purposes. Where an employee does not work a standard work day, the appropriate conversion from the calendar day equivalent should be made in hours.

When applying for a period of long service leave less than seven calendar days, each working day is treated as a single stand-alone day.

Example: Assuming a normal Monday to Friday working week – An employee applying for two days long service leave on Friday 11 January and Monday 14 January, returning to work on Tuesday 15 January, will need to record Friday 11 January as a long service leave day and Monday 14 January as a long service leave day on the leave application form.

Note: In the above example, if the two days are standard working days (of 7.5 hours per day) they are deducted as 1.4 calendar days each (total of 2.8 calendar days) as per the conversion detailed above. If the two days are non-standard working days, the appropriate conversion from the calendar day equivalent should be made in hours.

Extended long service leave

An employee may elect to take extended long service leave (also known as long service leave on half pay). In that event the period of leave is to be twice the period to which the employee is entitled.

Applications for extended long service leave must be for an even number of days.

During the first half of the extended leave the employee is legally on long service leave and considered to be paid at full pay. The second half of long service leave is to be recorded and treated as special leave without pay, both for the purposes of salary and determination of leave entitlements. For administrative purposes only, if requested by

an employee, the health unit will make arrangements to spread the payment of salary due in the first half of the leave over the whole period of the extended long service leave.

Other types of leave during long service leave

A period of long service leave must not be split or interrupted for any reason other than leave for bereavement or illness/injury as provided in Parts 7-7 and Part 7-9 or recreation leave in the circumstances set out in Part 7-3.

A period of long service leave must not be broken by periods of recreation leave unless it meets the criteria in Part 7-3.

However, if an employee requests to take every Friday off as long service leave for a period (e.g. 6 or 12 months) and then subsequently applies for a period of two weeks recreation leave, each single day (in this case, each Friday) constitutes a stand-alone period and is not considered to be broken by the period of recreation leave.

This request may be implemented by suspending the long service leave arrangement for that period (i.e. recreation leave is taken for the full two weeks); or alternatively, through debiting recreation leave for the Monday to Thursday period, and the Friday remaining as long service leave for each applicable week.

7-4-4 SALARY WHILST ON LEAVE

Allowances

An employee must, while on a period of leave, receive normal salary and if applicable, allowances as listed in Part 7-8-1 (i.e. salary and allowances which would have been paid if the employee was not absent) unless an employee's employment includes part-time service. Normal salary whilst on temporary re assignment to a higher level is defined in Part 5-1-4.

Part-time

Where part-time service is involved the salary and allowances must be paid on the following basis:

- A part-time employee has the same number of calendar days of long service leave as an employee with no part-time or casual service, based on the length of effective service. However the number of paid working hours available for payment is adjusted on a pro-rata basis.
- A part-time employee may nominate a number of working hours per week to be paid during the leave up to and including the number normally worked by a full time employee. Common alternatives include the average hours worked by the employee over their effective service or current working hours.

- Employees nominating this option should note that though they are entitled to the same number of calendar days as full time employees, they only have a specific number of working hours to be paid during that leave.
- Employees may take a number of short periods of leave or nominate a number of working hours that is above the average number or working hours during their effective service. However, at some time paid long service leave entitlements may be exhausted and any further long service leave for an employee will be unpaid until such time as the employee has completed another year of effective service.
- Alternatively, if they nominate a number of working hours less than the average hours worked during their effective service, then at some time their calendar days of long service leave may be exhausted before their entitlement to paid hours of leave. An employee in this situation will not be able to access these paid hours of leave until such time as the employee has completed another year of effective service or the employee resigns.
- An employee may instead nominate to pro-rata the number of calendar days of long service leave in accordance with the relationship between the hours worked and full time hours over the period of effective service.
- Payment for and taking of these calendar days is then on the same basis as if the employee was a full time employee during the period of leave.
- Either option is available to an employee on each occasion they apply for long service leave.

Casual

Where employment has been continuous on a weekly basis but with no fixed pattern of days or hours and therefore classified as 'casual' instead of part-time calculate an average of number of hours per week for the total period or individual averages for different periods of service as appropriate.

Periods of 'casual' service at an average number of hours per week may then be treated in the same way as periods of part-time service at a fixed number of hours per week.

Regression

Where an employee has been transferred to a position at a lower classification level for any reason, the salary payable during long service leave, or payment in lieu of leave on termination, related to service prior to the transfer must be a salary equivalent to the salary the employee would be receiving if the employee had remained at the higher classification level.

Payment in advance

An employee who is granted long service leave may be paid the total remuneration, which would be payable on paydays during that leave immediately, prior to the leave being taken.

7-4-5 PAYMENT IN LIEU OF LEAVE

Calculation criteria

Where an employee who has a long service leave entitlement or to whom pro-rata long service could have been granted dies or ceases to be employed for any reason payment must be made in lieu of leave.

The balance that is paid to the employee is the remaining accrual for each service year and each completed month of service since the last service year ended. Payment for the leave must be based on the salary and allowances that would have been payable if that leave had commenced on the working day immediately following the last day of service.

In the case of a part-time employee this means 'on the first working day for that employee that occurs after the last day of service' e.g. employee works Tuesday and Wednesday only, resigns with effect from 5:00 pm on Wednesday - the nominal leave would commence from the following Tuesday.

Note that no allowance is to be made for any increase that would have occurred during such nominal leave.

Salary increases operating retrospectively to a day before termination are payable to employees who have terminated.

Payment in lieu of leave is to include the casual loading for casual employees.

Where termination of employment has resulted from misappropriation of Government funds and/or wilful damage to Government property payment in lieu of leave must only be made after restitution has occurred.

Where an employee retires any long service leave entitlement not taken prior to the date of retirement must be paid in lieu (note that payment in lieu of leave does not extend service).

Payment in lieu of long service leave must not be made to an employee until the date on which his/her termination of service (whether by resignation or retirement) becomes effective.

Example

An employee works 75 hours per fortnight. Hourly rate of pay is $20.50453.

The employee's last day of service is Friday 16th July 2004. The employee has a remaining long service leave balance of 48 calendar days and 212.55 hours. On or after 16 July 2004 the employee would be paid 212.55 x $20.50453 = $4358.23 as payment in lieu of long service leave.

Death of an employee

On the death of an employee payment must be authorised on the following basis:

To surviving dependants (if any)

Dependant means members of the employee's family who were wholly or in part dependant on the earnings of the deceased employee at the time of his/her death. Family members include wife or husband, children, and step children. Payments to other dependants which include parents, step parents, grandparents, grandchildren, brothers, sisters, half-brothers and half-sisters can be made on written consent of the legal personal representative of the deceased employee.

The family should be requested to supply relevant details and where appropriate indicate their dependency on the deceased employee. Refer Appendix 7-4 Deceased Employee Form for details which should be taken in consideration.

Where all dependants request payment to one named dependant, payment to that person may be authorised. If the spouse and young children are dependent, payment may be authorised to the spouse on the assumption that he/she will continue to accept responsibility for the care of the children.

Where the only dependants are children under the age of 18, payment is to be made to the Public Trustee upon trust for the children during their minority.

To personal representative

Where a deceased employee had no dependants or where some uncertainty exists regarding who the dependants are and/or whether they are dependants or not, payment to personal representatives may be made subject to production of a Grant of Probate or Letters of Administration.

7-4-6 REINSTATEMENT OF LONG SERVICE LEAVE CREDITS

Where long service leave has been granted to cover a period of absence as a result of injury or illness and leave without pay is subsequently granted for that same period the number of days long service leave previously approved for that period must be added to the employee's current long service leave entitlement.

7-4-7 OUTSIDE EMPLOYMENT

Employees taking long service leave should be reminded that undertaking other employment whilst on long service leave could make them liable to disciplinary action.

7-4-8 PROGRAMMED DAY OFF

Long service leave must not commence or expire on a programmed day off.

When a period of long service leave includes a day that would otherwise have been a programmed day off the day must be debited as long service leave. The period of long service leave must not be extended by a day nor must another day be substituted for the programmed day off.

An employee must be paid their average weekly pay in each four weekly work cycle involving long service leave irrespective of whether the employee has accrued insufficient or more than sufficient time towards a programmed day off.

7-4-9 EARLY RESUMPTION OF DUTY

Where a period of long service leave is approved but for some reason the employee resumes duty (with the permission of the Chief Executive Officer (or delegate)) before expiration of the period approved an appropriate notation should be made on the employee's leave record.

The unused balance of long service leave approved may be taken at a time mutually agreed between the employee and the Chief Executive Officer (or delegate) without further formal approval being required.

7-4-10 CALCULATION OF LONG SERVICE LEAVE ENTITLEMENTS AND PAYMENT FOR EMPLOYEES WITH PART-TIME SERVICE

Note: Effective from 1 July 2011, the rate of accrual will remain at 9 calendar days for each completed year of effective service (refer: *Statutes Amendment (Budget 2010) Act 2010*).

All the following examples relate to an employee with an effective service date of 12/3/81 and who wishes to take long service leave commencing 23/2/01 (period of seven days from Monday to Sunday).

The employee has completed more than ten years of effective service (19 years on 11/3/00). The employee has also completed an additional 11 months of service between 12/3/00 and 11/2/01, but this does not count towards long service leave unless the employee terminates their employment and receives a payment in lieu.

1. Method 1

The employee has the same number of calendar days of long service leave as a full time employee (refer to calculation in example above), that is 195 calendar days.

The number of working hours available to be paid for long service leave accrued for each period of service at a different proportion of time worked is calculated by summing the result of the following formulae for each separate period of service.

$$\frac{\text{No. of months at proportion}}{\text{Total months at same accrual rate}} \times \frac{\text{No of days accrued over period}}{\textbf{Calendar Days in a week}} = \text{No. of hours worked per week}$$

Which is the sum of:

12/3/81 to 21/5/90 (9 years and 2.3 months @ full time 37.5 hours a week)

$$\frac{110.3}{180} \times \frac{135}{7} \times 37.5 = 443.17$$

22/5/90 to 12/3/96 (5 years and 9.7 months @ part time 22.5 hours a week)

$$\frac{69.7}{180} \times \frac{135}{7} \times 22.5 = 168.03$$

12/3/96 to 5/10/97 (1 year and 6.8 months @ part time 22.5 hours a week)

$$\frac{18.8}{48} \times \frac{60}{7} \times 22.5 = 75.54$$

6/10/97 to 11/3/00 (2 years and 5.2 months @ part time 30.0 hours a week)

$$\frac{29.2}{48} \times \frac{60}{7} \times 30.0 = 156.43$$

Total available paid working hours

= 443.17 + 168.03 + 75.54 + 156.43

= 843.17 hours

This employee has an entitlement of 843.17 hours to be taken over 195 calendar days.

When an employee takes long service leave for a specified number of calendar days under Method 1:

- the number of calendar days of leave available is reduced by the number of calendar days taken; and
- the number of working hours of paid leave available is reduced by the number of hours paid to the employee during the period of leave based on the number of working hours per week specified by the employee.

If the number of available paid working hours is exhausted before end of the leave then the remaining leave shall be recorded as long service leave, but this leave will be unpaid.

Method 2

The number of calendar days of long service leave on a full time basis is calculated by summing the number of calendar days accrued for period of service at a different proportion of time worked and/or different accrual rate using the following formulae for each separate period of service.

$$\text{No. of months at proportion and accrual rate} \times \frac{\text{No. of days accrued each year}}{\textbf{\textit{12 (i.e. No. of months in a year)}}} \times \frac{\text{No. of hours worked per week}}{\text{No. of hours worked per week by full time employee}}$$

Which is the sum of:

12/3/81 to 21/5/90 (9 years and 2.3 months @ full time 37.5 hours a week)

$$= 110.3 \times \frac{9}{12} \times \frac{37.5}{37.5}$$

= 82.73 calendar days

22/5/90 to 12/3/96 (5 years and 9.7 months @ part time 22.5 hours a week)

$$= 69.7 \times \frac{9}{12} \times \frac{22.5}{37.5}$$

= 31.37 calendar days

12/3/96 to 5/10/97 (1 year and 6.8 months @ part time 22.5 hours a week)

$$= 18.8 \times \frac{15}{12} \times \frac{22.5}{37.5}$$

=14.1 calendar days

6/10/97 to 11/3/00 (2 years and 5.2 months @ part time 30.0 hours a week)

$$= 29.2 \times \frac{15}{12} \times \frac{30.0}{37.5}$$

= 29.2 calendar days

Total calendar days available as per full time employee for service up to 11/3/00
= 82.73 + 31.37 + 14.1 + 29.2 = 157.4 calendar days.

When taking leave the employee will be paid as per a full time employee for each day of the leave, which would be paid for a full time person taking leave over the same period.

Conversion from One Method to Another

An employee with part time service may elect either Method 1 or Method 2 each time long service leave is taken. Where leave has previously been taken under one method and the employee now elects to take further leave under the other method, the following conversions should be used.

Conversion - Method 1 to Method 2

When some leave has been taken under Method 1 and an employee with a credit on the basis of Method 1 (i.e. a number of calendar days and a number of paid working hours) wishes to take leave on the basis of Method 2 the following conversion calculation must be used.

Number of calendar days of long service leave available on a full time basis =

$$\frac{\text{No. of paid working hours credit}}{\text{7.5 (Normal hours worked by full-time employee in a day)}} \quad \frac{\text{7 (No. of calendar days in a week)}}{\text{5 (No. of working days in a week for full time employee)}}$$

Conversion - Method 2 to Method 1

When some leave has been taken under Method 2 and an employee with a credit on the basis of Method 2 (i.e. a number of calendar days on a full time basis) wishes to take leave on the basis of Method 1 the following conversion calculation must be used.

Number of calendar days of long service leave available =

No. of calendar days credit which would be available under Method 1 if no leave had been taken - Calendar days of long service leave taken under either Method 2 or Method 1

Number of paid working hours of long service leave available =

$$\text{Credit in calendar days under Method 2} \times \text{7.5 (Normal hours worked by full time employee in a day)} \times \frac{\text{5 (No. of working days in a week for full time employee}}{\text{7 (No. of calendar days in a week)}}$$

7-4-11 EMPLOYEES WORKING FLEXIBLE WORKING ARRANGEMENTS

The following conditions apply for employees that have voluntary flexible working arrangement provisions in their Enterprise Agreements.

Employees purchasing leave

Employees taking the additional purchased leave are considered to be taking leave without pay. Refer to Part 7-10 Leave without pay for salaried employees for provisions regarding the impact of leave without pay on long service leave entitlements.

Purchased leave may be taken in conjunction with other leave (including long service leave). However, purchased leave is not to be granted immediately after a period of long service leave and immediately prior to a further period of long service leave.

Employees working compressed weeks

A period of long service leave of at least seven calendar days must commence on the first normal working day of absence and continue up to, but not including, the day on which the employee resumes duty, or commences other leave.

Every day of a period of long service leave (whether it is a working day, a nominated day off, or other day, which is not a working day) is to be regarded as a day of long service leave.

If an employee working on a compressed weeks arrangement applies for a single day of long service leave where they would usually work a standard day, their single day's leave should be debited as 1.4 calendar days. If the single day of leave is taken on a non-standard working day, the appropriate conversion from the calendar day equivalent should be made in hours.

Example: An employee working on a compressed weeks arrangement applying for a single day's long service leave on a non-standard working day of 9 hours will have 1.4 calendar days x 9 hours/7.5hours = 1.68 calendar days debited.

APPENDIX 7-4 A: DECEASED EMPLOYEE FORM

IN THE MATTER OF .....DECEASED

AND AN APPLICATION FOR PAYMENT OF MONEY DUE ON ACCOUNT OF AN ENTITLEMENT TO LONG SERVICE LEAVE AND/OR RECREATION LEAVE.

I,…….. of……
declare that:-

(1) ……late of…….
who died on the……..day of……
was at the time of his/her decease an employee who had an entitlement to long service leave and/or recreation leave pursuant to the Health Care Act 2008.

(2) To the best of my knowledge, information and belief the undermentioned persons are the only members of the family of the deceased employee,
·viz.,.....

.....

.....

(3) To the best of my knowledge, information and belief the following are the members of the family who were wholly or in part dependent upon the earnings of the deceased employee at the time of his/her death:
.....

.....

.....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1936-1969.

Declared at.....
the day of
before me ..... (J.P.)

IN THE MATTER OF……
DECEASED AND AN APPLICATION
1 We
.....
.....
are the only family members of .....
deceased, late of .....

2(a) The said.....
.....
....
were at the time of the death of the employee wholly dependent upon his/her earnings.

2(b) The said .....
.....
were at that time in part so dependent.

3 We, the said members of the family hereby request that all moneys payable to the dependents of the deceased employee on account of an entitlement to long service leave and/or recreation leave by virtue of the said Act, be paid to
.....
.....
in the following proportions, viz:-.....
.....
.....
for his/her/their respective use and benefit absolutely.

dated this.....day of .....

7-5 PUBLIC HOLIDAYS

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

Unless otherwise specified, 'public holiday' means one of the following:

- New Year's Day
- Australia Day
- Adelaide Cup Day
- Good Friday
- The day after Good Friday (known as Easter Saturday)
- Easter Monday
- ANZAC Day
- Queen's Birthday
- Labour Day
- Christmas Day
- Proclamation Day

Any other day substituted for any of the above holidays by State Act of Parliament or State Proclamation.

Employees who work on a public holiday

Where an employee works on any of the above-named public holidays for the whole of their usual daily working hours they shall:

(i) In the case of an employee who is required to work on active duty for seven days a week, be paid at the rate of time and a half and allowed equivalent time off in lieu, to be taken in conjunction with annual leave, provided that such an employee shall not be allowed to accumulate more than seven days in lieu in any one financial year. For all public holidays worked in excess of seven, such employee shall be paid at the rate of double time and a half.

(ii) In the case of any other employee be paid at the rate of double time and a half, or where any employee requests, and the Chief Executive Officer (or delegate) agrees, be granted a day in lieu at the convenience of the Hospital/Health Service and payment at the rate of time and a half instead of at the rate of double time and a half.

An employee who is required to work outside of their daily working hours on a public holiday shall:

(a) be paid at the rate of double time and a half; or

(b) where the employee so requests and the Chief Executive Officer (or delegate) agrees be granted time off in lieu equal to the overtime worked and receive payment at the rate of time and a half.

Employees, other than seven day week employees, may accumulate time off in lieu whether granted in accordance with this topic or Time off in lieu of Overtime or a combination of both topics, up to a maximum of five working days.

Sick Leave and Public Holiday Work

Where an employee is rostered to work a shift on a public holiday for the whole of their usual daily working hours, and takes sick leave for all or part of that shift, they shall receive public holiday penalty rates (or payment and additional time off in lieu as per (ii) above) in respect of the time actually worked. The remainder of the shift shall be taken as sick leave which is paid at ordinary time rates (in accordance with Part 7-8.1 Absence on leave.).

Employees rostered over seven days rostered off on a public holiday

Where one of the above named public holidays falls between Monday to Friday inclusive, an employee who is rostered over seven days, who does not work on any such day because it is their rostered day off will receive an extra day's pay.

An employee who has qualified for an additional day's pay is to be paid for the time that they would have usually worked on that day of the week on which the public holiday falls.

Employees not rostered over seven days not required to work on a public holiday

A full time employee who is rostered over five days and does not work on one of the above named public holidays that falls between Monday to Friday will continue to receive their usual earnings, that is they shall be paid for the public holiday. A part time employee who is rostered over five days who would normally work on the day of the week and does not work on a public holiday that falls Monday to Friday will continue to receive their usual earnings, that is they shall be paid for the public holiday.

With regard to the payment for public holidays, it is the intention that an employee should neither gain nor lose in salary or wages for the week in which a public holiday occurs.

An employee who has qualified for payment for a public holiday and does not work on such day is to be paid for the time that they would have usually worked on that day of the week on which the public holiday falls.

Where an employee is absent from employment on the day before or the day after the public holiday without reasonable cause or prior approval, the employee shall not be entitled to payment for the public holiday.

Employees who work a night shift which straddles a public holiday

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

Shift workers who work a night shift which commences on the next following day, the public holiday shift will be regarded as being the shift on which more than half of the total rostered shift hours fall on the public holiday.

For example, if a rostered shift of eight hours commences at 10.00pm on a public holiday, that shift is not to be regarded as a public holiday shift.

If a rostered shift commences at 10pm on the day before a public holiday and finished at 6.00am on the public holiday, such shifts will be regarded as a public holiday shift.

Please note that this provision does not apply to medical officers.

Employee travelling on duty interstate on a public holiday

An employee whose permanent headquarters are in South Australia and who travels on duty interstate is to be granted one day off on return to South Australia if a public holiday occurs in South Australia during this period. If a public holiday occurs in the other state during the period, the employee is to be regarded as on duty (full pay and travelling expenses to continue). An employee whose permanent headquarters are interstate is to observe the public holidays occurring in the state in which he/she is located.

Public holidays occurring during period of leave

With regards to the payment of public holidays during periods of leave, reference should be made to the appropriate leave part of this manual.

Employees working a compressed week

The number of hours normally worked on the particular day is recorded for a public holiday. If a public holiday falls on a nominated day off, no hours are recorded for that day. Except seven-day week workers employed pursuant to the SAPSSEI Award.

Days in lieu of Public Holidays for Weekly Paid Employees Rostered over 7 Days per Week in (former) Psychiatric Institutions

(a) An employee rostered off duty is to be paid an additional day's pay for each of the following public holidays: Adelaide Cup, Good Friday, Queen's Birthday, Labour Day, Christmas Day

The additional day's pay is not applicable where;

- The normal roster is altered on one of the above public holidays specified in a) above, so that an employee who would usually work on such day is not required for duty on that day; and
- An employee is absent from duty on any part of the day before and any part of the day after one of the above named public holidays without reasonable cause or the prior consent of management.

An employee who works on any of the normal public holidays above is to be paid at the rate of double time and a half.

b) Where an employee works within his/her usual working hours on a public holiday other than those named above (i.e. New Years Day, Australia Day, Proclamation Day, Easter Saturday, Easter Monday, and ANZAC Day) no additional payment will be made for the day but a day in lieu will be granted to be taken in conjunction with annual leave. Such day is to be taken on a day that the employee would otherwise be rostered for duty.

c) Where an employee is rostered off duty on the following public holidays: New Years Day, Australia Day, Proclamation Day, Easter Saturday, Easter Monday, ANZAC Day (where ANZAC Day falls on Monday to Friday inclusive), a day in lieu will be granted to be taken in conjunction with annual leave. Such day in lieu is to be taken on a day that the employee would otherwise be rostered for duty.

Where an employee works on a public holiday for more than or outside his/her usual daily working hours he/she is to be paid at the rate of double time and a half for all time worked in excess of his/her usual daily working hours.

Note that for employees employed pursuant to the Intellectual Disability Services (SA Health Commission) Award, Adelaide Cup Day and New Years Day replace one another. This means that an employee is paid an additional days pay when rostered off duty on New Years Day; is paid at the rate of double time and a half when he/she works on New Years Day; is granted a day in lieu attached to a period of annual leave when he/she works within usual working hours on Adelaide Cup Day and is granted a day in lieu attached to a period of annual leave when he/she is rostered off duty on Adelaide Cup Day.

7-6 ATTENDANCE WITHIN AUSTRALIA FOR CONFERENCES etc

Salaried Employees Only

7-6-1 CONVENTIONS OR CONFERENCES OF PROFESSIONAL ORGANISATIONS

Attendances at annual conventions or conferences of professional organisations should be assessed in terms of the relevance of the subject matter and the development of the employee(s) involved.

Where attendance will have considerable benefit to the institution.

- One employee may be supported by means of:
  - actual travelling expenses up to the cost of a return economy air fare;
  - actual registration as determined by the institution;
  - accommodation expenses as prescribed in 8-3-11 Rates up to a maximum of five days; and
  - absence on duty up to a maximum of five days.

- Any employee may be sponsored for only one activity of this nature per year;

- Additional employees may be given absence on duty to attend up to a maximum of five days, provided that the work of the organisation is unaffected and no additional staff employed to cover absences.

Where attendance would benefit the employee in his or her development but the benefit to the institution is marginal then special leave with pay only may be granted, up to a maximum of five days, again provided the work is unaffected and no additional staff employed.

The employee should provide information to other employees of that discipline either by written reports or staff development sessions.

Where the attendance is considered to have no relevance the employee may be granted leave without pay or use annual leave and no expenses are to be reimbursed.

7-6-2 ENTITLEMENT UNDER THE SA MEDICAL OFFICERS AWARD

The South Australian Medical Officers Award provides certain entitlements conference Leave. The Award entitlements will override the general provisions where they are generous.

7-6-3 LEAVE TO ACT AS AN EXAMINER OR CENSOR OF LEARNED BODIES

Leave to act as an Examiner or Censor of Learned Bodies or to attend executive meetings of such bodies.

Professional staff may be granted absence on duty to attend within Australasia, meetings of Boards of Education, Boards of Censors, Council and Executive Meetings, of organisations related to their profession's activities.

No other expenses for such meetings are to be incurred by the Hospital/Health Service.

7-6-4 SPECIAL LEAVE WITH PAY

All leave granted under Clauses 7-6-1, 7-6-2 & 7-6-3 of this Part must be at the convenience of the institution.

Any special leave with pay granted under Clauses 7-6-1, 7-6-2 & 7-6-3 of this Part is to be taken into account when assessing the extent of special leave with pay for the purpose of Part 7-7.

7-6-5 ATTENDANCE ON DUTY AT CERTAIN WORKSHOPS AND SEMINARS

There are certain workshops and seminars which offer significant opportunities to learn and develop expertise in technologies of importance to the Hospital/Health Service. These would usually be workshops designed to develop individual or group skills rather than conventions of professional organisations. It is appropriate that the institution send and support such representation as is necessary to gain the maximum benefit. In such cases support is by attendance on duty. Whilst attendance on duty would usually involve the institution in meeting all associated expenses, the payment of travelling, accommodation and registration expenses by an outside organisation should not preclude attendance on duty.

7-6-6 PRE-RETIREMENT SEMINARS

Where an employee requests permission to attend a pre-retirement seminar run by the Government Superannuation Fund, he or she may (subject to Hospital/Health Service convenience) be granted the necessary time off to attend the seminar and be paid normal salary whether or not he or she is a member of the Fund.

Where an employee based in a country region seeks approval to attend a pre-retirement seminar and in order to do so it is, in the opinion of the Chief Executive Officer (or delegate), necessary for such an employee to:

- remain away from his or her residence overnight; or
- attend a seminar in Adelaide because one is not being held in the officer's or employee's region within a reasonable time prior to his/her retirement;
- he or she shall be reimbursed at the rates set out as follows.

Travel:

Where Incorporated Hospitals or SAAS vehicles are not available, employees shall be reimbursed the cost of travel by private vehicle at the rates prescribed in Part 8-8 regardless of the method of transport used.

Accommodation costs shall be reimbursed for employees at the appropriate rate as set out in Part 8-3.

7-7 SPECIAL LEAVE WITH PAY

7-7-1 INTRODUCTION

A Chief Executive Officer (or delegate), may grant special leave with pay to employees for a number of purposes.

The information herein provides guidelines in relation to the granting of this leave and, where appropriate, reasons for granting leave and the maximum period to be granted for each purpose.

7-7-2 MAXIMUM ENTITLEMENT

A Chief Executive Officer (or delegate), may grant special leave with pay to an employee for the purposes listed. Unless otherwise determined by the Chief Executive, Department for Health and Wellbeing, either on an individual basis or as provided for herein, a Chief Executive Officer (or delegate), may only grant leave up to the maximum period specified for a particular purpose and may not grant leave in aggregate exceeding 15 working days to an employee in a service year.

7-7-3 CHIEF EXECUTIVE AUTHORITY

The Chief Executive, Department for Health and Wellbeing may determine with the approval of the Commissioner for Public Sector Employment:

1. Other special reasons for the granting of leave,
2. A maximum period of leave (not exceeding 15 days) which may be granted for a particular reason in a service year,
3. A maximum period of leave where that leave would exceed 15 days in aggregate for an employee in a service year,
4. That the aggregate of special leave with pay in a service year may exceed 15 working days in specified circumstances,
5. Directions generally regarding the granting of special leave and the periods which may be granted, and
6. In some cases consider applications where the period sought is greater than the amount specified if, in the opinion of the Chief Executive Officer (or delegate), exceptional circumstances exist.

7-7-4 GENERAL CONDITIONS REGARDING SPECIAL LEAVE WITH PAY

Special leave with pay may only be granted where an employee makes a formal application.

A Chief Executive Officer (or delegate), should satisfy themselves that the circumstances of any particular application warrant granting special leave with pay and, if appropriate, seek additional information before deciding upon an application.

Normally, special leave with pay will be granted and recorded in whole days. Where an employee is absent for less than one whole day, the employee may either apply for the whole day as special leave with pay or request time off in accordance with whatever flexi-time system operates in the unit.

Time off with pay is to be granted in all cases where the authenticated reason for absence was an emergency service call, jury service or to attend interviews for filling vacancies in the Public Sector. In all other cases it will be at the discretion of the Chief Executive Officer (or delegate), whether time off (with pay, without pay or be made up) is to be granted.

7-7-5 CATEGORIES OF SPECIAL LEAVE WITH PAY

Categories and Maximum periods of leave

Categories and Maximum periods of leave that may be approved by a Chief Executive Officer (or delegate):

Description	**Max. periods which may be granted to an employee in a service year**
Bereavement	3 days
Care of sick child who is a dependent	3 days
Moving house	1 day
Anzac Commemoration Marches	1 day
Emergency Service Calls	as required by emergency service organisation
Staff Development	12 months
Jury Service	as required by the Sheriff
Military Training	20 days as an employee, 10 days as a reservist
Training courses for emergency	10 days service activities

Sporting Events:-	
National	5 days over 2 year period
International	15 days over 2 year period
Rest after extraordinary hours worked	10 days
Disability resulting from War Service	
Urgent pressing necessity	3 days
As decided by the Commissioner	
Cultural Leave Policy (Special leave with Pay for Aboriginal and Torres Strait Islander Employees)	

Directions on the granting of leave

Bereavement

When the death occurs of a person closely related to an employee leave may be granted on the basis that the employee is emotionally distressed or for attendance at the funeral, attending to funeral or related arrangements or providing emotional support to another person closely related to the employee.

“Closely related” shall include an employee's wife, husband, father, mother, father in law, mother in law, brother, sister, child, stepfather, stepmother, stepchild, defacto spouse, guardian, foster parent, step parent, step brother/sister, or half-brother/sister.

'Closely related' may include a relationship where a blood or marital tie is beyond the scope of those listed or where emotional relationships are particularly strong between persons without any blood or marital ties.

Where the death has occurred of a person whom an employee regards as closely related, a Chief Executive Officer (or delegate), has the discretion to determine whether a 'close relationship' existed or not, taking into account different cultural attitudes and the closeness of personal relationships.

It is the employee's responsibility, in such cases, to indicate the nature of the relationship and, where applicable, the relevant community group's perception of the employee's obligations.

In all cases of bereavement, whilst a Chief Executive Officer (or delegate), needs to be satisfied that there is justification for granting leave, such cases need to be treated sensitively so as to ensure a minimum of further distress to the employee.

In normal circumstances one day’s special leave with pay should be sufficient but each request for leave as a result of bereavement is to be considered on its merits ", taking into account the closeness of the relationship and the actual circumstances

Where this leave is granted whilst an employee is absent on long service leave or recreation leave an equivalent period of long service leave or recreation leave may be added to the end of the current leave or credited to existing entitlements.

Care of Sick Child who is a Dependant

Leave for this purpose may be granted for up to three days. A Chief Executive Officer (or delegate), should be satisfied that it is not practical or reasonable for alternative arrangements to be made.

In cases where a suitable alternative does exist but it would not be reasonable to expect it to operate immediately one day's special leave with pay may be granted.

Leave to care for any other dependant should be considered under Urgent Pressing Necessity.

Moving House

This leave is available where an employee changes residence for private reasons. Leave for this purpose is not to be granted at more frequent intervals than three years.

If more than one family member is employed by the S.A. Government, only one member is to be granted leave on account of a removal.

A Chief Executive Officer (or delegate), should be satisfied that the removal will require the employee's absence for the greater part of a working day.

See special leave for employees changing residence for leave available to employee's who are changing residence as a result of a change employment headquarters.

Anzac Commemoration March

Leave may be granted to those ex-service personnel who served with the Australian, British or Dominion Services to cover time necessarily lost for travelling by those employees who, because of the distance of their normal place of residence or lack of transport facilities, could not otherwise participate.

Emergency Service Calls

A Chief Executive Officer (or delegate), may grant special leave with pay to an employee who is a volunteer member of the SA Ambulance Service, State Emergency Service, District Fire Brigades, Country Fire Services, South Australian Sea Rescue Squadron, Victor Harbour Sea Rescue Squadron, Westpac State Rescue Helicopter Service, Australian Volunteer Coast Guard Association and the Whyalla Air-Sea Rescue Squadron as follows:

Leave to be extended to employees for emergency service calls only. The emergency service organisation must subsequently confirm in writing that the employee was

required for emergency duty, the period during which the services were required in that emergency, and the call out' fee (if any) which was paid. Call out for 'standby' duty of an employee who is a volunteer member of the Country-Fire Services or State Emergency Services is to be regarded as an emergency service call.

Employees engaged on urgent or essential duty should not be released if the Chief Executive Officer (or delegate), considers that the absence will adversely affect the workplace.

As far as practicable, an employee must return to work if the emergency duty ceases before the end of normal working hours. Absences of less than a normal day need not be recorded as special leave with pay (regard as time off with pay) but formal approval will still be required.

An employee who has been engaged on emergency work as a volunteer member of a community service organisation, for a period of at least eight hours, shall be entitled upon the cessation of such worked prior to the resumption of normal duties, to a clear break of eight hours without loss of pay for ordinary working time occurring during such break.

Any additional time off (for recuperation etc.) is to be taken from any flexi-time credit or recreation leave (if applicable) or as leave without pay at the option of the employee.

Employees entitled to any 'call out' fee during period of time off with pay set out above shall only be paid for the difference between their salary and the 'call out' fee (if any) paid by the volunteer organisation.

Refer to urgent pressing necessity for provisions applying to employees who are absent as a result of an emergency but who are not members of an emergency services organisation.

Staff Development

Part 7-1 provides all details regarding leave for staff development purposes.

Jury Service

Employees (other than those who are ineligible for jury service-refer below) who attend jury service during ordinary working hours shall be granted special leave with pay subject to the following conditions:

- The Sheriff is notified prior to the commencement of service that payment (other than for travelling expenses) for attendance will not be sought.
- Applications to the Chief Executive Officer (or delegate), for special leave with pay should be accompanied by written evidence of the duration of attendance for jury service and certification that payment was not received.
- As far as practicable, an employee must return to work if attendance for Jury Service ceases before the end of normal working hours. Absences of less than

a normal day need not be recorded as special leave with pay (regard as time off with pay) but formal approval is required.

- A Chief Executive Officer (or delegate), shall grant leave to employees for this reason for whatever period they are required for Jury Service. Leave granted for this purpose is to be ignored for the purposes and for other entitlements e.g. rostered day off.

Application For Exemption

Employees who are ineligible for jury service and receive a jury call up notice, should make a personal application to the Sheriff, through the Chief Executive Officer (or delegate), seeking exemption from jury service on the grounds of ineligibility. Employees seeking exemption must clearly state their occupation and that it is one which renders them ineligible for jury service by virtue of the Third Schedule of the Juries Act.

Persons Who Are Ineligible For Jury Service

Under Section 13 of the Juries Act as amended, persons are ineligible for jury service if they are:

(a) mentally or physically unfit to carry out the duties of a juror;
(b) have insufficient command of the English language to enable the person to properly carry out the duties of a juror; or
(c) deemed ineligible by the Third Schedule to the principal Act i.e.

- The Governor, the Lieutenant Governor and their spouses;
- Members of Executive Council and their spouses;
- Members of Parliament;
- Members of the judiciary or the magistracy and their spouses;
- Justices of the Peace who perform court duties and their spouses;
- Legal practitioners actually practising as such;
- Members of the Police Force and their spouses;
- Persons employed in a department of the Government whose duties of office are connected with the investigation of offences, the administration of justice or the punishment of offenders;
- Persons employed in the administration of courts or in the recording or transcription of evidence taken before courts.

Military Training (Reserve Forces)

In accordance with the *Defence Reserve Service (Protection) Act 2001* (Cth), a Chief Executive (or delegate) must not hinder or prevent an employee from volunteering to render Defence Service or rendering Defence Service.

Defence Service means service in a part of the Reserves, including ordinary reserve service (e.g. training) and voluntary continuous full-time service.

The Department for Defence encourages Reservists to provide to their employer as much notice as possible of their Defence Service obligations. In some instances the Reservist may be called upon with little or no notice (see "Call Outs" below) and must be released.

An application for leave must be accompanied by a Training Notice or other relevant authorisation from the Department of Defence.

Special Leave with Pay

An employee who is a member of the Defence Reserves is entitled to special leave with full pay, as follows:

- up to the equivalent of 20 working days paid leave in a twelve month period; and
- up to the equivalent of an additional 10 working days paid leave in the first year of service as a reservist.

Other Leave

Any leave required for Defence Reserves in excess of the above would normally be provided as special leave without pay.

Note that during the period of special leave with pay, a reservist employee may be paid by both the Hospital/Health Service, and the Defence Reserves, but for any period of leave without pay, only by the Defence Reserves.

Call Outs

In the event of a "call out," a Reservist employee would normally be granted leave without pay for the whole period they are absent. Commonwealth defence legislation enables the Governor-General to call out the Reserves for a declared war or other contingencies, such as warlike conflicts, peace enforcement, peacekeeping, humanitarian relief, civil aid and disaster relief operations.

Employer Support Payment

It is expected that Employer Support Payment entitlements from the Department of Defence are pursued whenever a Reservist employee is on Defence Reserves service (i.e. for Ordinary Reserve service/training and for voluntary continuous full time service) and the employee has completed an annual qualifying period of 2 weeks of continuous Defence Reserves Service. The qualifying period can be undertaken as a single period or multiple periods of continuous Defence Reserves Service of 5 days or more.

The payment will be adjusted in line with the Average Weekly Ordinary Time Earnings.

Further information about the Employer Support Payments provisions is available on the Australian Defence Force Reserves web site http://www.defence.gov.au/reserves.

It should be noted that an Incorporated Hospital/Health Site will not be eligible for employer support payments from the Department of Defence if a Reservist employee

is required to utilise recreation, long service or retention leave to undertake Defence Reserves commitments.

Employment Protection

A Chief Executive Officer (or delegate) must be aware that pursuant to the *Defence Reserve Scheme (Protection) Act 2001* (Cth), employers must protect the employment status and entitlements of Reservist employees while they are absent on Defence Reserve service. The agency must continue to employ the Reservist employee on completion of their Defence Reserves Service, i.e. peacetime training, voluntary continuous service and call outs.

Refer also Part 7-11 for information on the recognition of military service for the calculation of leave entitlements.

Training Courses for Emergency Services Activities

Applications for special leave with pay to attend emergency service courses or seminars may be granted to an employee who is a volunteer member of, and nominated by, a community group. The nomination must also be approved by State Emergency Services Headquarters and is subject to the following conditions:

1. The Director, State Emergency Service informs the Chief Executive Officer (or delegate), in writing of the name of the nominated employee, the course or seminar to be undertaken and the period (not exceeding two weeks per service year) during which it is to be held.
2. The Chief Executive Officer (or delegate), is satisfied that the employee's absence will not adversely affect the workplace
3. No expenses (apart from employee's salary) are to be borne by the Hospital/Health Service.
4. The emergency services organisations to which this direction applies are listed under Emergency services call.

Sporting Events

A Chief Executive Officer (or delegate), may consider applications for special leave with pay from employees who have been selected to officially represent Australia in any international sporting event or South Australia in any national sporting event (including underage championships in both cases) relating to Sports listed in Appendix 7-7 A.

Criteria to apply

(a) International Sporting Event

- it must be demonstrated that the event is a World Championship and where a small number of countries participate, this reflects the extent to which the particular sport is played throughout the world.

- bone fide selection process has been open to all States/Territories.

(b) National Sporting Event

- a competition in which affiliated State bodies from at least four States or Territories are participating.
- representation is through a selected South Australian team (not club representation).

(c) Maximum Period of Special Leave With Pay

- 15 working days over any two year period to participate in international sporting events.
- 5 working days over any two year period to participate in national sporting events.

(d) Leave with pay may only be granted for working days on which the employee is actually participating in events plus sufficient travelling time (in days) to cover travel by the most expeditious service (in practice this means that attendance at official functions, training sessions and rest days do not qualify for special leave with pay). Calculation of leave for travel is to be based on return travel direct to location of the events, TV irrespective of the official itinerary.

(e) Eligibility:

Participants/Officials - athletes competing, team manager only (underage events refer below) as required by National body does not include assistant coach (underage events refer below)

Umpire/referee - as required by the National body

Coach - does not include assistant coach (underage events refer below)

Escorts (Disabled sporting events only) - selected by National or State sporting association on the basis of one escort per four paraplegic athletes and one escort for every quadriplegic athlete as above except

Underage Championships - as above except:- if team of 10 or more participants both Coach and Manager if team of less than 10 participants only a Coach or Manager

National Championships - as above except:- if team of 10 or more participants both Coach and Manager if team of less than 10 participants only a Coach or Manager

NOTE: Employees who are selected to represent the State or Australia and who contravene Rule 26A (refer Appendix 7-7 B) of the International Olympic Federation in respect of remuneration will not be eligible for special leave with pay.

Applications for leave

Applications for leave will be required to meet all the criteria specified above. Where leave with pay is requested to attend a sporting event not listed in Appendix iii the request should be referred to Workforce Services, Corporate and System Support Services of the Department for Health and Wellbeing. In this regard it should be appreciated that sports with restricted eligibility for competitions, e.g. Public Service Table Tennis Championships, are not eligible. Only in exceptional circumstances will consideration be given to special cases. If it is considered there exists sufficient merit the matter will be referred to Cabinet for consideration.

Documentation

Applications for leave must in all cases be accompanied by a copy of the appropriate Australian or State body's official advice to the employee of his/her selection as an Australian or State representative, and a copy of the Australian or State Team's official itinerary.

Part-time employees

Special leave with pay may be granted to part-time employees as provided for above but on a proportionate basis as per the following examples:

Example 1

Employee works 5 days per week, 4 hours per day. Eligible for 5 (National Event) and 15 (International Event) working days to be paid on normal 4 hours per day basis.

Example 2

Employee works 3 days per week, 7.5 hours per day. Eligible for 3/5 of full-time entitlement in working days i.e. 3 (National Event) and 9 (International Event) working days.

Example 3

Employee works 3 days per week, 2 full days plus one 0.5 day. Eligible for 3/5 of full-time entitlement in working days.

In each case the employee is to be debited with special leave with pay on those days on which they would have normally worked and to be paid according to the hours that would have been worked on those days had the employee been on duty.

Special considerations for elite athlete

Additional leave for athletes with a ranking in the first five at world level to prepare for, and compete in, Olympic Games, Commonwealth Games and World Championships will be considered by the Commissioner for Public Sector Employment. It is suggested that a Chief Executive Officer discuss any proposal to request additional special leave

for an employee with the Office of recreation, Sport and Racing before the matter is referred to the Office for the Public Sector.

This additional leave will be considered on the basis of alleviating personal financial disadvantage that may occur in preparation and participation at world championship level.

Rest after Extraordinary Hours Worked

Leave for this purpose should only be considered in relation to employees who are not eligible for overtime/time off in lieu and who are required to undertake extensive out of hours work over a lengthy period of time. It must be recognised that for some groups of employees the requirement to work some out of hours is a normal feature of their employment. This leave should only apply to employees who have undertaken significant out of hours work which is considered to be over and above what would normally be expected.

Leave to be granted should only be in relation to hours worked in excess of what would normally be expected and should be of adequate duration for the employee to recuperate.

Leave for this purpose may only be granted where the Department for Health and Wellbeing has specifically identified a group of employees for this purpose.

Disability Resulting from War Service

War service sick leave may be granted to employees who served with the Australian Defence Forces and who are absent because of a disability accepted by the Commonwealth Repatriation Board as due to war service. Leave is available on the following basis:

(a) A non-accumulative credit of nine weeks.

As from the 1st July, 1955 or the date of joining the Public Sector, whichever is the later, each ex-service person is granted a special non-accumulative war service disability leave credit of 9 weeks (to be recorded in working days).

(b) An accumulative credit of three weeks annually:

1. On and from the 1st July, 1964 or the date of joining the Public Sector, whichever is the later, each ex-service person may be granted an additional 3 weeks war service disability leave credit annually (to be recorded in working days).
2. This entitlement will accumulate for 3 years (up to a maximum of 45 working days) and re-accumulate if used.
3. The maximum credit which may be accumulated on the 1st July in any year is 3 years (45 working days) inclusive of the current year's credit.
4. This accumulative credit can be utilised only when the non-accumulative credit in (a) above has been exhausted.

Granting of Leave

(a) Each application must be supported by a medical certificate for the period of absence stating the nature of the disability suffered by the employee. Leave will be granted only if evidence has been submitted that the disability shown on the medical certificate has been accepted by the Repatriation Board as due to war service.

(b) War service disability leave granted to an employee will be on full pay irrespective of Repatriation benefits.

(c) The leave available under this arrangement is in addition to the normal sick leave entitlement.

Urgent Pressing Necessity

Special leave with pay may be granted to enable an employee to be absent due to a matter of pressing or urgent necessity that requires the personal attention of the employee and cannot reasonably be attended to by the employee outside the employee's hours of duty.

Examples of pressing or urgent necessity' could include family illness, emergency (other than bereavement or care of a sick child which are covered separately) or attendance in court (other than on behalf of the State see Flexi-time Guidelines) in some circumstances such as where the employee has been subpoenaed as a witness or is defending a civil right. Court appearances in other circumstances must be covered by recreation leave or leave without pay.

Employees should be aware that the party issuing a subpoena is expected to reimburse lost salary. If necessary an employee should request the Court to make an order to that effect before giving evidence.

Where an employee is unable to recover full re reimbursement of salary, it would be appropriate to grant special leave with pay provided that any fees received as part reimbursement of salary are paid into general revenue.

Whilst one day may be sufficient a maximum of three days in a service year is considered to be generally adequate for such purposes.

Extra-ordinary circumstances may require some flexibility of approach. If a Chief Executive Officer (or delegate), strongly supports the granting of a more extensive period of special leave with pay in extra-ordinary circumstances e.g. a blind employee needing a three week period to train with a new guide dog, the matter should be referred to the Chief Executive.

If an employee applies for leave as result of being directly affected by bushfires, up to three days may be granted where the Chief Executive Officer (or delegate), is satisfied that the leave was genuinely required for the purpose of protecting the employee's family/property threatened by bushfire(s), including necessary cleaning up.

In a major emergency the Chief Executive, will consider applications for leave in excess of three days. Any such requests must be referred to the Chief Executive, as soon as possible.

Employees who live in high fire risk areas may also be permitted to remain at home or return home as a precautionary measure on a day that is declared by the CFS as a 'Red Alert' day (total fire ban for the whole State) or as an extremely high fire risk for that local area, but those employees must utilise other leave entitlements or flexitime to cover such absences.

Requests for special leave with pay in such circumstances should only be considered if the employee can demonstrate that for the major proportion of their absence their family/property was actually threatened by a bushfire.

Travelling time for employees in remote localities

Special leave with pay for travelling shall be granted (in conjunction with recreation leave) to an employee stationed in a remote area who travels to Adelaide, or to a destination which is further from the employees headquarters than Adelaide using the shortest practicable route, for the normal full period of recreation leave.

The localities involved and the applicable amount of special leave are as set out hereunder:

Locality	**Leave**
West of 137° longitude	1 day
(except localities mentioned below)	
Hawker	1 day
Kangaroo Island	1 day
Lake Victoria	1 day
Locks 7, 8 and 9	1 day
Oraparinna	1 day
Andamooka	2 days
Roxby Downs	2 days
Leigh Creek	2 days
Marla	2 days
Maree	2 days
Oodnadatta	2 days
Coober Pedy	2 days
Yalata	2 days
Indulkana	3 days
North West Aboriginal Reserve (Amata)	4 days
Ernabella	4 days
Fregon	4 days

Special leave with pay for travelling shall also be granted to an employee stationed interstate who spends at least two weeks of normal recreation leave in South Australia as follows:

stationed in Sydney	2 days
stationed in Melbourne	1 day

The special leave with pay shall be granted once only in each service year.

Pre-Retirement Seminars

Where an employee requests permission to attend a pre-retirement seminar run by the Government Superannuation Fund, they may (subject to convenience of the Employing Authority/Delegate) be granted the necessary time off to attend the seminar and be paid normal salary whether or not they are a member of the Fund.

Where an employee based in a country region seeks approval to attend a pre-retirement seminar and in order to do so it is, in the opinion of the Chief Executive Officer (or delegate), necessary for such an employee to:

- remain away from their residence overnight; or
- attend a seminar in Adelaide because one is not being held in the employee's region within a reasonable time prior to their retirement;
- they shall be reimbursed at the rates set out below.

Travel - Where Government vehicles are not available, employees shall be reimbursed the cost of travel by private vehicle at the rates prescribed regardless of the method of transport used.

Accommodation costs shall be reimbursed for employees at the appropriate rate.

Special leave for employees changing residence as a result of relocation in employment headquarters

Leave for this purpose is to be limited to employees required to change residence as a result of relocation in their employment headquarters. Leave may be provided for such things as visiting the new location prior to moving, packing/unpacking and relocating, on the following basis:

(a) Where an employee is required to relocate from a departmental residence to another departmental residence up to three days special leave with pay shall be allowed;

(b) Where an employee is required to relocate from a departmental residence to a residence to be purchased by the employee up to five days special level with pay shall be allowed;

(c) Where an employee is required to relocate from a residence owned by the employee to a departmental residence up to five days special leave with pay shall be allowed.

(d) Where an employee is required to relocate from a residence owned by the employee to a residence to be purchased by the employee up to seven days special leave with pay shall be allowed.

(e) Where an employee is required to change residence as a result of relocation in their employment headquarters on more than one occasion during any service year the Chief Executive Officer (or delegate), may approve special leave with pay for each such further occasion, In accordance with the guidelines as detailed in (a), (b), (c) and (d) above as appropriate.

Special leave under this sub-clause is not available where the employee changes residence for private reasons (see Moving House).

Special Leave With Pay exceeding 15 working days

More than 15 working days special leave with pay may be granted in a service year where the purpose for which the leave is granted is either jury service, disability resulting from war service, staff development, military training, emergency services or sporting events.

> The specified maximum period for leave for that particular purpose is not, however, to be exceeded without specific approval by the Chief Executive, Department for Health and Wellbeing.

In addition, special leave with pay may be granted which causes the aggregate period of special leave with pay granted in a service year to exceed 15 working days provided:

- the purpose for which the proposed leave is granted is one of the purposes listed in Categories and maximum periods of leave and
- the period of the proposed leave does not exceed the specified maximum period for that particular purpose and
- some or all of the leave already granted in that service year was for a purpose identified above (i.e. jury service, disability resulting from war service, staff development, military training, emergency services or sporting events).

Trade Union Training

The Chief Executive Officer (or delegate), may authorise participation by employees at Trade Union Training and Work Health and Safety Training courses (delivered as group training, individual e-learning or other distance programs) subject to the following conditions:

Eligible Employees

Employees eligible for nomination to attend courses are those who are members of a Trade Union (including organisations recognised pursuant to Section 90 of the Health Care Act 2008)

Training Institutions

Approval is to be limited to attendance at Trade Union Training or Work Health and Safety courses organised, run or approved by one of the following providers:

- Australian Council for Union Training; or
- Workers Educational Association of South Australia Inc; or
- SA Unions;
- Relevant Union Secretary or
- Industrial Training Services.

Nominations for Attendances

All nominations for attendances at courses must be made by a Trade Union (including organisations recognised pursuant to Section 90 of the Health Care Act 2008) of which the employee is a member.

Approval of nominees

Approval is subject to:-

(a) a certificate of eligibility signed by the Secretary of the nominating Union or organisation.

(b) a proviso that the employee can be released from their duties (in deciding approvals the work of the Employing Authority/Delegate must be priority and the privilege may be withdrawn at any time if deemed necessary)

Extent of Support

Time off with pay for an employee eligible to attend courses may be granted up to a maximum of 10 working days during two (2) calendar years to be calculated from the date the employee is first granted leave to attend either a Trade Union or Work Health and Safety Course.

Time off with pay in excess of this entitlement may be granted in special circumstances at the discretion of the Minister but in no case shall the amount exceed 20 working days during two calendar years.

All other costs related to attendance at a course will be the responsibility of the nominating union or organisation.

Extent of Support - Part-time employees

Time off with pay for part time employees eligible to attend courses may be granted in accordance with the following table:-

Hours worked per week	Days to be granted per 2 calendar years
15-20	3
21-25	4
26-30	6
31-35	8
36-38	10

Programmed Day Off

Where an employee is absent on Trade Union or Work Health and Safety Training on their programmed day off, such day shall stand as the programmed day off, and the employee shall not be permitted to substitute another day for the programmed day.

The day shall not be debited as a training day and may be utilised if additional Trade Union or Work Health and Safety training is sought later in that two calendar year period.

Blood Donors

Employees requested by the South Australian Division of the Red Cross Blood Transfusion Service to attend a blood-taking centre as a blood donor may be permitted to do so if necessary during working hours. Time off with pay may be granted for reasonable travelling time and attendance time.

Where an employee attends a blood-taking centre on their programmed day off, such day shall stand as the programmed day off, and the employee shall not be permitted to substitute another day for the programmed day.

Service with the Armed Forces

In the event of the Governor-General declaring that a state of emergency exists (short of a declaration of War) then voluntary members of the Army Reserve can be called up for continuous military service either within or beyond the shores of Australia.

Cabinet has granted approval, in respect of voluntary members of the Army Reserve for the following to apply in respect of leave and wages for employees:

- unless it is certified that an employee is engaged on duties so essential that it is unlikely that they would be released for continuous service during a state of emergency.
- for those employees so released, the difference between their civilian pay and their remuneration and allowance from the Defence Department will be made by the Hospital/Health Service.

SA Health Cultural Leave Policy (Special leave with Pay for Aboriginal and Torres Strait Islander Employees)

This policy addresses the cultural needs of Aboriginal and Torres Strait Islander employees by facilitating access to provisions designed to assist these employees to attend to cultural obligations and activities outside the workplace.

SA Health has implemented a separately defined (supplementary) Special Leave with Pay category (Cultural Leave) to enable Aboriginal and Torres Strait Islander employees to meet their cultural obligations and to participate in national cultural activities without, as far as practicable, incurring a loss of remuneration in the short term.

Subject to approval, a maximum of 15 days per service year may be accessed by Aboriginal and Torres Strait Islander employees for the purposes of Cultural Leave. The entitlement to Cultural Leave, Special Leave with Pay is incorporated within (and is not in addition to) existing Special Leave with Pay provisions for SA Health employees.

A copy of the policy is available on the Policy Distribution System.

7-7-6 USE OF OTHER TYPES OF LEAVE IN CONJUNCTION WITH /SUBSTITUTION OF ETC.

Other types of leave (e.g. recreation and long service leave (if an entitlement exists), leave without pay or flexi-time) may be granted to an employee to cover the balance of the period if the total period sought is in excess of the maximum period of special leave with pay approved by the Commissioner for the particular reason. This also includes the granting of long service leave for periods of less than seven days.

In the case of bereavement leave this may be granted in substitution for long service or recreation leave should an employee be absent for these reasons when the death and/or funeral of a relative etc. occurs. In these circumstances the period of long service leave or recreation leave, equivalent to the period of special leave approved, may be taken at the end of the period of long service leave or recreation leave originally approved or added to the employee's future long service leave entitlement or current recreation leave entitlement.

7-7-7 PERIODS OF LEAVE APPROVED BY THE CHIEF EXECUTIVE, DEPARTMENT FOR HEALTH AND WELLBEING

Where a Chief Executive Officer (or delegate), supports a request for special leave with pay for a period in excess of the maximum period specified in this Part the matter should be referred to the Chief Executive, Department for Health and Wellbeing.

APPENDIX 7-7 A: SPORTS CONSIDERED ELIGIBLE FOR LEAVE FOR NATIONAL/INTERNATIONAL SPORTING EVENTS

Sport	S.A. Controlling Body	National Controlling Body
ARCHERY	Archery Society of S.A.	Archery Assoc. of Aust.
ATHLETICS	Athletic Assoc. of S.A.	Australian Athletic Union
	Gaelic Athletics Assoc. of S.A.	Gaelic Athletics Assoc. of Aust.
	Little Athletics Assoc. . of S.A	Australian Little Athletics Union
ANGLING	Angling Assoc. of S.A.	Australian Anglers Assoc.
BADMINTON	S.A. Badminton Assoc.	Australian Badminton Assoc.
BASEBALL	S.A. Baseball League	Australian Baseball Federation
BASKETBALL	Basketball Assoc. of S.A.	Australian Basketball Federation
BILLIARDS	Australian Billiards and Snooker	Australian Billiards and Assoc. (SA)Snooker Council
BOCCE	S.A. Bocce Federation	Bocce Federation of Australia
BODY BUILDING	S.A. Body Builders	Assoc. International Federation of Body Builders
BOWLING		
Indoor Bias	S.A. Indoor Bias . Bowls Assoc	Bowls Council Australian Indoor Bias
Lawn	Royal S.A. . Bowling Assoc	Australian Bowls Council
Tenpin	S.A. Tenpin Bowling Assoc.	Australian Ten Pin Bowling Congress

Women's	S.A. Women's Bowls Assoc	Australian Women's Bowling Council
BOXING	S.A. Amateur Boxing Assoc.	Amateur Boxing Union of Aust
CANOEING	S.A. Canoe Assoc.	Australian Canoe Federation
CHESS	S.A. Chess Federation	Australian Chess Federation
CRICKET	S.A. Cricket Assoc.	Australian Cricket Board
CROQUET	S.A. Croquet Assoc.	Australian Croquet Council
CYCLING	Amateur Cyclists Assoc. of S A.	Australian Amateur Cycling Federation
DARTS	S.A. Darts Council	Darts Federation of Australia
DIVING	S.A. Diving Assoc.	Australian Diving Assoc
EQUESTRIAN	Equestrian Federation of S.A.	Equestrian Federation of Australia
FENCING	Amateur Fencing Assoc. of S.A.	Australian Amateur Fencing Federation
FOOTBALL	S.A. National Football League	National Football League of Australia
GLIDING	S.A. Gliding Assoc.	Gliding Federation of Australia
GOLF	S.A. Golf Assoc.	Australian Golf Union
	S.A. Ladies Golf Union	Australian Ladies Golf Union
GYMNASTICS	S.A. Gymnastic Assoc.	Australian Gymnastic Federation
HANDBALL	S.A. Handball Assoc.	Australian Handball Council
HANG GLIDING	S.A. Hang Gliding Assoc.	Hang Gliding Federation of Australia

HOCKEY	S.A. Hockey Joint Council	Australian Hockey Assoc
ICE SPORTS	S.A. Ice Hockey Assoc.	Australian Ice Hockey Federation
	Ice Racing Assoc. of S.A.	Australian Amateur Ice Racing Council
	Ice Skating Assoc. of S.A.	National Ice Skating Assoc. of Australia
JUDO	S.A. Judo Federation	Judo Federation of Aust
KARATE	Fed of Aust. Karate-Do (S.A.)	Federation of Aust. Karate-Do Organisations
KORFBALL	S.A. Korfball Assoc.	Australian Korfball Assoc
LACROSSE	S.A. Lacrosse Joint Council	Australian Lacrosse Council
LIFESAVING	Royal Lifesaving Society of S.A.	Royal Lifesaving Society Australia
	Surf Lifesaving Assoc of S.A.	Surf Lifesaving Assoc. of Australia
MOTOR SPORT		
	Motorcycling	Motorcycling
	Australia (S.A)	Australia
	Confederation of Australian Motor Sport (S.A)	Confederation of Australian Motor Sport
NETBALL	S.A. Netball Assoc	All Australian Netball Assoc.
ORIENTEERING	S.A. Orienteering Assoc.	Orienteering Federation of Australia
PARACHUTING	S.A. Parachute Council	Australian Parachute Federation Ltd.
POLO	S.A. Polo Assoc.	Australian Polo Council
POLOCROSSE	S.A. Polocrosse Assoc.	Polocrosse Assoc. of Australia
POWERLIFTING	Amateur Powerlifting	Aust. Amateur

	Assoc. (S.A.)	Powerlifting Federation
ROLLER SKATING	S.A.	
	Chapter of the Federation of Amateur Roller Skaters	Aust. Federation of Amateur Roller Skaters
ROWING	S.A. Rowing Assoc.	Aust. Amateur Rowing Assoc.
RUGBY	S.A. Rugby League	Aust. Rugby Football League
	S.A. Rugby Union	Aust. Rugby Football Union
SHOOTING		
Clay Target	SA Clay Target Assoc.	Aust. Clay Target Assoc.
Field & Game	S.A. Field & Game Assoc.	Field & Game Federation of Aust.
Pistol	S.A. Revolver & Pistol Assoc.	Amateur Pistol Shooting Union of Aust.
Rifle	S.A. Rifle Assoc.	National Rifle Assoc. of Aust.
Small Bore	S.A. Small Bore Assoc. Rifle Assoc.	Australian Small Bore
Sporting Shooters		
	Sporting Shooters Assoc.	Sporting Shooters Assoc.
SKIING	S.A. Ski Assoc.	Australian Ski Federation
SOCCER	S.A. Soccer Federation	Australian Soccer Federation
	S.A. Women's Soccer . Assoc	Australian Women's Soccer Assoc.
	S.A. Indoor Soccer Federation	Australian Indoor Soccer Federation
SOFTBALL	S.A. Softball Assoc.	Australian Softball Federation

SQUASH	S.A. Squash Rackets Assoc.	Australian Squash Rackets Assoc.
SURFING	S.A. Surfriders Assoc.	Australian Surfriders Assoc.
SWIMMING	S.A. Swimming Assoc.	Amateur Swimming Union of Aust.
	Synchronised Swimming Assoc.	Australian Synchronised Swimming Inc.
TABLE TENNIS	S.A. Table Tennis Assoc.	Australian Table Tennis Assoc.
TAEKWONDO	Australian Taekwondo Assoc	Australian Taekwondo SA Division Association
TENNIS	S.A. Tennis Assoc.	Australian Tennis Assoc.
TOUCH	S.A. Touch Assoc.	Australian Touch Assoc.
TRAMPOLINE	S.A. Trampoline Assoc.	Australian Amateur Trampoline Assoc.
UNDERWATER SPORT		
	S.A. Underwater Federation	Australian Underwater Federation
VOLLEYBALL	S.A. Volleyball Assoc.	Australian Volleyball Federation
WATER SKI	S.A. Water Ski Assoc.	Australian Water Ski Assoc.
WATER POLO	S.A. Water Polo Assoc.	Australian Amateur Water Polo Assoc.
WEIGHTLIFTING	S.A. Weightlifting Assoc.	Australian Amateur Weightlifting Federation
WRESTLING	S.A. Wrestling Assoc.	Australian Wrestling Union
YACHTING	S.A. Yachting Assoc.	Australian Yachting Federation
S.A. AMPUTEES ASSOC.		Aust. Amputees assoc.
S.A. DEAF SPORTS		Aust. Deaf Sports

	Federation
AUSTRALIAN WHEELCHAIRS.	
Aust. Paraplegic And Sports Assoc.	Quadriplegic Sports Federation
S.A. BLIND SPORTS ASSOC.	
	Aust. National Council For The Blind
S.A. POWER BOAT ASSOC.	Aust. Power Boat Assoc

APPENDIX 7-7 B: ELIGIBILITY CODE

RULE 26A

11 To Rule 26

A competitor may:

1. Be a physical education or sports teacher who gives elementary instruction.

2. Accept, during the period of preparation and actual competition which shall be limited by the rules of each International Federation:

   (a) Assistance administered through his or her National Olympic Committee or National Federation for

   - Food and lodging;
   - Cost of transport;
   - Pocket money to cover incidental expenses;
   - Insurance cover in respect of accidents, illness; Personal property and disability;
   - Personal sports equipment and clothing;
   - Cost of medical treatment, physiotherapy and authorised coaches.

   (b) Compensation, authorised by his or her National Olympic Committee or National Federation, in case of necessity, to cover financial loss resulting from his or her absence from work or basic occupation, on account of preparation for, or participation in the Olympic Games and international sports competitions.

   In no circumstances shall payment made under this provision exceed the sum which the competitor would have earned in the same periods. The compensation may be paid with the approval of the National Federations or the National Olympic Committees at their discretion.

3. Accept prizes won in competition within the limits of the rules established by the respective International Federations.

4. Accept academic and technical scholarships.

7-8 REMUNERATION DURING LEAVE

For the purposes of this manual normal remuneration means “the salary/wage determined in accordance with an employee's current assignment, including reassignment to a higher level for temporary purposes.” Additional duties allowances authorised by a Chief Executive Officer (or delegate) shall also be included in 'normal remuneration'. Guidance on leave matters to be taken into account when considering re-assignment to a higher level for temporary purposes or considering directions to perform additional duties are referred to in Reassigned to a higher level for temporary purposes.

7-8-1 ABSENCE ON LEAVE

An employee is to receive salary and allowances while absent on paid leave as follows:

On recreation leave

Normal remuneration and in addition the following allowances, where appropriate:

- Whyalla cost of living allowance,
- Qualification, proficiency and skill allowances (including First Aid allowance) but is not to be included in the remuneration upon which the recreation leave loading is calculated.
- Locality allowance, provided however that locality allowance is not to be included in the remuneration upon which recreation leave loading is calculated.
- Additional duties allowance must be paid during periods of recreation leave if it is intended that the additional duties will continue to be performed when the employee returns from recreation leave; and
- Other allowances where specific approval has been given for payment during recreation leave.

Before commencing recreation leave, an employee may elect to be paid the remuneration (together with allowances as outlined above) that would otherwise have been paid to them on paydays occurring during the leave.

On long service leave

During a period of long service leave an employee is entitled to be paid at the rate of their normal remuneration (adjusted as required for part time employees) and the following allowances (if applicable):

- Whyalla cost of living allowance;
- locality allowance;
- qualification, proficiency and skill allowance (including first aid allowance);

- additional duties allowance if it is intended that the additional duties will continue to be performed when the employee returns from long service leave;
- casual loading if applicable.

Plus, for weekly paid employees, where applicable, the allowances set out below.

A. Allowances payable to weekly paid employees during long service leave

- Certificate Allowance, Electricians
- Construction Work Allowance
- Disabilities Allowance*
- First Aid Allowance
- Higher Duty Allowance
- Industry Allowance
- Leading Hand Allowance
- Lift Work Allowance*
- Special Rates Allowance (General Hospitals)*
- Tool Allowance*
- Tradesman's Allowance
- Whyalla Cost of Living Loading

NOTE: Allowances marked '*' can be paid during long service leave but are not to be included in leave on termination.

B. Allowances which are not to be paid during long service leave or included in cash payments in lieu of long service leave on termination

- Handling Money Allowance
- Licence Allowance (Electricians)
- Multi-Storey Allowance
- Special Rates

On special leave with pay

Remuneration for the equivalent of the first four weeks of special leave with pay in any one service year will be based on normal remuneration, plus allowances prescribed on an annual basis. Other penalty rates are excluded.

Remuneration for periods over the equivalent of the first four weeks of special leave with pay in any one service year will be based on normal remuneration only. The continued payment of allowances can only occur with the approval of the Chief Executive Officer (or delegate).

On sick leave

Normal remuneration plus allowances prescribed on an annual basis. Other penalty rates are not to be included.

An employee is not entitled to be paid unless the employer is given notice of the sickness, nature and estimated length of time off. If the nature or sudden onset of sickness makes it impracticable to give prior notice, the notice must be given to the employer as soon as practicable and no later than 24 hours after the period begins.

Absence as a result of illness does not count as part of the qualifying period for payment of an additional duties allowance but periods of performing additional duties immediately before and immediately after such absence will be aggregated for that purpose.

7-8-2 ABSENCE ON DUTY

An employee absent on duty is to receive salary and allowances on the following basis:

- For periods not exceeding three weeks - normal remuneration plus allowances prescribed on an annual basis but excluding penalty rates.
- For periods exceeding three weeks normal remuneration only. The continued payment of any allowances must be authorised by the Chief Executive Officer (or delegate).

7-8-3 PAYMENT IN LIEU OF LEAVE ON TERMINATION

Where an employee dies or ceases to be employed for any reason, payment must be made (subject to Part 7-11.3) in lieu of any recreation or long service leave entitlement. This payment is based on completed years and months of effective service.

No payment may be made in lieu of accrued sick leave.

Unless otherwise provided for in an Award or Enterprise Agreement, or subject to the conditions of approval granted for a specific allowance, the monetary value of recreation leave and long service leave on termination is calculated on normal remuneration plus the allowances payable during recreation leave and long service leave that would have been payable if that leave had commenced on the working day (for that employee immediately following the last day of service) as indicated in the sections ‘On recreation leave’ and ‘On long service leave’ above shall be used. Allowances, which are included in the calculation of terminal leave payments for weekly paid employees are set out above.

Note that for employees on salary sacrifice agreements the salary for this purpose will be that of the employee if they had not been subject to a salary sacrifice agreement. The employer superannuation contribution is not included in the calculation of salary because it represents a non monetary benefit, which is never available as salary. The value of salary sacrifice for a motor vehicle will cease when the employee ceases employment.

7-9 SICK LEAVE

7-9-1 OVERVIEW

A Chief Executive Officer (or delegate) may grant paid sick leave to an employee to the extent available in accordance with the provisions contained herein.

7-9-2 SICK LEAVE ENTITLEMENT

General entitlement

"Sick leave credit" means the sick leave entitlement of an employee accrued over the period of the employee's service.

Effective from 1 July 2012, sick leave will accrue at the rate of one (1) day sick leave for each completed month of an employee's service (as opposed to 12 days credited at the beginning of the financial year). These entitlements are pro-rated for part-time employees.

All sick leave previously accrued and not taken by the employee up to the date of commencement will remain unchanged.

The above does not apply to casual employees and employees employed under the following Enterprise Agreements:

- South Australian Public Sector Wages Parity Enterprise Agreement: Weekly Paid 2015;
- SA Ambulance Service Enterprise Agreement 2011;
- South Australian Public Sector Wages Parity (Plumbing, Metals and Building Trades Employees) Enterprise Agreement 2011;
- Nursing/Midwifery (South Australian Public Sector) Enterprise Agreement 2013; and
- South Australian Salaried Medical Officers Enterprise Agreement 2013.

For employees employed under the Awards/Enterprise Agreements above, reference should be made to the relevant Award/Enterprise Agreement.

Note: Up until 30 June 2012 (inclusive), sick leave was credited in working hours on a service year basis as follows:

- On commencement of duties, six working days;

- If the employee commenced between 1 July and 31 December inclusive, a further six working days on 1 January; and
- On 1 July each year, 12 working days.

Short term employment

An employee employed on a short term basis for less than 12 months is not entitled to take sick leave exceeding a pro rata amount on the basis of the number of months in the term of employment.

This direction is intended to ensure that persons employed for several short separate periods during a financial year are not able to take more sick leave than a person employed on a continuing basis.

Employees who are on duty for more than five days per week

Determinations prior to 1/7/86 by the Public Service Board in relation to different sick leave entitlements for certain groups of employees who are regularly on duty for more than five days per week still apply. However, if application of such a determination is now unclear, or circumstances have altered, the matter should be referred to Workforce Services, Corporate and System Support Services, Department for Health and Wellbeing.

Part-time employees

From 1 July 2012, a part time employee is to be credited with the equivalent of one day of sick leave for each completed month of service, which is calculated as a credit in hours as follows:

$$\textit{Sick leave credit in hours per month} = \textit{Sick leave hours normally credited to full time employee per month} \; X \; \frac{\textit{Total part time hours worked per week}}{\textit{Hours normally worked per week by full time employee}}$$

Sick leave taken by part time employees must be based on the number of hours that the employee would have worked on the relevant day/s. Payment will be made for those days.

The above does not apply to casual employees and employees employed under the Enterprise Agreements listed under ‘General Entitlement’. For these employees, reference should be made to the relevant Award/Enterprise Agreement.

Note: Up until 30 June 2012 (inclusive), the entitlement to sick leave for part time employees was calculated as follows:

$$\textit{Annual Accrual} = \frac{\textit{Full time sick leave entitlement x average part time hours worked per week}}{\textit{The hours normally worked per week by full time employee}}$$

Conversion of sick leave credits from days to hour

See Appendix 2 for the method used to calculate sick leave credits in hours for employees with existing credits in working days as at 24/03/88.

Transfers between full-time and part-time

If the number of hours worked by an employee is changed, sick leave credits for service up to until the date of the change will not alter.

The monthly sick leave accrual due in the month that an employee varies their hours of work will be calculated on a proportional basis during that month.

For example:

- The accrual credit from the start of the sick leave accrual month to the date that the hours worked are varied; and
- The accrual credit from the date that the hours worked are varied to the end of the sick leave accrual month.

The above does not apply to casual employees and employees employed under the Enterprise Agreements listed under 'General Entitlement'. For these employees, reference should be made to the relevant Award/Enterprise Agreement.

Effect of leave without pay on sick leave credit

Part 7-10.2

7-9-3 CONDITIONS FOR THE GRANTING OF SICK LEAVE

(a) For sick leave to be granted an employee must make a formal application even where the absence was for less than a whole working day.

An employee's sick leave entitlements must be debited according to the length of time for which the employee is absent.

(b) The Chief Executive Officer (or delegate) must be satisfied that an employee was unfit for work due to illness/injury before granting an employee sick leave on full pay (which must not exceed the amount of sick leave credit) and may require

an employee to attend a medical examination. Refer to Medical Examinations for further details.

(c) The employee must give notice to the Chief Executive Officer (or delegate) that they will be absent for health reasons and indicate possible duration of the absence as soon as reasonably practicable.

(d) Paid sick leave, in excess of a continuous period of 3 working days, may be granted providing an employee's absence is supported by a medical certificate or other approved certificate(s) in accordance with this Manual. Where an absence exceeds three working days an employee may be granted sick leave for the first three working days even if the medical certificate or other approved certificate only commences on the fourth day. However, if there is no medical certificate covering the fourth and subsequent days of sick leave, then the employee must not be granted sick leave for the first three days (unless they have a medical certificate or other approved certificate covering those days) or the fourth and subsequent days.

(e) Generally employees are not required to provide a medical certificate or other approved certificate for absences up to three working days. However, if the Chief Executive Officer (or delegate) believes it appropriate, they may also require a medical certificate or other approved certificate to be provided for a period of absence of fewer than four working days. It is suggested, however, that this power should only be exercised in circumstances where it is practicable for the employee to obtain a medical certificate or other approved certificate e.g. where the employee has previously been informed that such a medical certificate or other approved certificate will be required for each day of a period absence, or whilst the employee is still absent.

(f) If an employee is absent for a continuous period exceeding one working week, the employee must, if so required by the Chief Executive Officer (or delegate), provide medical certificates in respect of each working week and part of a working week for which the employee is absent.

'Working week' means the number of working days on which the employee is required to work in a week.

(g) An employee on recreation leave is entitled to take sick leave if the person is too sick to work for a period of at least three consecutive days. This leave then counts as sick leave and not recreation leave.

(h) A medical certificate or other approved certificate must be provided by the employee to the employer at the employer's request.

A 'medical certificate' means a certificate signed by a person registered under the *Health Practitioner Regulation National Law (South Australia) Act 2010* to practise in the medical profession (other than as a student) certifying that the employee is unfit to perform their work by reason of illness or injury.

'Other approved certificate' means a certificate or other written confirmation signed by a person registered under the *Health Practitioner Regulation National*

Law (South Australia) Act 2010 to practise in a health profession (other than as a student) regulated by that Act, which a Chief Executive Officer (or delegate) has determined is acceptable on its own or in conjunction with other documentation (e.g. a statutory declaration or affidavit) as may be required, to be evidence that the employee was/is unfit for to perform their work due to illness or injury.

Where an absence exceeds five working days a medical certificate must be provided.

(i) A medical certificate or other approved certificate must certify:

- the relevant period (specifying its commencing and concluding days) for which the employee has been and/or will be unfit for work as a result of sickness or injury; and
- where the employee is suffering from an illness of a contagious or infectious nature or illness or injury that otherwise gives rise to a risk to the health and safety of the employee or other persons in the workplace, the certificate must include the date on which the employee's presence at work will no longer create any risk of contagion or infection or other risk to the health and safety of them or others.

7-9-4 MISCELLANEOUS SICK LEAVE PROVISIONS

Sick leave during pregnancy

Where a pregnant employee is unfit for work because of an illness or injury related or unrelated to the pregnancy, normal sick leave provisions apply unless the employee is on maternity leave at the time.

Sick leave with pay must not be granted where leave is sought solely on the basis that the period of absence is due to pregnancy. However, any illness or exceptional circumstances (as certified by a medical certificate or other approved certificate) arising from the pregnancy which cause the employee to be unfit for work may be covered by paid sick leave to the extent available. This includes any illness or exceptional circumstances that are experienced as a result of childbirth.

Once an employee commences maternity leave, sick leave with pay must not be granted for any illness or injury unrelated to the pregnancy.

War-caused illness

A grant of special leave with pay applies for absences due to war caused illness - refer to Part 7-7.

Sick leave whilst on other types of leave

An employee who becomes ill or injured whilst on recreation leave, long service leave, retention leave or special leave without pay associated with a purchased leave

arrangement, such that if the employee had been required to work they would have been unable to perform their duties, they may apply to have the leave re-credited as sick leave. Such employee must provide a medical certificate or other approved certificate of illness or injury.

Use of other leave entitlements for illness or injury

An employee who has exhausted entitlement to paid sick leave may be granted leave without pay or recreation leave at the choice of the employee, subject to entitlement being available and the provision of an appropriate medical certificate, to cover absences on account of sickness.

Long service leave, subject to entitlement being available, may also be granted (including for periods of less than 7 calendar days) if no other paid leave is available. An appropriate medical certificate must be provided in all cases.

Reinstatement of sick leave credits

Where paid sick leave has been granted to cover a period of absence as a result of injury or illness and leave without pay is subsequently granted for the same period, the hours of paid sick leave previously approved for that period are to be added to the employee's current sick leave entitlement.

Medical/dental etc. appointments

Salaried Employees Only

Sick leave may only be granted where an employee is unfit to work.

Absence to attend medical, dental etc. appointments must not therefore be granted as sick leave unless the relevant health practitioner certifies that the employee was unfit to work for the period of absence on that day. Where no such certificate is given the employee is required to make up the time absent within a reasonable period. Every effort should be made to enable the employee to make up the time. An adjustment to pay will be necessary if the employee has the opportunity to make up the time and does not do so within a reasonable period.

Weekly Paid Employees Only

Sick leave may only be granted where an employee is unfit to work.

Absence for periodical visits to the doctor for the purpose of having tests, etc. is not covered by sick leave. However, when an employee is required to attend a Specialist or Medical Officer for medical examinations or tests which cannot be undertaken outside normal working hours, a certificate should be produced stating the reasons for the attendance at the period involved.

All Employees

When an employee attends an appointment as a consequence of an injury, which has been approved for worker's compensation, all working time absent is to be recorded as time on duty, not as sick leave. The Chief Executive Officer (or delegate) must ensure that any absence from work to attend such appointments is consistent with the employee's return to work plan.

Unpaid sick leave

An employee who has exhausted entitlements to sick leave may be granted recreation leave or long service leave (including periods of less than seven calendar days, provided that successive periods of long service leave for such purposes are not broken by non-working days) at the choice of the employee, subject to such entitlement being available and the provision of appropriate medical certificates, to cover absence on account of sickness.

Such an employee may also be granted special leave without pay as unpaid sick leave for a maximum period of up to 12 months with the provision of an appropriate medical certificate or other approved certificate to the Chief Executive Officer (or delegate).

Before granting leave without pay to cover absence as a result of illness or injury, a Chief Executive Officer (or delegate) must be satisfied that the employee will resume duty in the foreseeable future.

If the employee is not likely to be able to resume duty in the foreseeable future, action should be taken in terms of Part 4-1-7 Frustration of contract. In such circumstances, advice must be sought from the local human resources team.

Medical examinations

Medical examinations for sick leave purposes

An employee's application for sick leave is to be refused if the Chief Executive Officer (or delegate) is satisfied, on the balance of probabilities, on the basis of evidence, that the employee was not unfit for work or to perform their duties due to illness or injury for the period for which the leave has been claimed.

A Chief Executive Officer (or delegate) may, if satisfied there are circumstances justifying such action, require an employee to submit to a medical examination by a medical practitioner selected by the employee from a panel of medical practitioners when that employee is absent and has sought sick leave to cover the absence.

The employee must give approval for a report on the results of the medical examination to be provided by the specified medical practitioner to the Chief Executive Officer (or delegate) if such a report is requested by the Chief Executive Officer (or delegate).

If the employee refuses or does not attend an examination as required, or refuses to approve the provision of a report on the results of the medical examination to the Chief Executive Officer (or delegate), then the Chief Executive Officer (or delegate) is entitled to refuse to grant sick leave.

Whilst a Chief Executive Officer (or delegate) may have doubts that the employee is unfit for work because of illness or injury the absence may be of such short duration that it is impractical to arrange for a medical examination. In such a case, and especially where there have been frequent short absences, it may be more appropriate for a Chief Executive Officer (or delegate) to require that the next absence, irrespective of its duration, must be supported by a medical certificate.

This requirement could be repeated until the Chief Executive Officer (or delegate) is satisfied that it is no longer appropriate.

Medical examination requested by the Chief Executive or Executive Director Workforce Services, Corporate and System Support Services, Department for Health and Wellbeing

Where an employee is not performing their duties satisfactorily and it appears that such unsatisfactory performance may be caused by mental or physical incapacity, the Chief Executive or Chief Executive Officer may require the employee to be medically examined as specified in Part 4-1-14.

Employees working flexible working arrangements

The following conditions apply for employees that have voluntary flexible working arrangement provisions in their Enterprise Agreements.

Employees purchasing leave

Employees taking the additional purchased leave are considered to be taking leave without pay for administrative purposes. Refer to Part 7-10 Leave without pay for effect of leave without pay on sick leave eligibility.

Employees working compressed weeks

The compressed week's option does not affect an employee's entitlements to sick leave. The number of hours the employee would normally have worked in their compressed week's arrangement on a particular day must be recorded as sick leave if an employee is sick for that day. However, if the employee is sick on their nominated day of non-attendance then no sick leave is recorded for that day.

For example:

- If an employee using compressed weeks has nominated to work 10 hours on a Monday, then 10 hours is recorded as sick leave if the employee is sick on a Monday.

- If an employee using compressed weeks has nominated to work 10 hours on a Monday, but goes on sick leave on a Monday after 2 hours, then 8 hours is recorded as sick leave.
- If an employee using compressed weeks has nominated to work 8 hours on Tuesday, then 8 hours is recorded if the employee is sick on a Tuesday.
- If an employee using compressed weeks is sick on their nominated day off (when they have nominated to work no hours), then no sick leave is recorded for that day.

Employees working from home

- An employee's entitlement to sick leave is not affected, or their obligations in respect of notifying they are unfit for work and/or applying for accrued sick leave benefits are not affected, by a working from home arrangement.
- If an employee takes sick leave on the day or days that were nominated for working from home, the usual hours must be recorded as sick leave, and the usual arrangements for a medical certificate or other approved certificate apply.

Employees working flexi-time

For each full working day of sick leave the normal hours which would otherwise have been worked on that day must be added to the adjustment sheet.

If an employee works for part of a day because of illness or injury, the number of hours necessary to bring the day's total up to the normal hours which would otherwise have been worked on that day must be recorded as sick leave. Employees must apply for time absent as sick leave.

7-9-5 EMPLOYEES ON WEEKLY CONTRACT OF HIRE

Sick leave eligibility

All other employees on weekly contract of hire

(a) Subject to clause (b) hereunder, on and from 1/7/85, sick leave shall be credited and recorded on the basis of 96 hours per annum on the 1st July of each year.

(b) An employee appointed in the first half of the financial year shall be credited with 96 hours for that financial year and shall not be entitled to utilise more than 48 hours during the first 6 months or 96 hours in the first 12 months of service.

(c) Subject to subclause (d) an employee appointed in the second half of financial year shall be credited with 48 hours for that financial year and shall not be entitled to utilise more than 48 hours during the first 6 months or 96 hours during the first 12 months of service.

(d) An employee appointed on or after the 24th June in any financial year shall only be credited with a grant of sick leave in that financial year equal to the number of remaining days in the financial year, less one day for commencement of service, multiplied by 8 hours per day.

Full time employees working 7.6 hours per day

In respect to full time employees who have entered into a mutual agreement to work 7.6 ordinary hours per day, the amounts of 91.2 hours, 45.6 hours and 7.6 hours shall be substituted for 96 hours, 48 hours and 8 hours respectively where those amounts appear in the above clauses.

Part-time employees

A part time employee's annual entitlement to sick leave shall be calculated on a pro rata basis having regard to the number of hours normally worked per week. The annual entitlement shall bear the same proportion to 91.2 hours as the hours normally worked per week by the part-time employee bears to 38 hours.

Granting of leave

In determining whether or not paid sick leave should be granted because of "personal illness", the following decisions shall be followed:

1. Industrial fatigue is not an illness in terms of this Part.
2. Absence for periodical visits to the doctor for the purpose of having tests, etc. made is not covered by sick leave. However, when an employee is required to attend a Specialist or Medical Officer for medical examinations which can not be undertaken outside normal working hours, a certificate should be produced stating the reasons for the attendance and the period involved.
3. Sunburn is not an illness in terms of this Part.

Employees living in remote areas

Where an employee who is living in a camp remote from any town is absent on sick leave, the necessity for the production of a medical certificate on the certification of the supervisor or employee in charge of the camp that they were satisfied that the employee was unable to work on account of sickness (not being due to the employees own misconduct) on the days for which sick leave is claimed, may be waived.

Programmed day off coinciding with personal illness

Where an employee is absent due to personal illness on their programmed day off, such day shall stand as the programmed day off, and the employee shall not be permitted to substitute another day for the programmed day. They shall not be entitled to sick pay in addition to payment for the programmed day off and the day shall not be debited as sick leave.
Where an employee has been informed that they will be required to work on their programmed day off, and are subsequently absent on that day due to personal illness, the day shall not be paid as the programmed day off and a substitute shall not be granted.

Sick leave following absence on worker's compensation

Where an employee who is absent on worker's compensation reaches the maximum in terms of weekly compensation payments due to them:

(a) where the injury does not result in the total permanent incapacity for work, the employee may take any accumulated sick leave provided they provide a medical certificate. In the event that sick leave is paid to an employee in these circumstances, the employer must advise the appropriate insurer immediately sick leave pay commences.

(b) where the injury results in total permanent incapacity for work, the employee shall immediately be given the appropriate notice that their services will be terminated. The employee may apply to take any accumulated sick leave during the period of notice only, provided they produce a medical certificate to the employer.

Where an employee has been absent on worker's compensation and an order is made by the Court in settlement of the claim and:

(a).that a condition of the settlement is that the employee's services will be terminated as at the date of settlement with requirements of notice waived, then the employee's services shall be terminated as at the date of settlement and sick leave shall not be payable in any circumstances after that date,

(b) that a condition of the settlement is that the employee's services will be terminated (without specifying a date), then the employee shall immediately be given the appropriate notice that their services will be terminated. The employee may apply to take any accumulated sick leave during the period of notice only, provided they produce a medical certificate to the employer.

Programmed day off coinciding with absence on workers compensation

Where an employee is absent due to worker's compensation on their programmed day off and has accrued credits towards such day off they may retain those accrued credits for use upon their return to work. An alternate day off may be taken on return to duty and arrangements for taking such day off should be agreed between management and the employee concerned and should be taken as soon as is practicable.

During periods of worker's compensation the accrual of credits for the taking of the programmed day off shall be on the following basis:

- where an employee is absent for a period of nineteen working days or less, credits will continue to accrue during such absence.
- where an employee is absent for a continuous period exceeding nineteen working days they shall not accrue credits towards the programmed day off for those days of absence exceeding nineteen. Credits will commence to accrue on the employee's return to work.

Reinstatement of sick leave credits

Where sick leave has been granted to cover a period of absence as a result of injury or illness and leave without pay is subsequently granted for that period of time, the number of hours sick leave previously granted is to be reinstated to the employee's current sick leave entitlement.

7-9-6 CONVERSION OF SICK LEAVE CREDITS IN DAYS TO HOURS

1. Existing sick leave credits in days (for service to 30/06/88) are to be converted to the equivalent number of working hours. For the purpose of this conversion each day of sick leave credit is to be equated to the number of hours to be worked by the employee per fortnight divided by the number of days to be worked per fortnight as at the date of conversion e.g. an employee who works 8 days of 6.5 hours per fortnight has an existing credit of 47 days.

sick leave credit in hours = 47 days x (52 hours per fortnight/8 days per fortnight) = 305.5 hours

This formula is to be used for both full time and part-time employees except where the sick leave credit of a part-time employee who currently works less than 7.5 hours on a working day, includes credits from previous service on a full-time basis or a higher part-time proportion in which case it will be necessary to recalculate the new sick leave credit on a pro rata basis as set out in Section 2. Whichever method is used no employee's existing sick leave credit should be reduced by the conversion.

2. Conversion of Sick Leave Credit in Days to Hours of Certain Part-time Employees as at 24/03/88 who were Previously Full-time Employees

Use of the conversion formula in Section 1 above, whilst it would accurately reflect the current credit, would mean that the new sick leave credit in hours would only reflect the current part-time working pattern of an employee who works less than 7.5 hours on a working day.

Sick leave credits for such employees are therefore to be calculated on a pro rata basis according to the value (in hours) of credits gained and less leave actually taken, during each period of employment that was on a different 'time' basis e.g.

Sick leave credits for an employee who was full time for 4 years and took 15 days sick leave during that period, converted to part-time (2 days of 7.5 hours each per week) for a period of 1 year and 4 months and took 20 days sick leave during that period and then was part time (3 days of 6 hours 7 hours and 5 hours respectively per week) for 2 years and took 4 days sick leave during that period are to be calculated as follows:

Full-time service (to nearest month)= 4 years

Credit for full-time service = 4 years x 12 days per year less days taken (15)

= 33 days at 7.5 hours per day (current daily hours)

= 247.5 hours

Part-time service (to nearest month)= 1.3 years on 2 full days per week basis

Credit for that part-time service = (1.3 years x 12 days per year x

(2 days per week /5 days per week) less 20 days taken

= 13.75 days at 7.5 hours (15 hours per week/2 days worked per week)

per day

= 103 hours

Part-time service (to nearest month)= 2 years

on 3 part days per week basis

Credit for that part-time service = (2 years x 12 days per year)

x (3 days worked per week/5 days

(full time week)) less days

taken (4)= 14 - 4

= 10 days at an average of 6 hours (6+7+5 total

hours per week)/ (3 days worked per week)

= 60 hours

Total credit hours = 247.5 - 103 + 60 =204.5 hours

This approach also applies where a part-time employee who works less than 7.5 hours on a working day was previously employed on a higher part-time proportion i.e. the employee's average daily hours (the number of hours worked per week divided by the number of days worked per week) have reduced.

If this approach produces a lower credit in hours than use of the conversion formula in Section 1 the formula in Section 1 should be used.

Where neither the above approach nor the conversion formula appears to be appropriate, Workforce Services, Corporate and System Support Servicesshould be consulted.

7-9-7 FAMILY CARER'S LEAVE

Entitlement and conditions for granting family carer's leave

'Family carer's leave' can be used interchangeably with 'personal leave to care for a family member', as contained in Industrial Instruments.

An employee (other than a casual employee) with responsibilities in relation to a member of the employee's family who needs care and support:

Due to personal injury; or for the purposes of caring for a family member who is sick and requires the employee's care and support or who requires care due to an unexpected emergency.

Is entitled to up to 10 days or 75 hours in any completed year of continuous service (pro rate for part-time employees) to provide care and support for such persons while they are ill.

By agreement with the Chief Executive Officer (or delegate) the employee may access their accrued sick leave for the care and support of a family member. The amount of leave taken is to be deducted from the employee's sick leave credit.

Ordinarily an employee cannot take this leave if another person has taken leave to care for that person.

If required by the Chief Executive Officer (or delegate), the employee must provide a medical certificate or statutory declaration that states that the person is ill and is in need of the care of another person.

Where practicable, the employee must give the Chief Executive Officer (or delegate notice of the intention to take leave, the name of the person requiring care, the relationship of that person to the employee, the reasons for the leave and the estimated length of the absence.

Where paid leave has been exhausted an employee is able to take unpaid leave with the consent of the Chief Executive Officer (or delegate), for as long as each have agreed. Where a Chief Executive Officer (or delegate) and employee fail to agree, the employee is entitled to take up to two days (a maximum of 16 hours) of unpaid leave per occasion, if notice and evidentiary requirements are given and met.

Applications for family carer's leave

An application for family carer's leave should be considered with regard to other types of leave available and flexible working arrangements.

The ability to access this leave does not limit an employee's right to apply for special leave with or without pay as provided for in this manual.

Casual employees

Casual employees are not entitled to paid family carer's leave but are entitled not to be available for work, subject to evidentiary requirements. The period a casual employee is entitled not to be available for work is whatever is agreed between the Chief Executive Officer (or delegate) and the employee or 2 days per occasion (up to 48 hours).

A Chief Executive Officer (or delegate) must not fail to re-engage casual employee because the employee accessed this leave.

This does not alter the nature of casual employment.

Employees on flexible working arrangements

Eligible employees on flexible working arrangements are entitled to 10 days family carer's leave, with paid hours according to the arrangements outlined in Employees working flexible working arrangement above, for normal sick leave.

7-10 LEAVE WITHOUT PAY

7-10-1 GENERAL GUIDELINES

Applications for Leave Without Pay

Whilst it is recognised that a day or two of absence without pay may not cause any significant loss of efficiency, it must be assumed that absences exceeding one month would affect normal activity, particularly as it is often impracticable to provide an effective replacement.

Accordingly, applications for leave without pay should be considered within the following framework and unless, in the opinion of the Hospital/Health Service, there are special reasons to justify departure from this pattern, applications for leave without pay which do not conform should not be approved. Leave without pay is taken and recorded in hours.

Leave without pay to work in another organisation

A Chief Executive (or delegate) may grant leave without pay for an employee to take up employment in another organisation. Such a decision should be based on consideration of the benefits to all the parties, including the public sector.

Such leave should not be granted where there may be a conflict of interest in relation to the proposed employment and work of the Hospital/Health Service.

Where an employee is granted leave without pay to work for an organisation where service would not normally be recognised for the purpose of determining leave entitlements under Part 7-11, and such employment will bring high benefits to the Hospital/Health Service, a Chief Executive Officer (or delegate) may determine that the employment in the organisation will be recognised as service and effective service upon the employee's return to work.

Competition regulation offices

Cabinet has agreed upon a policy that Chief Executive Officers (or delegates) must consider the special staffing needs of competition regulation offices so as to make all relevant staff available for employment in such offices as required and provide further employment at the end of such employment arrangements. Chief Executive Officers (or delegates) must provide leave without pay to an employee if they request such leave to enable then to take up employment in a competition regulation office.

Ministers Offices

If an employee requests leave without pay to work as a member of a Minister's personal staff, then the Chief Executive Officer (or delegate) must grant such leave.

Note that employment as a personal assistant to a Member of Parliament (e.g. in an electorate office) is not considered employment as a member of a Minister's personal staff and any such request for leave without pay to undertake such work is not subjected to this requirement.

Unions

Applications from employees for leave without pay to work in a recognised organisation, union or employee association should be referred to Workforce Services, Corporate and System Support Services for consideration. Refer also to Part 11-2 Release of employees to unions.

Accompanying a partner to a regional location in South Australia

If the partner of an employee is appointed to a position in a South Australian public sector agency and is required to relocate from Adelaide metropolitan area to a regional South Australian location (or vice versa), then, if requested by the employee, the Chief Executive Officer (or delegate) must grant the employee leave without pay to accompany their partner as follows:

- Such leave is limited to a maximum of two calendar years, or the equivalent of the employee's existing effective service in the South Australian public sector, whichever is the lesser. A Chief Executive Officer (or delegate) may grant additional leave without pay if considered appropriate.
- Employees appointed on casual contracts are not entitled to such leave.

When required as a witness

i) Witness Other Than on Behalf of the State:

Employees subpoenaed or called as a witness (other than on behalf of the Hospital/Health Service or the State) may utilise flexitime provisions or apply for leave, including leave without pay.

ii) Witness on Behalf of the State:

When an employer is required to attend as a witness on behalf of the Hospital/Health Service, or the State of South Australia such attendance will be regarded as time on duty and he or she must not take witness fees. Fares and expenses are to be paid by the employer.

Programmed Day Off

i) Where an employee is subpoenaed or called as a witness as set out in (i) above, or his or her programmed day off, such day shall stand as the programmed day and the employee shall not be permitted to substitute another day for the programmed day.

ii) Where an employee is required to attend as a witness on behalf of the state as set out in (ii) above on his or her programmed day off, the employee concerned shall be permitted to substitute another day for the programmed day. The substitute day should be agreed between the employee and the officer in charge and should be taken as soon as possible.

Overseas Travel and leave without pay for other reasons

Leave without pay should only be granted for overseas travel provided the employee has taken or takes all the annual leave to which they are entitled in respect of completed years of service. Leave without pay for overseas travel and for other reasons not detailed above should be granted in accordance with the following guidelines:

(i) Where an employee has completed 12 months service but has not completed 2 years service, leave without pay up to 2 months may be approved.

(ii) Where an employee's service is in excess of 2 years, one month's leave without pay for each completed year of service may generally be approved, up to a maximum of 6 months.

(iii) Where an application is for leave without pay in excess of 6 months, each case must be examined on its merits. Unless there are exceptional circumstances, leave will not be granted for periods in excess of 6 months unless an employee's service is in excess of 5 years. Leave without pay for overseas travel must not exceed 12 months.

(iv) In all cases involving leave without pay applications, the workplace's convenience should be the paramount consideration. Employees should not anticipate approval for leave without pay by making overseas travel or other arrangements without first obtaining authority for the leave. An employee who desires to engage in any remunerative employment outside the Hospital/Health Service during the currency of such leave must seek authority to do so from their Chief Executive Officer or delegate.

7-10-2 EFFECT OF LEAVE WITHOUT PAY ON SUPERANNUATION

Employees considering a period of leave without pay for a period greater than 2 weeks are advised to contact Super SA regarding arrangements for the payment of employee and employer contributions.

7-10-3 DEFINITION

For the purposes of this part the equivalent of one calendar month means;

- for a full-time employee, the number of hours normally worked during 22 working days (i.e. 22 x 7.5 = 165 or 22 x 7.6 = 167.2 for employees who work a 38 hour week).
- for employees on flexible working arrangements the number of hours normally worked in an average calendar month with 22 working days (i.e. 22 x 7.5 x 24/37.5 = 105.6 for an employee who works 24 hours per week).

This period of leave without pay, which does not affect service or effective service, is known as the leave without pay credit.

7-10-4 EFFECT ON OTHER ENTITLEMENTS

Except where otherwise directed leave without pay shall have the following effect on an employee's other leave entitlements:

Effect of leave without pay on long service leave

Each hour of leave without pay which is not to be counted as effective service will affect long service leave unless;

- advised in writing at the time of granting the leave directs that it shall count.
- If leave without pay was granted before 1st July 1968:
    - for periods of leave without pay amounting to six months or more in any service year, the entire period shall not count for the purpose of long service eligibility;
    - for periods of leave without pay amounting to less than six months in any service year, the entire period will count as service for the purpose of long service eligibility;
    - Periods covered by Studentships, Scholarships and Cadetships whether these occurred before or after the 1st July 1968 are to count for long service leave eligibility.
    - In respect of leave without pay granted prior to 1st July 1968, such leave is not to affect the continuity of an employee's service as such but periods amounting to six months or more in any service year must be excluded from the calculation of the length of the employee's effective service in determining his/her eligibility for long service leave.

Similarly, leave without pay in excess of one month, in a service year granted on or after 1st July 1968 is not to affect the continuity of an employee's service but, except in circumstances where directed that it shall count, such periods must be excluded from the calculation of the length of the employee's effective service in determining their eligibility for long service leave.

Effective service for the purposes of determining long service leave entitlements is based on completed years of service. Completed months of service must also be recorded, or be able to be determined as required, to enable calculation of leave entitlements on termination of employment.

Leave without pay which is not counted for the purposes of long service leave moves the end of the current month/year of effective service forward by the number of calendar days before the employee returns to work (note that for this purpose a paid public holiday, flexi day or any other day which the employees would normally receive payment, or a day of paid leave, is considered a day of work).

Where a period of leave without pay in excess of a month straddles the previously expected end of a month/year of effective service, effective service does not recommence until the employee resumes duty.

The movement of the date of the month/year of effective service is based on the principle that any adjustment should reflect the calendar time between when the employee commences leave without pay and returns to work, regardless of how many days/hours the employee normally works during this period.

Example 1

An employee completes 11 years of effective service on 9 October 2003. They take 44 working days (44 x 7.5 = 330 hours) of leave without pay from 16 August 2004 to 15 October 2004. Note that the public holiday on 4 October is not paid, but does not count as a day of leave without pay.

The leave without pay credit is 165 hours (22 x 7.5). The first 165 hours (equivalent to 22 working days) of leave without pay in a service year, will not affect effective service – the period of leave without pay between 16 August 2004 to 14 September 2004 will therefore not affect effective service. However the remaining 165 hours (330 – 165) will.

The first day of leave without pay not to count as service occurs on 15 September 2004, and the day before the employee returns to work is Sunday 17 October 2004 – 32 calendar days (excluding 4 October public holiday). The end of the current month of effective service (previously 9 October 2004) is moved out by 32 calendar days to 10 November 2004. The current year of service (as this is the 12th month of the year of effective service) is also considered to have ended on 10 November 2004.

Example 2

A part-time employee who works 30 hours per week, 7.5 hours per day completes 11 years of effective service on 9 October 2003. The employee takes 202.5 hours leave without pay from 23 August 2004.

The leave without pay credit at the time of the commencement of the leave without pay is 132 hours ((22 x 7.5) x (30/37.5)).

The first 132 hours of leave without pay do not affect service. To determine the period that does not affect service, the leave without pay credit is reduced by the employee's hours per week divided by 5, i.e. 132/(30/5) = 22

Therefore the leave without pay during the period 23 August 2004 to 21 September 2004 (22 full-time, Monday to Friday working days) will not affect effective service. The 70.5 hours of leave without pay not to count as service is for the period 22 September 2004 to 7 October 2004 (the day before the employee returns to work), and will move the current month (and year) of effective service by 16 calendar days. That is the end of the current month (and year) of effective service, which would have previously ended on 9 October 2004, will now be 25 October 2004.

Example 3

An employee completes 11 years of effective service on 9 October 2003. They work as a full time employee up until 31 December 2003 and then from 1 January 2004 they work an average of 30 hours per week (i.e. Monday, Tuesday, Wednesday, Friday). They take 150 hours leave without pay from 4 November 2003, and a further 60 hours of leave without pay from 9 February 2004.

For the first period of leave without pay the following applies:

The leave without pay credit is 165 hours (22 x 7.5)

The leave without pay taken (150 hours) is less than the leave without pay credit (165) hours and does not affect effective service. Following the leave without pay the remaining leave without pay credit is 15 hours (165-150).

For the second period of leave without pay the following applies:

The leave without pay credit at the time of the commencement of the leave without pay is 12 hours (15 x (30/37.5)). The first 12 hours of leave without pay from 9 February 2004 to 10 February 2004 (4.5 hours on 10 February 2004) will not affect effective service. However the remaining 48 hours (60-12) of leave without pay from 10 February 2004 (3 hours on 10 February 2004) to 20 February 2004 will affect effective service.

The leave without pay period not to count as service will be considered to be 11 February 2004 to 22 February 2004 (being the calendar day before the employee returns to work) – 12 calendar days.

The period of leave without pay on 10 February 2004 (3 hours) is carried forward as a balance until a further period of leave without pay not to count as service occurs during the year of effective service. The end of the current month of effective service, which would have previously ended on 9 February 2004, will now be 21 February 2004. The current year of effective service will now end on 21 October 2004.

Effects of leave without pay on recreation leave entitlement

Leave without pay in excess of one month either in a continuous period or in broken periods in any service year shall not count as service for the purpose of recreation leave entitlements. Each hour of leave without pay which is not to be counted as effective service will affect recreation leave accrued during that service year unless:

- the Hospital/Health Service may direct in writing that the period shall count in whole or in part;

  OR

- if the leave without pay has been given on account of worker's compensation the period of absence will count as service pursuant to the provisions of Section 65 of the Worker's Rehabilitation and Compensation Act, 1986;

  OR

- if the leave without pay has been granted due to the employee's absence on account of sickness in respect of which a medical certificate has been produced, the period of absence will count – up to a maximum of 12 months;

  OR

- where an employee becomes sick during an absence on leave without pay the conditions outlined in 4.2.1.3 are not to apply, nor is paid sick leave to be substituted for the leave without pay.

If an employee is on leave without pay not to count as service for the purposes of determining recreation leave, then the recreation leave accrued during that month of service will be reduced as follows:

Reduction (in hours) = monthly accrual rate (in hours) x hours of leave without pay not to count as service/22 x base hours per day x (average hours worked/full time hours)

The monthly accrual rate for part-time employees is adjusted proportionate to hours worked.

Recreation leave accrued for the service month = monthly accrual rate minus reduction. If the employee is on leave without pay not to count as service for a whole service month, then no entitlement will be accrued for that month.

Example 1

A full-time employee rostered over 5 days who accrues 12.5 hours of recreation leave per service month has a service year date of 1 October. From 1 July 2004 to 10 September 2004 the employee is on leave without pay (a period of 52 working days or 390 hours (52 x 7.5)).

The leave without pay credit is 165 hours. The first 165 hours of leave without pay in the employees service year do not affect the accrual of recreation leave but the remaining 225 hours (390-165) (30 days) will not be counted for the purposes of recreation leave.

The 30 days (225 hours) are made up of 22 days (165 hours) in the service month ending 31 August and 8 days (60 hours) in the service month ending 30 September.

The employee would accrue 12.5 hours during the service month ending 31 July. They would accrue no hours of recreation leave during the service month ending 30 August 2004. The employee would accrue 7.95 hours during the service month

ending 30 September 2004 (12.5 hours minus a reduction of 4.54 hours, where the reduction is calculated as 12.5 x (60/165).

Example 2

A part-time employee who works an average of 18.75 hours per week has a service anniversary date of 15 October. From 2 February 2004 to 19 March 2004 they take 131.25 hours of leave without pay.

The monthly accrual rate is 6.25 hours (18.75/37.5) x 12.5

The leave without pay credit is 82.5 hours ((18.75/37.5) x (22 x 7.5))

The first 82.5 hours of leave without pay within the service year will not affect recreation leave entitlements. Therefore the recreation leave accrual will only be affected by the last 48.75 hours (131.25 – 82.5) of leave without pay.

The leave without pay is made up of 37.5 hours in the service month ending 14 February 2004 (none of which affect service), 75 hours (of which 45 hours do not affect accrual, and 30 hours which do affect accrual) in the service month ending 14 March 2004 and 18.75 hours in the service month ending 14 April 2004.

The employee would accrue the normal recreation leave entitlement in the service month ending 14 February 2004. They would accrue 4.54 hours for the service month ending 14 March 2004 (6.25 hours minus a reduction of 2.27 hours where the reduction is calculated as 6.25 hours x (30/82.5)). The employee would accrue 4.83 hours during the service month ending 14 April 2004 (6.25 hours minus a reduction of 1.42 hours, where the reduction is calculated as (6.25 x (18.75/82.5)).

Example 3

An employee has a service anniversary date of 18 October. The employee works full time up until 31 December 2003. From 1 January 2004 the employee work on average 22.5 hours per week (7.5 hours on Monday, Tuesday and Wednesday). They take 112.5 hours of leave without pay from 21 October 2003 to 8 November 2003. They take a further 67.5 hours leave without pay from Monday 5 January 2004 to Wednesday 21 January 2004.

At the time of the first period of leave without pay the following applies:

The monthly accrual rate is 12.5 hours.

The leave without pay credit is 22 x 7.5 = 165 hours.

The amount of leave without pay (112.5 hours) is less than the available leave without pay credit (165 hours) therefore the first period of leave without pay would not affect recreation leave accrual. At the end of the first period of leave without pay, the employee would have 52.5 hours of leave without pay credit remaining (165-112.5).

At the time of the second period of leave without pay the following applies:

The monthly accrual rate is 7.5 hours (22.5/37.5) x 12.5

The leave without pay credit at the commencement of the second period of leave without pay is 52.5 x (22.5/37.5) = 31.5 hours.

The leave without pay is made up of 45 hours in the service month ending 14 January 2004, (of which 31.5 hours would not affect recreation leave and 13.5 hours would effect accrual) and 22.5 hours in the service month ending 14 February 2004 (all 22.5 hours would effect recreation leave entitlements).

During the service month ending 14 January 2004 they would accrue 6.48 (7.5 hours minus a reduction of 1.02 hours where the reduction is calculated as 7.5 x (13.5/(22.5/37.5) x 165)

5.80 hours during the service month ending 14 February 2004 (7.5 hours minus a reduction of 1.70 hours, where the reduction is calculated as 7.5 x (22.5/(22.5/37.5) x 165).

Effect of leave without pay on sick leave eligibility

Pursuant to the provisions of the Section 40 of the Workers Rehabilitation and Compensation Act, 1986 any absence on worker's compensation shall be regarded as service for accruing sick leave credits.

Where an employee is absent on leave without pay each hour of leave without pay which is not counted as service during a financial year will reduce the sick leave to be credited to an employee on the 1st July of the next financial year unless:

- if the leave without pay has been given on account of worker's compensation the period of absence will count as service pursuant to the provisions of Section 65 of the Worker's Rehabilitation and Compensation Act, 1986;

  OR

- if the leave without pay has been granted due to the employee's absence on account of sickness in respect of which a medical certificate has been produced, the period of absence will count – up to a maximum of 12 months;

Note that if there is not sufficient sick leave accredited to the employee on 1st July of the next financial year to allow such an adjustment, then the existing sick leave credit of the employee will be reduced accordingly, or if this is not sufficient the sick leave credited to the employee in subsequent financial years may be reduced accordingly.

If an employee is on leave without pay not to be counted as service for the purposes of determining sick leave credits then the sick leave to be credited on 1st July in the following financial year is reduced as follows:

Reduction (in hours) = annual accrual rate (in hours)/12 x hours of leave without pay not to count as service/22 x base hours per day x (average worked/full-time hours)

The monthly accrual rate for part-time employees is adjusted proportionate to hours worked. Sick leave credited for the following financial year = annual accrual rate minus reduction.

Example 1

A full time ASO employee takes 30 days (225 hours) of leave without pay between 1 July 2004 and 30 June 2005. The annual accrual rate is 90 hours for a full time employee entitled to 12 days sick leave each financial year.

The leave without pay credit is 22 x 7.5 = 165 hours.

The first 165 hours of leave without pay would not affect service for the purposes of determining sick leave entitlements. The last 60 hours (225 hours minus 165 hours) would affect sick leave credits. The amount of sick leave credited to them on 1 July 2005 would be 87.27 hours (90 hours minus a reduction of 2.73 hours where the reduction is calculated as

(90/12) x (60/(22 x 7.5) x (37.5/37.5))

Example 2

A part time employee who works an average 18.75 hours per week takes 225 hours of leave without pay between 1 July 2004 and 30 June 2005.

The employee would have an annual accrual rate of 90 x (18.75/37.5) = 45 hours

The leave without pay credit is 18.75/37.5 x 22 x 7.5 = 82.5 hours

The first 82.5 hours of leave without pay would not affect service for the purposes of determining sick leave entitlements. The last 142.5 hours (i.e. 225 – 82.5) would affect sick leave credits. The amount of sick leave credited to them on 1 July 2005 would be 38.52 hours (45 hours minus a reduction of 6.48 hours, where the reduction is calculated as

(45/12) x (142.5/(22 x 7.5) x (18.75/37.5)

Example 3

During the 2004-2005 financial year, an employee works 6 months at full time, them 3 months at an average of 18.75 hours per week, then 3 months at an average of 22.5 hours per week. They continue working at an average of 22.5 hours per week from 1 July 2005.

During 2004-2005, the employee takes 150 hours of leave without pay during their full time service, 37.5 hours of leave without pay while they are working 18.75 hours per week and then a further 45 hours of leave without pay while they are working 22.5 hours per week.

At the time of the first period of leave without pay the following applies:

The employee has an annual accrual rate of 90 hours.

The leave without pay credit of the employee at the commencement of the leave without pay is 22 x 7.5 = 165 hours.

As the amount of leave without pay (150 hours) is less than the available leave without pay credit (165 hours), the first period of leave without pay would not affect service for the purposes of determining sick leave entitlements. At the end of the first period of leave without pay, the employee would have 15 hours of leave without pay credit remaining (165-150 hours).

At the time of the second period of leave without pay the following applies:

The annual accrual rate is 90 x (18.75/37.5) = 45 hours

The leave without pay credit of the employee at the commencement of the second period of leave without pay is 15 x (18.75/37.5) = 7.5 hours. The first 7.5 hours of leave without pay would not affect service for the purpose of determining sick leave entitlements. The last 30 hours (i.e. 37.5 – 7.5) would affect sick leave credits.

The amount of sick leave to be credited to them on 1 July 2005 would be reduced by 1.36 hours, where that reduction is calculated as:

(45/12) x (30/(18.75/37.5 x 22 x 7.5))

At the time of the third period of leave without pay the following applies.

The annual accrual rate is (90 x 22.5/37.5) = 54 hours

The leave without pay credit of the employee at the commencement of the third period of leave without pay is 0 hours (0 x ((22.5/37.5) x (18.75/37.5)).

All of the 45 hours leave without pay will affect sick leave credits. The amount of sick leave to be credited to them on 1 July 2005 would be reduced by a further 2.05 hours, where the reduction is calculated as:

((54/12) x (45.0/(22.5/37.5) x 22 x 7.5))

Therefore on 1 July 2005, the employee is credited with 50.59 hours of sick leave (54 hours credited based on working 22.5 hours per week as at 1 July 2005, reduced by 3.41 hours (1.36 + 2.05)).

Effect of leave without pay on date of salary increments

No period of leave without pay shall count as service for incremental purposes unless:-

- the salary scale gives an entitlement related to age;
- the employee is absent on worker's compensation;
- the Chief Executive Officer (or delegate) otherwise directs.
- the leave without pay was for a purchased leave arrangement (up to a maximum equivalent of 4 weeks only for each service year)

When calculating a revised increment date the period to be postponed should be based on the equivalent number of working days leave without pay granted in the previous year. In the event that the period concludes on a working day immediately prior to a non-working day (e.g. a Saturday or rostered day off, payment should be made from the next working day. The increment is recorded as being due on the day immediately after the last working day (e.g. on the Saturday for an employee working Monday to Friday). For part time employees a similar method should be used with any postponement being based on the employees working arrangements.

Public holidays are to be treated as normal working days for this purpose.

Example 1:

Increment normally due 27/3/72.

Leave without pay taken - 5 working days.

Postponed increment date will be 1/4/72.

In these circumstances - Good Friday 31/3/72, a paid Public Holiday, counts as one of the days during which the increment is lost.

Assuming the employee is paid on the basis of a five day week, the increment is recorded as becoming due on Saturday 1/4/72, but calculation of additional money in that year will start from Monday, 3.4.72, no pay being due for Saturday or Easter Sunday.

Effect of leave without pay on payment for Public Holidays

An employee entitled to public holidays without loss of pay who is granted leave without pay because of absence on worker's compensation will be paid a full day's pay for each public holiday occurring during the period of absence on account of injury.

Where an employee is absent on leave without pay because of sickness the period of absence up to one month in any financial year is to count as service for payment of public holidays occurring during the period of absence unless the Chief Executive Officer (or delegate) otherwise directs.

Employees may take leave without pay, subject to agreement between the Hospital/Health Service and employee, for non-public holiday days occurring between Christmas and New Year's day without any effect on the payment of public holidays during this period.

Payment should be made at ordinary rates and the public holidays should not be debited as leave without pay.

Where an employee is on leave without pay immediately preceding and immediately following a public holiday or public holidays other than in circumstances set out above, the employee will not be paid for the public holiday but it will not be debited as leave without pay.

Example: If an employee is away for three days, the middle day being a public holiday, he/she will lose pay for three days but will only be debited in the record for two days without pay.

Where an employee is on duty or rostered off, or on paid leave on the working day immediately preceding OR immediately following a public holiday, the employee shall be paid for such holiday.

Effect of leave without pay on programmed day off

Where an employee is absent on leave without pay on their programmed day off, such day shall stand as the programmed day off and the employee shall not be permitted to substitute another day for the programmed day.

If due to leave without pay an employee is not entitled to any pay for their programmed day off, then that day shall be also recorded as a day's leave without pay even though it remains the programmed day off.

7-10-5 SUBSTITUTION OF LEAVE WITHOUT PAY FOR PAID LEAVE AND REINSTATEMENT OF PAID LEAVE CREDITS

Subject to the terms of this Part, the Chief Executive Officer (or delegate) shall grant leave without pay for a period of absence previously covered by paid leave.

The employee must have previously applied for and been granted, long service leave, recreation leave, or sick leave for that period of absence as a result of injury or illness incurred other than in the course of their employment.

At the time of application being made for paid leave there was a claim pending for some type of compensation.

The employee has subsequently received some form of compensation.

The employee has made application for leave without pay to cover the period of absence and has applied for reinstatement of paid leave credits previously used for that purpose.

The employee has produced satisfactory medical evidence that the period of absence for which reinstatement of paid leave credits is sought was due to injury or illness incurred other than in the course of their employment.

Leave without pay granted in terms of this clause is not to be treated as sick leave without pay.

The amount of paid leave previously used to cover the period of absence is to be reinstated.

An appropriate adjustment in salary will be necessary where a reinstatement of paid leave credits is made.

7-11 RECOGNITION OF PRIOR SERVICE FOR LEAVE PURPOSES

Recognition of prior service for the purposes of leave entitlements is to be applied consistent with Determination 3.1: Employment Conditions – Hours of Work, Overtime and Leave (Section G- Recognition of Prior Service and Leave Accruals) of the Commissioner for Public Sector Employment.

A Chief Executive Officer (or delegate) is authorised to consider and determine requests for recognition of prior service for the purposes of determining a person's entitlement to recreation leave, sick leave and long service leave in accordance with the following conditions and determinations on extent.

7-11-1 CONDITIONS

Prior service, which has been previously recognised (in accordance with Part 7-11 of this Manual) as effective service for the purposes of leave entitlements, shall continue to be recognised as effective service. Advice should be sought from the local human resources team if it is unclear as to whether service with a previous employer should be recognised.

From 1 July 2004 onwards, prior service of new employees will be recognised if previous service has been with organisations whose employees are eligible to apply for vacancies on I WORK FOR SA. That is prior service must have been with organisations listed in Appendix 7-11 A.

Chief Executive Officers (or delegates) are also required to recognise service of persons who were:

- An officer or employee of the Government of the Commonwealth or another State or Territory of the Commonwealth or
- Employed by a University within the Commonwealth (excluding private Universities) or
- Employed by a local government authority as defined under any Local Government Act (or equivalent) in Australia.

In addition separate (noncontinuous) periods of service with one employer, or periods of service with more than one employer, may be recognised if:

- Each period of service was recognised by the next employer, and
- The employer was a recognised employer in terms of the above and each period of service was continuous (subject to the provisions on breaks in service below) with the next period of service.

Recognition of service with such organisations is subject to payment by the previous employer of any long service leave and recreation leave liabilities to the employee (or

with the agreement of the Chief Executive Officer (or delegate), the employee and the organisation, to the agency).

Note: Where an employee has less than the minimum period of service required to receive an entitlement or payment in lieu of the entitlement the agency must recognise the service of that person notwithstanding that no funds are transferrable.

Military Service

Part time military service, including service in the Defence Reserves is not to be recognised as effective service, except where that person was also employed by an organisation listed in Appendix 7-11 A at the time of the military service.

Leave with pay (and leave without pay) for Defence Reserves training and voluntary continuous full time service will count as service for all purposes i.e. for recreation, sick and long service leave, although accrued sick leave is to be reduced by the amount of "sick leave taken during the service period."

Leave without pay for Defence Reserves 'call outs' will count as service for long service leave purposes, but not for sick and recreation leave, which will be managed as part of the Defence Reserves 'call out' arrangements/operations.

Members of Government Boards and Committees

Service as a member of a government board or committee is not to be recognised as effective service, except where that person was also employed by an organisation listed in Appendix 7-11 A at the time of their service as a member of the board or committee.

Breaks in Service between Employment

Service with other organisations can only be recognised as effective service if:

- Prior to 1 July 1978 there was no break in employment between the time a person ceased employment and started employment with the recognised employer, apart from the necessary travelling time.
- From 1 July 1978 onwards there was a break of three months or less between the time the person ceased employment with the organisation and started employment in the recognised employer.

Casual Employees

In recognising service as a casual employee (for long service leave purposes only), effective service includes service where an employee is not actually working but where there is a continuing relationship between the employee and the employer. Such a relationship does not necessarily need to be in writing.

Note that a period of more than 3 months between employment (other than for 'Parental leave') during such a relationship is considered to be a break in service, and

service prior to such a break will not be considered as effective service for the purposes of accruing future long service leave.

7-11-2 DETERMINATION OF LEAVE ENTITLEMENTS

Before service with other organisations can be recognised or leave entitlements calculated and transferred, full details of service (including details of any part time or casual service, accrued leave entitlements, leave taken, periods of leave without pay not counted as service) need to be obtained in writing from the previous employer. A suggested letter for requesting these details is attached as Appendix 7-11 D.

Where an employee is appointed and prior service is recognised that employee should not be treated as a new employee in terms of access to leave entitlements. Rather, the employee should be allowed immediate access to existing transferred entitlements (if any) and new entitlements as they are credited or accrue.

Long service leave

Where service is continuous and there have not been any periods not counted as service for long service leave purposes by the previous employer, the date of entry for long service leave purposes is determined as the date of commencement with the earliest recognised employer.

To take account of any breaks (which have been accepted for continuity purposes) and/or any periods of service not counted for long service leave purposes advance the date of entry for long service leave purposes by the number of calendar days in any break and by the number of calendar days in any period of leave which was not to count as service (see examples 1 and 2 in Appendix 7-11 E).

The period of effective service with the previous employer(s) will be recorded, together with details of when this effective service accrued (for taxation purposes)

Where an employee has received payment in lieu of long service leave entitlements from their previous employer, that payment is to be taken to be for the period of effective service able to be paid out (normally completed years and/or months). Those entitlements are no longer available to the employee although the service will be recognised as effective service for the purposes of accruing future entitlements.

The amount of any long service leave already taken out (see example 1) or the concluding date of service for which a payment has been made in lieu of leave is to be identified.

Whole months shall be the basis of long service leave calculations, accordingly the concluding date of service is to be identified as the last monthly anniversary of the date of entry which occurred prior to commencement (see example 2 in Appendix 7-11 E).

Any period of recognised service which was on a part-time basis should also be identified.

Different accrual rates for long service leave. Determining entitlements where the previous organisation had a different accrual rate for long service leave requires special treatment (even when some long service leave has been taken).

Because the provision for 15 days long service leave per year for the 16th and subsequent years exists, the direction is to stipulate that for the period of service prior to appointment the person is eligible for a particular number of calendar days long service leave provided that this figure does not exceed entitlements for the same period-see examples 3, 4(a) and 4(b) in Appendix 7-11 E.

Recreation leave

Where an employee has transferred (without any break in service) from an organisation listed in Appendix 7-11 A, the commencement of the employee's current year of service (for recreation leave purposes) is determined as the date of entry for recreation leave purposes. If recreation leave has not been paid out such a person is to be eligible for an annual recreation leave entitlement (calculated on a pro-rata basis if different entitlements apply).

Where an employee has received a payment in lieu of recreation leave entitlements from their previous employer, those entitlements are no longer available to the employee.

Sick leave

Employees who were previously employed by Government Agencies or an Incorporated Hospital or SAAS

(a) Existing sick leave credits on the basis of 10 days (80 or 76 hours as applicable) per service year.

Ascertain current credit and date to which it has been calculated. Deduct pro rata amount for period between last day of service as an employee and the date to which the credit was calculated.

Add pro rata calculation (on basis of 90 hours (12 days) per financial year) for service from date of commencement to the next occurring 30th June.

This aggregate figure (to the nearest quarter of an hour) is the credit to be given as at the date of commencement for service to the end of the current financial year.

A further 90 hours will be credited on the following 1st July. If the above calculations result in a credit less than that granted to new entrants, the new entrant provisions will apply.

Note: Where new entrant provisions have been applied as a result of this procedure and the employee exhausts all new entrant sick leave, the sick leave entitlements may be retrospectively determined on the 'pro rata' basis if it is to the benefit of, and is requested by, the employee.

See example 5 in Appendix 7-11 E.

(b) Existing sick leave credits on similar basis as employees i.e. 90 hours per financial year.

In this situation the existing credit will continue to apply. If there has been a 'break' in service the pro rata calculation in (a) above will apply.

It is government policy that a person who was a South Australian Government employee on sick leave conditions providing 90 hours per financial year is not to gain additional benefit by conversion to 'new entrant' provisions.

(c) Existing sick leave on calendar year basis (e.g. Teachers under the Education Act receive 10 days per calendar year).

Ascertain the credit up to the previous 31st December. Convert that credit to Public Service hours (multiply by 7.5)

If appointment occurred prior to 30th June add 45 hours (half Public Service credit) for service to 30th June.

If appointment occurred after 30th June add 127.5 hours (half teacher's sick leave credit plus full Public Service credit) for service to next 30th June.

Deduct any sick leave taken as a Teacher since previous 31st December (regard a day as 7.5 hours).

Entitlements greater than the public sector entitlements

In calculating leave entitlements for the period of service prior to appointment, it is intended that such entitlements shall not exceed the entitlements which would have been due to an employee for the same period, with appropriate adjustments made for leave actually taken during the period of service.

If annual credit exceeds annual credit as prescribed herein convert credit to conditions as prescribed in this Part.

e.g. Commonwealth Government grants 2 weeks on full pay plus 2 weeks on half pay per year. This is equivalent to 15 working days on full pay per year or 110 hours. Therefore any Commonwealth Government sick leave credit on termination is reduced proportionately (e.g. multiply by 90/110).

See example 6 in Appendix 7-11 E

Add pro rata calculation (on basis of, for example, 90 hours (12 days) per financial year) for service from date of commencement to next occurring 30th June.

This aggregate figure is the credit to be given as at date of commencement for service to the end of the current financial year.

If the above calculations result in a credit less than that granted to new entrants, the 'new entrant' provisions will apply.

No specific entitlements or no record kept of sick leave (e.g. army)

If there were no specific entitlements or records kept of sick leave under a previous employer, then calculate credit as if all service had been as an employee and deduct

an assumed usage figure (determined at 37.5 hours (5 days) per year or part of year) to calculate credit as at date of termination with previous employer.

Add pro rata calculation for service from date of commencement to next occurring 30th June. The aggregate figure obtained is the credit to be given as at date of commencement for service to the end of the current financial year.

See example 7 in Appendix 7-11 E.

7-11-3 PORTABILITY OF LEAVE RECORDS

Existing employees re-assigned to another Incorporated Hospital or SAAS

Original service and leave records (Forms A and B) should be passed on.

If desired, copies may be retained.

Where original records are no longer suitable for further use copies may be used, provided that they are certified true copies by two responsible staff members (one of whom being a member of the internal audit staff, where possible).

Employees (not under the PS Act) of administrative units who are subsequently appointed under the PS Act

The original records for such employees e.g. weekly paid employees, teachers, police officers, should be retained and not passed on.

Details of service with leave entitlements (supported by copies if requested) should be supplied by memoranda, certified as above.

Maintenance of leave records

Following determination of leave entitlements, the details (including date of entry for long service leave purposes and any long service leave already taken or paid out) should be entered on any new records established.

Similarly, these details and balances of recreation leave and sick leave credits should be brought forward on any continuation sheets used.

7-11-4 LEAVE LIABILITIES

If an employee resigns from the Public Service (i.e. a PS Act position) or another incorporated Hospital or SAAS to take up employment and that employment commences immediately after the cessation of the prior employment then;

- the person's existing and accruing rights immediately before cessation of that previous employment in respect of recreation leave, sick leave and long service leave continue in full force and effect as if that previous employment had been employment by the Hospital/Health Service; and
- the person is not entitled to payment in lieu of those rights.

It should be noted that a long service liability does not exist for an individual employee until the employee completes seven years of effective service.

If an employee resigns to take up a position in the Public Sector (i.e. PS Act position), the employee may elect to receive a payment in lieu of existing recreation leave and

long service leave entitlements **or** may elect to transfer equivalent monies and leave entitlements to the new position. The decision as to which alternative is appropriate lies with the employee and the Chief Executive Officer (or delegate) should ensure that employees in such situations are aware of the available options.

Employees on leave without pay to undertake other employment

Where an employee is granted leave without pay to take up other employment existing leave entitlements are effectively frozen until the employee returns from leave without pay or resigns from that position.

APPENDIX 7-11 A: RECOGNITION OF PRIOR SERVICE FOR LEAVE PURPOSES

List of organisations approved for continuity of service for leave purposes.

- Public Sector Act employees of administrative units (includes those employees appointed subject to the provisions of the Act (i.e. ongoing) and those employees appointed on a contract basis (i.e. temporary, casual and longer term contract employees)
- Hourly, daily and weekly paid employees of administrative units
- Employees of administrative units employed under the Children's Services Act, 1985, the Education Act, 1972 or the Technical and Further Education Act, 1975
- Police Officers employed in the Police Department who are Legal Officers, Engineers, Psychologists and Research Officers to whom Clause 29(f) of the Police Officers Award applies
- Persons currently employed by South Australian Public Sector agencies through the South Australian Public Sector Graduate Recruitment Program for the first 12 months of employment under that Program
- Participants of employment opportunity programs gazetted under Section 65 of the Public Sector Act, in line with processes approved by the Commissioner for Public Sector Employment.
- Persons employed in the following public sector agencies and other organisations:
    - Adelaide and Mount Lofty Ranges Natural Resources Management Board
    - Adelaide Festival Centre Trust
    - Alinytjara Wilurara Natural Resources Management Board
    - Carclew Youth Performing Arts Centre Incorporated
    - Chiropractors Board of South Australia
        - Courts Administration Authority, but only those appointed pursuant to the Courts Administration Act, 1993 including those appointed pursuant to Section 6(3) of the Sheriff's Act, 1978
    - Country Arts SA
    - Country Fire Services Board
    - Dairy Authority of South Australia
    - Education Adelaide
    - Elliston Le Hunte Animal and Plant Control Board
    - Eyre Peninsula Natural Resources Management Board
    - Essential Services Commission of South Australia
    - Government House
    - Grant Animal and Plant Control Board
    - History Trust of South Australia
    - Homestart Finance, but only those employees who were formerly employees of the South Australian Housing Trust and who were transferred to Homestart Finance by proclamation of the Governor on 21 December 1995.
    - Hospitals Incorporated under the Health Care Act 2008 and SAAS
    - Kangaroo Island Natural Resources Management Board
    - Land Management Corporation, but only employees who: were transferred from the Department for Administrative and Information Services by proclamation of the Governor on 21 May 1998; or were

transferred from the Department for Environment, Heritage and Aboriginal Affairs by the Commissioner for Public Employment on 11 October 1999; or were previously employed as greenkeepers in the MFP Development Corporation; and who have maintained such rights since their transfer

- Legal Services Commission of South Australia
- Lucindale Naracoorte Animal and Plant Control Board
- Northern and Yorke Natural Resources Management Board
- Northern Yorke Peninsula Animal and Plant Control Board
- Nursing and Midwifery Board of South Australia
- Parliament, Officers of either House or a person under the separate control of the President of the Legislative Council or the Speaker of the House of Assembly
- Personal Assistants to Members of Parliament (but not those employed on a temporary or casual basis) whose employment is or has been terminated because of a change of Member or status of Member as a result of the State Election on 9 February 2002. This determination is effective for any Personal Assistant who has been so terminated for a period of 12 months from the declaration of the poll
- Police Complaints Authority
- Rangelands Integrated Natural Resources Management Group
- SA Arid Lands Natural Resources Management Board
- SA Murray Darling Basin Natural Resources Management Board
- SA Pathology, formerly known as the Institute of Medical and Veterinary Science
- Senior Secondary Assessment Board of South Australia
- South Australian Fire and Emergency Services Commission, but not operational Fire-fighters in the Metropolitan Fire Service, effective 1 October 2005.
- South Australian Forestry Corporation
- South Australian Metropolitan Fire Service, but not operational firefighters
- South Australian Tourism Commission
- South Australian Water Corporation
- South East Natural Resources Management Board
- Superannuation Funds Management Corporation of South Australia
- Tandanya - National Aboriginal Cultural Institute Incorporated
- TransAdelaide, excluding AN employees made available to operate metropolitan railways
- West Beach Trust
- WorkCover Corporation of South Australia, but only those employees who were formerly members of the staff of the South Australian Occupational Health and Safety Commission as employees of the Department for Industrial Affairs and who transferred to WorkCover Corporation of South Australia by proclamation of the Governor pursuant to the Clause 2 of the Schedule of the WorkCover Corporation Act, 1994 and only in relation to Public Sector Management Act vacancies

APPENDIX 7-11 B: HISTORICAL LISTING

Prior to 1 July 2004

List of organisations approved by the minister for continuity of service for leave purposes.

(Note that in addition to the bodies listed below, clause 11(a) of Schedule 4 specifies officers or employees of the Crown of any State or the Commonwealth or Territory of the Commonwealth).

Name of Authority

Aboriginal Cultural Institute Inc
Adelaide Festival Centre Trust
Albury-Wodonga Development Corporation
Arts Council of South Australia
Australian Atomic Energy Commission
Australian Barley Board
Australian Broadcasting Corporation
Australian Coastal Shipping Commission
Australian Council of Educational Research
Australian Meat and Livestock Corporation
Australian Mineral Development Laboratories
Australian National Airlines Commission (Australian Airlines)
Australian National Railways
Australian Postal Commission
Australian Shipping Commission
Australian Telecommunications
Commission Australian Trade Union Training Authority
Australian Wheat Board
Betting Control Board
Capital Territory Health Commission
Carclew Youth Performing Arts Centre Inc
Central Regional Cultural Authority
Children's Services Office
Chiropractors Board of South Australia
Cities Commission
Each College of Advanced Education providing a tertiary level of education within the Commonwealth of Australia
Commonwealth Accommodation and Catering Services Limited
Commonwealth Banking Corporation
Commonwealth Bureau of Roads
Commonwealth Police Force
Commonwealth Scientific and Industrial Research Organisation
Country Fire Services Board
Early Childhood (Education) Advisory Committee
Early Childhood (Welfare) Advisory Committee
Electricity Trust of South Australia
Eyre Peninsula Cultural Trust
Government House

Greyhound Racing Control Board
Health Commission of New South Wales
Health Insurance Commission (Medicare)
History Trust of South Australia
Hospitals Incorporated by proclamation under the provisions of the South Australian Health Commission Act and SAAS
Hydro-Electric Commission, Tasmania
Institutes Association of South Australia Incorporated
Jam Factory Workshop Incorporated
Kindergarten Union of South Australia
Legal Services Commission
Local Government Authorities as defined under any Local Government Act (or equivalent) in Australia
Lotteries Commission of South Australia
Main Roads - Department of N.S.W.
Main Roads - Department - Perth
Melbourne and Metropolitan Board of Works
Mersey General Hospital (Latrobe, Tasmania)
Metropolitan Fire Services Board
Metropolitan and Redcliffe Hospital Board (Queensland)
Metropolitan Milk Board
Metropolitan Water Sewerage and Drainage Board (Sydney)
Monarto Development Commission
Municipal Tramways Trust
National Capital Development Commission
National Companies and Securities Commission
National Fitness Council
North Haven Trust
Northern Cultural Trust
Northern Territory Electricity Commission
Northern Territory Port Authority
Parks Community Centre
Parliament House
Police Complaints Authority
Police Forces of the States of the Commonwealth
Pipelines Authority of South Australia
Public Examinations Board of South Australia
Railways Departments of all the States of Australia
Regional Cultural Council
Reserve Bank of Australia
River Murray Commission
Riverland Cultural Trust
Savings Bank of South Australia
School Councils established pursuant to Section 83 of the Education Act 1972 Senior Secondary Assessment Board of South Australia
Sir Charles Gairden Hospital (W.A.)
Snowy Mountains Hydro-Electric Authority
South Australian Board of Advanced Education
South Australian Council for Educational Planning and Research
South Australian Development Corporation
South Australian Egg Board

South Australian Film Corporation
South Australian Health Commission
South Australian Housing Trust
South Australian Land Commission
South Australian Meat Corporation
South Australian Potato Board
South Australian Teacher Housing Authority
South Australian Totalisator Agency Board
South Australian Trotting Control Board
South Australian Urban Land Trust
South Australian Waste Management Commission
South East Cultural Trust
State Bank of South Australia
State Government Insurance Commission
State Theatre Company
State Opera of South Australia
State Transport Authority
Tasmanian Development Authority
Tasmanian Gaming Commission
Each Teachers College for the education of teachers within the Commonwealth of Australia
Each Technical College providing a tertiary level of education within the Commonwealth of Australia
Tertiary Education Authority of South Australia
Each University providing a tertiary level of education within the Commonwealth of Australia and the Territory of Papua and New Guinea
West Beach Trust
Western Australian Museum
Whyalla Hospital Incorporated

APPENDIX 7-11 C: RECOGNITION OF PRIOR SERVICE FOR LEAVE PURPOSES

State government authorities for which special procedures apply for weekly paid employees and excess salaried staff

Note: The following symbols are used in this table

*=In relation to excess salaried staff only

(o)=In relation to weekly paid employees only

*Adelaide Festival Centre Trust
Australian Mineral Development Laboratories
Betting Control Board
*Children's Services Office
Country Fire Services
*Early Childhood (Education) Advisory Committee
*Early Childhood (Welfare) Advisory Committee
(o)Electricity Trust of SA
*Greyhound Racing Control Board
*History Trust of South Australia
Legal Services Commission
Lotteries Commission of South Australia
Metropolitan Fire Service
Metropolitan Milk Board
*Parliament House
*Pipelines Authority of South Australia
*Senior Secondary Assessment Board of SA
(o)SA Film Corporation
South Australian Health Commission
(generally excluding health industry classifications)
South Australian Housing Trust
* South Australian Meat Corporation
(in relation only to permanent salaried staff employed as at July 13,1984)
South Australian Urban Land Trust
(o)State Government Insurance Commission
* State Theatre Company
State Transport Authority
Teacher Housing Authority
Tertiary Education Authority of South Australia
The Parks Community Centre (all salaried staff)
Totalisator Agency Board
*Trotting Control Board
*Waste Management Commission West Beach Trust

APPENDIX 7-11 D: RECOGNITION OF PRIOR SERVICE FOR LEAVE PURPOSES

Suggested format

Mr/Mrs/Miss/Ms...[*NAME*].... has been employed in the Public Service of South Australia since ....[*DATE OF COMMENCEMENT]*... he/she was previously employed in the ....[*PREVIOUS ORGANISATION]*... and to enable his/her leave eligibility to be determined, I would appreciate the following information:

1. Commencing and concluding dates of his/her continuous service, including details of any service with any other organisation which has been recognised for leave purposes, and whether he/she was regarded as working a 5, 6 or 7 day week. If applicable, please provide details of any service which was less than full-time.

2. Whether he/she had taken or been paid for all recreation leave for which he/she was eligible at the date of his/her resignation.

3. If any long service leave (furlough) was taken during his/her service or paid in lieu on termination with the [*PREVIOUS ORGANISATION*]. Please give details of any periods which are not to count as service for long service leave (furlough) purposes.

4. Sick Leave

    - Balance of paid sick leave at termination (including on half pay if applicable);
    - Please indicate the service year or financial year ending up to which the balance above was calculated;
    - What is the annual sick leave entitlement?

APPENDIX 7-11 E: RECOGNITION OF PRIOR SERVICE FOR LEAVE PURPOSES

Examples of calculations

Example 1

Weekly paid employee since 10/2/65.

Taken 40 days long service leave as a weekly paid employee. Granted 15 working days leave not to count as service.

Appointed to South Australian Public Service on 15/8/82.

Date of entry for long service leave purposes will be 10/2/65 deferred by 15 working days 10/2/65 plus 15 working days = 3/3/65

Notation required to the effect that 40 days long service leave have already been taken.

Example 2

Commonwealth Service 1/1/56 to 30/11/59) both periods of service recognised

Commonwealth Service 18/4/60 to 15/3/82) by Commonwealth Government.

Granted 27 working days not to count as service during period. Paid for all long service leave for service to 15/3/82.

Appointed to the South Australian Public Service on 8/6/82 Period of service 1/1/56 to 30/11/59 cannot be recognised because of break.

Date of entry for long service leave will be 18/4/60 deferred by 27 working days and deferred by period 16/3/82 to 7/6/82, neither of which count as service.

18/4/60 plus 27 working days = 27/5/60 period 16/3/82 to 7/6/82 is 53 calendar days therefore, 27/5/60 plus 84 calendar days = 20/8/60

Date of entry for long service leave is 20/8/60

Because long service leave is calculated in completed months it is necessary for long service leave purposes to regard this person as having been paid out to the end of the last completed month of service prior to **commencing with** the South Australian Public Service. The person is thus deemed to have been paid out to 19/5/82 rather than 7/6/82 for long service leave purposes.

Example 3

STA Accrual Rates

STA (MMT) service 10/2/69 - 15/5/78 Service prior to 1/1/66 13 weeks

STA calculation - eligible for 10.9 per 20 years

weeks as at Service from 1/1/66 13 weeks

15/5/78 per 15 years

Service from 1/1/72 13 weeks per 10 years

Service prior to 1/1/66 13 weeks per 20 years Service from 1/1/66 13 weeks per 15 years Service from 1/1/72 13 weeks per 10 years

Appointed to the South Australian Public Service on 10/6/78

Date of entry for long service leave will be 10/2/69, deferred (on account of the break in service) by period 16/5/78 - 9/6/78 (25 calendar days) = 8/3/69. Notation to effect that for the period of service ending 7/6/78 the person is eligible for 76 calendar days (10.9 weeks). In effect long service leave will accrue on a monthly basis of 9/12 calendar days for each month completed since 8/6/78 for the balance of the first 15 years service i.e. up to 7/3/84 and 15/12 calendar days per month thereafter.

If termination occurred on 20/8/86 the long service leave would be calculated as follows:

8/3/69 - 20/8/86	17 years and 5 months service
8/3/69 - 7/6/78	9 years 3 months =76 days
8/6/78 - 7/3/84	5 years 9 months =69/12x15 =51.75 days
8/3/84 - 7/8/86	2 years 5 months =29/12x15 =36.25 days
	17 years 5 months =164 calendar days

Example 4(a)

S.T.A. service 10/2/58 to 4/9/82

Taken 30 days long service leave

Appointed to the South Australian public Service on 5/9/82

Date of entry for long service leave will be 10/2/58

Notation required to the effect that for period of service ending 9/8/82, the person will be eligible for a balance of 152.7 days long service leave.

In effect long service leave, in addition to the 152.7 days, will accrue on a monthly basis of is/12 days for each month completed since 10/8/82.

The balance of 152.7 days is calculated (on STA conditions) as follows:

10/2/58 to 31/12/65	7.9 years @ 13 weeks per 20 years	35.9 days
1/1/66 to 31/12/71	6 years @ 13 weeks per 15 years	36.4 days
1/1/72 to 31/ 8/78	5.7 years @ 13 weeks per 10 years	51.9 days
1/9/78 to 4/ 9/82	3.9 years @15 days per year	58.5 days
(9/ 8/82)	182.7-30 taken 152.7	

Example 4(b)

S.T.A. service 10/2/72 to 4/9/82

Appointed to the South Australian Public Service on 5/9/82

S.T.A. long service leave credit calculation

10/2/72 to 31/8/78 - 6.6 years @ 13 weeks per 10 years =60.06 days

1/9/78 to 4/9/82 - 4 years @ 9 days per year =96.06 days

Public Sector Management Act credit for same period = 94.5 days, therefore maximum credit which can be given is 94.5 days

Date of entry for long service leave will be 10/2/72 - without any special notation.

Note: Had the person taken out at least 2 days long service leave whilst with the STA it would have been possible to add a notation to the effect that for period of service ending 9/8/82 - eligible for balance of (up to) 94.5 days.

Example 5

Appointed to the South Australian Public Service on 20/4/82. Previously engaged as a weekly paid employee until 10/4/82, sick leave credit of 46.7 hours to 13/8/82 on termination.

Annual credit of 80 hours.

Reduce credit by period 11/4/82 to 13/8/82 approximately 4 months 4/12 x 80 approximately 26.7 hours

Credit as at 10/4/82 = 46.7 - 26.7 hours = 20.00

Add credit for service from 20/4/82 to 30/6/82 = 2.33/12 x 90 = 17.25

37.25

Total credit as at 20/4/82 = 37.25 hours to nearest quarter of an hour. Credit is less than that for new entrant (45 hours in first six months) therefore regard as new entrant from 20/4/82

If the person subsequently requires sick leave in excess of new entrant provisions e.g. is absent on account of ill health for two weeks in July 1982, the original calculation can be reinstated as a predetermination giving a credit of 37.25 hours as at 20/4/82, increasing to 127. 25 hours (937.25 + 90) from 1/7/82.

Example 6

Appointed to the South Australian Public Service on 2/10/81 Previously employed by the Commonwealth Service until 15/8/81 Sick leave credit on termination with Commonwealth of 3 weeks 2 days 5 hours on full pay and 6 weeks on half pay for service to 29/3/82.

Annual credit of 2 weeks on full pay plus 2 weeks on half pay

Gross credit = 18 days on full pay plus 30

18 + 15 = 33.7 days on full

Less unserved period 16/8/81 to 29/3/82 = 7.5 months

(7.5x15)/12 = 9. 4 days

Therefore credit at 15/8/81 = 33.7 - 9.4 = 24.3 days or 17 8.2 hours.

Convert credit to Public Sector Management Act conditions
(178.2x90-110)= 145.8 hours

Add credit for service from 2/10/81 to 30/6/82=(9x90-12) = 67.5 hours

213.3

Total credit =213.25 hours (to nearest quarter of an hour)

Example 7

Appointed to the South Australian Public Service on 20/9/82

Previously employed by Department of Defence (Army) from 23/4/77 to

25/7/82 (no specific entitlement to sick leave)

Calculate entitlement as if person was employed by South Australian

Public Service since 24/3/77

Hours

at 23/4/77 (for financial year 76/77) 45

for financial years 77/78 to 82/83= 6x90 =540

585

reduce balance by assumed usage = 7x37.5 = -262.5

reduce credit for service 26/7/82 to 30/6/83 =82.5

add credit for service 20/9/82 to 30/6/83=69.75

Therefore credit at 20/9/82 (for service to 30/6/83)= 309.75 hours (to nearest quarter of an hour)

PART 8 - TRAVELLING AND EXPENSES REIMBURSEMENT

8-1 AIR TRAVEL ARRANGEMENTS

Refer to Intra.sa website under “Procurement and Travel”.

8-2 TRAVELLING TIME

Employees whose salaries do not exceed the overtime limit as defined in Part 6-1, Hours of Work, and who are required to travel on official duties outside their normal working hours and away from their normal headquarters, may be granted time off in lieu of time spent in such travel subject to the conditions detailed below.

This instruction does not necessarily apply to those employees employed on a seven day week basis.

The travel must be undertaken at the direction of the Chief Executive Officer (or delegate).

Home for the purposes of this determination means the place where the employee stayed the night.

For the purposes of this determination travelling time shall not include:

- time spent in travelling from the employee's home to their normal headquarters or from those headquarters to home;
- time spent in travelling by train between 10.30 pm and 7.30 am when sleeping accommodation is provided on the train;
- time spent in travelling by ship when meals and accommodation are provided; or
- time spent in travel resulting from the reassignment or transfer of an employee to a new location.

Where travel is undertaken on a normal working day and is from home to some other headquarters for that day or is from some other headquarters to home, travelling time shall be credited only for the actual time spent in travelling within a period:

- commencing one hour after the time an employee normally ceases duty on that day and extending for a maximum period of six hours;
- commencing from the time an employee leaves their home to travel to work and ending one hour before the time he/she normally commences duty on that day eg If an employee normally commences work at 9.00 am but leaves home at 6.30 am to travel to another headquarter, credit can only be given for the period 6.30 am to 8.00 am. Similarly, if an employee normally finishes work at 5.00 pm but does not return home from another headquarter until 7.00 pm, credit can only be given for the period 6.00 pm to 7.00 pm.

The hour deducted in each case represents an arbitrary value allotted to 'normal' travelling to and from work irrespective of the actual time normally taken by any individual.

NOTE: Where normal times (for that employee) of commencing and ceasing duty are not clear the commencing and ceasing times prescribed by regulation 20 of the Public Sector Act are to be used for this purpose.

For travel on other than a normal working day the maximum period which shall apply for the granting of time off in lieu shall be eight hours in any one such day.

Time off in lieu shall not be granted for periods of thirty minutes or less.

Time off in lieu must be taken before the end of the second month after the month in which the travel was undertaken.

Time off in lieu is not to be converted to pay in lieu, however, where an employee's services are terminated before the end of the second month after the month in which the travelling occurs, and they have not taken time off in lieu, the matter should be forwarded for direction to the local human resources team.

8-3 ACCOMMODATION MEALS AND INCIDENTALS ETC

8-3-1 INTRODUCTION

The maximum rate up to which a Chief Executive Officer (or delegate) may pay without further authority for expenses necessarily incurred by employees when travelling in connection with their employment and, reimbursement of expenses and payment of allowances, are prescribed in 8-3-11 Rates.

The conditions applicable to such travel are prescribed in this topic.

8-3-2 CONDITIONS FOR REIMBURSEMENT

Reimbursement will only be made for expenditure actually and necessarily incurred up to the limits prescribed but shall not be applied to employees who live in caravans, or use other camping equipment, and/or who are paid camping or caravan allowances whilst travelling on official duties.

When claiming expenses, employees must certify that the amounts claimed were actually and necessarily incurred when travelling in connection with their employment.

For accommodation, where the GST – inclusive cost exceeds $55, employees must provide the original tax invoice to the agency. Where the GST – inclusive cost is less $55 or less, receipts are to be provided to the agency.

Claims in excess of the rate per night prescribed in clause 8-3-11-2 “Receipts not required” will only be reimbursed if incurred at bona fide Hotels, Motels or boarding houses.

Employees who intend to claim no more than the amount referred to in clause 8-3-11-2 “Receipts not required” per night for accommodation, are required to seek the approval of their immediate supervisor of the proposed accommodation arrangements, prior to undertaking the travel. The supervisor must be satisfied that the accommodation arrangements are appropriate and have regard to the work health, safety and welfare of the employee.

The majority of hotels and motels offer concessional accommodation rates for public sector employees. Employees booking accommodation should endeavour to do so at establishments that offer such concessions and ensure those rates are applied.

Wherever possible, employees who travel in connection with their official duties, should charge accommodation costs by way of Corporate Credit Cards or Local Orders, in lieu of paying by cash and claiming reimbursement.

8-3-3 MEALS

Travel within Metropolitan Adelaide

Employees whose headquarters are located within the area defined as Metropolitan Adelaide (within an 80 kilometre radius of the CBD) will not be paid allowances for the cost of meals when travelling within Metropolitan Adelaide.

South Australia - Absent Overnight

Employees who travel within South Australia and are absent overnight, subject to clauses 'Distance of Travel' and 'Time of Travel' herein, will be paid allowances for the cost of meals at the rates prescribed in clause 8-3-11-1.

South Australia - Not Absent Overnight

Employees who travel within South Australia and are not absent from headquarters overnight, subject to 'Interstate' and 'Distance of Travel' herein, will be paid allowances for the cost of breakfast and/or dinner only, at the rates prescribed in clause 8-3-11-1.

Interstate

Employees who travel interstate, subject to 'Time of Travel' herein, will be paid allowances for the cost of meals at the maximum rates prescribed in clause 8-3-11-1.

Distance of Travel

Employees who travel within an 80 kilometre radius of their headquarters will not be paid allowances for the cost incurred for meals associated with such travel.

Time of Travel

Subject to the above clauses, employees' eligibility for allowances for particular meals is determined subject to the following:-

(a) Breakfast - the employee necessarily departed from headquarters earlier than 7.00 am, **or**, the employee necessarily returned to or was absent from headquarters later than 9.00 am.

(b) Lunch - the employee necessarily departed from headquarters earlier than 12.00 noon, **or**, the employee necessarily returned to or was absent from headquarters later than 2.00 pm.

(c) Dinner - the employee necessarily departed from headquarters earlier than 6.00 pm, **or**, the employee necessarily returned to or was absent from headquarters later than 6.30 pm.

8-3-4 ACCOMMODATION

Reimbursement

Employees will be reimbursed the cost of overnight accommodation, subject to the provisions within 'Conditions for reimbursement', up to the maximum rates prescribed in clauses 8-3-11-2 (as appropriate).

Receipt requirements are prescribed in 'Conditions for reimbursement'.

If available, employees must book accommodation at establishments that offer concessional accommodation rates for public employees and ensure those rates are applied. Government travel contract requirements must be observed when booking accommodation.

Allowance

An allowance will be paid towards the cost of overnight accommodation at the rate prescribed for accommodation other than at bona fide Hotels, Motels or Boarding houses.

Substantiation in the form of receipts is not required for the expenditure of this allowance.

Where meals or sleeping accommodation or both, are included in fares paid on the employee's behalf, the employee will not be reimbursed nor paid an allowance for costs incurred for these items.

8-3-5 ACCOMMODATION OR MEALS PROVIDED OR INCLUDED IN FARE

Quarters, Cubicles or Caravans Etc.

Employees accommodated in quarters, cubicles, caravans or other Government owned premises shall be reimbursed the cost (if any) charged to the employees for such facilities.

Employees accommodated in the facilities referred to above, in addition to reimbursement of actual charges, shall be paid allowances for the following, where appropriate:-

(a) Employees required to provide their own food, the allowance prescribed in clause 8-3-11-2.1(a).

(b) Employees required to use their own sleeping bag, sheets, pillows, blankets, tea towels and eating utensils, the allowance prescribed in clause 8-3-11-2.1 (b).

(c) Employees required to use their own stove, gas, grill plate, mattress, stretcher and any other items not included in (b) above, the allowance prescribed in clause 8-3-11-2.1 (c).

(d) Employees accommodated in the facilities referred to above shall be paid an allowance for incidental expenditure up to the amount prescribed in clause 8-3-11-3 for completed days absent from their workshop or headquarters within South Australia, parts of a day shall be disregarded.

(e) The rates referred to in subclauses (a), (b), (c) and (d) above, apply to a 24 hour period, for example, a supply of food for breakfast, lunch and dinner constitute a single claim at the rate referred to in subclause (a). This rate is not to be reduced if only 1 or 2 meals within the 24 hour period are provided by the employee.

Inclusive Fares And Conference Fees

Where meals or sleeping accommodation, or both, are included in the fares paid on behalf of the employees, employees are not to be reimbursed nor paid an allowance for costs incurred for these items. Employees may however be paid and allowance at the appropriate rate for incidental expenditure.

8-3-6 INCIDENTAL EXPENDITURE

- Employees who travel within South Australia shall be paid an allowance for the cost incurred for incidental expenditure, at the rate prescribed in clause 8-3-11.1.4(a), for each completed day absent from headquarters.

- Employees who travel interstate shall be paid an allowance for the cost incurred for incidental expenditure, at the rate prescribed in clause 8-3-11.2.4(a), for each completed day absent from headquarters.

- Employees attending residential management programs of two weeks or less duration shall be reimbursed the costs incurred for incidental expenditure up to the maximum rate prescribed in clause 8-3-11.1.4(b) or 8-3-11.2.4(b) per course day.

- Employees attending residential management programs of more than two weeks duration shall be paid an allowance for the costs incurred for incidental expenditure at the rate prescribed in clause 8-3-11.1.4(c) or 8-3-11.2.4(c) per course day.

- Employees travelling to or from residential management programs shall be paid an allowance for the costs incurred for incidental expenditure on the basis of clauses 8-3-6.1 or 8-3-6.2 above as appropriate.

In addition to the reimbursement referred to in clauses above, employees shall be reimbursed the costs reasonably incurred for taxi fares and official telephone calls.

Where an employee is proceeding to camp or returning officially to headquarters, such employee will receive an allowance on the basis of expenditure actually and necessarily incurred in accordance with the maximum rates whilst travelling.

Where an employee on any day is authorised to acquire accommodation in a hotel, motel or boarding house, such an employee shall be reimbursed on the basis of expenditures actually and necessarily incurred in accordance with the maximum rates whilst travelling.

8-3-7 CLAIMS FOR EXCESS EXPENDITURE

Reimbursement

Employees who reasonably expect to incur expenses in excess of the maximum rates prescribed (for which reimbursement will be sought) shall seek the approval of the appropriate authorised person(s) (e.g. the Chief Executive Officer) prior to incurring such expenses.

Claims for the reimbursement of expenses that have been or may be incurred by employees, in excess of the maximum rates prescribed are only to be approved by the appropriately authorised person(s) in special circumstances. It is the responsibility of the employee claimant to demonstrate the special circumstances.

Pending approval or otherwise of claims for excess expenditure incurred, employees are entitled to reimbursement of expenses incurred up to the maximum rates prescribed.

Allowances

Claims for the reimbursement of expenses that have been or may be incurred by employees, in excess of an allowance paid are only to be approved by the appropriately authorised person(s) in special circumstances. It is the responsibility of the employee claimant to demonstrate the special circumstances.

Pending approval or otherwise of claims for excess expenditure incurred, employees are entitled to payment for excess expenditure incurred, employees are entitled to payment of the appropriate allowance.

NOTE: Payment of claims for the reimbursement of expenses that have been or may be incurred by employees, in excess of the appropriate allowance and in excess of the appropriate Australian Taxation Office allowance rate for unsubstantiated expenses, will result in the whole of the expenditure, including the allowance, appearing on the employee's group certificate as taxable income.

8-3-8 EMPLOYEES ON SICK LEAVE

Employees taken sick while travelling on official duties shall be reimbursed expenses incurred up to the maximum rates prescribed and paid the appropriate allowances provided that;

- the amount of sick leave does not exceed one week (7 calendar days), and;
- the employee remains in the accommodation being occupied by him/her immediately before being taken ill.

8-3-9 PUBLIC HOLIDAYS

When employees whose permanent headquarters are in South Australia, are travelling on official duties interstate and a public holiday occurs in South Australia, the employees will be granted an alternate day of leave with pay on their return to South Australia.

8-3-10 SPECIAL CASES

Where these provisions do not appear appropriate to any particular set of circumstances the facts must be submitted to the Workforce Services, Corporate and System Support Services.

8-3-11 RATES

8-3-11-1 Meal allowance

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence. Refer to the relevant award or agreement for current rates of payment for allowances.

Tax invoices or receipts are not required.

Operative Date: 22 December 2016

South Australia*

	Absent Overnight	**Not absent overnight**
Breakfast	**$**18.30 per meal	**$**15.85 per meal
Lunch	**$**18.30 per meal	Not applicable

Dinner	**$**37.75 per meal	**$**22.60 per meal

Interstate Travel*

	Capital Cities & Alice Springs	**Other than capital cities and Alice Springs**
Breakfast	**$**24.00 per meal	**$**18.10 per meal
Lunch	**$**24.00 per meal	**$**18.10 per meal
Dinner	**$**43.75 per meal	**$**37.30 per meal

**Note: Where meals or accommodation, or both, are included in the cost of the travel fare and/or accommodation paid on behalf of an officer by the Hospital/Service, no reimbursement will be made for these items.*

8-3-11-2 Accommodation

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence. Refer to the relevant award or agreement for current rates of payment for allowances.

Tax invoices or receipts are required.

Operative Date: 22 December 2016

South Australia

Reimbursement of expenditure for accommodation at bona fide Hotels, Motels or Boarding Houses.

(a)	Outside Metropolitan Adelaide	up to $124.00 per night
(b)	Within Metropolitan Adelaide	up to $138.00 per night

Interstate

Reimbursement of expenditure for accommodation at bona fide Hotels, Motels or Boarding Houses.

(a)	Alice Springs	up to $145.00 per night

(b)	Brisbane	up to $218.00per night
(c)	Canberra	up to $229.00 per night
(d)	Darwin	up to $145.00 per night
(e)	Hobart	up to $143.00 per night
(f)	Melbourne	up to $177.00per night
(g)	Perth	up to $180.00 per night
(h)	Sydney	up to $195.00 per night
(i)	Other	up to $134.00 per night

Receipts not required

South Australia

Allowance towards the cost of accommodation at other than bona fide Hotels, Motels or Boarding Houses.

(a)	All South Australia	$37.00 per night

Interstate

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

Allowance towards the cost of accommodation at other than bona fide Hotels, Motels or Boarding Houses.

(a)	Anywhere interstate	$37.00 per night

8-3-11-2.1 Accommodation or Meals provided by the Government within South Australia

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

(a)	Provide own food	$32.50 per day
(b)	Provide own sleeping bag, etc.	$4.15 per day
(c)	Provide own stove, gas, etc.	$5.85 per day

8-3-11-3 Receipts Incidentals Allowance

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence. Refer to the relevant award or agreement for current rates of payment for allowances.

Tax invoices or receipts are not required.

Operative Date: 22 December 2016

South Australia

(a)	Normal Travel	**$7.60** per day
(b)	Residential Course, two weeks or less	**$12.85** per day
(c)	Residential Course more than two weeks	**$27.30** per day

Interstate

(a)	Normal Travel	**$12.70 per day**
(b)	Residential Course, two weeks or less	**$12.85 per day**
(c)	Residential Course more than two weeks	**$27.30 per day**

8-4 MOTOR VEHICLE REIMBURSEMENT RATES

8-4-1 INTRODUCTION

Use of Private Vehicles

No employee is required, under any circumstances whatsoever to use their private vehicle for official purposes if they do not wish to do so.

Approval for Use of Private Vehicles

Employees using a privately owned or leased motor vehicle for government business are required to:

- Obtain approval from the chief executive officer
- Ensure the vehicle in registered
- Have their vehicle covered either by a comprehensive insurance or third party property damage insurance
- Ensure their vehicle's insurance provides cover for the parties when the vehicle is used in the business of the employer
- Inform their insurance company that the vehicle will be used in the course of their employment

In granting approval, the Chief Executive Officer (or delegate) must be satisfied that the use of a private vehicle is the most economical means of transport available. Consideration is to be given to the availability of all alternative forms of transport, which in many cases will be more economical, particularly work vehicles, State Fleet (short or long term hire), or for one-off journeys, taxis.

The payment of the allowance for the use of a private motor vehicle for purposes related to the employment will only occur where approval has been given prior to the actual use of the private motor vehicle. Where an employee has been given approval to use the employee's private vehicle for official purposes, such employee will be paid an allowance per kilometre travelled.

Reimbursement Where Other Transport is available

When public or Hospital/Health Service transport is available, such transport is to be the first preference. However, where the Chief Executive Officer (or delegate) is satisfied that there are grounds for the use of a private vehicle, reimbursement shall be limited to the cost of travel by public transport.

8-4-2 RATES

Use of employee's motor vehicle

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

Motor cars, station wagons, utilities (petrol, diesel or LPG)

Operative Date: 1 July 2016

89 cents per kilometre

Motor cycles/scooters

36 cents per kilometre

Trailers

6.0 cents per kilometre for each kilometre an Employing Authority/Delegate trailer is towed with the employee's private vehicle (operative from 22/07/2006).

Historical listing of rates can be found in Appendix 8-4-2 A.

Home to office reimbursement

Where it is necessary for an employee to take the vehicle to the employee's headquarters for official use on that day, the Chief Executive Officer (or delegate) may authorise payment in accordance with the rates above as appropriate for the distance of the journey from home to headquarters by the shortest practicable route. Such payment shall be restricted to a one way trip, NOT a return journey. The maximum distance for the one way trip for which an allowance is to be paid shall not exceed 32 kilometres per day, even if the distance between the employee's home and headquarters is more than 32 kilometres.

Where it is necessary for an employee to perform "call-back" duties the Chief Executive Officer (or delegate) will authorise payment in accordance with the rates above as appropriate in respect of the actual return distance travelled between the employee's home and place of duty using the shortest practicable route on the occasion of each call-back. This sub-clause applies where an employee is required to return to perform essential duties and not in those circumstances where an employee has voluntarily agreed to attend to perform non-essential or optional duties.

Transfer of headquarters

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

This clause is to be read in conjunction with Part 8-7.

When an employee changes permanent headquarters the Chief Executive Officer (or delegate) may authorise payment for transferring a vehicle (or vehicles) at the appropriate rate prescribed hereunder for the distance travelled by the employee from the old headquarters to the new headquarters:

(a) For motor cars, station wagons and utilities (petrol, diesel or LPG): 28 cents per kilometre (operative from 1 July 2016)

(b) A motor cycle/scooter:
11 cents per kilometre (operative from 1 July 2016)

The distance travelled by an employee in changing headquarters is not to be regarded for the purposes of 8-4-1 'Approval for the use of Private vehicles' as the use of a private motor vehicle for official purposes.

Combination of official and private use

The Chief Executive Officer (or delegate) may grant approval to a full-time or part-time employee who applies to use a private motor vehicle for a combination of official and private purposes in circumstances where such use is mutually convenient and the employee and is in accordance with the provisions of the Introduction except that the Chief Executive Officer (or delegate) may grant such approval notwithstanding the requirements of Part 8-4-1 'Approval for use of Private Vehicles'.

The type of situation to which this topic is intended to apply is where, for example, an employee located in the country is required to visit Adelaide (or vice versa) on official business and, to give mobility to attend to private business whilst away from normal headquarters, the employee wishes to use a private vehicle for the journey rather than a Hospital/Health Service vehicle (or other form of transport).

Reimbursement for the distance travelled on official business shall be at the appropriate rates as prescribed in 'Transfer of headquarters' or in accordance with 'Use of Employee's Motor Vehicles', whichever is the lesser.

In calculating the distance travelled a deduction to the nearest kilometre shall be made of the distance travelled specifically for private purposes.

For consideration of official use, a vehicle on novated lease, is effectively privately owned.

APPENDIX 8-4-2 A: HISTORICAL RATES

Operative 1 October 2009

For motor car, station wagons and utilities (petrol, diesel or LPG) – 73.0 cents per kilometre
Motorcycles/scooters – 29.0 cents per kilometre
Trailers – 6.0 cents per kilometre

Operative 1 October 2008

For motor car, station wagons and utilities (petrol, diesel or LPG) – 71.0 cents per kilometre
Motorcycles/scooters – 28.0 cents per kilometre
Trailers – 6.0 cents per kilometre

Operative 1 October 2007

For motor car, station wagons and utilities (petrol, diesel or LPG) – 68.0 cents per kilometre
Motorcycles/scooters – 27.0 cents per kilometre
Trailers – 6.0 cents per kilometre

Operative 22 July 2006

For motor car, station wagons and utilities (petrol, diesel or LPG) – 66.0 cents per kilometre
Motorcycles/scooters – 26.0 cents per kilometre
Trailers – 6.0 cents per kilometre

Operative 22 July 2005

For motor car, station wagons and utilities (petrol, diesel or LPG) – 64.0 cents per kilometre
Motorcycles/scooters – 26.0 cents per kilometre
Trailers – 6.0 cents per kilometre

Operative 22 July 2004

For motor car, station wagons and utilities (petrol, diesel or LPG) – 62.0 cents per kilometre
Motorcycles/scooters- 25.0 cents per kilometre
Trailers – 6.0 cents per kilometre

Operative 22 July 2003

For motor car, station wagons and utilities (petrol, diesel or LPG) – 60.0 cents per kilometre
Motorcycles/scooters – 24.04 cents per kilometre
Trailers – 6.0 cents per kilometre

Operative 20 February 2002

For motor car, station wagons and utilities (petrol, diesel or LPG) – 58.0 cents per kilometre
Motorcycles/scooters – 22.40 cents per kilometre
Trailers – 6.0 cents per kilometre

Operative 1 October 1999

For motor car, station wagons and utilities (petrol, diesel or LPG)
Vehicles with an engine of four cylinders or less – 52.0 cents per kilometre
Vehicles with an engine of more than four cylinders or with a rotary engine – 56.0 cents per kilometre
Motorcycles/scooters – 22.40 cents per kilometre
Trailers – 6.0 cents per kilometre

8-4-3 ANNUAL ALLOWANCE OR SPECIAL RATES

Notwithstanding the foregoing provisions contained in the Introduction and in Reimbursement Rates, the Department for Health and Wellbeing may fix annual allowances or other rates for particular employees or groups of employees where the circumstances justify special consideration.

Existing special rates and annual allowances will continue in accordance with their individual approvals until such time as the Department for Health and Wellbeing determines otherwise.

Where an employee who receives an annual allowance for the official use of a private vehicle is absent during any year for periods exceeding a total of two weeks (excluding annual recreation leave) the matter must be referred to Workforce Services, Corporate and System Support Services for determination of any adjustment which may be necessary to the allowance.

8-4-4 INSURANCE

A Chief Executive Officer (or delegate) may authorise the use of private motor vehicles on work business if such vehicles carry either comprehensive or third party property insurance.

The policy of insurance (whether comprehensive or third party property) must provide "cover for both parties when the vehicle is used in the business of work.

If the insurance policy does not cover the use of the vehicle in the business and the vehicle is so used, then the employee may lose the benefit of the insurance, and the cover which it would otherwise have.

Where any additional premium is sought by an insurance company to effect a cover whilst the vehicle is being used on work business, such additional premium is to be reimbursed upon proof of expenditure

No responsibility can be accepted for property damage or third party bodily injury incurred from the use of a privately owned motor vehicle. In the event of an accident, the chief executive officer (or delegate) can decide whether who is responsible for the payment of insurance excess costs.

8-4-5 RECORDS AND REIMBURSEMENT CLAIM

Employees authorised to use a private vehicle in connection with their duties must maintain a detailed record of official distance travelled and furnish a monthly or weekly return to the Chief Executive Officer (or delegate) claiming reimbursement in accordance with the terms of their approvals. Such claim must bear the following certificate:

Certificate by Claimant

I certify that:

(i) the distance for which payment is claimed was actually and necessarily travelled in the performance of my official duties, and

(ii) I travelled the distance claimed in a motor car powered by

* an engine of four cylinders or less

* an engine of more than four cylinders or a rotary engine.

*(iii) I travelled the distance claimed by motor cycle/scooter

*(iv) I towed an Incorporated Hospital or SAAS trailer for all/part of the distance.

(* delete whichever is not applicable)

Endorsed.

_____ _____

Appropriate Senior Employee Claimant

8-5 TELEPHONE EXPENSES REIMBURSEMENT

Payment of Private Telephone Rental (Landline) and Official Calls

The relevant award or agreement should be consulted before referring to this Manual, as the former take precedence.

Reimbursement for an employee's private telephone rental (landline) and call charges incurred for official calls (landline or mobile telephone) may be reimbursed according to the following criteria:

(a) when employees are directly involved in emergencies concerning life and property, including the emergency maintenance of plant equipment; or

(b) when employees need to be available either for public contact or to support Hospital/Health Service operations outside of normal working hours.

Reimbursement for telephone rental should be limited to the basic service and equipment charge, unless other circumstances exist that require employees to have extra connections or equipment necessary.

With respect to the reimbursement of call charges, it should be ensured that appropriate recording procedures are introduced to ensure that official call charges are reimbursed.

A detailed list of approved employees showing why they are eligible for reimbursement should be maintained. Such eligibility should be reviewed upon vacancy of a position, or at least on an annual basis, or an employee being provided with a mobile telephone, by the Chief Executive Officer (or delegate).

Tax invoices or receipts as appropriate are to be provided by the employee as substantiation for amounts claimed.

8-6 MOTOR VEHICLES LICENCES

Payment by the Hospital/Health Service of the cost of licences to drive motor vehicles for employees who at present do not have their licences paid by the Hospital/Health Service, can only be made under the following conditions:

1. Where in order to carry out his/her duties an employee is required to drive a Hospital/Health Service vehicle and he/she is solely engaged as a driver or where such an employee is substantially engaged in driving duties, (i.e. for more than 50% of his/her working time, the employee is required to use a vehicle in the performance of his/her duties and is responsible, during that time, for the care of that vehicle).

2. Should an employee be required to up-grade the classification of his/her driver's licence for work purposes any additional costs incurred are to be reimbursed by the Hospital/Health Service.

3. Motor vehicle licences are only to be obtained or renewed for a period of one year. Employees are required to provide a tax invoice/receipt as substantiation of expenditure.

4. (i) Employees now holding current driver's licences of any term, purchased at their personal cost should have the above conditions applied:

   (ii) Should an employee be required to upgrade the classification of their driver's licence for employment purposes, any additional costs incurred are to be reimbursed by the Hospital/Health Service.

   (iii) Should an employee who holds a current driver's licence of any term and for which he/she has received reimbursement or which was obtained on his/her behalf, leaves the service or is no longer required to drive a Hospital/Health Service owned vehicle, no proportionate refund will be required for the unexpired portion of the current licence fee.

   (iv) An employee, on recruitment or when first required to drive a motor vehicle, must not be reimbursed the cost of his/her current licence; however, when such a licence is due for renewal and the holding of a current licence is necessary for work purposes, as provided in this topic, the cost of renewing the licence is the responsibility of the Hospital/Health service.

   (v) Motor vehicle licences are only to be obtained or renewed for a period of one year. Employees are required to provide a tax invoice/receipt as substantiation of expenditure

Employees who hold driver's licences in order to drive their own vehicles cannot reasonably expect to be reimbursed if occasionally, or on an irregular basis, they drive Incorporated Hospital's or SAAS' vehicles.

8-7 RELOCATION EXPENSES

8-7-1 DEFINITIONS

"Employee" generally means a person permanently appointed to an Incorporated Hospital or SAAS pursuant to the Health Care Act 2008. Where the context requires, however, "employee" may mean a person appointed on a fixed-term or a person appointed on a fixed-term subject to negotiated conditions.

"Outside Applicant" means a person not appointed to an Incorporated Hospital or SAAS in accordance with the Health Care Act.

"Relocation" means geographical change of permanent or usual place of duty or headquarters being other than from one part of the Adelaide metropolitan area to another.

Notes:

1. The area of Metropolitan Adelaide is as defined in the Development Plan established under the Planning Act, 1982. (refer to Appendix 8-7 B for map depicting metropolitan Adelaide)

"Relocated Employee" means an employee who reasonably changes their residence being other than from one part of the Adelaide metropolitan area to another as a result of a geographical alteration in their permanent or usual headquarters, but shall not include an employee who relocates:

(a) solely at the employee's own request for personal reasons; or, before the employee has been located at such headquarters for three years; or

(b) on account of the employee's own misconduct.

Notes:

1. In any cases involving redeployment, the provisions shall apply.
2. Successful application for a position in the Commissioner for Public Sector Employment's weekly notice of vacancies is not deemed to be a change solely at the employee's request.

"Special Leave" means special leave with pay in accordance with Part 7.7 of this manual

8-7-2 NOTICE OF RELOCATION (WHERE APPLICABLE)

The Chief Executive Officer (or delegate) shall give, in writing, as long a period of notice of relocation as is practicable and reasonable. Consultation shall take place with the employee to ensure that the relocation causes minimal disruption to the employee and their dependants.

8-7-3 SPECIAL LEAVE (WHERE APPLICABLE)

Employees who are required to relocate may be eligible for Special Leave with pay. Refer to Part 7-7.

8-7-4 REIMBURSEMENT OF EXPENSES

General

A relocated employee shall be reimbursed for expenses reasonably incurred as a result of their relocation in accordance with the following provisions:

(i) The workplace which the vacancy exists is responsible for reimbursement of expenses. Applications for reimbursement should be forwarded to the appropriate contact officer.

(ii) Reimbursement of expenses will be made where the Chief Executive Officer is satisfied that the journey/s were travelled by the shortest practicable route and completed within a reasonable time.

(iii) Employees must produce tax invoices or receipts, as appropriate, in order to be reimbursed any expenditure.

(iv) Reimbursement shall be limited to a maximum period of 14 days except in circumstances as outlined in provision (v) within Accommodation and Meals. Special leave taken in accordance with Special Leave shall be included in this maximum period.

(v) Where two employees who cohabit relocate at the same time, to the same location, reimbursement of expenses must not be claimed for twice. The sharing of relocation expenses however is allowable.

(vi) An ongoing employee who takes up a contract appointment with a right to further ongoing employment at the expiration of the contract will be entitled to the provisions as prescribed in Relocation Expenses for both the relocation to the new location and back to the old location at the conclusion of the fixed-term appointment. Employees should be aware, however, of the four year prescription in respect of conveyancing expenses detailed in 6(vii).

(vii) In the circumstances where an employee takes up a contract appointment with no right to further on-going employment at its conclusion, provisions for relocation at the commencement of the appointment will apply. Provisions for relocation at the conclusion of the appointment may be negotiated with the Chief Executive Officer.

(viii) Chief Executive Officers and employees need to be aware that benefits provided under this provision may not automatically be exempt from fringe benefits tax and each individual case will need to be assessed on its merits.

Accommodation and meals

(i) Reimbursement for accommodation and meals shall be made in accordance with Part 8-3 for each person.

(ii) An employee shall be required to provide tax invoices for all accommodation expenses actually and necessarily incurred by the employee (including the employee's dependent family) during relocation.

(iii) When an employee travels to the new location to seek permanent accommodation and incurs expenses in relation to overnight accommodation, the employee shall be reimbursed reasonable and actual costs of accommodation and meals for the employee and a member of the employee's household. (This provision does not apply to outside applicants)

(iv) An employee will be entitled to reimbursement of expenses actually and reasonably incurred by the employee (including the employee's dependent family) for meals and accommodation during the course of the journey for the purpose of relocating.

(v) Where an employee travels to a new location and on arrival finds that the allocated housing (where applicable) is not ready for occupancy, the employee will be reimbursed for the cost of meals and accommodation for the employee (including the employee's dependant family) until the allocated house becomes available.

Travel

(i) Reimbursement of travel expenses actually and necessarily incurred by the employee during relocation extends to the employee and the employee's dependent family subject to the following conditions:

(a) the employee is free to choose the mode of transport;

(b) where the employee chooses to travel by air, reimbursement shall be restricted to economy class passage;

(c) where the employee chooses to travel by private motor vehicle, reimbursement shall be made in accordance with 'Transfer of Headquarters'.

(d) where the employee chooses to travel by some other agreed means, for example, train or bus, reimbursement will be made on the terms agreed to between the employee and the Chief Executive Officer (or delegate) prior to the travelling commencing.

(ii) An employee and a member of the employee's household will be reimbursed travelling costs for the purpose of visiting the new location with a view to obtaining suitable permanent accommodation. (This provision does not apply to outside applicants).

(iii) A relocated employee who is unable to obtain reasonable accommodation for the transfer of the employee's household, being other than from one part of the

Adelaide metropolitan area to another or within the same country location, and where the Chief Executive Officer (or delegate) is satisfied that the employee has taken all possible steps to secure reasonable accommodation, will be allowed for a maximum of 30 days to commute to the new place of duty on a daily basis and receive reimbursement of motor vehicle mileage or public transport costs for commuting to the extent that the mileage or cost is greater than the mileage or cost involved in commuting to the employees previous place of duty. Where the above provision is insufficient in any particular case, the Chief Executive Officer (or delegate) may extend the maximum of 30 days for a period of up to 60 days, provided that only half of the excess costs shall be reimbursed for the latter period.

(iv) A relocated employee who reasonably chooses not to move their household will be allowed for a maximum of thirty days to commute to the new place of duty on a daily basis and receive reimbursement for motor vehicle mileage ("Transfer of Headquarters" rate) or public transport costs for commuting to the extent that the mileage or cost is greater than the mileage or cost involved in commuting to the employees previous place of duty provided that:

(a) The provision of (iv) above applies only to employees whose permanent or usual place of duty or headquarters is geographically altered on an involuntary basis.

(b) Employees in both the Adelaide metropolitan and non-metropolitan areas are eligible for the provision in (iv) above provided that the distance involved in the relocation of the old headquarters to the new headquarters is at least 40 kilometres.

Removal/storage costs

(i) An employee will be entitled to reimbursement of costs actually and reasonably incurred in removing personal and household effects to his/her new location. The allowance for removal and storage of household furniture will be the equivalent of the lowest of three written quotes obtained from recognised furniture removalists providing however that:

(a) the Hospital/Health Service may nominate one of three removalists from whom a quote is to be obtained;

(b) the employee may choose which removalist to be engaged;

(c) where an employee chooses to accept a quote which is not the lowest, the employee will be required to pay the difference between the lowest quote and the quote chosen.

(ii) Where an employee or members of the employee's dependent family regularly use more than one vehicle, and all the vehicles regularly used by the employee (or dependant family) are to be relocated to the new residence, the cost of transporting or driving more than one vehicle (with a limit of two) shall be deemed to be part of removal costs, and the employee will be allowed the following options:

(a) the cost of transportation by either rail, ferry or road transport; or

(b) where a vehicle or vehicles are driven, reimbursement of motor vehicle mileage costs in accordance with "Transfer of Headquarters".

(c) where only one vehicle is to be relocated at the new residence the employee may choose to transport another 'unit' i.e. boat, caravan etc. in lieu of a second vehicle.

(d) when towing a boat, caravan or trailer the rate per kilometre is the rate as specified for trailers in Part 8-4 .

(e) employees are advised that it is their responsibility to ensure that whilst in transit additional insurance cover for motor vehicles (and units) is provided for. The cost of this extra cover shall be reimbursed by the Hospital/Health Service.

(iii) 'Personal and household effects', for which the actual, reasonable and necessary costs of conveyance should be met, include the whole of the employee's possessions, except items not customarily accepted as part of a household removal.

Although not an exhaustive list, the following may prove useful in determining items comprising a normal household removal:

Items Normally Acceptable (reasonable no in each case)	**Items not Customarily Acceptable**
Bicycles	Fowls and other livestock
Garden tools	(except domestic pets)
Sewing machines	Firewood, live plants, shrubs trees etc. building materials and structures such as sleep-outs garages and carports.

(iv) The SA Government provides an automatic insurance cover for furniture and effects whilst in transit up to a maximum value. See Appendix 8-7 A.

(v) Transportation costs of domestic pets are allowable up to a maximum amount. Domestic pets are defined as dogs, cats, birds or other domestic animals.

(vi) An advance to cover the whole or part of removal expenses allowed under this topic, may be made to an employee who shows that such expenses are reasonably to be anticipated. Any excess on the advance will be reimbursed by the employee within one month of the employee incurring the expenses, unless the Chief Executive Officer (or delegate) otherwise approves.

(vii) Every effort should be made to ensure that the employee's relocation coincides with the availability of permanent accommodation at the new headquarters. However, where it is impossible for an employee to move immediately into permanent accommodation on relocation, the quotes sought should include the cost of storage of furniture. The employee shall be reimbursed costs actually and reasonably incurred for storage for a period of up to 30 days after which approval must be granted by the Chief Executive Officer(or delegate). The

employee shall also be reimbursed for costs actually and necessarily incurred for cartage to and from the storage location.

NOTE: 1. The Government's automatic insurance cover is also for furniture in storage for up to 30 days (see Appendix 8-7 A)

2. Where the Chief Executive Officer (or delegate) approves the storage of furniture for a period in excess of 30 days the employee shall ensure that adequate insurance cover is maintained for the extended period.

Disconnection/reconnection of services

A relocated employee will be entitled to the reimbursement of costs incurred in respect of the reconnection of gas and/or electricity supplies and telephone services not being refundable costs, or water readings specifically required due to relocation.

Reimbursement of the above costs will be limited to standard reconnection fees and not the cost of installation (this provision does not apply to outside applicants).

Redirection of mail

A relocated employee will be entitled to reimbursement for the fee charged by Australia Post for the redirection of mail for the first month following the vacation of their former residence. (This provision does not apply to outside applicants).

8-7-5 ACCELERATED DEPRECIATION OF FURNITURE

The following allowance for accelerated depreciation of furniture payable to employees changing their residence as a result of a change in their permanent or usual headquarters shall apply. Where the Chief Executive Officer (or delegate) is satisfied that the value of household furniture necessarily moved by an employee upon such employee's transfer from one locality to another is at least three thousand, five hundred and fifty dollars ($3,550), that employee may be paid an allowance of six hundred and ninety dollars ($690) for accelerated depreciation and extra wear and tear on furniture and effects and necessary replacement and/or alterations to carpets, linoleum, curtains as a result of such change of residence, operative from 22 December 2016.

The allowance shall not be paid in any of the following circumstances:

(a) where the employee is establishing a home for the first time;

(b) where it is the employee's first appointment to the public sector;

(c) where the employee's headquarters are being changed solely at the employee's request before the employee has been located at such headquarters for three years; or

(d) where the transfer of location is being made in accordance with disciplinary provisions.

(e) where the employee is moving to a position in respect of which a camp allowance is payable.

NOTE:

1. In any cases involving redeployment of staff the exclusion of (ii)(c) above will not apply.
2. Successful application for a position in the Commissioner for Public Sector Employment weekly notice of vacancies is not deemed to be a change solely at the employee's request.

8-7-6 CONVEYANCING AND INCIDENTAL COSTS

Employees may have an entitlement to housing or reimbursement of conveyancing expenses but not to both. Employees having utilised Hospital and Health Service housing whilst working in the country are not entitled to reimbursement of conveyancing expenses.

Reimbursement of the following expenses will only be made where the sale or purchase of residences are effected within a period not commencing earlier than six months prior to the employee's relocation and ending not more than two years after such relocation.

Where it is not practicable for the relocated employee to purchase a residence in the new location and the former residence has been disposed of, such employee will be eligible for the benefits when subsequently purchasing a residence in a new location on a current or subsequent transfer within the time limit prescribed above.

(i) An employee may be reimbursed up to a maximum of $7,500 for the sale of a residence (or land upon which to erect a residence) and a maximum of $8,400 for the purchase of a residence (or land upon which to erect a residence) for the following expenses actually and necessarily incurred.

(ii) Where an employee who as a consequence of the relocation sells a residence (or land upon which to erect a residence) at the former location or buys a residence (or land upon which to erect a residence) at the new location they will shall be entitled to reimbursement of the following expenses incurred:

(a) where the employee has engaged a solicitor/broker to act for them in those transactions, the solicitor's/broker's professional costs and disbursement by him/her in respect of such transactions;

(b) stamp duty paid in respect of the purchase of the residence or land at the new location, and in respect of any mortgage entered into or discharge of mortgage in connection with such transactions;

(c) fees paid in respect of the registration (or discharge) of transfer and mortgage;

NOTE:

The maximum amounts which an employee may be reimbursed as prescribed above shall be calculated on the standard fees which would be payable on the sale or purchase of housing valued at $162,500 in the metropolitan area and $163,500 in the non-metropolitan area, operative from 1 January 2016.

Operative from 1 January 2017 these values will be $166,000 in the metropolitan area and $167,000 in the non-metropolitan area.

These amounts are to be adjusted six monthly on 1 July and 1 January by the previous six months (March and September quarter) Housing CPI for South Australia.

(iii) Where a relocated employee entitled to the reimbursement of conveyancing and other costs as outlined above purchases a residence (or land upon which to erect a residence) at his/her new location prior to the sale of his/her former residence, he/she shall be entitled to reimbursement for any Council, other Local Government or SA Water rates levied in respect of any period during which such former residence remains untenanted, provided that the Chief Executive Officer (or delegate) may require the employee to furnish acceptable evidence that reasonable efforts are being made to sell the former residence at a fair market price.

(iv) An employee entitled to the reimbursement of conveyancing and other costs as outlined above, may also qualify for reimbursement of the cost of survey certificates, pest certificates and/or bank or building society application/registration (or discharge) fees, including insurance charges, reasonably incurred in seeking a new residence (or land upon which to erect a new residence) at the new location.

(v) Reimbursement of such expenses shall only be made where the sale or purchase of residences are affected within a period not commencing earlier than six months prior to the employee's relocation and ending not more than two years after such relocation.

(vi) Where it is not practicable for the relocated employee to purchase a residence in the new location and the former residence has been disposed of, such employee shall be eligible for the benefits when subsequently purchasing a residence in the new location on a current or subsequent transfer within the time limit allowed in (iv).

An employee who sells his/her former residence and lives in a Incorporated Hospital house (other than as a private tenant) does not qualify for reimbursement of conveyancing expenses for the sale or subsequent purchase of his/her residence.

(vii) Where an employee who is involuntarily transferred is disadvantaged through having to pay a higher mortgage rate on a residence purchased at the new location than that paid on the previous residence at the old location, an interest rate subsidy shall be paid subject to the following conditions.

Provided an employee had a mortgage on the previous residence at the old location reimbursement will be made based on the balance of the mortgage on the previous residence and shall represent the difference in interest payments between:

(a) the prevailing Commonwealth Bank housing loan rate and that charged by the lending institution on the new residence, or

(b) the previous interest rate on the residence at the old location and that charged by the lending institution on the new residence, whichever is the less.

Payment of the above shall be based on the maximum amount of the loan provided on the residence at the old location and limited to:

(A) a period of four years;
(B) until the employee changes locations;
(C) until separation from the public sector; or
(D) on discharge of the loan, whichever occurs first.

NOTE: Appropriate substantiation of expenditure is required to be eligible for the above.

(viii) Employees must remain in a location for at least four years to be eligible for the full reimbursement of conveyancing expenses incurred on each subsequent relocation. Where an employee moves before four years he/she will receive a proportionately reduced amount for subsequent relocations.

(ix) Where an employee is required to live in a Incorporated Hospital house at the work location reimbursement of conveyancing expenses will not be provided unless they meet the requirements of (xi).

(x) Where an employee is not required to live in a Incorporated Hospital house at the work location the employee may either elect to take up the conveyancing benefits or make a request to his/her Incorporated Hospital for such housing. Where housing is not available to the employee conveyancing provisions will be applied.

(a) An employee may choose to only buy or sell his/her residence in the first instance. If the employee completes the other part of the relocation transaction (buy and sell) within two years the remaining conveyancing benefits will be applied.

(b) The conveyancing provisions do not apply where the employee is purchasing his/her first home.

(c) The conveyancing provisions do not apply to outside applicants on first appointment to the public sector.

(d) An employee is not eligible for the reimbursement of conveyancing expenses for either the sale or purchase of a residence (or land) in the following circumstances:

- Where an employee has lived in an hospital or health service house (subject to the criteria of section (x);
- Where an employee sells a former residence and lives in an Incorporated Hospital house (other than as a private tenant);

- Where an employee is required to live in a Incorporated Hospital house at the work location (Depot), subject to the criteria of section (x);
- An employee establishes a home for the first time;
- Outside applicants on first appointment in accordance with the Part 8-7-1;
- Where an employee is relocating within the same country area or within metropolitan Adelaide.

(xi) Following the purchase or sale of a house and subsequent reimbursement of conveyancing expenses under the package, an employee will be ineligible for Incorporated Hospital housing;

(a) whilst they remain at the location for which they have received relocation benefits
(b) in other locations for a period of 4 years

(xii) Employees who resided in hosptial and Health service housing prior to 01/01/91, who were not private tenants, may elect to purchase their own home and be eligible to reimbursement under this topic if they are purchasing a house in the same country location.

In other instances where an employee has sold their residence under the scheme and are yet to purchase housing in the new location, they may occupy Incorporated Hospital housing as a private tenant provided that vacancies are available and housing is not required for long term tenants.

(xiii) Where provisions limiting eligibility to Incorporated Hospital housing do not appear appropriate to any particular set of circumstances, the facts must be submitted to Workforce Services, Corporate and System Support Services for direction.

8-7-7 RELOCATION COSTS FOR PERSONS OUTSIDE THE PUBLIC SECTOR

Relocation expenses for persons recruited from outside the public health sector

The Chief Executive Officer (or delegate) may authorise the payment of relocation costs (accommodation and meals, travel and removal/storage costs) for persons recruited from outside the public sector but not in excess of those contained in Part 8-7-4 of this Manual.

8-7-8 ON RETIREMENT OR DEATH

Relocation expenses (furniture removal and travelling on retirement or death of an employee)

Upon retirement, former employees who move from the location in which their permanent or usual place of headquarters was located and elects to live in another part of the state may be reimbursed the costs actually and necessarily incurred in moving household and personal effects in accordance with Reimbursement of Expenses (except provisions contained in clause (iii) and (v) 'Accommodation and Meals'; (ii) (iv) within 'Travel'; (vi) within 'Removal/Storage Costs'; 'Disconnection/Reconnection of Services' and 'Redirection of Mail') subject to the following:

- the Hospital/Health Service must have incurred all, or the major proportion of the cost of the previous change in headquarters;
- Reimbursement is only to cover expenses incurred by the employee and the employee's dependent family;
- The maximum amount of such reimbursement will be limited to that payable had the former employee transferred from their current location to Adelaide;
- The former employee's relocation is effected within a period of six months following the date of retirement;
- A part time employee is to be reimbursed the same proportion as the part time service rendered bears to the full time service.

Upon the death of an employee the provisions referred to above will apply to any claims made by the widow or widower within a period of six months from the death of the employee.

8-7-9 KANGAROO ISLAND

The provisions in part 5-3-4 (underneath the heading: 'Permanent Kangaroo Island Employees') of this manual apply on transfer of permanent headquarters to or from Kangaroo Island.

8-7-10 SPECIAL CIRCUMSTANCES

Where the above mentioned provisions do not appear appropriate to any particular set of circumstances the facts must be submitted to Workforce Services, Corporate and System Support Services for direction.

APPENDIX 8-7 A: FURNITURE REMOVALS - INSURANCE

The Government provides for an 'in transit' insurance cover for the household furniture and effects of employees whose normal or permanent place of duty or headquarters is geographically altered to suit the Hospital/Health Service's convenience.

The insurance is for a maximum of $100,000 in any one instance and applies only to those removals the cost of which, with the proper approvals, are borne by the Hospital/Health service.

Additional cover above $100,000 will be provided to agencies on request for specific removals. In these cases, payment of an additional premium will be required. These costs are to be met by the Hopsital/Health service. Requests for additional cover or general enquiries should be made to the Manager, Insurance Services Unit, Department for Health and Wellbeing; telephone (08) 8226 6424.It should be noted that the policy is a Replacement Policy.

The cover is an all-risk insurance but specifically excludes:

- Accompanied baggage or articles being worn or used by the Insured or any other person during the insured transit;
- Bank note, coins, shares, bonds, deeds, stamps, securities, and the like, travellers cheques, tickets, jewellery, watches, personal trinkets, pens and alcoholic beverages;
- Loss or damage caused by;
    - Delay;
    - Confiscation or detention by Customs or other officials or authorities;
    - Wear and tear, moth, vermin, normal atmospheric or climatic conditions or inherent vice;

Rust, mould, mildew and the like unless clearly proved to have occurred during the transit and to have been caused by actual contact with rain and other water and not due to condensation, humidity or similar atmospheric conditions;

Mechanical, electrical or electronic breakdown or derangement unless there is external evidence of the breakdown or derangement having been directly caused by an insured risk;

The use, existence or escape of nuclear weapons material or ionising radiation from or contamination by radioactivity from any nuclear waste from the combustion of nuclear fuel.

The insurance normally commences from the time the goods pass into the hands of the removalists until those same goods are accepted from the removalists at the completion of the removal and includes cover against damage, loss or breakage during packing and unpacking.

Where an employee elects to accompany furniture and effects, claims will not be accepted for loss of goods from an unattended vehicle.

Where an insured item consists of articles in a pair or set the insurance policy will not cover more than the value of any particular part or parts which may be lost without reference to any special value which such article or articles may have as part of such pair or set, nor more than a proportionate part of such pair or set.

Where the goods go into store the cover is effective for a period of thirty days.

Where approval has been obtained for the Hospital/Health Service to pay removal expenses of employees the quotations received from the removalist firms should exclude any charge for insurance, records should be kept.

It is not necessary to supply details of individual removals to the insuring company as the insurance now arranged is a 'blanket' cover and applies to all approved removals made at the Employing Authority/Delegate expense. As the premium is now based on a claims/loss ratio there is no necessity for an Hospital/Health Service to forward an annual return but a record of the number of removals effected each year should be kept so that if such figures are required they would be readily available.

Any claims should be notified to the Manager, Insurance Services Unit, telephone (08) 8207 0142; Postal address GPO Box 1669, Adelaide SA 5001.

APPENDIX 8-7 B: METROPOLITAN ADELAIDE MAP

8-8 USE OF PRIVATE MOTOR VEHICLES BY ALL HEALTH ACT EMPLOYEES

No employee is required, under any circumstances whatsoever, to use their private vehicle for official purposes if they do not wish to do so.

All employees using their private motor vehicles for official purposes are required to have their vehicle covered either by a comprehensive insurance policy or by a third party property damage insurance policy.

Employees seeking to use their private vehicles on work business must be provided with an application form in the terms of Appendix 8-8 A.

An undertaking is required in the application form for the employee to inform their insurer that the vehicle will be used in the course of employment. The insurance policy must provide cover for the employee and Hospital/Health Service when the vehicle is used on work business. If the insurance policy does not cover the use of the vehicle for business purposes, then both parties may lose the benefit of the insurance cover.

Where an additional premium is sought by an insurance company to provide cover for business use, such additional premium is to be reimbursed on proof of expenditure.

8-8-1 LENGTH OF APPROVAL AND REIMBURSEMENT RATES

Approval may be given for a specific journey, or a specific period and all approvals must be re-examined periodically. If use of the motor vehicle is still necessary, approval should be renewed following a review of the economics of the use of each vehicle.

Employees who are given approval to use their private motor vehicle on work business are to be reimbursed in accordance with the rates provided in Part 8-4.

APPENDIX 8-8 A: REQUEST TO USE PRIVATE MOTOR VEHICLE (APPLICATION FORM)

COPY - NOT FOR OFFICIAL USE

WHEREAS I ……. of ……..

being employed as a …….. by ……

am required in the course of my employment to travel from place to place in South Australia,

I DO HEREBY REQUEST that I be permitted to use my own private motor vehicle in the course of my duties as aforesaid IN CONSIDERATION of which permission I DO HEREBY UNDERTAKE:-

1. To insure and keep my said vehicle insured as against third party property damage and third party bodily injury.
2. To inform the insurer of the said vehicle of the use thereof in and about my employment.
3. To make payment to my insurer of any premium or additional premium which may be required in consequence of the use of the vehicle.
4. To refrain from using the vehicle in the absence of policies of insurance referred to in Clause 1 hereof.
5. To accept by way of mileage or other allowance such sum or sums (if any) as my employer may in its sole discretion consider fair and reasonable with respect to my use of the said vehicle.
6. To indemnify and keep indemnified the Hospital/Health Service, its servants or agents against any tort committed by me in the course of using my vehicle where the conduct giving rise to such tort constitutes "serious and wilful misconduct" within the meaning of section 27c(3) of the Wrongs Act 1936-1975.

DATED the …….. day of ……..

Signature of Applicant.....

Approval is given to the above named applicant to use his/her motor vehicle on work related business up to and including the / / .

……
Signature and Title of Authorised Officer

DATED / /

* the date of expiration must be completed by the authorising officer.

APPENDIX 8-8 B: APPROVAL TO USE PRIVATE MOTOR VEHICLE

COPY-NOT FOR OFFICIAL USE

ACCEPTANCE OF INVITATION TO USE PRIVATE MOTOR VEHICLE ON OFFICIAL WORK RELATED BUSINESS

I, ... an employee of (_____) hereby accept the invitation of my employer to use my private motor vehicle bearing Registration Number.....on official business and agree to the Terms of the Invitation annexed hereto.

I acknowledge that this acceptance does not automatically entitle me to use my private vehicle on official business but renders me eligible for a grant of approval from the employer to so use my private motor vehicle.

Signed_____

(Employee)

Signed_____

(Witness)

Date...../...../.....

8-9 MEDICAL/DENTAL TREATMENT- EXPENSES REIMBURSEMENT

Travel and accommodation expenses reimbursement for obtaining medical or dental treatment, to employees necessarily residing outside the metropolitan area

8-9-1 INTRODUCTION

The following reimbursement applies for expenses reasonably incurred by prescribed employees residing outside the metropolitan area by virtue of their appointment, when travelling to obtain medical or dental treatment.

8-9-2 DEFINITIONS

(1) "dependent", in relation to a spouse or child of a prescribed employee means substantially reliant upon that employee for their financial support and who is normally resident with such employee.

(2) "duly qualified", means a practitioner practising in Australia who, by training skill and experience, is competent to diagnose, advise with regard to, and/or treat the condition in relation to which relevant medical or dental assistance, as the case may be, is reasonably sought.

(3) "employee" means a person appointed by an Incorporated Hospital or SAAS pursuant to sections 34(1) and 54(1) of the Health Care Act 2008.

(4) "local recruit" shall mean an employee (as herein defined) who is recruited (appointed and assigned) to a position in the locality where the employee is normally domiciled and where their appointment and assignment do not reasonably necessitate a change in residence. An employee will remain a local recruit for as long as they continue to be employed in the locality where the employee was recruited, even though the employee may be reassigned to another position or positions within the same locality; provided such reassignment does not reasonably require the employee to change his/her place of residence.

(5) "metropolitan area" means the part of the State comprised by -

(a) the whole of the Metropolitan Planning Area; as detailed in Appendix 8-9 A.
(b) the municipality of Gawler.

NOTE: Should the detail on the map attached be insufficient to determine eligibility in a particular case, the matter may be referred to Workforce Services, Corporate and System Support Service, Department for Health and Wellbeing.

(6) "practitioner", means any legally qualified and lawfully practising practitioner as listed hereunder from whom a prescribed employee or a dependent spouse or child of a prescribed employee receives treatment.

In respect of a practitioner in group (b), a referral by a medical practitioner is required.

Group (a) -

Medical Practitioner
Dentist
Chiropractor

Group (b) -

Psychologist
Optometrist
Podiatrist
Physiotherapist

(7) "prescribed employee" means an employee (as herein defined), other than a local recruit (as herein defined) who is appointed and assigned to, or reassigned to or within, a locality situated outside of the metropolitan area (as herein defined) and is employed for at least 15 hours per week for a continuous period of one month or longer where the hours of work are fixed and constant and who reasonably resides outside the metropolitan area by virtue of the appointment and assignment, or reassignment: provided however, for the purpose of this instruction this definition does not include an employee on leave without pay unless he or she can demonstrate over-riding circumstances, wherein such discretion shall rest with the CEO (or delegate) .

(8) "reimbursable expense", means:

(a) actual travel costs in excess of $10.00 in any one instance reasonably incurred in transporting a prescribed employee and/or a dependent spouse and/or dependent child of a prescribed employee from their place of residence to a place at which a duly qualified practitioner is consulted;

(b) travel charges in excess of $10.00 in any one instance made by a duly qualified practitioner reasonably summoned to attend a prescribed employee or a dependent spouse or dependent child of a prescribed employee at or near the place of residence of the prescribed employee;

(c) the actual cost of accommodation not being hospital or nursing accommodation reasonably and necessarily incurred by a prescribed employee or a dependent spouse or dependent child of a prescribed employee in connection with the attendance of that person away from that persons place of residence at a place at which a duly qualified practitioner is consulted.

(9) "travel costs" means the actual return transport costs payable for the most appropriate trave in the circumstances. However:(a) if travel is by a motor vehicle owned by a prescribed employee or a spouse of a prescribed employee, "travel

costs" shall mean an amount calculated at the motor vehicle reimbursement rates prescribed in Part 8-4-Transfer of Headquarters the total distance travelled;

(a) transport costs shall not in any circumstances exceed a sum which would be applicable to a return trip over the distance from the place of residence of the relevant prescribed officer and the Adelaide GPO.

8-9-3 REIMBURSEMENT OF EXPENSES

Where a prescribed employee reasonably incurs a reimbursable expense, reimbursement will be paid upon written application and presentation of tax invoices or receipts made to the Chief Executive Officer (or delegate).

8-9-4 ATTENDANCE AT NEAREST PRACTITIONER

For a reimbursable expense to be incurred, attendance must be by or upon the nearest practitioner or by referral from the nearest practitioner recognised in that field. Provided however, that where the nearest practitioner is

(a) the employee's spouse; or
(b) is on leave and the matter is urgent; or
(c) is not a practitioner in whom the employee has confidence and prior approval has been given by the Chief Executive Officer (or delegate); the next nearest practitioner will be attended.

8-9-5 EXPENSES FOR SPOUSE OR ATTENDANT

In any instance in which it is necessary for a prescribed employee, or the spouse of a prescribed employee or some other attendant to accompany the person in respect of whom reimbursable expense is incurred, then the reimbursable expense will include the additional travel and accommodation costs reasonably and actually incurred.

8-9-6 SUBSTANTIATION OF CLAIM

A prescribed employee who claims payment of reimbursable expense (the "claimant") shall provide reasonable evidence (tax invoices and receipts) in substantiation of the claim for reimbursable expenses.

8-9-7 MISCONDUCT AND NEGLIGENCE

The Chief Executive Officer (or delegate) shall be entitled to refuse payment of any claim where it appears that the expense arose as a direct consequence of the serious and wilful misconduct or gross negligence of the person in respect of whom the expense was incurred.

8-9-8 RECOVERY OF ENTITLEMENT TO INSURANCE, COMPENSATION ETC.

A prescribed employee is required to take all reasonable steps to recover any benefits which may be lawfully due in respect of any occurrence related to a reimbursable expense. These benefits may include insurance, contributory fund, workers compensation or other payments as well as common law damages. The payment of these benefits to the prescribed employee will reduce the sum of the reimbursable expense. If any benefit is paid after payment has been made for reimbursable expense, the prescribed employee will repay the amount to the Chief Executive Officer. The Chief Executive Officer will not be entitled to withhold payment of reimbursable expense upon the ground that it, or some portion of it, may be recoverable at some time in the future from a third party.

8-9-9 REQUIREMENT TO CONTRIBUTE INSURANCE

The Chief Executive Officer (or delegate) may by notice in writing require any prescribed employee to commence and maintain a policy of insurance or membership of a contributory ambulance or other fund to cover that employee's liability for items of the nature of reimbursable expense under this instruction.

8-9-10 REIMBURSEMENT OF INSURANCE PREMIUM OR CONTRIBUTION

In any such case the Chief Executive Officer (or delegate) shall reimburse to the prescribed employee the amount by which any premium or contribution incurred in so doing exceeds the sum of $6.00 per annum on provision of a tax invoice or receipt.

8-9-11 FAILURE TO COMPLY WITH DIRECTION RE INSURANCE

If a prescribed employee fails to comply with a requirement made by the Chief Executive Officer (or delegate) under this part, such employee will not be entitled to claim reimbursable expense which, but for his or her failure, would have been recouped to that employee as a result of the relevant insurance or membership.

8-9-12 SICK LEAVE CREDIT

Sick leave credit refers to the accumulated untaken sick leave entitlement of an employee, as it has accrued over the period of the employee’s service.

When a prescribed employee is necessarily absent from duty for the purpose of securing advice and/or treatment from a duly qualified practitioner for such employee

or dependent spouse or child of such employee, any period of such absence involved in travelling to or from the place of residence of the prescribed employee to the place at which the advice or treatment is obtained will not be debited against any sick leave credit to which that employee is entitled. For payroll purposes, the prescribed employee will be regarded as being on duty during such absences.

NOTE: This clause shall be without prejudice to the right of the Chief Executive Officer (or delegate) to transfer the employee nearer to the place of consultation or treatment (refer to 8-9-14 below).

8-9-13 ELECTIVE TREATMENT

The Chief Executive Officer (or delegate) shall be entitled to decline payment of reimbursable expense to a prescribed employee in any instance in which such expense related to a non-urgent elective consultation or treatment which might reasonably have been sought during a vacation period whilst the prescribed employee or his/her relevant dependent spouse, child, or children (as the case may be) had, in the normal course, travelled to a location at which the type of consultation or treatment could be obtained.

8-9-14 TRANSFER OF OFFICER

The Chief Executive Officer (or delegate) may, with discretion, transfer an employee nearer to the place of consultation or treatment when it is deemed desirable to do so.

APPENDIX 8-9 A: MAP OF CITY AREA

8-10 OVERSEAS TRAVEL-GUIDELINES FOR PROPOSALS

Guidelines for the preparation and review of overseas travel proposals

8-10-1 GUIDELINES

These guidelines and procedures apply to Chief Executive Officer (or delegate) and employees. Proposals for overseas travel either fully or partially funded by government are to be forwarded to the Chief Executive, Department for Health and Wellbeing for consideration and approval.

In booking travel, employees shall select the lowest fare compatible with their travel needs. Selection of higher cost alternatives should be limited to those occasions when, because of timing, booking or other restrictions, travellers are unable to comply with the conditions attached to lower fares.

8-10-2 DESTINATIONS NOT REQUIRING AN APPLICATION

Travel within Australasia including visits to New Zealand, Papua New Guinea and Australian Territories are not subject to these guidelines, unless they form part of a more extensive itinerary encompassing other overseas destinations.

Standard of accommodation

Employees must observe the requirements of the Code of Ethics for South Australian Public Sector Employees, with regard to the efficient use of public resources. The standard of accommodation should be selected in accordance with the requirement to make efficient use of public resources.

Insurance

All employees travelling on government business are automatically covered by the whole of government travel insurance arrangements. This covers international, interstate and intrastate travel.

Government travel insurance arrangements are not available for privately funded travel.

Inquiries on the services provided by the government travel insurance arrangements should be directed to the Finance Division of the Department for Health and Wellbeing on (08) 8226 6552.

Employees travelling within South Australia through the Government travel contract are automatically covered for insurance purposes; however those employees travelling interstate, internationally or with another service provided are requested to contact Insurance Services to notify of their proposed travel details and insurance.

8-10-3 THE APPLICATION PROCESS

The applicant completes the relevant portion of the application form (refer Appendix 8-10 A) before forwarding it to the Chief Executive Officer (or delegate).

Whenever an overseas travel proposal involves trade or development matters, advice and assistance is available from the Director of the Office of Trade within the Department of Trade. The State Government also has representative offices located in Hong Kong, Singapore, Dubai, United Arab Emirates and London and assistance is available as required from these offices.

If the Chief Executive Officer (or delegate) supports the proposal and funds are available, a submission must be prepared outlining the proposal, the benefits to the individual/organisation that will accrue from the visit and a statement specifying the degree of Government financial assistance sought.

- A completed Overseas Travel proposal is then forwarded with the submission to the Chief Executive, Department for Health and Wellbeing.
- Chief Executive, Department for Health and Wellbeing, approval must be obtained before an employee can depart for overseas.

Overseas travel documentation

The documentation to be submitted prior to overseas travel must include:

- A proposal for each trip from a whole perspective detailing:
    - Specific outcomes expected and the relevance of these outcomes to the strategic priorities
    - An assessment of whether the outcomes can be achieved in other ways not involving overseas travel or whether the visit could be combined with other official business planned
    - Identification of the risks, including medical risks associated with the trip, and a risk management strategy
    - Anticipated costs for the trip, including salary, travel, accommodation, meals and incidentals.
    - An itinerary for the trip
- A report on completion of the trip, assessing its value against the previously identified outcomes

8-10-4 RESPONSIBILITY OF APPLICANT

Give as much advance notice as possible. Where practicable applications should be lodged at least six weeks before the intended departure date.

Such advance notice enables the authorised Government travel agency to take advantage of special fares that must be booked and ticketed a few weeks prior to travel and complete accommodation requirements.

Economy class is the standard for general air travel for officers except for the Chief Executive, Department for Health and Wellbeing who may travel business class.

Where officers are travelling with the Minister for Health and Ageing or the Chief Executive, Department for Health and Wellbeing, they should travel economy class. Approval of business class travel may be given, where there are substantial reasons for an employee to travel business class. Approval is at the discretion of the Chief Executive, Department for Health and Wellbeing. Such approval must be defensible and take into account probity, cost and ethical requirements of employees. Reasons for this approval must be clearly recorded in the trip's documentation.

Ensure that a completed application form and detailed itinerary is forwarded with the submission to the Chief Executive Officer (or delegate).

In planning the itinerary, consideration has to be given to minimising the costs to Government.

Arrangements for official passports and visas should be organised as soon as possible through the Department of the Premier and Cabinet (telephone 8226 3606).

8-10-5 LEVELS OF FINANCIAL SUPPORT FOR OFFICIAL OVERSEAS TRAVEL

The Chief Executive, Department for Health and Wellbeing is responsible for deciding the extent to which the Government should finance overseas visits by employees. Each case needs to be considered separately and judged on its individual merits.

Generally speaking, three categories of financial support can be identified. They are:

- Full payment of salary, fares and necessary living expenses.
- Partial payment may include all or part of salary and/or fares and/or necessary living expenses.
- Payment of salary only applies particularly to people who may have received funds from sources outside the Government.

Overseas travel by non-government employees should not be funded by an Incorporated Hospital or SAAS.

Overseas travel allowances are now available from Workforce Services, Corporate and System Support Services, contact (08) 8226 6552.

8-10-6 LEAVE DURING OVERSEAS TRAVEL

An employee who is overseas on duty (i.e. has air fares, accommodation/living expenses paid for out of Government funds) may be granted approval to take either recreation leave, long service leave or leave without pay at the discretion of the Chief Executive Officer (or delegate). A judgement needs to be made on the length of leave

to be granted. For general guidance, the former rule was for a maximum amount of leave to be one third of the days on duty.

8-10-7 CONSIDERATION OF CEO ASSESSMENT OF A PROPOSAL

The Chief Executive Officer (or delegate) must be satisfied that:

The potential benefits to accrue to the State as a result of the overseas travel, are of a significant and specific nature to justify the expenditure involved.

- Those benefits cannot be obtained more cost effectively by other means.
- The decision can be substantiated.
- Funds are available.

Requests where outside organisations offer funds to undertake overseas travel must be scrutinised to ensure no allegations of favouritism can be raised because the Government does business with them or wishes to do business with them in the future.

The Chief Executive Officer (or delegate) should forward each proposal that involves the expenditure of government funds to the Chief Executive, Department for Health and Wellbeing for approval and arrange for records to be kept for monitoring purposes.

8-10-8 MULTI-TRAVEL REQUESTS

Overseas visits are usually not to involve more than one person. Travel requests for joint travel are not likely to be approved unless there are exceptional circumstances.

Proposals involving two or more persons must incorporate a detailed explanation by the Chief Executive Officer (or delegate) outlining reasons why the objectives of the visit cannot be achieved by one person.

The person(s) selected must be of a level appropriate to the task to be performed, be suitably qualified and possess the relevant skills.

8-10-9 LENGTH OF OVERSEAS STUDY TRIPS

Approvals for overseas visits of an information gathering nature are restricted. Only in exceptional circumstances are visits to exceed six weeks.

8-10-10 PROFESSIONAL DEVELOPMENT AND STUDY LEAVE PROVISIONS FOR MEDICAL STAFF

This section is under review.

8-10-10-1 Professional Development Entitlements

Professional Development Entitlements in the Enterprise Agreement

Reference should be made to the following Clauses in the Department of Health Salaried Medical Officers Enterprise Agreement 2008, Department of Health Clinical Academics Enterprise Agreement 2009 and SA Health Visiting Medical Specialists Enterprise Agreement 2009 (the Agreements) for applicable professional development provisions entitlements:

Department of Health Salaried Medical Officers Enterprise Agreement 2008 (SMOEA 2008)

- Consultants – Clause 40
- Medical Practitioner Group employees in accredited training programs – Clause 71.1
- Medical Practitioner Group employees not in accredited training programs – Clause 71.2
- Medical Administration classifications (no further appointments):
  - recognised as a Specialist with the Medical Board of South Australia – Clause 44.3
  - without an appropriate higher qualification who are in an accredited training program – Clause 44.1
  - without an appropriate higher qualification who are not in an accredited training program – Clause 44.2
- Medical Officers (as defined) (no further appointments) – Clause 49.

Department of Health Clinical Academics Enterprise Agreement 2009 (CAEA 2009)

- Clinical Academics – Clause 26.

SA Health Visiting Medical Specialists Enterprise Agreement 2009 (VMSEA 2009)

- Visiting Medical Specialists – Clause 29.

Professional development provisions in the Agreements refer to leave and expense reimbursement amounts (including for part-time employees) and the definition of “professional development.”

Salaried Medical Officers (SMOs), Clinical Academics (CAs) and Visiting Medical Specialists (VMSs) currently employed in the Public Sector will accrue the professional development provisions on a yearly basis from 14 April (SMOs and CAs) or 1 July (VMSs). However, individuals appointed to the Public Sector for the first time after 14 April or 1 July (as applicable), will receive professional development entitlements

proportionate to their start date and accrue the full entitlement on 14 April or 1 July (as applicable) every year.

Frequently Asked Questions

1. **In accordance with the Agreements "Professional Development" is defined 'as approved by the employee's direct line manager having regard to their performance development plan.' What happens if the direct line manager does not have delegations to approve such arrangements?**

Delegations (financial delegations for reimbursement of expenses and human resource delegations for leave) will need to be updated to allow direct line managers to approve professional development provisions provided for in the Agreements.

2. **Can SMOs, CAs and VMSs carry over any unused professional development entitlements from their previous Agreements? How do entitlements accumulate? When are entitlements deducted from the balance?**

SMOs/CAs

The provisions of the SMOEA 2005 and CAEA 2005 provide that professional development entitlements can accumulate in any one period of two years and therefore SMOs and CAs can carry over unused professional development from the SMOEA 2005 or CAEA 2005. The accumulation of professional development entitlements is subject to the maximum accumulation quantum specified in the relevant professional development clauses.

For example:

Consultant has $1,000 entitlement remaining from 06-07.

14 April 07-08: Accumulates $1,000 (from 06-07) + $4,000 (07-08 entitlement 2005 SMOEA)

= TOTAL $5,000

Consultant does not claim any reimbursement in 07-08.

14 April 08-09: Accumulates $4,000 (from 07-08) + $14,000 (08-09 entitlement)

= TOTAL $18,000

Consultant claims $5,000 reimbursement in 08-09.

14 April 09-10: Accumulates $13,000 (from 08-09) + $17,000 (09-10 entitlement)

= TOTAL $30,000

The above accumulation principles should also apply to professional development leave entitlements.

The deduction of professional development entitlements should occur in the period for which the expense is actually incurred by the employee. For example the $14,000 available to

Consultants from 14 April 2008 can only be accessed by the Consultant for expenses actually incurred after 14 April 2008.

VMSs

The provisions of the previous VMS Agreements provide that professional development leave entitlements can accumulate for a period two years and therefore VMSs can carry over any unused professional development leave from the previous VMS Agreements. Subject to the maximum accumulation quantum specified in the VMSEA 2009.

VMSs cannot carry over any unused professional development expense reimbursement entitlements from the previous VMS Agreements. Such Agreements did not provide for the accumulation of professional development expense reimbursement and clause 29.2 of the VMSEA 2009, states that this is not applicable until 1 July 2010. From 1 July 2010 professional development expense reimbursement entitlements can accumulate in any one period of two years.

For example:

A VMS, contracted for 15 hours per week, is entitled to $8,500 professional development expense reimbursement entitlement from 1 July2009.

The VMS claims $4,000 reimbursement in 09-10.

1 July 2010-30 June 2011: Accumulates $4,500 (from 09-10) + $10,000 (10-11 entitlement)

= TOTAL $14,500

The VMS claims $6,000 reimbursement in 10-11.

1 July 2011-30 June 2012: Accumulates $8,500 (from 09-10) + $10,000 (10-11 entitlement)

= TOTAL $18,500

The above accumulation principles should also apply to professional development leave entitlements.

The deduction of professional development entitlements should occur in the period for which the expense is actually incurred by the employee. For example the $8,500 available to VMSs from 1 July 2009 can only be accessed by the VMS for expenses actually incurred after 1 July 2009.

Timeframe for claiming reimbursement

All medical staff are required to claim professional development reimbursement within a reasonable period of time from the date the employee incurs the expense. For example, it would be considered reasonable to claim reimbursement of expenses one month after returning to work from a conference.

3. Where an SMO, CA or VMS is employed at more than one health unit what is their entitlement to professional development reimbursement?

Professional development reimbursement amounts are specified in the Agreements.

For SMOs, the reimbursement amount differs depending on whether they are employed across SA Health for more or less than 0.5FTE. Where an SMO is employed at more than one health unit site they should not receive a greater entitlement to professional development than a full time employee. (The same principle applies to CAs working across more than one health unit site).

For example, a Medical Practitioner Group employee in an accredited training program engaged at Women's and Children's Hospital for 0.6FTE and Flinders Medical Centre for 0.2FTE (total of 0.8FTE) should receive a total reimbursement of $7,000 pa (entitlement for an employee 0.5FTE or more) and the quantum should be reimbursed on pro-rata basis by the respective health unit site.

For VMSs, the reimbursement amount differs depending on whether the VMS total specified hours of work across SA Health is more than 7 hours per week, or 7 hours per week and less. Where a VMS is employed at more than one health unit site they should not receive a greater entitlement to professional development than a VMS employed for more than 7 hours per week employed at one health unit site.

For example, a VMS engaged at Lyell McEwin Hospital for 6 hours per week and Noarlunga Health Service for 8 hours per week (total of 14 hours for week) is entitled to a total reimbursement of $8,500 (i.e. 1 July 2009 entitlement for a VMS contracted for more than 7 hours per week) and the quantum should be reimbursed on a pro-rata basis by the respective health unit site.

4. Can SMOs, CAs or VMSs who are reimbursed professional development expenses pursuant to the Agreements, book their own travel outside the Government approved travel service providers?

Yes, within the maximum reimbursement amount available in the Agreements.

Reimbursement is defined as compensating the employee for a substantiated (vouched) amount incurred by the employee. That is, the employee incurs the expenditure and then submits a claim to the employer for reimbursement. This is to be contrasted with the payment of an unsubstantiated cash amount (which is not a reimbursement but an allowance that is usually subject to income tax). Reimbursement also does not contemplate the employer incurring expenditure directly – either through government purchasing or through a government travel provider.

5. Where professional development expenses incurred by SMOs, CAs or VMSs include Goods and Services Tax (GST) that can be claimed back by the employer from the Australian Tax Office, does the claimable GST amount decrease the SMO's, CA's or VMS's professional development balance?

No. GST can be claimed back by the hospital in its business activity statement, thus the GST component is no cost to the employer.

This is enabled through Div 111 of the GST Act where the employer reimburses expenses of the employee and a tax invoice is provided to the employer by the employee (either addressed to the employee or the employer).

Professional development entitlement amounts are therefore exclusive of GST. Whilst the GST component of professional development expenses are included with reimbursement amounts, they should not form part of the employee's total professional development reimbursement entitlement where the GST component is claimed back from the ATO i.e. the amount being reimbursed includes GST and a compliant tax invoice is provided by the employee where the GST inclusive amount of an item reimbursed exceeds $82.50.

For example:

An employee submits a claim for a $1,100 seminar registration fee and the accompanying tax invoice and receipt show the fee includes $100 GST.

Reimbursement to the employee is $1,100 i.e. the amount the employee has paid.

The GST exclusive amount of $1,000 should be recorded in the professional development register against the employee's total entitlement record.

The employer will claim back the GST component that was reimbursed to the employee as an input tax credit via monthly business activity statements (via Finance department).

If in this example a tax invoice was not provided to the employer and the employer could not claim back a GST input tax credit from the ATO, the GST inclusive amount of $1,100 should be applied against the employee's professional development entitlement.

Please note: Taxation Services, Department for Health and Wellbeing has developed further policy advice in relation to the Fringe Benefits Tax implications of professional development expense reimbursement.

6. Can travel insurance be reimbursed by professional development expense entitlements?

Yes, where the travel is necessary and relevant to the employee's professional development.

Separate travel insurance should be considered by employees undertaking professional development that requires travel as they are not automatically covered by Government travel insurance when they undertake professional development travel.

7. Is professional development leave for SMOs, CAs and VMSs taken in working days or calendar days?

Where reference is made to "days" in the Agreements, SMOs, CAs and VMSs will take professional development leave in working days.

Where reference is made to "week/s" in the SMOEA 2008 and the South Australian Medical Officers Award, SMOs will take professional development leave in calendar days.

8. Can an SMO who changes classification carry over any unused professional development entitlements from their previous classification?

Yes. If an SMO changes classification they are able to carry the unused professional development entitlements to the next professional development year subject to the maximum accumulation quantum specified in the relevant professional development clauses.

For example:

A MPG employee who is not in a training program in 2008, and does not use any of their $3,000 professional development entitlement, is accepted into an accredited training program in 2009.

14 April 09-10: Accumulates $3,000 (from 08-09) (not in an accredited training program) + $7,000 (09-10) (in an accredited training program)

= TOTAL $10,000

Overseas Travel

Part 8-10-5 of this manual provides three levels of financial assistance that may be sought by any employee requesting support for an overseas travel proposal. Each application should be considered separately and assessed on the individual merits of the case. The three categories of financial support are as follows:

- Full payment of salary, fares and necessary living expenses.
- Partial payment; may include all or part of salary and/or fares and/or necessary living expenses.
- Payment of salary only; e.g.
  - use of Professional Development leave
  - where funds have been received from funds outside the Government

In addition, Consultants may apply for financial assistance such as full or partial financial support for salary, airfares and necessary living expenses beyond that of paid leave, having regard to the available funds in the Private Practice Special Purposes Funds. Hospitals may therefore wish to establish a policy specifying the level of financial assistance and any conditions attached to it for overseas travel proposals for Consultants.

8-10-10-2 Professional Development Entitlements

Steps for authorisation of Overseas Travel (other than proposals for Overseas Travel undertaken pursuant to the SMOEA 2008)

All proposals for overseas travel that are to be funded from operating funds are to be forwarded to the Chief Executive, Department for Health and Wellbeing once approval is obtained by the Chief Executive Officer (or delegate). Proposals for overseas travel fully funded by other than operating funds (e.g. Private Practice Special Purpose Funds) can be approved by Chief Executive Officers (or delegate) provided that no more than 20 days leave with pay is approved in any 2 year period. A quarterly excel sheet return of all overseas travel approved by a Chief Executive Officer is to be forwarded to the Chief Executive, Department for Health and Wellbeing within 2 weeks of the end of each quarter.

The applicant must submit a proposal to the Chief Executive Officer (or delegate). A detailed itinerary must be forwarded with the submission to the Chief Executive Officer (or delegate) giving consideration to minimising the costs to Government.

Whenever an overseas travel proposal involves trade or development matters, advice and assistance is available from the Director of the Office of Trade within the Department of Trade. The State Government also has representative offices located in Hong Kong, Singapore, Dubai, the United Arab Emirates and London and assistance is available as required from these offices.

If the Chief Executive Officer (or delegate) supports the proposal and (where relevant) funds are available, a submission must be prepared outlining the proposal, the benefits to the individual/organisation that will accrue from the visit and, where relevant, a statement specifying the degree of Government financial assistance sought.

A completed Overseas Travel Application Form is then forwarded with the submission to the Chief Executive Officer or to the Chief Executive, Department for Health and Wellbeing, depending upon whose approval is required.

Approval of the Chief Executive Officer or the Chief Executive, Department for Health and Wellbeing must be obtained before an employee can depart for overseas travel.

Responsibility of the applicant (other than proposals for Overseas Travel undertaken pursuant to the SMOEA 2008)

The applicant must give as much advance notice as possible. Where practicable, applications should be lodged at least six (6) weeks before the intended departure date.

Such advance notice enables the authorised Government travel agency to take advantage of any special fares that must be booked and ticketed a few weeks prior to travel and complete accommodation requirements.

Travel will be by economy class. In special circumstances, officers may travel business class if required to work during the flight with the Minister or the Chief Executive of the Department for Health and Wellbeing.

Arrangements for any official passports and visas should be organised as soon as possible through the Department of the Premier and Cabinet (telephone 8226 3631).

Overseas travellers should keep accurate records of expenditure with receipts where possible and reimbursement should be for the actual amount expended.

A schedule giving daily allowances for meals and incidentals in various overseas countries is available from Workforce Services, Corporate and System Support Services, Department for Health and Wellbeing. The allowances should be regarded as a maximum. The allowances are not automatically available; they are guidelines in terms of expenditure and need to be validated by receipts for accommodation, meals, etc.

Allowances for overseas travel (other than for proposals for overseas travel undertaken pursuant to the SMOEA 2008).

Where Government funding is requested, the Chief Executive, Department for Health and Wellbeing is required to approve an "all-up" cost for accommodation, meals and incidental expenses. The total accommodation cost should be determined by aggregating the costs of accommodation for each overseas location, which are considered by the Chief Executive, Department for Health and Wellbeing to be reasonable in the particular circumstances.10.2.2.8 Upon return to duty, employees are required to prepare a report of their visit which includes the purpose and aims of the visit, places and persons visited, discussion concerning specific implications for Government arising out of the visit and the actual cost incurred by the Government (note, however, there is no Department for Health and Wellbeing requirement for reports to be prepared in relation to proposals for overseas travel undertaken pursuant to the SMOEA 2008).

The report should be prepared within one month of the employee's return (although this term may be extended depending on the nature and length of the visit).

Distribution of the report in the first instance shall be to the Chief Executive Officer (or delegate) of where the employee is employed. If the report has some relevance to other Incorporated Hospitals/SAAS a copy should be forwarded to the Department for Health and Wellbeing.

Responsibility of the CEO (other than proposals for Overseas Travel undertaken Pursuant to the SMOEA 2008)

The Chief Executive Officer (or delegate) must be satisfied that:

- The potential benefits to accrue to the State as a result of the overseas travel, are of a significant and specific nature to justify the expenditure involved.

- Those benefits cannot be obtained more cost effectively by other means.
- The decision can be substantiated.
- Funds are available (where relevant).
- The work of the organisation is not unreasonably affected.

Requests where outside organisations offer funds to undertake overseas travel must be scrutinised to ensure no allegations of favouritism can be raised because the Government does business with them or wishes to do business with them in the future.

The Chief Executive Officer (or delegate) should forward individual travel proposals that involve the expenditure of Government funds (other than proposals for overseas travel undertaken pursuant to the SMOEA 2008) to the Chief Executive, Department for Health and Wellbeing for approval and arrange for records to be kept for monitoring and reporting purposes.

Multi-travel requests

- Overseas visits are usually not to involve more than one person. Travel requests for joint travel are not likely to be approved unless there are exceptional circumstances.
- Proposals involving two or more persons should incorporate a detailed explanation outlining reasons why the objectives of the visit cannot be achieved by one person.
- The person(s) selected must be of a level appropriate to the task to be performed, be suitably qualified and possess the relevant skills.

Length of overseas study trips

- Approvals for overseas visits of an information gathering nature are restricted. Only in exceptional circumstances are visits to exceed six weeks.

Leave during overseas travel

An employee who is overseas on duty (i.e. has air fares, accommodation/living expenses paid for out of Government funds) may be granted approval to take either recreation leave, long service leave or leave without pay at the discretion of the Chief Executive Officer (or delegate). A judgement needs to be made on the length of leave to be granted. For general guidance, the former rule was for a maximum amount of leave to be one third of the days on duty.

8-10-10-3 Study Leave provisions

From the South Australian Medical Officers Award – Implementation Guidelines

Consultants and all Medical Administration classifications requiring a Specialist qualification, will be eligible to apply for Study Leave for "Sabbatical" purposes (after not less than 6 years' service as a Specialist) for a period as short as one month and not exceeding 6 months with pay, subject to satisfying stipulated criteria.

These criteria would include (but not limited to):-

(a) Identifying benefits to the individual.

(b) Identifying benefits to the Hospital/Health Service.

(c) A requirement to provide a full and detailed report on return to work.

Each application would be assessed initially by a Peer Committee, established for that purpose, and the recommendation of the Committee be forwarded to the Chief Executive Officer for decision. All leave of this nature approved by Chief Executive Officer shall be reported to the Chief Executive, Department for Health and Wellbeing on a six monthly basis.

The granting of Study Leave will remain a privilege and not a right. However, applications satisfying the criteria could be expected to be favourably considered subject to appropriate arrangements being made to provide for ongoing service needs and that any approvals can be accommodated within the approved budget. No additional funding can be made available for this purpose.

Successful applicants for Study Leave in accordance with the above will be granted paid leave (but no expenses) for the duration of the approved leave.

8-10-11 ALLOWANCES, STANDARD OF ACCOMMODATION AND INSURANCE

Allowances

The Chief Executive, Department for Health and Wellbeing is required to approve an "all-up" cost for accommodation, meals and incidental expenses.

The total accommodation cost should be determined by aggregating costs of accommodation for each overseas location which are considered by the Chief Executive, Department for Health and Wellbeing to be reasonable in the particular circumstances.

Overseas travellers should keep accurate records of expenditure with receipts where possible and reimbursement should be for the actual amount expended.

A schedule giving daily allowances for meals and incidentals in various overseas countries can be obtained from Workforce Services, Corporate and System Support Services. These amounts should be regarded as a maximum.

The allowances are not automatically available; they are guidelines in terms of expenditure and need to be validated by receipts for accommodation, meals, etc.

Standard of accommodation

Employees must observe the requirements of the Code of Ethics for South Australian Public Sector Employees, with regard to the efficient use of public resources. The standard of accommodation should be selected in accordance with the requirement to make efficient use of public resources.

Insurance

All employees travelling on government business are automatically covered by the whole of government travel insurance arrangements. This covers international, interstate and intrastate travel.

Government travel insurance arrangements are not available for privately funded travel.

Inquiries on the services provided by the government travel insurance arrangements should be directed to the Finance Division of the Department for Health and Wellbeing on 8226 6552.

Employees travelling within South Australia through the Government travel contract are automatically covered for insurance purposes; however those employees travelling interstate, internationally or with another service provided are requested to contact Insurance Services to notify of their proposed travel details and insurance.

8-10-12 REPORTING AND MONITORING ARRANGEMENTS

On a monthly basis, the Chief Executive, Department for Health and Wellbeing will provide to the Minister a record of all overseas travel approved for employees, during that month. Summary details should be provided as agreed between each Chief Executive and Minister.

Copies of the information provided to the Minister should also be provided to the Commissioner for Public Sector Employment on a monthly basis.

As part of the annual audit of the organisation by the Auditor-General's Department, the Chief Executive, will provide evidence to the audit team, of compliance with the guidelines in giving approvals for overseas travel. Although the approvals may not be audited every year, information will be kept to enable the audit if required.

Upon return to duty employees are required to prepare a report of their visit which includes the purpose and aims of the visit, places and persons visited, discussion concerning specific implications for government arising out of the visit and the actual cost incurred by the Government.

The report should be prepared within one month of the employees return (although this term may be extended depending on the nature and length of the visit).

Distribution of the report in the first instance shall be to the Chief Executive Officer (or delegate). If the report has some relevance to other government agencies a copy should be forwarded to the Department for Health and Wellbeing.

APPENDIX 8-10 A: OVERSEAS TRAVEL APPLICATION FORM

COPY ONLY. NOT FOR USE

DEPARTMENT OF HUMAN SERVICES

OVERSEAS TRAVEL

APPLICATION FORM

In order for this application to be approved by the Chief Executive, Department for Health and Wellbeing, it should be lodged with the appropriate person in your department at least 6 weeks prior to the commencement of travel.

EMPLOYEE DETAILS

Employee Number: _____ **Department/Unit:** _____

Last Name: _____ **First Name:** _____

Position: _____ **Telephone No:** _____

CATEGORY OF VISIT

☐ **Officially representing the State Government** ☐ **Commercial Promotion of Departmental Programs**

☐ **Conference / Seminar** ☐ **Study**

☐ **Familiarisation / Inspection** ☐ **Other (describe)** _____

Briefly explain the nature & purpose of the visit:

_____

_____

DETAILED TRAVEL ITINERARY

Dates		*Type of Leave	No. of Days	Location / Destination
FROM	TO			

*

Leave Codes

Special Paid Leave = SPL *Long Service Leave = LSL*

Leave without Pay = LWP *Australasian Leave Entitlement = ALE*

Recreation Leave = RL *Other Leave (describe) = OL*

How many days Recreation & Long Service Leave do you have available? _____

TRAVEL INSURANCE

Do you require travel insurance to be arranged for you? ☐ **YES** ☐ **NO** *(arranging own)*

(Only available if the majority of the leave taken is for work related business)

ESTIMATED TOTAL COST OF PROPOSED TRAVEL

For reporting purposes, please complete by detailing estimated expenses for each item in the appropriate box.

	Hospital or Funds	Trust Fund	Self-Funded	Other (describe)
Travel	$	$	$	$
Accommodation	$	$	$	$
Special Paid Leave ($ figure only) (any paid leave in excess of entitlement)	$	$	$	$
Registration Fees	$	$	$	$
Other Expenses *(detail)*	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
Total:	$	$	$	$

PREVIOUS OVERSEAS / AUSTRALASIAN VISIT(s) – *for Current & Previous Financial Year*

Date	Country(s)	Category of visit *(as above)*	No of Days with Special Paid Leave

APPLICANT TO COMPLETE

Justification for Attendance:

Learning Objectives:

Note: All employees including Medical Officers utilising non Incorporated Hospital or SAAS operating funds are required to complete and forward a report to the Chief Executive Officer (or delegate) regarding the outcomes of their overseas travel within one month of returning in accordance with Part 8-10.12

I agree to abide by this requirement

Applicant's Signature: _____Date: _____/_____/_____

DEPARTMENT / DIVISIONAL HEAD TO COMPLETE

Reason for endorsement of request:

_____

_____

_____

_____

_____

This application to attend a conference is forwarded with my consent and support. Adequate staffing arrangements have been made to cover the absence of this staff member and I understand that the cost of any paid leave in excess of entitlement will be debited against the Divisional budget.

Departmental Head Signature: _____Date:____/____/____

AND

Divisional Head Signature: _____ Date: ____/____/____

Please return completed form, including copy of conference program, letters of invitation and other supporting documents to the appropriate officer in your workplace or Department for Health and Wellbeing.

Application Received and Checked

Name:_____Signature:_____Date: ____/____/____

Position:

_____

CHIEF EXECUTIVE OFFICER

☐ **Approved** ☐ **Denied**

Name:_____Signature:_____Date: ____/____/____

Workplace:_____

CHIEF EXECUTIVE OFFICER

☐ **Approved** ☐ **Denied**

Name:_____Signature:_____ Date: ____/____/____

APPENDIX 8-10 A(II): SUPPORTING DOCUMENT

1. APPROVED
..... / /
Chief Executive Officer

2. **TO: CHIEF EXECUTIVE, DEPARTMENT FOR HEALTH AND WELLBEING**

I ....
(Name) (Title)

certify that the attached proposal for overseas travel to

.....by.....
(Destination) (Name)

in the.....Department in this hospital is in accordance with the approved guidelines for overseas travel proposals.

..../...../.....
Chief Executive Officer

3. TO: THE CHIEF EXECUTIVE OFFICER,.....
The attached request for overseas travel is/is not approved.

APPENDIX 8-10 B: FORFEITURE OF AUSTRALASIAN CONFERENCE LEAVE

CHIEF EXECUTIVE OFFICER

FORFEITURE OF AUSTRALASIAN CONFERENCE LEAVE IN ORDER TO ATTEND OVERSEAS CONFERENCE

I,....., ...

(Name) (Title)

agree to forego my Australasian Conference Leave in order to attend an overseas conference/visit in .....

(Destination)

(Signed)..... (Date)...../...../.....

APPENDIX 8-10 C: OVERSEAS TRAVEL EXPENDITURE PROCEDURES

Relevant procedures to follow are found in the guidelines for overseas travel. The Treasurer's instructions on the use of credit cards (Instruction 336) should also be followed.

Travel expenditures for reimbursement are to be substantiated and certified by the claiming officer. Advances received must also be substantiated and certified by the claiming officer on return from travels. A log sheet for staff to record all expenditures on a daily basis is to be during travels. Documentation of currency conversions are required so that accurate exchange rates can be used to enable reimbursement of expenditure incurred by staff. If credit cards are used, the overseas transaction will be charged in Australian dollars on the monthly statement. Supporting invoices are still required.

Daily allowance guidelines for overseas destinations are advised by the Office for the Public Sector. A reasonable "incidentals" allowance is 10% of the daily allowance which should ensure the employee is not out of pocket.

Such expenditure information is necessary:

- to enable proper authorisation of over-expenditure to be obtained is necessary;
- to make better expenditure estimates for future trips;
- for inclusion in the travel report.

APPENDIX 8-10 C (II): OVERSEAS TRAVEL EXPENDITURE

TRIP DESTINATION AND DURATION: .....

TRAVELLER: .....

AMOUNT EXPENDED

DATE	EXPENSE TYPE	AMOUNT	CURRENCY	AUSS

TOTAL ADVANCED RE-IMBURSABLE

TRAVEL ALLOWANCE $ .....

HAS THIS BEEN EXCEEDED YES / NO

CERTIFIED .....

CHECKED .....

APPENDIX 8-10 D: APPROVAL FOR LEAVE

TO: CHIEF EXECUTIVE, DEPARTMENT FOR HEALTH AND WELLBEING

The following approvals for leave with pay for overseas travel have been granted by the CEO (or delegate)

It is certified that all approvals were within the guidelines for overseas travel.

....
Chief Executive Officer for Incorporated Hospital or SAAS

For the quarter ending .....

8-11 DISABLED EMPLOYEES-TRAVEL REIMBURSEMENT

Transport/travel reimbursement for employees with a permanent disability

8-11-1 INTRODUCTION

The payment of a Transport Reimbursement Subsidy to employees who, because of the nature of a permanent disability, are unable to use existing public transport to travel between their home and headquarters shall apply.

This subsidy is provided to assist in alleviating the recognised financial disadvantages faced by some employees with disabilities who are unable to use existing public transport services. Reimbursement is made to cover above normal costs of travel and hence does not cover those distances travelled which are not normally serviced by public transport. Employees are required to pay the equivalent of the normal daily public transport costs.

8-11-2 ELIGIBILITY

Eligibility is available to employees who have a permanent disability and are unable to use existing public transport and:

- are holders of a current Disabled Persons Parking Permit issued by the Registrar of Motor Vehicles (it should be noted that holders of such a permit may be eligible for the Commonwealth Mobility Allowance or sales tax exemption on the purchase of a new vehicle and efforts should be made to apply for such benefits); or
- are recipients of the Mobility Allowance of the Commonwealth Department of Social Security or have received Sales Tax Exemption on the purchase price of a new vehicle within the last two years.

8-11-3 REIMBURSEMENT

Distance

Reimbursement paid to eligible employees shall be in respect of daily travel by the shortest practicable route between their home and headquarters and return.

The maximum distance for which reimbursement is to be paid shall not exceed 80 kilometres (50 miles) per day, notwithstanding that the distance between their home and headquarters and return is more than 80 kilometres unless there are special circumstances.

Deductible expenditure

Subject to the deductions listed in Part 8-11-4, reimbursement for expenses shall be made at the following rates:

Taxi

Where an employee travels by taxi she/he is entitled to the full fare paid on each trip. Where an employee regularly travels by taxi the Chief Executive Officer (or delegate) may elect to either arrange a contract rate for a permanent booking or issue the employee with a Cab-charge Voucher Book.

As the Commissioner for Taxation treats taxi reimbursement as a fringe benefit, The Hospital/Health Service are required to pay a Fringe Benefits Tax on such expenditure.

Private motor vehicle

Where an employee drives him/herself or is driven from home to headquarters in a private motor vehicle, he/she is entitled to the motor vehicle reimbursement rate as prescribed in Part 8-4-2-1 Motor cars, station sedans, utilities.

The Commissioner for Taxation treats mileage allowance as income. Therefore, details of the total annual mileage allowance paid to an employee should be recorded on Column 3 of the employee's Group Certificate.

Car parking fees

Employees who choose to use private motor vehicles to travel to and from work may be reimbursed for the total cost of car parking fees plus the prescribed rate per kilometre provided that total reimbursement claimed does not exceed the cost of a taxi. The lesser amount will be reimbursed.

The Chief Executive Officer (or delegate) is requested to ensure that car parking fees are reasonable and, having regard to the employee's disability, that the car parking facility is conveniently located. Where an employee regularly uses a car parking station, the Chief Executive Officer (or delegate) may consider approving either of the following methods of reimbursement:

- contract rate for a permanent booking (though a deduction should be made for periods of recreation leave); or
- monthly accounts paid directly by the Hospital/Health Service rather than the employee.

8-11-4 DEDUCTIONS

In calculating reimbursement rates:

(i) a deduction shall be made for the assessed daily cost of public transport for the same return trip; and

(ii) a deduction at the current rate of Commonwealth Mobility Allowance (i.e. $20.00 per week) shall be made. It is the responsibility of the employee concerned to ensure that, if eligible, the allowance is claimed from the Department of Social Security. Where the employee is a holder of a current Disabled Persons Parking Permit but has been ruled ineligible for the Commonwealth Mobility Allowance by the Department of Social Security, the matter should be referred to Workforce Services, Corporate and System Support Services for determination.

8-11-5 SPECIAL CIRCUMSTANCES

Where employees with a permanent mobility disability do not hold a current Disabled Persons Parking Permit and who are not eligible for either the Commonwealth Mobility Allowance or a sales tax exemption on a new motor vehicle, their applications for the subsidy should be referred to Workforce Services, Corporate and System Support Services for a determination.

Records of annual expenditure relating to travel subsidies for audit purposes should be maintained.

It should be noted that where any employee is paid for distances in excess of 5,000 kilometres per financial year, PAYG withholding is required. Payment of the motor vehicle allowance should be reflected on the employees Payment Summary; therefore employees should keep their own records as they may be entitled to claim tax deductions for work related travel.

8-11-6 RECORD OF REIMBURSEMENT CLAIMED

Employees who intend to claim reimbursement must maintain a detailed record of distance travelled (including taxi or car parking fee receipts where appropriate) and furnish a fortnightly claim return to their Chief Executive Officer (or delegate). All claims must bear the following certificate:

Certificate by Claimant

I certify that:

1. (a) I am the holder of a current Disabled Persons Parking Permit No. ..... issued by the Registrar of Motor Vehicles;* OR

   (b) I am a recipient of a Mobility Allowance from the Commonwealth Department of Social Security;* OR

   (c) I have received Sales Tax Exemption on the purchase price of a new vehicle within the last two years.*

2. The distance for which payment is claimed was actually travelled from home to headquarters.

3. I travelled the distance claimed in:

- a taxi;*
- a motor vehicle powered by an engine of four cylinders or less;*
- a motor vehicle powered by an engine of more than four cylinders; or*
- a rotary engine;*

4. The car parking fees claimed were actually paid in respect of the provisions outlined in Part 8-11.

* Delete the statements that are not applicable.

_____

Claimant

Date / /

8-12 EMERGENCY DUTY

Weekly Paid Employees Only

When an employee is called out for duty at night or on Sundays and the usual means of transport are not available after the completion of the work, the Hospital/Health Service shall arrange for the transport of the employee to his/her home free of charge, or pay the employee an allowance in lieu thereof.

8-13 EXCESS FARES & TRAVELLING ALLOWANCES

Weekly Paid Employees - Construction and Maintenance

These allowances apply to construction and maintenance employees engaged on Government works (e.g. building construction, civil construction and maintenance).

1. As required, employees shall start and cease work on the job at the usual commencing and finishing times within which ordinary hours may be worked and shall transfer from site to site as directed.

2. An employee transferred from one site to another during ordinary working hours shall be paid for the time occupied in travelling and unless transported or an offer of transport is made free of charge, shall be paid reasonable cost of fares by most convenient public transport between such sites. Provided that where an employee is requested to use his/her own car to effect such a transfer and such employee agrees to do so the employee shall be paid an allowance equivalent to the motor vehicle reimbursement rates specified in subclauses Part 8-3-2 Accommodation, Meals and incidentals etc - Reimbursement Rates.

3. a) Except as provided for in (b) below an employee shall not be paid Fares and Travelling Allowance on his/her Programmed Day Off.

   b) An employee who is employed under the Carpenters and Joiners Award, or the Plumbers and Gasfitters (S.A.) Award, and who is paid a Fares and Travelling Allowance for reporting to jobs away from the depot, workshop etc on a reasonably permanent basis shall be paid the appropriate Fares and Travelling Allowance on his/her Programmed Day Off.

   However, an employee who is absent from duty on the day before and on the day after his/her Programmed Day Off shall not be paid the Fares and Travelling Allowance on his/her Programmed Day Off.

8-14 PRIVATE USE OF GOVERNMENT VEHICLES

At present, certain senior officers have, pursuant to the terms of and conditions of their employment, a permanently allocated vehicle, which can be utilised for travel between the home and the office. However, all other public employees require written approval from their Chief Executive Officer (or delegate) before a Government motor vehicle can be utilised for home to office transport. It should also be noted that unless written approval from the Chief Executive Officer (or delegate) has been obtained, only passengers who are Government employees on Government business can be carried in Government vehicles.

Policies and supporting instructions regarding the conditions for use of government vehicles (including private use) can be obtained from the Government of South Australia Fleet SA intranet page.

8-15 RADIOGRAPHER RADIATION LICENCES

An employee, who is engaged to work as a Radiographer and is required to hold a radiation licence in order to fulfil the requirements of their duties, will on application and with appropriate evidence of payment, be reimbursed for the cost of the annual renewal of the licence.

PART 9 - TRAINING AND RELATED MATTERS

For Trade Union training please refer to Part 7-7.

PART 10 - WORK HEALTH AND SAFETY MATTERS

10-1 CLOTHING AND EQUIPMENT

10-1-1 UNIFORMS AND PROTECTIVE CLOTHING

The Department for Health and Wellbeing has endorsed the following criteria relating to the provision of employee uniforms and protective clothing.

Relating to Incorporated Hospitals or SAAS

Uniforms or protective clothing are to be provided if any of the following circumstances exist:

- the Hospital/Health Service requires its employees to wear a distinctive uniform or an item of clothing; or
- the nature of the employee's work involves some real danger of damage to the employee's clothing if not protected; or
- the Hospital/Health service is required by Statute to provide clothing for safety.

All purchases of employee clothing are to be made from a Government contract supplier or in special cases from a supplier approved by Services SA.

The recommended maximum initial issue of employee uniforms to new staff is:

- seven uniforms for nursing staff where the hospital is serviced by a laundry facility;
- four uniforms for nursing staff where the hospital has its own laundry facility;
- five uniforms for non-nursing daily or weekly paid staff.

Uniforms are to be replaced on a "one-for-one" basis only when absolutely necessary, after fair wear and tear.

Stockholdings should be kept at an absolute minimum.

Accounting records are to be kept of issues, returns and stockholdings of uniforms.

Charges made to employees for the non-return of uniforms on termination of employment are to be considered as a penalty rather than a recoup of costs.

Employees shall be required to return protective clothing (overalls, dustcoats, etc.) on termination of employment. However, they may elect to procure such clothing on the following basis:

- half of the cost price when on issue for up to six months;
- no cost when on issue for longer than six months.

It is the responsibility of Boards of Management to determine which categories of staff are to be supplied with uniforms or protective clothing.

Relating to employees in the direct employ of the Department for Health and Wellbeing

The following conditions apply to Health Services Staff who are required to wear uniforms in Clinical areas:

> A maximum initial issue of four uniforms is to be provided for staff employed on far Northern Aboriginal Reserves. Replacement is to be on a "one-for-one" basis only when absolutely necessary after fair wear and tear up to a maximum of four uniforms per annum.
>
> A maximum initial issue of two uniforms is to be provided for staff in other areas. Replacement is to be on a one-for-one basis only when absolutely necessary after fair wear and tear up to a maximum of two uniforms per annum.

Clerical staff

Uniforms will not be provided to clerical staff directly employed by Incorporated Hospitals and SAAS.

10-1-2 SAFETY GLASSES

Employees who work in "hazard areas" and who wear prescription lens spectacles may be reimbursed the actual cost of having one pair of spectacles hardened.

The Hospital/Health Service shall have discretion in defining "hazard areas".

10-1-3 SUPPLY OF OVERALLS

Basis of Issue

Eligible weekly paid employees may be issued with two sets of lightweight protective clothing (where appropriate) and two pairs of combination type overalls free of cost as an initial issue. The lightweight protective clothing is intended to be worn when working in hot weather, and if work is regularly performed outdoors, should be designed to protect the wearer from possible sunburn. Subsequent issues will be made on request, at not less than yearly intervals and at the rate of not more than one pair per year. Subsequent issues must be accompanied by the return of a pair of overalls which, in the opinion of the supervising officer, are beyond useful wear and effective repair. In normal circumstances, replacement will occur of one pair overalls and one set of lightweight clothing every second year or an alternating basis, commencing 2 years after initial use. Special consideration for earlier replacements should be given to cases where the overalls are damaged due to the nature of the work and through no fault of the employee. Where, for safety reasons, employees cannot wear lightweight

protective clothing, replacement of overalls should be on an annual basis commencing 1 year after initial issue.

The issue of overalls is subject to the employee concerned signing a request in similar form to that outlined as attached:

- to wear the overalls or lightweight protective clothing whenever required to do so for safety reasons, and
- where safety reasons for wearing overalls or lightweight protective clothing do not apply, to wear the overalls or lightweight protective clothing regularly in the course of the employee's employment.

Substantial failure to comply with either of these conditions will result in forfeiture of the employee's right to receive subsequent issues.

Request for overalls and/or lightweight protective clothing

To (Chief Executive Officer)

I request that (_____) supply me with overalls/lightweight protective clothing without charge and I agree:

- to wear the overalls/lightweight protective clothing whenever required to do so for safety reasons; and
- where safety reasons for wearing overalls/lightweight protective clothing do not apply, to wear the overalls regularly in the course of my work in the (name of workplace).

I understand that failure by me to observe these conditions may cause future issues to be withheld.

Signed .....

Section.....

Date .....

Persons Ineligible

The issue of overalls/lightweight protective clothing does not extend to the following:

- employees regularly in receipt of a construction or industry type allowance which includes compensation for disabilities associated with the work e.g. a Construction Work Allowance or Disabilities Allowance.;
- employees whose rate of pay specifically includes an allowance for extra wear and tear on clothing; or

- employees who are presently provided with uniforms or in receipt of a uniform allowance.
- Any problems or doubts concerning the issue of overalls and lightweight protective clothing should be referred to the local human resources team.

Laundering and maintenance

The laundering and maintenance of the overalls/lightweight protective clothing will be the responsibility of the employee concerned.

Termination of employment

On termination of employment the overalls/lightweight protective clothing must be returned to the workplace. However, employees may elect to purchase overalls/lightweight protective clothing issued to them on the following basis:

- where the overalls/lightweight protective clothing have been on issue for up to 6 months: one-half of the cost of the overalls/lightweight protective clothing to the Hospital/Health Service
- where the overalls have been on issue for longer than 6 months: no charge

10-2 WORK HEALTH AND SAFETY

10-2-1 INDUSTRIAL SAFETY

In the interest of industrial safety and for the protection of employees, the approval of the Department for Health and Wellbeing has been given for the adoption of a uniform policy on measures to be taken in cases where employees neglect or refuse to use equipment provided for their protection, or to observe safe working methods, practices and safety rules required by the unit, subject at all times to the employee having received the necessary training associated with these aspects of their employment.

To implement this approval the following procedure should be adopted:

- Notices are to be prominently displayed wherever practicable indicating when protective clothing and safety equipment is to be worn or used or safety procedures are to be observed.
- A direction in the following terms is to be given to supervisors and displayed or otherwise brought to the attention of all employees:

It is a condition of continued employment that the safe working methods, practices and safety rules required are to be strictly observed.

All Supervisors must provide training for employees, enforce the observance of safety requirements, and in cases of neglect or refusal shall, after due warning, take disciplinary action to enforce these requirements.

A record shall be kept of training and warnings given to employees disregarding safety measures to substantiate any subsequent action necessary.

It is the responsibility of all Supervisors to provide training for employees and enforce the observance of safety requirements and in cases of neglect or refusal by an employee they shall, after due warning, take disciplinary action to enforce the requirements.

10-2-2 SAFETY FOOTWEAR

Free issue of safety footwear is to apply to employees who are eligible for same.

Conditions

Issue

Employees who are eligible for an issue of free safety footwear shall be entitled to one pair of appropriate safety boots or shoes as the case may be as follows:

(a) New Employees: On commencement of employment.

(b) Current employees: When in the opinion of the employee's supervisor the current issue of free or subsidised footwear is worn out beyond useful wear and effective repair.

"Current employee" shall include an employee of another Incorporated Hospital or SAAS, State Government Department or State Statutory Authority who may be transferring from one of these organisations to another and who is in receipt of free or subsidised footwear at the time of transfer.

Replacement

An eligible employee will be entitled to a free replacement of safety footwear if in the opinion of the employee's supervisor the footwear is worn out beyond useful wear and effective repair or damaged due to work requirements to the extent that a new pair is warranted. The employee's second pair of safety footwear may be approved when the initial pair has reached the stage when repairs are necessary and they will be unavailable due to the repairs being effected.

In the event of a dispute between the employee and the supervisor, the matter should be referred to the Hospital/Health Service Safety Officer for decision.

Purchase

An employee (or employees) to whom delegation has been given by the Chief Executive Officer will be authorised to issue purchase orders on suppliers to eligible employees.

Displays

Arrangements are to be made with suppliers to provide suitable display material in workshops, canteens and/or lunch rooms. Lists of suppliers of safety footwear may be obtained by contacting Services SA.

Employee Responsibility

Where safety footwear is provided it shall be incumbent on the employees concerned to wear such footwear at all times during working hours.

Where an employee reports for duty without the appropriate footwear such employee must not be permitted to commence duty until such time as he/she fulfils the obligation set out above. Any time lost by an employee reporting for work without such footwear shall be without pay.

The above requirements are to be relaxed only in a situation where an employee has proper medical certification that they are unable to wear the issue of safety footwear. Such certification should state the reason why and the period that the employee is unable to wear safety footwear.

Conditions for the issue of free safety footwear

Where safety footwear is provided it shall be incumbent on the employees concerned to wear such footwear at all times during working hours.

Where an employee reports for duty without the appropriate footwear must employee shall not be permitted to commence duty until such time as he/she fulfils the obligation set out above. Any time lost by an employee reporting for work without such footwear shall be without pay.

The requirements above are to be relaxed only in a situation where an employee has proper medical certification that they are unable to wear the issue of safety footwear. Such certification should state the reason why and the period that the employee is unable to wear safety footwear.

Guidelines for issue

In forming an opinion as to employees who qualify for issue of free safety footwear, supervisors should take into account the following:

(i) The provisions of relevant statutory requirements e.g. Work Health and Safety Act 2012/ Work Health and Safety Regulations 2012.
(ii) The work upon which eligible employees are engaged must be such that without safety footwear, a probable risk of foot injury could occur.
(iii) The circumstances which are most likely to provide a basis for forming an opinion that safety footwear is warranted are where an employee is engaged in:
    (a) handling materials which, because of their size, shape and/or weight are likely to cause foot injury;
    (b) working in areas where the risk of puncture injures to the feet is likely to occur through stepping on or striking sharp objects;
    (c) work where feet may be struck by falling objects such as hand tools or jack hammers;
    (d) work where feet may be caught between or in or run over by vehicles or other mechanical equipment;
    (e) the use of equipment, such as agricultural plant or chain saw, where the cutting edges are very difficult to guard against.
(iv) It is not intended that the issue should apply to employees engaged in areas of spasmodic and negligible risk of foot injury such as employees normally working in office or similar work situations.
(v) Supervisors are expected to consult Safety Officers where any doubt exists concerning the need for safety footwear in a particular work situation.

Record of issue

Appropriate records of issue of safety footwear should be kept.

10-2-3 POLICY ON HIV INFECTED HEALTH CARE WORKERS

This policy was developed after extensive consultation with specialist groups, unions and personnel and has received Department for Health and Ageing Executive endorsement.

Work Health and Safety policy directives, guidelines and procedures developed by Central Office provide minimum guide-lines for compliance. This policy should be brought to the attention of Work Health and Safety Committees who may want to simply endorse the policy, or add special requirements which suit individual workplace needs.

Introduction

For the purpose of this policy, Health Care Workers (HCWs) are defined as: "Persons, including students and trainees, whose activities involve contact with blood or other body substances from patients".

All reasonable measures must be taken to ensure that patients in the health system are protected from the risk of acquiring life threatening infections as a consequence of their treatment, and that HCWs have a safe working environment. This underlies the continual development of practical methods of infection control and improvements in medical/surgical techniques and apparatus.

This document should be read in conjunction with the Guidelines for Infection Control in Health Care Establishments, since the purpose of both documents is the protection of both HCWs and patients.

Background

Transmission of human immunodeficiency virus (HIV) from HCW to patient in the health care setting is extremely rare. There are no known cases of this occurring in Australia.

Transmission of HIV in the health care setting can be minimised by strict adherence to infection control procedures aimed at protection from exposure to blood and body substances (particularly those containing blood), by modification of procedures (e.g., introduction of laser techniques in surgery) and by adoption of recommended procedures for sterilisation or disinfection of equipment.

Certain "exposure prone" procedures have on rare occasions been associated with transmission or potential transmission of hepatitis B from hepatitis e antigen (HBe Ag) positive HCW to patients despite the HCW's adherence to infection control procedures. Exposure prone procedures are characterised by the potential for direct contact between the skin (usually finger or thumb) of the HCW and sharp surgical instruments or needles in body cavities or in poorly visualised or confined body sites (including the mouth). It is thus recommended that HCWs infected with HIV do not perform exposure prone procedures. Procedures which lack these characteristics (e.g. venipuncture) pose negligible risk of transmission from the infected HCW to patient.

Principles

The health care system has a responsibility to take all reasonable measures to provide a safe environment for patients and HCWs.

Recommendations for prevention of transmission of HIV from HCW to patient must be based on the best available epidemiological data and be subject to regular review.

Measures to protect patients and HCWs should be compatible with existing protection available to citizens under legislation and the common law. These measures must also give due consideration to the training and expertise of HCWs infected with HIV.

Action required

Using these guidelines as a basis, professional organisations and health care organisations are appropriate bodies to undertake detailed development of recommendations specific to their areas of expertise.

Policy on HIV infection should be developed in conjunction with the application of universal precautions and should include a protocol following accidental exposure to blood or hazardous body substances.

Guidelines for assessment, management and prevention of transmission

Employment

The transfer of HIV infected HCWs from their roles in health care settings, except as provided in these guidelines, is not supported and may contravene state Equal Opportunity policies and legislation.

Infection control

Health Care Organisations are expected to ensure implementation and evaluation of effective and practical infection control practices by all HCWs.

HCWs should be fully informed about the infection risks involved in undertaking invasive procedures. In addition, HCWs should be fully informed about, and comply with recommended infection control procedures, including hand washing, use of protective barriers and

Care in the use and disposal of needles and other sharp instruments (i.e. Universal Blood and Body Substance Precautions). Skin lesions, cuts or abrasions on exposed parts of the body must be covered with occlusive dressings. HCWs should also comply with current guidelines for disinfection and sterilisation of reusable devices used in invasive procedures. (Refer to Guidelines for Infection Control in Health Care Establishments).

Responsibilities of HCWs with HIV

HCWs infected with HIV should be assessed in consultation with their physician or manager to assess that they are capable of performing their tasks adequately to the accepted professional standard, that they practice recommended techniques, that they comply with Universal Blood and Body Substance Precautions and that they adhere to approved recommendations for sterilisation and disinfection. HCWs should note that they have an obligation to care for the safety of others in the workplace (this includes fellow workers and patients) both under the Work Health and Safety Act 2012 and Workers Rehabilitation and Compensation Act 1986 (Return to Work Act 2014).

HIV infected HCWs should undergo frequent medical follow-up with a physician specialised in HIV medicine who should make a recommendation in regard to the continued involvement of the HCW in direct patient care. The treating physician may have to discuss with the HCW the need to inform his/her employer. In instances of disagreement over the ability of the HIV infected HCW to continue with all or part of his/her employment responsibilities, further expert opinion should be obtained. Such advice is available from the appropriate Professional Board.

When requested by the Professional Boards the Department for Health and Wellbeing will convene a panel of "experts" to assist with the determination of the HCW's ability to practice.

Assessment of the capability of HCWs to continue all or part of their duties should be based on an assessment of risk consistent with these guidelines. In those cases (which are likely to be very rare) where disagreement cannot be resolved and where the attending physician believes that the HCWs continued practice constitutes a risk to public health or that the HCW is not capable of performing all or part of his/her duties, the physician would be obliged to notify the relevant Registration Board or appropriate authority.

Routine disclosure of the HIV status of HCWs to patients is not recommended because patients (like HCWs) are best protected by adoption of appropriate infection control practices and because there is no onus of confidentiality on the patient. In the absence of any clear exposure to blood or body substances, patients are at an extremely low risk of acquiring blood borne infections. In addition, a policy of providing a right for a patient to be informed of the HCW's HIV status misleads the public concerning the risk of transmission of HIV between care-giver and patient. The risk of transmission is very small, and significantly smaller than other risks which patients accept when undergoing invasive procedures.

HCWs should respond to questions about their own health, or HIV status by stating that infection control procedures are in place to protect both HCWs and patients and that HCWs with HIV are not excluded from employment or functions they can safely perform under policies in place in the facility. Such questions could also be dealt with by referral to designated institutional personnel, such as infection control staff.

Responsibilities of physicians caring for HIV infected HCWs

To conform with present Acts of Parliament medical practitioners are legally required to bring to the attention of the appropriate Registration Board (medical, nursing, dental

etc.) any registered professional person who is unable to practise competently and/or poses a threat to public safety.

Decisions about the working practices of a HIV positive HCW are complex, and treating doctors should seek the confidential advice of the appropriate Board or authority. In the case of HCWs that are not covered by a Professional Board, the DH will direct enquires by treating doctors to an appropriate authority (usually the Medical Board). When requested by the Professional Boards the Department of Health and Wellbeing will convene a panel of professionals with expertise in HIV medicine to assist with the determination of the HCW's ability to practice.

Treating medical practitioners must not notify employers of HIV status unless the patient who is a HCW agrees. The decision to notify employers is to be made by the relevant Professional Board in consultation with the patient and treating doctor. When appropriate, treating doctors should counsel the HIV infected HCW so that the HCW makes appropriate choices about employment.

Responsibilities of health care organisations toward HCWs

Health care organisations should have comprehensive worker health programs in place to manage HCWs with functional impairment from any cause. Such programs should evaluate workers' fitness for duty based on competence, ability to perform routine duties and compliance with established guidelines and procedures. Confidentiality must be maintained. HCWs may prefer to consult a medical practitioner outside their workplace, in order to separate worker health and documentation of clinical care.

Confidentiality for the HIV infected HCW not only safeguards personal rights, but is also in the public interest. The right to confidentiality will encourage HCWs to seek appropriate testing, counselling and treatment and to disclose their serology status to their employers.

For their own protection HCWs with significant immunodeficiency from any cause should not be involved in the care of patients with certain communicable diseases (e.g. tuberculosis, varicella-zoster, CMV). The physician caring for the immunodeficient HCW should determine when the level of immune compromise is significant and should maintain a high index of suspicion for the appearance of opportunistic infection in the HCW. Immunodeficient HCWs should also be advised on the possible risks of live vaccines, including BCG, that are available for staff in health care establishments.

Management of patients exposed to HIV during receipt of health care

Patients exposed to known HIV infected blood should be informed of the exposure by a designated professional, retaining confidentiality about the individual source of the blood. Baseline serum should be collected from the patient and expert counselling regarding the implications of the event, post-exposure prophylaxis and appropriate long term follow up offered. Should the patient refuse both testing and serum storage, he/she should sign a form to that effect. In the event of seroconversion all reasonable attempts should be made to confirm that the virus strain transmitted is identical in both patient and the source of the infected blood. This requires referral to a HIV specialist physician.

"Look-Back Investigations" of patients of HIV infected physicians

Selective "look-back investigations" should be considered when there is evidence of significant violation of standard infection control practices (such as the presence of exudative dermatitis) during the time the health care worker was probably infected with HIV to ensure the treated public were not placed at risk. Evidence indicates that such investigations are of no benefit in other circumstances.

Routine serological testing for HIV

HCWs who engage in exposure-prone procedures have an ethical duty to consider their own potential HIV status and should be encouraged to seek routine testing if they believe they are at risk from occupational or other exposures.

Apart from the above, routine testing of all HCWs for HIV is not justified by the very low risk of transmission from HCW to patient provided that Universal Blood and Body Substance Precautions for infection control are adhered to. In the interest of maintaining their health, HCWs who perceive themselves to be at risk of contracting HIV should be encouraged to voluntarily undergo serology testing.

Assistance for HCWs with occupationally acquired HIV

HCWs whose work practices have been modified because of HIV infection should be provided, where practical, with opportunities to continue appropriate patient care activities or to obtain alternative career training. HCWs with occupationally acquired HIV have the same access to workers' compensation entitlements as any other worker with a work related illness.

10-2-4 EMPLOYMENT POLICIES - AIDS OR A SICKNESS OF A CONTAGIOUS/INFECTIOUS NATURE

Introduction

This Part provides the basis by which relevant local workplace policies, procedures and protocols in relation to HIV/AIDS or other sickness of a contagious/infectious nature can be developed.

Emphasis is placed on the need to:

(a) ensure the promulgation of appropriate information to all employees;
(b) adhere to relevant work health and safety procedures;
(c) ensure that any employee affected by, or perceived to be affected by HIV/AIDS or a sickness of a contagious/infectious nature is treated in accordance with provisions as laid down in the Government Management and Employment Act; and to
(d) protect the interests of all employees.

The Government Management and Employment Act ensures that public sector employees who have HIV infection or any other sickness of a contagious/infectious nature shall not be unlawfully or unjustifiably discriminated against and that

procedures relating to work health and safety affecting all employees and members of the public are confidential. The Principles of Management provide that:

(a) There shall be no unlawful discrimination against employees or persons seeking employment in the public sector on the grounds of **sex, sexuality, marital status, pregnancy, race, physical impairment** or any other grounds nor shall any form of discrimination be exercised against employees or persons seeking employment in the public service.
(b) Employees shall be provided with safe and healthy working conditions

SA Health has a primary duty of care to ensure, so far as is reasonably practicable, that the health and safety of workers (and others like clients and customers) is not put at risk from the conduct of the business. This duty – requires the provision of:

- a safe work environment;
- safe plant and structures;
- safe systems of work;
- safe use and handling of plant, structures and substances;
- adequate facilities to support the welfare of workers;
- information, training, instruction or supervision; and
- monitoring of the health of workers and conditions at the workplace to prevent illness or injury of the worker.

There will already be in place policy directives, policy guidelines and procedures specific to work safety and health and equal opportunity within employment. The following information should therefore complement established policy directives, guidelines and procedures relating to non-discrimination and work safety and health.

Notes on Terminology used in this Part

"HIV" - The term "HIV" is the universally agreed name for the Human immunodeficiency virus.

"AIDS"- The term "AIDS" (Acquired Immune Deficiency Syndrome) refers only to a subset of the illnesses which may occur after infection with the HIV.

To facilitate the reading of this Part the phrase "the HIV infection" incorporates the term "AIDS".

General policies and information

General policies and information contained in this Part are equally applicable to a sickness of a contagious or infectious nature

(a) In the development of a workplace policy in relation to the HIV infection it is emphasised that each workplace is different and it is important to take into account local conditions. It is, however, generally acknowledged that the majority of workers are at minimal risk of acquiring HIV infection at work.

"Only workers directly exposed to blood or body fluids could be at risk. Direct exposure at work occurs through needle stick injuries, cuts with sharp instruments, exposure through mucous membranes and contamination of open skin lesions with potentially infective body fluids.

Workers who may be at risk from these types of exposure are mainly employed in health care. However, there are others who are at very small risk of accidental exposure to HIV in the course of their work.

Sensible precautions need to be developed and observed."

(b) It must be ensured that, in consultation with Health and Safety Representatives and Work Health and Safety Committees, that:

- there are established policies and programs aimed at preventing the potential transmission of the HIV infection; and or other sicknesses of a contagious/Infectious nature
- there is a monitoring process to ensure adherence to such policies and programmes with any failure to follow standard precautions requiring counselling, education and/or retraining.

(c) Management must ensure that where an employee is to be placed in a situation of real risk of infection he or she has a right to be informed in order to make an informed decision and as to what precautions to take by way of protection. Where Units have in place specific procedures to deal with AIDS and/or sickness of a contagious/infectious nature, which take account of the local environment conditions and work health and safety needs of employees such procedures should be followed. This particularly applies to:

- health employees including, doctors, nurses, employees involved in the treatment of patients who have HIV infection or other sickness of a contagious/ infectious nature.
- employees involved with persons suffering from HIV infection or sickness of a contagious/infectious nature who are under the care and control of a unit.

(d) First Aid Protocol

Under universal precautions, blood and body fluid from all persons needing first aid treatment should be treated as potentially infectious. This procedure therefore negates the *need* to know of the health status of the person receiving first aid treatment.

There is no reason to withhold resuscitation in the event of sudden collapse. Resuscitation bags or disposable devices for mouth to mouth cardiopulmonary resuscitation should be made available with first aid personnel being trained in

their use. All first aid personnel should receive training in infection control procedures and any required equipment should be provided.

Education

There is a responsibility to ensure that all employees have access to accurate information on the basic facts of the HIV infection and other sicknesses of a contagious/infectious nature, their potential means of transmission within the workplace and that employees have the opportunity to clarify any concerns.

The provision of appropriate information and/or training to managers, supervisors, personnel officers, equal opportunity officers and safety officers should occur to equip them to deal with employee concerns about contagious/infectious illnesses in the workplace. Education programmes should provide information on medical aspects of such and advice on how to recognise and deal with related situations which might arise.

Employees with potential occupational exposure to blood or bodily fluids require information which concentrates on precautions to prevent the potential transmission of infection. All relevant workers should receive this information.

An employee who expresses a personal concern about infection can be referred to:

SEXUALLY TRANSMITTED DISEASES CONTROL BRANCH
"CLINIC 275"
275 NORTH TERRACE, ADELAIDE 5000

This Clinic provides confidential advice and treatment of sexually transmitted diseases including the HIV infection.

Any situation which arises in the workplace must be handled in a sensitive manner with management ensuring that the interests of all employees are protected.

Personnel issues

Persons applying for Employment

Pre-employment Screening: As part of the assessment of fitness to work, pre-employment screening specific for the HIV infection is considered unnecessary on the basis that:

(i) unless further regular medical examinations take place, such screening cannot guarantee that the prospective employee will be free of the HIV infection at all times during his/her employment.

(ii) any application for employment shall require prospective employees to state any physical or medical condition which would affect their ability to do the job. Applicants who have such a condition should be invited to discuss with the relevant Hospital/Health Service, in respect to an initial application for

employment in the public service, the relevance or otherwise of such a condition to their employment applied for.

(iii) Any Hospital/Health Service considering the employment of a person positive to the AIDS virus or who has a sickness of a contagious/infectious nature should take account of the environmental conditions associated with and the context of the employment to be offered. Further clarification or advice may be sought from Workforce Services, Corporate and System Support Services of the Department for Health and Wellbeing prior to an offer of employment being made.

Persons in Employment

Screening

As part of an assessment of fitness to continue employment, specific screening for HIV infection should not be required. However, this does not preclude the right of the Chief Executive or Executive Director Workforce Services, Finance and Corporate Services, Department for Health and Wellbeing requiring an employee to undergo an independent medical examination where an employee, by reason of any mental or physical incapacity, is considered incapable of satisfactorily performing his/her duties.

As with any employee, if there are medical and work performance indications that an employee can no longer perform the duties of his/her position, consideration should be given to ensuring the reasonable accommodation of such employees. This would include, for example, changes to their work assignment through the use of job restructuring, a transfer to a more suitable position or flexible working hours.

Confidentiality

It is important that all employees including line managers understand what is meant by giving/receiving confidential information regarding an employee's medical condition or information of a personal nature.

An employee disclosing information to a supervisor is doing so to his or her employer as represented by the supervisor.

Therefore, a supervisor may discuss information given in confidence to relevant line management. Other employees including non-relevant line management do not have the right of access to confidential information unless it has been approved by the employee providing the information. This approval should, if given, occur in writing.

Conditions of Employment

An employee who has contracted HIV infection or a sickness of a contagious/infectious nature should not be discriminated against in his or her access to any condition of employment, in particular leave for the purpose of medical treatment, or to recuperate from related illness. In these situations, access to leave and associated conditions should be on the same basis as it would for any other medical condition.

If there exists a real risk of infection, appropriate work health and safety measures need to be adopted to eliminate or minimise the risk. This may involve reassignment of the employee to alternative duties, particularly where persons who are positive to the AIDS virus or have a sickness of a contagious/infectious nature:

(a) are involved by the nature of their work in procedures that may provide a vehicle for the transfer of infected body fluids; and/or (b) where the affected employees are themselves placed at higher risk of contracting other infections; and/or (c) have contact with members of the public who cannot reasonably be expected to have adequate knowledge of agency work health and safety practices.

Continuation of Employment Relationship

The HIV infection or a sickness of a contagious/infectious nature is not a cause for termination of employment. As with other illnesses persons who have such should be able to work as long as medically fit for available appropriate work.

The employee will, however, be expected to cooperate in the adoption of effective work health and safety measures and in the reassignment to alternative duties where the employee has been determined as incapacitated in relation to a particular type of work or specific duties.

10-2-5 ISSUE OF SUN PROTECTION AIDS

Eligibility and Basis of Issue

Approval is given for the provision of sunscreen to all employees required to work outdoors at any time, and the supply of sunhats and UV light filtered sunglasses to employees who regularly work outdoors. Sunhats and sunglasses will be replaced as necessary, on request, accompanied by the return of a hat or pair of glasses, which, in the opinion of the Supervising Officer, is beyond useful wear or effective repair, and which can be reasonably assessed as having suffered fair wear or damage due to the nature of the work and through no fault of the employee. Sunscreen with a UV protection factor of 30+ will be available as required and should be applied in accordance with directions regarding the length of time exposed to the sun.

The issue of these protective aids is subject to the employee concerned signing an undertaking in similar form to that outlined below, to apply the sunscreen and wear the hat and glasses whenever appropriate and practicable while outdoors in the course of his or her employment.

Employees who are presently provided with uniforms which include a suitable protective sunhat, or who are in receipt of a uniform allowance which covers the cost of a hat, will not be entitled to be issued with same.

Employee Undertaking

To the Chief Executive Officer

I request the (name of workplace) supply me with a sunhat and UV light protective sunglasses without charge and I agree to use these whenever appropriate and practicable while outdoors in the course of my work for the _____. I understand that my failure to observe this condition may cause the replacement issues of hats and glasses to be withheld.

Signed

Division or Section

Date

Cleaning and Maintenance

The cleaning and maintenance of the sunhats and sunglasses will be the responsibility of the employee concerned.

Termination of Employment

On termination of employment, the sunhat and sunglasses must be returned to the Employing Authority/Delegate. However, employees may choose to purchase the hat and/or glasses at half the cost to the Employing Authority/Delegate where they have been on issue of up to 12 months. The employee may retain the hat and glasses at no cost after 12 months.

PART 11 - UNION RELATED MATTERS

11-1 JOB REPRESENTATION

The following provisions contained within this topic apply to all relevant unions.

11-1-1 INTRODUCTION

The Department for Health and Wellbeing (DHW) acknowledges and accepts the authority and duties of Union elected representatives as contained in its Constitution, rules and/or by-laws, in accordance with the detail of procedure contained in this Part.

The Department and Unions, in the interest of harmonious employee relations, seek the co-operation of Incorporated Hospitals and SAAS and union representatives in relation to this Part which reflects the above mentioned agreement.

11-1-2 ADVICE OF ELECTION

Following the election of a job representative/union delegate, the Secretary of the Union will advise the Chief Executive Officer, in writing, of each elected job representative/union delegate. The elected member will be issued with written credentials by the Secretary authorising that member to act in accordance with the duties of a job representative as prescribed in the rules and/or by-laws of the Union.

11-1-3 ROLE, RIGHTS AND RESPONSIBILITY

Job representatives/union delegates are expected to maintain a representation role. Therefore, matters raised should only reflect issues that are raised by members employed at the worksite. Management should also ensure that when consultation with a job representative/union delegate is initiated, the views being sought are those of the members employed on the work site and not the personal views of the job representative/union delegate.

Should a member or members apprise their elected job representative/union delegate of a matter as defined by the rules and/or by-laws of the relevant Union and request appropriate assistance, the job representative/union delegate will inform the immediate management of the department, division, branch or section (whichever is appropriate) of the nature of the matter.

Notwithstanding this procedure, the DHW recognises the right of the job representative/union delegate to inform the Union of the matter or matters for the purpose of seeking advice and assistance where necessary.

Job representatives/union delegates are required at all times to act in accordance with the rules and/or by-laws of the relevant Union and the agreement referred to herein

provided the relevant rules and/or by-laws of the Union are not inconsistent with the Health Care Act.

Job representatives/union delegates will be allowed reasonable time within normal hours of duty to permit them to perform their duties as elected job representatives/union delegates within their respective electorates.

Each Union, through its staff of full time officials has agreed that every assistance will be made available to elected job representatives/union delegates.

The Unions agree to determine and resolve all claims that a job representative/union delegate is acting contrary to its constitution rules and/or by-laws, and the Unions agree that notification can be made to the applicable Union by the Chief Executive Officer or the DHW where such a matter is recognised.

11-1-4 DELEGATES CONFERENCE

The DHW and the Unions accept that, in the interests of the Public Service and the members of the Union, some reasonable time during normal hours of duty should be available to all accredited delegates to permit them to attend the Delegates Conference or equivalent.

The Unions agree that such Conferences will be held at times which involve the minimum of interference with the normal working of the workplace. A maximum of three days will be available for such purposes.

Accredited delegates should be granted time off without pay to enable them to attend the conference to the extent that it is held during normal working hours. However, the use of recreation leave or flexitime, where appropriate and within the guidelines will be acceptable.

The Unions agree to inform relevant Chief Executive Officers (or delegates) at least 28 days prior to the conference of the persons eligible to attend, the date, venue and times.
It is the responsibility of the individual employee to make application for such leave of absence as may be required to attend the conference.

11-1-5 REGIONAL COUNCIL MEETINGS

It is accepted that, due to the particular difficulties caused by the geographic dispersal of members of the Unions in country areas, some time off during normal hours of duty should be available to all accredited job representatives/union delegates permanently stationed outside of the metropolitan area, to enable them to attend Council Delegates meetings or equivalent.

The Public Service Association has informed the DHW that Regional Council meetings will be held at a location within each region four times per year. These Regional Council meetings will normally commence at 2.00pm.

Subject to workplace convenience, those job representatives/union delegates who are permanently stationed outside of the metropolitan area may be credited with up to one days leave without pay, not more than four times per year, for the purpose of travelling to and attending Council meetings or equivalent. However, the use of recreation leave or flexitime, where appropriate and available within the guidelines of existing approvals, will be acceptable

It is the responsibility to the individual employee concerned to make an application for such leave of absence as may be required to attend a conference.

11-1-6 COMMUNICATIONS

There should be effective means of communication and consultation between local management and job representatives on matters of mutual interest and concern whether or not those matters are likely to give rise to a dispute. The attention of both local management and job representatives is drawn to both the informal and formal means of communication and consultation at each work site.

Where a job representative raises a matter with local management on behalf of a member employed within his/her work site, local management should acknowledge the request and respond in a manner consistent with the level of authority of the particular manager.

11-1-7 TRANSFER OF REPRESENTATIVES

Wherever possible, departmental management will discuss with job representatives/union delegates matters which affect their ability to properly carry out their duties and responsibilities as job representatives/union delegates. In particular, where it becomes necessary to transfer, relocate, or change the duties of an employee who is a job representative/union delegate, management will inform the job representative/union delegate to enable the relevant union reasonable time to make appropriate arrangements for continued representation at the work site.

11-1-8 RESOLUTION OF COMPLAINTS ETC

To assist job representatives/union delegates and local management in allowing reasonable time within normal hours of duty to permit job representatives/union delegates to perform their duties within their respective electorates, it will be appropriate to have regard to the responsibilities of job representatives/union delegates on the work site as set out in the rules and/or by-laws of the relevant Union.

A job representative/union delegate, having referred a matter to the organiser or the Union for industrial assistance, will normally not be required to be involved in further discussion occurring away from the worksite. As a general guide, the involvement of a job representative/union delegate in discussions away from the worksite would normally require acceptance by local management that the presence of the job representative/union delegate is essential to the appropriate resolution of the matter raised.

If a matter is not resolved by consultation and/or discussion between the job representative/union delegate and local management, the job representatives/union delegate will normally refer the matter to an organiser. The organiser and job representative/union delegate should then seek to confer with the appropriate management on the matter. Normally such a conference should commence within 24 hours. However, if there is agreement between the job representatives/union delegates, organiser, and management the period may be longer.

If the matter is not resolved at that conference or is such that it has wider implications than the particular work site, then it would be appropriate for the organiser to seek further industrial assistance, and for departmental management to advise the local human resources team. Normally a job representative/union delegate would not be required to participate in discussions other than those which involve local management.

11-1-9 RECRIMINATIONS

A job representative/union delegate who carries out duties in accordance with the rules and/or by laws of the relevant union and acts on behalf of the members within that representative's/delegate's electorate, will be permitted by the Chief Executive Officer to do so without recrimination or detriment to that person's appointment as an employee.

Where it is claimed that an employee has been discriminated against or that some recrimination has occurred which is solely related to that employee's appointment as a job representative/union delegate, it is incumbent upon management to make immediate enquiries to establish whether or not such discrimination or recrimination has occurred and for the Chief Executive Officer to inform the job representative of the decision in writing.

Where a job representative/union delegate is not satisfied with the finding of the Chief Executive Officer he/she may, within the terms and conditions laid down, appeal to the CPE in accordance with the provisions of Part 3-1.

Nothing in this Part overrides the powers of Chief Executive Officers under Part 4-1-7 "Managing Unsatisfactory Performance, Discipline and Termination" Act.

11-2 RELEASE OF EMPLOYEES TO UNIONS

Requests for the release of employees to a union for short periods of time involve an assessment of the needs of the Workplace and whether the release of the employee would adversely affect its operations. In addition it is necessary to carefully assess whether or not a conflict of interest situation could arise. For example, a request for an employee to be involved in industrial matters for the union would clearly create a conflict of interest and therefore releases of that nature will be precluded.

Whilst leave without pay may be granted for the release of employees for short periods, unions will be required to direct all requests to Workforce Services, Corporate and System Support Services of the Department for Health and Wellbeing together with details of the duties to be performed by that employee so that the appropriate assessments can be made. These requests will be fully discussed with the particular workplace.

Requests directed to the workplace should be immediately forwarded to Workforce Services, Corporate and System Support Services and the union advised of the action taken.

11-3 EMPLOYEE INDUCTION – UNION APPLICATION FORMS & UNION REPRESENTATION

In accordance with Government policy, employee induction packages issued to new employees must include a membership application form for the appropriate unions.

Unions must also be offered the opportunity to make a presentation to all new employees as part of any induction process. Arrangements for such presentations must be made directly with the relevant union office.

11-4 SA HEALTH UNION SITE VISIT PROTOCOLS

11-4-1 PURPOSE:

To facilitate a professional relationship and cohesive approach to communication and consultation between SA Health and the Unions (the parties), and ensuring that union site visits are dealt with in a consistent and appropriate manner by the parties.

11-4-2 BEHAVIOUR AND CONDUCT OF PARTIES:

- The parties will work cooperatively together and treat one another with dignity and respect.
- The parties will ensure the appropriate use of language, tone and manner at all times.
- The parties will conduct themselves in a professional, polite and courteous manner and respect each other's roles and responsibilities.

11-4-3 PRINCIPLES:

- SA Health supports worksite visits to all unions with members or potential members onto health sites.
- SA Health will grant access based on these principles and any other formal arrangements currently in place.
- Unions have traditionally been given access to worksites to meet with staff during work breaks, before or after work and to attend orientation sessions to speak with new employees.
- SA Health will provide for authorised union representatives to visit members or potential members in their locations of work by arrangement with the site manager. SA Health will also provide where possible, an appropriate venue for union officials to meet with their members.
- Access will also be given for unions to inspect time books and wages records, inspect the work carried out at the workplace and note the conditions under which the work is carried out, and interview any person at the workplace about specific complaints about non-compliance with the Act, an award or Enterprise Agreement.
- In return union officials will provide the site manager with reasonable notice of their intention to enter the worksite. The notice to include the date, time, purpose and duration of the visit. The notice may be via email, letter or telephone and should be provided at least a full business day before the

intended visit, particularly where that visit is for, or includes, an inspection of the work carried out at the worksite.

- In the case of an inspection of the worksite and noting the conditions under which the work is carried out, a union official must specify the specific area(s) to be inspected. The official may be accompanied by a delegate (subject to the delegate pre-arranging with line manager release from duties for a specified time to attend), from that work area but must not interrupt the performance of work or in any way hinder any person or employee from undertaking their duties. Management reserves the right to escort the official around the nominated work area(s), but will not unreasonably restrict access to any area as requested in the union's notice of entry.

- Under the Work Health and Safety Act 2012 (SA) Union Officials must provide a Work Health and Safety entry permit before entering a workplace and exercising powers under that Act. For further information please visit: http://www.safework.sa.gov.au/

PART 12 – HR PRINCIPLES

Purpose and scope

The following HR Principles may be applied to organisation change processes on advice from the local human resources team. It will be necessary to identify the scope of positions falling within the change process.

Affected unions will need to be advised that it is proposed to apply these HR Principles and the organisational change processes to which they apply. Affected unions must be consulted about organisational changes as provided by applicable Enterprise Agreements.

Subject to clause 8, these principles and procedures will apply for the duration of the change process.

These principles and procedures apply to ongoing/permanent non-executive employees in-scope of the change process.

These principles and procedures should be read in conjunction with the following, where applicable:

- Health Care Act 2008
- Relevant awards and enterprise agreements
- SA Health (Health Care Act) Human Resources Manual

For Nursing/Midwifery employees, reference should be made to the HR Principles for Nursing and Midwifery employees. The HR Principles for Nursing and Midwifery employees apply in lieu of Part 12 – HR Principles of this Manual.

12-1 GUIDING PRINCIPLES

The management of the transition of ongoing/permanent non-executive employees will be based on fairness and equity, and in particular the following principles will be applied:

1.1 Employees will be provided with support and assistance through the change process in order to better manage the emotional and psychological aspects of change. This will be provided by the employee assistance programs (EAP) as per clause 7.

1.2 Consultation with employees and employee representatives will be consistent with relevant enterprise agreements and awards.

1.3 Communication with employees will take a number of forms including newsletters, personal correspondence, emails, web pages and briefing sessions.

1.4 Employees currently engaged on a casual, temporary or contract basis are excluded from these principles and procedures and therefore their

employment arrangements will be considered on a case-by-case basis when taking into account the new organisational structure arrangements.

1.5 Consultation will occur with relevant unions in relation to proposed organisational structures.

1.6 The implementation of new structural arrangements will not be used as a mechanism for addressing unsatisfactory performance issues.

1.7 Managers have an essential role in fulfilling management obligations. They should be aware of and ensure that all staff fully understand proposed changes and are consulted regularly during implementation of the change process as it relates to the manager's staff. Managers are reminded that they must:

- Support staff in accessing the EAP as required
- Consult and involve staff who are absent from work on extended sick leave, maternity leave, special leave or on temporary contracts in other locations
- Consider the referral of unattached employees or redeployees objectively and pursuant to public sector redeployment principles
- Ensure existing role descriptions/job and person specifications are up-to-date (in consultation with the substantive incumbent). Role descriptions/job and person specifications will be used to determine whether a position is unchanged or different. Accordingly, the accuracy of role description/job and person specifications is fundamental to the accurate translation of positions

1.8 All staff will continue to participate in performance review and development during the change process to identify any areas for their improvement and development needs.

1.9 Where an employee is aggrieved by a decision or process arising out of the change process, and in order to achieve timely resolution of these issues, the procedures set out in clause 6 will be utilised.

1.10 New and/or changed structures will be reflected appropriately in role descriptions for new positions.

1.11 All applications for leave of absence approved prior to the change process will be honoured.

1.12 Employees will be formally advised in writing of their transfer to a new position. This will be done prior to transfer.

1.13 Employees required to travel between work locations during their working hours will be paid for the time occupied in travel and will be reimbursed for motor vehicle mileage if using their own vehicle. No employee is required, under any circumstances whatsoever, to use their private vehicle for official purposes if they do not wish to do so.

1.14 Employees who were former Commonwealth employees at RGH at the date of transfer to the State Government may continue to remain in their present Commonwealth superannuation scheme while they remain employed (without a break in service) by SA Health.

1.15 Employees who are members of the SA Ambulance Service Superannuation Scheme may remain in that scheme if transferred to the Department for Health and Wellbeing from the SA Ambulance Service as part of an administrative restructure.

12-2 DEFINITIONS

2.1 **Unchanged position** (e.g.: less than 20% change) means an existing position required in the new structure where the duties, responsibilities and scope are substantially the same.

2.2 **Different position** (e.g.: more than 20% change) means:

- a position required in the new structure where the duties, responsibilities and scope have not previously been performed within one position, or
- an existing position required in the new structure which will undergo a significant change in duties, responsibilities and scope (this may result in a different classification level).
- A change in location and/or reporting relationships do not of themselves constitute a position being a “different position”.

2.3 **Non retained position** means an existing position that will not be retained in the new structure.

2.4 **Unattached employee** means a substantive employee whose position is not retained in the new structure or whose position has significantly changed.

2.5 **Merit based selection process** means choosing the best person for the job, based both on candidates’ abilities and their potential for development. The primary consideration in a selection decision must be based on an assessment of relative suitability using a selection process based on the Role Description/Job & Person Specification.

2.6 **Substantive** means the employee who is ongoing/permanent in the position (including individuals on leave or who have a right of return to the position).

2.7 **Work/functional group** means substantive incumbents of the subject unchanged positions (e.g.: where substantive incumbents would have translated into an unchanged position if an equal number of positions had been available in the new structure). The scope of the ‘work group’ will require consideration on a case-by-case basis, and may not be limited to a single work unit located at one site.

2.8 **Position location** means the location where the employee will typically

report for work.

2.9 **Quarantine process** means where positions are advertised for restricted groups of ongoing/permanent in-scope employees.

12-3 FILLING OF POSITIONS IN THE NEW STRUCTURE

3.1 **Unchanged positions**

3.1.1 Substantive incumbents of unchanged positions will be confirmed in the position in the new structure where:

- an equivalent number of unchanged positions will be retained in the new structure, or
- the number of unchanged positions in the new structure exceeds the number of substantive incumbents.

3.1.2 Where the number of substantive incumbents exceeds the number of unchanged positions retained in the new structure, a quarantined merit based selection process will be undertaken to appoint to the available positions.

3.1.2.1 In the first instance, the positions will be filled through an expression of interest (EOI) process for the relevant work group.

Those substantive incumbents who are unsuccessful (or who do not apply) will be declared unattached employees. Workforce Services will work with unattached employees to identify if any suitable vacancies exist in the new structure on a progressive basis.

3.1.2.2 If positions remain vacant they will be advertised in the usual manner, e.g.: NOV* or external press (subject to approval by Workforce Services).

*At this point Workforce Services may refer unattached employees and/or broader public sector work injured employees or redeployees.

3.2 **Different positions**

The position will be advertised in the usual manner, egg: Jobs SA* or external press (subject to approval by Workforce Services).

*At this point Workforce Services may refer unattached employees and/or broader public sector work injured employees or redeployees.

3.3 **Reclassification**

Employees who would otherwise have been reclassified on or after the date the HR Principles come into effect will be paid a temporary allowance equivalent to the classification level determined until such time as the new structure is implemented or the position's status is determined. For SA Ambulance Service employees this will be facilitated via a temporary salary allowance; for health unit employees this will be facilitated via a higher

duties payment; and for Department for Health and Wellbeing employees this will be facilitated via an additional duties payment, which means these allowances are included as salary for superannuation purposes.

Confirmation of classification in the new organisational structure occurs where:

3.3.1 management or an existing ongoing/permanent SA Health employee has made application for reclassification, and

3.3.2 the position has been approved by the appropriate delegate to be at a higher level, and

3.3.3 that the role occupied by the employee is required in the new structure and is categorised one classification level higher than their existing substantive classification, and

3.3.4 the incumbent is in receipt of a reclassification allowance as a result of the assessment,

then the employee will be confirmed in the new position subject to the provisions of these principles and procedures.

In respect of matters relating to career structure/classification, the provisions of applicable Enterprise Agreements will prevail over these HR Principles to the extent of any inconsistency.

3.4 Non retained positions

Where a position will not be retained in the new structure, the incumbent will become an unattached employee and will be considered for referral to any suitable vacancy in accordance with these principles.

3.5 Unattached employees

Unattached employees are those staff affected by the establishment of the new structure. Where for instance, existing ongoing positions are identified as not required in the new structure or staff are unsuccessful for a new position in the new structure, affected staff will, in the first instance, become unattached employees.

3.5.1 Managers will be responsible for providing meaningful work (at the substantive classification level) to the employee until they have been placed in a suitable ongoing/permanent position.

3.5.2 In the event that any ongoing/permanent employee is not placed in an ongoing/permanent position once suitable positions in the new structure have been filled, the employee will be formally declared a redeployee and referred for redeployment case management.

3.5.3 If no suitable positions at the employee's substantive level are identified, and appropriate consultation and agreement with the

employee has been made, the employee will be placed into a position at a lower classification level. Where an employee is placed on an ongoing/permanent basis in a position at a lower classification level, established income maintenance practice will apply in accordance with redeployment provisions.

3.6 **Employee Right of Return**

For information regarding right of return arrangements, please refer to the Release of non-executive employees for temporary roles Policy Directive.

12-4 CHANGE IN POSITION LOCATION

The process for change of position location is outlined in Appendix A.

12-5 NOTIFICATION

All in-scope employees will receive progressive written notification of their situation, e.g. upon translation to the new structure or status as an unattached employee.

12-6 GRIEVANCE RESOLUTION PROCESS

Grievances in relation to the application of these principles should be handled in accordance with the following:

6.1 The grievance should, in the first instance be referred to the employee's line manager for consideration and resolution.

6.2 If the grievance is not resolved the matter should be referred to the Executive lead for determination.

The provisions of clause 6 do not limit a party's right to avail themselves of the industrial and grievance avoidance procedures in accordance with clause 3 of the SA Health (Heath Care Act) Human Resource Manual or relevant awards and agreements.

Employees with a concern/grievance arising from a process or procedure not directly related to the implementation of the change process should follow the grievance procedures outlined for Health Care Act 2008 employees.

12-7 EMPLOYEE ASSISTANCE PROGRAMS (EAP)

Employees may access EAP services available in their Health Network/SA Ambulance.

12-8 REVIEW OF THESE PRINCIPLES AND PROCEDURES

It is acknowledged that it may be necessary to review these human resource principles and procedures as organisational structural arrangements develop. Any such review during the change process will be undertaken in consultation with the relevant industrial organisations.

APPENDIX A

Process for Change of Position Location

Where an unchanged position will move to another location(s), affected substantive incumbents will be given a reasonable period of notice (eight weeks) in writing of the requirement to change locations. No substantive incumbent will be forced to move their household.

Relocation Process

There are two circumstances that will be covered by the principles in this Appendix A:

- The movement of employees where there are more employees than positions in one location, but vacancies exist in other locations
- The deferral of the relocation of employees whose primary location is changing or the position is no longer required in that location.

Note: the provisions of this Appendix A do not apply to the movement of employees within the City of Adelaide.

1. More substantive incumbents than unchanged positions that are to move to a new location(s)

1.1 In the first instance, substantive incumbents at the same level will be asked to volunteer to work at the new location(s).

1.2 If the number of volunteers exceeds the number of positions available in the new location(s), the positions will be advertised through a quarantined Expression of Interest process for the affected employees only.

1.3 If there are insufficient volunteers within the affected work unit location (where the position(s) is no longer required) then other excess staff in other locations who are in-scope of these principles will be asked to volunteer, provided they meet the minimum essential requirements and are of the same substantive level.

1.4 If more employees nominate to move to a new work location than there are positions, then a merit-based selection process must apply to determine who moves to the nominated location.

1.5 If there are still more employees than positions in the affected work unit location, a merit-based selection process will be conducted to determine those employees that will be excess. Once this has been determined these employees will be managed in accordance with these HR Principles and Procedures.

1.6 If there are still new or existing vacancies in work unit locations after this process, they will be filled in accordance with these HR Principles and Procedures.

Staff will be given an opportunity to discuss any relocation proposal for their position with their managers and their Human Resource Consultant, including deferral of the immediate need to move locations. No employees will be forced to move their household to continue their current substantive job if its location changes as a result of the establishment of the new organisational structure pursuant to this document.

All staff affected by the requirement of a change of location of their substantive position will be given a reasonable period of notice of eight weeks in writing to make arrangements to meet the conditions above.

2. Deferral of location change requests

2.1 Employees who are still unable to move after the eight week notice period, and after negotiation with their managers still believe that they will suffer unreasonable hardship as a result of required relocation of their employment, can submit a request in writing giving reasons for consideration by the Executive lead.

2.2 The Executive lead will consider each submission against the criteria listed below and then make a determination as to whether deferral of location is warranted. In considering written submissions the Executive lead may seek advice from any relevant information source in making a decision, including staff making the requests.

2.3 Employees will be notified of the outcome of their submission within 14 days of lodgement.

3. Relocation deferral criteria factors

The three major factors to be considered in assessing relocation deferment requests are:

- certified medical conditions for staff or their dependants
- family responsibilities
- other extenuating circumstances that will cause significant financial or personal hardship for the employee (evidence must be provided).

Please note that the consideration of deferral of relocation is only available to *ongoing/permanent* employees in relation to the work location of their *substantive* position. This process does not apply to either *temporary* employees or those *ongoing employees in temporary positions*, where the work location of their *temporary* position is changing.