

# Health Employment Directive

## No. 03/20

Effective Date:  
18 June 2020  
Supersedes:  
n/a

### Recognition of previous service for employees transitioning from Arthur Gorrie Correctional Centre

#### 1. Compliance

Compliance with this Health Employment Directive (HED) is mandatory.

#### 2. Purpose

To prescribe the entitlements for recognition of previous service and employment when a person is appointed or engaged to work in Queensland Health, after transitioning from Arthur Gorrie Correctional Centre.

#### 3. Legislative Provision

Section 51A of the *Hospital and Health Boards Act 2011* (the Act).

#### 4. Application

This HED applies to employees who were employed at Arthur Gorrie Correctional Centre through an engaged service provider and at the transition date become employed by the Director-General, Queensland Health and engaged under the Act.

#### 5. Related documents

- Minister for Industrial Relations Directive 02/20: Recognition of Previous Service for Employees of Queensland Corrective Services who have Transitioned from Engaged Service Providers
- Minister for Industrial Relations Directive 11/18: Long Service Leave
- Minister for Industrial Relations Directive 17/18: Paid Parental Leave

#### Directive:

#### 6. Transfer of employee entitlements

Transitioning employees who worked at Arthur Gorrie Correctional Centre immediately prior to the transition date, and who are subsequently appointed by West Moreton Hospital and Health Service, Queensland Health are approved the following recognition of previous service and entitlement provisions.

##### 6.1 Entitlement

A transitioning employee is eligible to have their previous service and entitlements with the former employer recognised under this HED if they were employed by the former employer and have not had a break in service of more than three months between their employment with the former employer and commencing their employment with Queensland Health.

Nothing in this HED entitles a transitioning employee to claim the benefit of a right or entitlement more than once for the same period of service.



## 6.2 Entitlement on appointment – leave

To the extent provided in this HED, the previous employment of a person to whom this directive applies with a former employer is to be counted for the purposes of calculating –

- (a) annual leave accumulation and entitlement
- (b) sick leave accumulation and entitlement
- (c) long service leave accumulation and entitlement and
- (d) paid parental leave.

Where a transitioning employee had an entitlement to annual leave as at the date of ceasing duty with the former employer and has received payment of a cash equivalent on termination of employment from the former employer, the transitioning employee is not entitled to claim annual leave accruals or payment from Queensland Health for the same period of service.

Where a transitioning employee had an entitlement to long service leave as at the date of ceasing duty with the former employer and has received payment of a cash equivalent on termination of employment from the former employer, the transitioning employee is not entitled to claim long service leave accruals or payment from Queensland Health for the same period of service.

Where the transitioning employee has been paid a cash equivalent of any portion of accrued sick leave as at the date of ceasing duty with the former employer, the payment must be taken into consideration in determining any entitlement to be transferred to Queensland Health. That is, the transitioning employee is not entitled to claim sick leave accruals or payment from Queensland Health for the same period of service.

The recognition of previous casual employment is limited to determining service for long service leave and paid parental leave purposes only.

## 6.3 Entitlement on appointment - Salary payable

Subject to the provisions of any relevant industrial instrument, the chief executive will count the previous employment of a transitioning employee with a former employer for the purpose of calculating salary payable (i.e. classification and paypoint).

Notwithstanding the above, Queensland Health will maintain the salary of any transitioning employees who, at the transition date, were being paid by the former employer at a rate higher than the relevant classification and salary rate that they are translated to. That salary maintenance will continue until the Queensland Health pay rates catch up to the higher rate.

## 6.4 Probation

A transitioning employee will not be required to complete a period of probation with Queensland Health, unless at the transition date they were within a probation period with a former employer. The probation period will continue, and they will be required to complete the balance of the probation period for a period of not more than three months with Queensland Health.

## 6.5 Waiving of further qualifying period – long service leave

A transitioning employee given recognition of previous employment and who has been paid a cash equivalent of long service leave by the former employer is not required to complete any further qualifying period in order to be granted long service leave.

## 6.6 Annual leave, long service leave and sick leave

### 6.6.1 Information requirements

Recognition of a transitioning employee's previous employment for annual leave, long service leave and sick leave purposes is to be based on the following information obtained from that transitioning employee's former employer –

- (a) details of service, including but not limited to the date of commencement, positions held and remuneration and classification levels, including paypoint held by the transitioning employee throughout their employment with the former employer
- (b) details of annual leave accumulated balance, including accumulation of the sixth week of annual leave, or part thereof, pursuant to clause 6.1.4 of the *Arthur Gorrie Correctional Centre Nurses Enterprise Agreement 2016*. Leave accrual under this clause will be recognised notwithstanding that the employee has not reached their anniversary date when the accrual would otherwise be accessible.
- (c) details of any cash equivalent of annual leave paid at the date of termination
- (d) details of sick leave accumulated balance
- (e) details of any cash equivalent of sick leave paid at the date of termination
- (f) details of any long service leave accumulated balance
- (g) details of any cash equivalent of long service leave paid at the date of termination
- (h) details of any undertakings given in relation to the non-acceptance of a cash equivalent of long service  
and
- (i) details of any special leave without salary granted together with the reasons for such leave.

The accruals and balance of long service leave will be in accordance with the above for the previous employment to the transition date, despite the operation of Minister for Industrial Relations Directive 11/18 Long Service Leave, which will apply with the relevant industrial instruments from the commencement of employment with Queensland Health on the transition date.

### 6.6.2 Calculation of entitlements

Entitlements for this HED are to be calculated by applying the following formula:

$$E = (S \times AR) - LT$$

Where –

E = entitlement

S = years of service

AR = accrual rate applicable to appointed position

LT = leave taken

The accrual rate for sick leave is 10 days per year of service. The accrual rate for long service leave is 0.86667 weeks per year of service with a former employer, up to the transition date. The accrual rate for long service leave after the transition date will be as per the transitioning employee's entitlement to long service leave as a public service employee.

The accrual rate for annual leave will be as per the transitioning employee's industrial instrument with the former employer.

## 6.7 Paid parental leave

Where a transitioning employee has service recognised for long service leave and/or sick leave purposes under this HED, service shall also be recognised for the purposes of the qualifying period under the Minister for Industrial Relations Directive relating to paid parental leave.

### 6.7.1 Continuing parental leave

Employees on periods of parental leave from their employment with a former employer who are offered and accept employment with Queensland Health from the transition date, will have their periods of parental leave recognised and continued.

Transitioning employees on parental leave shall have all of the return to work rights and entitlements for parental leave as if the parental leave had been approved by and taken with Queensland Health.

## 6.8 More than one former employer/s

No service prior to the most recent period of service with the former employer is to be recognised, unless as provided for below. A transitioning employee's most recent period of service with the former employer includes any period of continuous service which has not been broken by a period of three months or more.

## 7. Definitions

Employee	Is a health service employee engaged under the <i>Hospital and Health Boards Act 2011</i> .
Engaged service provider	Means an entity previously engaged by the State of Queensland to assume responsibility for the operation and management of the Arthur Gorrie Correctional Centre, service with which as a former employer is being recognised under this Health Employment Directive (HED).
Former employer	Means the engaged service provider that was the employer of the transitioning employee prior to the transition from Arthur Gorrie Correctional Centre, for which service is being recognised, and includes a predecessor of a former employer where there was a transmission of business or change in the corporate identity of the engaged service provider and both the previous and successor employers were an engaged service provider.
Previous employment	Means employment with a former employer of a transitioning employee that is recognised under this HED.
Transition date	Means the date on which the transitioning employee commences employment with Queensland Health, provided there is no break in service exceeding three months between their previous employment with the former employer and their employment with Queensland Health.
Transitioning employee	Means an employee who was engaged by a former employer who accepts an offer to remain engaged at the Arthur Gorrie Correctional Centre as at the transition date and who therefore becomes an employee with Queensland health due to the State of Queensland assuming responsibility for the operation and management of the Arthur Gorrie Correctional Centre.

## 8. History

<b>HED No. 03/20 June 2020</b>	Issued under section 51A of the <i>Hospital and Health Boards Act 2011</i> as a condition of employment for health service employees.
------------------------------------	---

## 9. Approval and implementation

### Directive custodian

Chief Human Resources Officer

### Approval by Chief Executive

Dr John Wakefield Director-General

**Approval date: 18 / 06 / 2020**