Compulsory Christmas/New Year closure

Policy Number: C32 (QH-POL-117)
Publication date: May 2014

Purpose: To outline the agreement between the public sector unions and the government for closure of non-essential public facilities or services over the Christmas/New Year period.

Application: This policy applies to Queensland Health employees working for:
- the Department of Health
- non-prescribed Hospital and Health Services
- prescribed Hospital and Health Services.

Delegation: The ‘delegate’ is as listed in the Department of Health Human Resource (HR) Delegations Manual and the Hospital and Health Services Human Resource (HR) Delegations Manual – HRM Functions of the Director-General, as amended from time to time.

Legislative or other authority:
- Nurses and Midwives (Queensland Health) Certified Agreement (EB8) 2012
- Queensland Public Health Sector Certified Agreement (No. 8) 2011 (EB8)
- Health Practitioners (Queensland Health) Certified Agreement (No. 2) 2011
- Queensland Health Building, Engineering & Maintenance Service Certified Agreement (No. 5) 2011

Policy subject:

1 Policy statement
1.1 Operationalisation of the closure arrangements
1.2 Examples of leave arrangements

Definitions:

History:

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1 Policy statement

Agreement was reached between the public sector unions and the government for closure of non-essential public facilities or services over the Christmas/New Year period. The agreement was ratified by the Queensland Industrial Relations Commission (QIRC) under the Second Tier Restructuring and Efficiency Principles.

Included in the agreement was the introduction of a compulsory closure of government establishments over the Christmas/New Year period or such closure or restricted staffing as the employer determines to meet government or public needs. Those facilities or services remaining open are to be determined by the employer after having due regard to matters such as:

- the nature of the service provided
- the availability of adequate support services
- efficiency and effectiveness of service provided over the closure period
- effect on other public services.

The closure arrangements replaced the previous half-staff arrangements which were found to be inefficient and restrictive. These arrangements provide employees, except those in receipt of an additional week’s leave for continuous shift work, with a concessional day not charged to any leave account.

Employees engaged in services requiring continuous operation, and when such employees receive additional annual leave for continuous shift work, are not to be required to participate in the compulsory closure over the Christmas/New Year period, except as otherwise agreed between the parties.

1.1 Operationalisation of the closure arrangements

Schedule One outlines the operational arrangements for the closure period.

1.2 Examples of leave arrangements

Schedule Two provides examples of leave arrangements for employees over the Christmas/New Year closure period.

Definitions:

<table>
<thead>
<tr>
<th>Accrued day off</th>
<th>A day accrued as a result of the method of working ordinary hours following the introduction of a 38 hour week where employees are rostered off on various days of the week during a particular work cycle, such that employees may have one or more days off during that cycle.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accrued hours</td>
<td>Hours of duty performed and approved leave taken by employees during a settlement period, and which are in addition to the ordinary working hours and which have not been compensated by the payment of overtime or other similar compensation.</td>
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</table>
History:

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
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<tbody>
<tr>
<td>May 2014</td>
<td>• Policy formatted as part of the HR Policy Simplification project.</td>
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<td></td>
<td>• Policy amended to update references and naming conventions.</td>
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<tr>
<td>October 2009</td>
<td>• Protected IRM 2.5.4 Compulsory Christmas/New Year Closure reformatted</td>
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<tr>
<td></td>
<td>as part of the HR policy consolidation project in accordance with EB7.</td>
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<tr>
<td>September 2002</td>
<td>• IRM 2.5-4 Compulsory Christmas/New Year Closure amended.</td>
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<td>October 2000</td>
<td>• IRM 2.5-4 Compulsory Christmas/New Year Closure</td>
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<td>Previous</td>
<td>• IRM 2.5-4 Compulsory Christmas/New Year Closure</td>
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Compulsory Christmas/New Year closure – Schedule One – Operationalisation of the closure arrangements

The following information is provided as the minimum mandatory standard practice, procedure or process to enable satisfactory compliance with this Queensland Health HR policy.

Local guidelines/procedures may be developed to facilitate implementation of this policy. Any local guidelines/procedures must be consistent with this policy and schedule and ensure employee entitlements continue to be met.

1 Operation of the closure arrangements

Under no circumstances are the closure arrangements to be used as a de facto half-staff arrangement.

When facilities or services are closed or curtailed, the affected staff are deemed to be on leave over the period. Therefore the normal arrangements are to apply as would occur if such employees were on paid leave. The closure period cannot be split and shared on a half-staff basis. Employees not required over the closure period are entitled to enjoy the normal freedom associated with recreation or long service leave.

2 Conditions

The following conditions apply to the closure arrangements:

2.1 Recreation leave account

Employees are debited against their recreation leave account for those working days between Christmas and New Year (inclusive), except for the concessional day.

In the case of employees who receive:

- four weeks recreation leave, no debits are made for public holidays.
- an additional week’s leave for work performed on public holidays, debits are made for all working days including public holidays which fall during the closure period.

Before debiting the public holidays, it is important to determine that they are part of the five working days and not one of the two rostered days off for the week.

Refer to section 2.10 for alternatives other than the use of recreation leave.

2.2 Concessional day

Employees are entitled to a concessional day which is not charged to any leave account. Employees who receive an additional week’s leave for continuous shift work are not entitled to a concessional day and are not required to participate in the compulsory closure arrangements.

The actual date of the concessional day is advised each year when the Christmas/New Year arrangements are circulated throughout Queensland Health.
Part-time employees who would not ordinarily work on the day of the week on which the concessional day falls are not entitled to a concessional day or a day in lieu.

2.3 Insufficient recreation leave

When new or current employees have insufficient recreation leave credits available, the applicable debits are charged to accruing recreation leave and not granted on no pay.

2.4 Employees on accrued days off arrangements

For those employees whose recreation leave is recorded in hours, debits are made on the basis of the number of hours which would have been worked had the closure not occurred. This is to ensure accrued days off continue to accumulate over the period. Payment is to be for a normal day's wage.

2.5 Employees required to work

Those employees required to work over the closure period are entitled to a day in lieu of the concessional day, not charged to any leave account, to be taken at a mutually agreed time within the following 12 months.

Employees who receive an additional week's leave for continuous shift work are not entitled to a day in lieu of the concessional arrangements.

2.6 Employees absent on leave

Employees who are on recreation or long service leave over the whole closure period are entitled to the concessional day not charged to any leave account on the designated concessional day. Entitlement also exists for the concessional day in emergent circumstances when approval is granted for one of the following forms of leave while on recreation or long service leave:

- bereavement leave
- emergent/compassionate leave
- workers’ compensation leave
- sick leave (absence is to exceed three working days in the case of recreation leave, or be at least one week in the case of long service leave).

No entitlement exists for a concessional day when an employee is absent on sick leave on full pay over the whole period.

Those employees on unpaid leave have no entitlement to a concessional day or a day in lieu.

Employees who receive an additional week's leave for continuous shift work are not entitled to a concessional day.
2.7 Pay day

For those employees in services which close or are curtailed, the normal pay day is maintained as if the service continued.

2.8 Casual employees

Casual employees are not entitled to a concessional day or to be granted a day in lieu.

2.9 Part-time employees

Part-time employees participate in the arrangements on the same basis as full-time employees. Any debit is made based on the number of hours which would have been worked on the closure days.

No debit is made for those hours which fall on the concessional day.

Part-time employees who do not work on the day of the week on which the concessional day falls are not entitled to a concessional day or a day in lieu.

2.10 Options in lieu of recreation leave

Accrued days off - Hospital and Health Services
Although the Awards require debits to be made against recreation leave, by mutual agreement only, accrued days off can be used rather thandebiting against such leave.

Accrued hours (Department of Health and Health Quality and Complaints Commission)
Employees of the Department of Health or the Health Quality and Complaints Commission by mutual agreement are able to take accrued hours off under the Queensland Public Health Sector Certified Agreement (No. 8) 2011 (EB8). This mutual arrangement allows for the taking of accrued hours off in place of a portion of the recreation leave during the compulsory closure period.

Leave taken as accrued hours over the closure period is to be taken as whole days (i.e. 7 hours 15 minutes). A maximum of three standard days of accrued time may be granted in any settlement period.

Time off in lieu (TOIL)
Employees who have access to TOIL arrangements under their relevant Award or approval to use TOIL within a work unit may use those TOIL balances in place of recreation leave over the compulsory closure period. Leave taken as TOIL over the compulsory closure period is to be taken in whole days only.
Compulsory Christmas/New Year closure – Schedule Two - Examples of leave arrangements

Example 1
Employees receiving four weeks annual leave who do not work over the period

Employees who receive four weeks recreation leave per year are to receive a day's pay for each public holiday during the closure period. Two ordinary working days are to be debited from accrued recreation leave, with one day being concessional leave which is not charged to any leave account, for example:

Thursday 25 December 2008          Public holiday (day’s pay)
Friday 26 December 2008          Public holiday (day’s pay)
Saturday 27 December 2008          DAY OFF
Sunday 28 December 2008          DAY OFF
Monday 29 December 2008          Ordinary work day given as concessional day
Tuesday 30 December 2008          Ordinary work day - charge recreation leave, accrued days off, or TOIL
Wednesday 31 December 2008          Ordinary work day - charge recreation leave, accrued days off, or TOIL
Thursday 1 January 2009          Public holiday (day’s pay)

Employees not required over the closure period are entitled to enjoy the normal freedom associated with recreation or long service leave.

Example 2
Employees receiving five weeks annual leave (i.e. one week for work performed on public holidays) who do not work over the period

Employees who receive five weeks annual leave per year, one of which is for work performed on public holidays, are to be debited for five of those days for which they would have been rostered to work over the closure period. The sixth day would be a concessional day not chargeable to any leave account, for example:

Thursday 25 December 2008          Public holiday - charge to recreation leave
Friday 26 December 2008          Public holiday - charge to recreation leave
Saturday 27 December 2008          DAY OFF
Sunday 28 December 2008          DAY OFF
Monday 29 December 2008          Ordinary work day given as concessional day
Tuesday 30 December 2008          Ordinary work day - charge recreation leave, accrued days off, or TOIL
Wednesday 31 December 2008          Ordinary work day - charge recreation leave, accrued days off, or TOIL
Thursday 1 January 2009          Public holiday - charge to recreation leave

Employees not required over the closure period are entitled to enjoy the normal freedom associated with recreation or long service leave.
Example 3
Employees who work part or all of the period

This example illustrates a situation when closure does not occur.

Thursday 25 December 2008  Public holiday (not required to work)
Friday 26 December 2008    Public holiday (not required to work)
Saturday 27 December 2008  DAY OFF
Sunday 28 December 2008    DAY OFF
Monday 29 December 2008    Worked as normal
Tuesday 30 December 2008   Worked as normal
Wednesday 31 December 2008 Worked as normal
Thursday 1 January 2009    Public holiday (not required to work)

As the employee worked on three of the days of the closure period, no debits can be made for any of the other days, even if the employee is in receipt of an additional week's leave for work performed on public holidays. In addition, the employee would be entitled to a day in lieu of the concessional day to be taken by mutual agreement within the following year.