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1 PURPOSE

To outline annual leave entitlements and arrangements in Queensland Health.

2 APPLICATION

This policy applies to all Queensland Health employees, except visiting medical officers.

3 GUIDELINES

Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

4 DELEGATION

The ‘delegate’ is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- *Industrial Relations Act 1999*
- Queensland Public Service Award – State 2003
- District Health Services Employees’ Award – State 2003
- District Health Services – Senior Medical Officers’ and Resident Medical Officers’ Award – State 2003
- Health Practitioners (Queensland Health) Certified Agreement (No1) 2007
- Queensland Health Building, Engineering and Maintenance Services Certified Agreement – (No.4) 2008 (EB7)
- Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009
- Directive 20/05 – Recreation Leave
- Preservation of Existing Conditions – District Health Services Employees Award (Grandparenting) HR Policy C14
- Sick Leave HR Policy
- Higher Duties HR Policy B28 (preserved)

6 SUPERSEDES

- IRM 11.2-1 Leave – Recreation – Entitlement, Accumulation, Calculation, Conversion, Part Time, Fellowship, Scholarship Holders
- IRM 11.2-2 Leave – Recreation – Radiographers, Dark Room Attendants and Nuclear Medicine Technologists
- IRM 11.2-3 Leave – Recreation – Nursing Staff – Public Hospitals
- IRM 11.2-4 Leave – Recreation – Registrars – Rotational Schemes
- IRM 11.2-5 Leave – Recreation – Leave Loading – Continuous Shift Workers
- IRM 11.2-6 Leave – Recreation – Additional Week for Work Performed on Public Holidays
- Circular ER 39/05 – Timeframes for Leave Approval
7 POLICY

For the purposes of this policy, the terms annual leave and recreation leave are interchangeable.

7.1 Entitlement and accumulation of annual leave

7.1.1 Entitlement to annual leave

Full-time employees
Employee entitlements to annual leave are stipulated in the relevant Award or industrial agreement.

Annual leave entitlements accrue on a pro rata basis.

Part-time employees
Part-time employees accrue annual leave on a proportionate basis of the entitlement for a full-time employee.

7.1.2 Accumulation of annual leave

Full-time and part-time employees, whether temporary or permanent, accumulate annual leave. The total accumulated annual leave is not to exceed two years accrued entitlement. The maximum accumulation provisions apply to part-time employees on a proportionate basis.

Employees are to be given every reasonable opportunity to reduce excess accumulations when they convert from full-time to part-time employment.

7.1.3 Fellowship/scholarship holders

Fellowship/scholarship holders accrue annual leave at public service rates and conditions for the duration of their bonded period with Queensland Health. Portability of these entitlements is available dependent on circumstances.

Upon completion of the bonded period, continuing employment entitlements revert to Award provisions.

7.2 Registrars – vocational training programs

Registrars may be involved in vocational training programs that require rotation to regional centres and/or to facilities outside of Queensland Health. Vocational training programs are programs which have been approved by the Director of Queensland Medical Education and Training and supported by Queensland Health.

The annual leave credits of registrars participating in vocational training programs:

- are carried forward from one hospital to another (when rotating between hospitals, including the Mater Misericordiae Public Hospital)
- are not to accumulate to more than two years entitlement.
7.3 **Additional week of annual leave for work performed on public holidays**

**Entitlement**
In accordance with some relevant industrial agreements, an additional week of annual leave is received in lieu of extra payment for employees who perform work on the following ordinary public holidays:

- New Year's Day
- Australia Day
- Good Friday
- Easter Monday
- Anzac Day
- Queen's Birthday
- Christmas Day
- Boxing Day.

Reference is to be made to individual industrial agreements regarding an entitlement to an additional week of annual leave.

**Employment conditions**
The following applies to employees who receive an additional week of annual leave in lieu of extra payment for work done on public holidays:

| Payment for ordinary time worked on ‘ordinary’ public holidays | The rate of time and a half is payable. |
| Annual leave when an ‘ordinary’ public holiday occurs | An additional day is not granted for public holidays where an employee is absent on annual leave and one or more of the ordinary public holidays fall during the period of leave. |

7.4 **Additional week of annual leave for continuous shift workers**

Continuous shift workers, as defined in the relevant industrial instruments, receive an additional week of annual leave for work performed on a continuous shift work basis.

7.5 **Leave loading**

Annual leave loading for continuous shift workers covered by the following Awards is paid at 27.5% of the ordinary wage rate:

- District Health Services Employees’ Award – State 2003
- Nurses (Queensland Public Hospitals) Award 2004 (Schedule 6 of the Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009
- Nurses (Queensland Public Health Sector) Award 2004 (Schedule 7 of the Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009
- Nurses (Queensland Health) Section 170MX Award 2003 (Schedule 8 of the Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009
• District Health Services – Senior Medical Officers’ and Resident Medical Officers’ Award – State 2003
• Engineering Award – State 2002
• Building Trades Public Sector Award – State 2002

Reference is also to be made to the clauses below regarding specific occupational streams.

The 27.5% leave loading is paid:

• in lieu of calculating the employees projected shift roster entitlements for continuous shift workers during annual leave
• to compensate continuous shift workers for the loss of shift roster entitlements not paid while on annual leave.

The entitlement to the 27.5% loading only applies to leave taken while the employee is engaged as a continuous shift worker. This does not apply to any periods exceeding 190 hours for nurses, and 152 hours for case load midwives (on an annualised salary).

7.5.1 Operational stream employees

Continuous shift workers engaged as operational stream employees under the District Health Services Employees’ Award – State 2003 in roles covered by the Australian Workers’ Union (AWU) are to refer to clause 7.1.4 (b) of the Award for details regarding their annual leave entitlements.

7.5.2 Nurses

Nursing staff in public hospitals who work three shifts per day as required by the rostering arrangements, receive an additional one week of annual leave each year provided they work rostered shifts during a full year of employment, as required by Nurses (Queensland Public Hospitals) Award 2004 (Schedule 6 of the Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009).

The principles for the accrual of an additional week of annual leave by nursing staff in public hospitals are outlined in section 8.

7.5.3 Radiation professionals

An additional one week annual leave to a total of five weeks annual leave each year, as prescribed under clause 41 of the Health Practitioner (Queensland Health) Certified Agreement (No. 1) 2007, is provided to:

• radiographers/sonographers
• radiation therapists
• medical imaging technologists
• nuclear medicine technologists
• breast imaging radiographers (including Breast Screen Queensland)
• physicists including radiation oncology medical physicists, nuclear medical physicists, radiology medical physicists, and health physicists
• radio chemists
• dark room technicians.

No leave loading is payable on the additional week of leave. Accordingly, four weeks leave loading is to be distributed over the five weeks of annual leave entitlement.

This applies to permanent, temporary and part-time employees, but is not applicable to casual employees in the above professions/disciplines.

7.5.4 Senior medical officers (SMOs) and resident medical officers (RMOs)

SMOs are entitled to four weeks annual leave each year. Exceptions are when work is ordinarily required to be performed on public holidays. When a SMO has completed a full year of employment, and worked on public holidays, they are entitled to an additional week of annual leave.

All RMOs are entitled to five weeks annual leave, one week of which is to compensate for work performed on public holidays.

An additional one week of annual leave above the leave entitlement prescribed in the District Health Services – Senior Medical Officers and Resident Medical Officers’ Award – State 2003 is provided when a RMO performs 52 weeks of continuous shift work.

8 APPLYING THE POLICY

8.1 Taking annual leave

All leave is to be approved in advance by the employee’s supervisor, taking into consideration the operational requirements of the work unit. Employees are to be advised of the outcome of their application within five working days. When a district considers this unachievable, the employee is to be advised and kept informed as to the decision status.

Annual leave does not have to be taken during any specific time of year, except:

• when required during the Christmas closure (refer to the relevant compulsory Christmas/New Year closure circular issued each year) or
• during restricted staffing levels, where restricted staffing levels are used.

Part-time employees are to apply for the number of ordinary hours they would have been at work for any annual leave period.

RMOs can take their annual leave entitlement (i.e. five weeks) with approval of their supervisor before the completion of 52 weeks continuous service. If a RMO has been approved to go on annual leave and the RMO resigns or is terminated before completing their 52 weeks of continuous service, they are to refund the value of the unearned pro rata portion, calculated at the date the leave was taken.

Queensland Health may deduct this money from any payments owed to the RMO at the time of termination. No refund is required in the event of the death of a RMO.
8.1.1 Non-agreement on when leave is to be taken

In accordance with section 12 (c) of Industrial Relations Act 1999, when a manager/supervisor and employee cannot agree on when annual leave is to be taken, the manager/supervisor:

- may decide when the employee is to take leave
- is to give the employee at least 14 days written notice of the starting date of the leave.

The above does not apply to nurses employed under parts B (Psychiatric Hospitals) and D (Senior Nursing Staff: Psychiatric Hospitals) of the Nurses (Queensland Public Health Sector) Award 2004, as two months written notice of intended leave is required.

8.1.2 Public holidays during leave

If a public holiday occurs during a period of annual leave, the holiday is not to count as part of the annual leave, except when the employee is in receipt of an additional week annual leave as compensation for work performed on public holidays.

8.2 Accumulation of annual leave

Queensland Health has a duty of care to encourage employees to access their annual leave on a regular basis. Lengthy periods of continuous employment:

- may be detrimental to employee well-being and productivity
- increases the financial and internal control measure liabilities of Queensland Health.

An employee’s total accumulated annual leave is not to exceed two years accrued entitlement.

Health service districts and divisions are to implement practices for the effective management of annual leave entitlements, i.e. to ensure that no more than two years annual leave is accumulated.

8.3 Illness during annual leave

If an employee falls ill during annual leave, they may convert annual leave to sick leave subject to the Sick Leave HR Policy which includes the requirement for:

- a period of illness of at least three working days
- a medical certificate to cover the period.

8.4 Rate of pay

Annual leave is paid at the employee’s normal weekly rate, except when the preserved Higher Duties HR Policy applies.
8.5 Half pay annual leave

8.5.1 Approval of half pay annual leave

Half pay annual leave is subject to approval on the basis of:

- service delivery requirements
- financial considerations.

8.5.2 Accrual of leave entitlements

Half pay annual leave is recognised as normal service applying to the employee at the time of taking the leave. Accrual of sick leave, annual leave and long service leave during a period of half pay annual leave is at either the full-time or relevant proportional rate for a part-time employee.

When sick leave is granted after starting a period of annual leave on half pay, such sick leave is granted in accordance with the Sick Leave HR Policy.

8.5.3 Locality allowance or district/divisional parity

Employees entitled to locality allowance or district/divisional parities are paid the allowance/parity on a proportionate basis for the period of the half pay annual leave, i.e. at half the normal entitlement.

8.5.4 Public holidays

The period of half pay annual leave is extended by any public holidays which fall during the period the annual leave is taken. Any public holidays which occur during half pay annual leave are paid at half pay, with the exception of the additional week of leave in lieu of extra payment for work performed on public holidays.

8.6 Change of employment status

8.6.1 Permanent to casual

Permanent full-time and part-time employees who have accrued annual leave are not permitted to use accrued leave during periods of casual employment. Unused accrued leave is to be used prior to changing employment status. If it is not possible to use all accrued leave, the cash equivalent of accrued annual leave is to be paid to the employee, in accordance with section 14 of the Industrial Relations Act 1999.

If the employee is re-engaged on a casual basis during the period of the cash equivalent, the employee is not required to refund the cash equivalent payment.

8.6.2 Permanent to temporary

When a permanent full-time or part-time employee of Queensland Health changes employment status from permanent to temporary, the employee is to use all accrued annual and long service leave entitlements before commencement of the temporary employment.
When all accrued leave is not used, the cash equivalent of accrued annual leave and long service leave is to be paid to the employee in accordance with section 14 of the Industrial Relations Act 1999.

If the employee is re-engaged on a temporary basis during the period of the cash equivalent, the employee is not required to refund the cash equivalent payment.

**8.6.3 From or to a continuous shift worker**

An employee who changes from a continuous shift worker to a non-continuous shift worker is not entitled to continuous shift entitlements. The leave loading is paid at 17.5% instead of the 27.5% for continuous shift workers.

An employee who has worked as a non-continuous shift worker, and subsequently takes annual leave while employed as a continuous shift worker, is entitled to leave loading of 27.5%.

**8.7 Continuous shift workers – principles for the accrual of an additional week of annual leave**

An employee who is not a continuous shift worker, or was a continuous shift worker for less than 12 months, is entitled to additional annual leave for a period working as a continuous shift worker in the 12 months prior to taking annual leave. The additional annual leave is granted on a pro rata basis.

**8.8 Continuous shift workers – payment of leave loading**

Continuous shift workers receive 27.5% leave loading in lieu of projected rosters. No annual leave loading is paid for the extra week of recreation leave received in lieu of working public holidays. The 27.5% leave loading is averaged over the entire entitlement of recreation leave.

Nurses who are continuous shift workers receive the leave loading for the additional week of annual leave that is 190 hours.

The exception is operational stream employees engaged in roles covered by the Australian Workers’ Union (AWU), Queensland Branch (refer section 7.4), who are entitled to payment of penalties (i.e. weekend, afternoon and night shifts and public holidays) for projected rosters on the sixth week.

Operational stream employees who are continuous shift workers do not need to be a member of the AWU to receive this entitlement. The AWU has coverage of these particular positions industrially.

The projected roster is not paid for the fifth week, which would not normally attract leave loading.

**Example of payment for six weeks of leave taken in one period (operational stream employee)**

- Weeks one to four - projected roster
- Week five - ordinary weekly Award rate
- Week six - projected roster
Example of payment for six weeks of leave taken in two periods (operational stream employee)

First period

• Weeks one to four - projected roster

Second period

• Week one - ordinary weekly Award rate
• Week two - projected roster

8.9 Registrar vocational training program rotations

Cost
The cost of annual leave for a registrar participating in a vocational training program rotation is to be met by the hospital employing the registrar at the time leave commences.

Cash equivalent
Cash equivalent of annual leave is not to be paid when registrars move from one hospital to another under a vocational training program rotation.

8.10 Termination of employment

Employees are to be paid for all unused annual leave on termination of employment.

The calculation of the payment for unused annual leave includes any public holiday to which they would have been entitled if they had still been an employee and had taken the leave. When the employee also has an entitlement to a cash equivalent of long service leave, the additional payment for public holidays is only to be made for one type of leave, i.e. annual leave or long service leave. The longer period of leave is to be used for the additional payment for public holidays.

If an employee resigns and is re-engaged during the period of the cash equivalent, the employee is not required to refund the cash equivalent payment.

Continuous shift workers
An employee who is a continuous shift worker who resigns before the completion of 12 months service is paid the pro rata cash equivalent for the additional week of annual leave accrued for the period they worked as a continuous shift worker.

9 DEFINITIONS

<p>| Annual leave | An award entitlement to paid leave accrued on a pro-rata basis during employment by employees engaged in a permanent or temporary full-time or part-time capacity. |
| Continuous shift worker | Reference is to be made to the relevant industrial instrument for a definition of continuous shift worker. |
| Day/afternoon/night shifts | The time of the day the majority of hours of a shift are worked, i.e. morning, evening or overnight. |
| Full pay | The employee’s ordinary rate of pay inclusive of any fixed allowances that are part of the regular fortnightly pay. |</p>
<table>
<thead>
<tr>
<th><strong>Half pay</strong></th>
<th>Payment made as half the rate of full pay.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ordinary public holiday</strong></td>
<td>One of the following public holidays:</td>
</tr>
<tr>
<td></td>
<td>• New Year’s Day</td>
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<tr>
<td></td>
<td>• Australia Day</td>
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<td></td>
<td>• Good Friday</td>
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<td>• Easter Monday</td>
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<td>• Anzac Day</td>
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<td>• Queen’s Birthday</td>
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<td>• Christmas Day</td>
</tr>
<tr>
<td></td>
<td>• Boxing Day</td>
</tr>
<tr>
<td><strong>Ordinary rate</strong></td>
<td>The rate that the relevant industrial instrument states is payable for ordinary time.</td>
</tr>
<tr>
<td><strong>Recreation leave</strong></td>
<td>Refer annual leave.</td>
</tr>
<tr>
<td><strong>Termination payment</strong></td>
<td>A payment made on termination of employment when the employee has not used their accrued annual service leave entitlements.</td>
</tr>
</tbody>
</table>

### 10 HISTORY

<table>
<thead>
<tr>
<th><strong>February 2010</strong></th>
<th>Amendments to section 7.3 and section 9 regarding the definition of continuous shift worker.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>December 2009</strong></td>
<td>Developed as a result of the HR policy consolidation project.</td>
</tr>
</tbody>
</table>