



Annual Leave Guidelines

A handwritten signature in black ink, appearing to read 'Daryl Karp', positioned above the printed name.

Daryl Karp
Director

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Due for review June 2023

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Version Control

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V1.2	16 November 2012	Human Resources	Accessibility requirements	Final
V1.3	11 September 2017	Human Resources	EA amendments	Draft
V1.4	July 2017	All Staff	Review & Comment	Draft
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V2.0	February 2021	People and Strategy	Review	Draft
V2.1	April 2021	Staff Consultation	Review & Comment	Draft
V2.2	June 2021	EMG	Review & Comment	Draft
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Team responsible for overview and updates of the policy:

People & Strategy Team

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1. General information

The following guideline outlines the process, roles and responsibilities on the use and approval of annual leave.

Annual leave provides employees with the opportunity to take a reasonable break from work. Employees are encouraged to take at least three weeks of their annual leave entitlement within the year that it accrues or shortly thereafter to ensure an appropriate work life balance.

2. Authority/Delegation

The following have the delegation or authority:

- Managers have the authority to approve annual leave
- Managers have the authority to approve re-crediting annual leave where an employee has become ill during a period of annual leave
- the Deputy Director and above has the authority to cancel an employee's annual leave or recall an employee on annual leave to duty
- the Director has the authority to reimburse reasonable costs incurred where annual leave has been cancelled without reasonable notice or where an employee is recalled to duty.

For further details, please refer to the Human Resource Delegations on the intranet.

3. Annual leave

Managers are responsible for enabling employees to utilise their full annual leave entitlement by effectively planning their work area and taking account of annual leave usage in this planning. To assist with planning and managing leave arrangements, People and Strategy will provide annual leave reports to the Executive Management Group on an as required basis.

Annual leave will be taken at a time agreed between the employee and their manager, consistent with operational requirements and the leave requirements of other team members. Leave will not be unreasonably refused.

To assist with planning, applications for annual leave should be submitted as early as possible. Managers should make a decision on leave applications as quickly as possible to provide certainty to employees. The request must be entered through Employee Self Service (ESS); managers will notify leave approvals via ESS.

4. Entitlements of annual leave

Accrual of annual leave:

- Full-time employees accrue 20 days (150 hours) paid leave each year.
- Annual leave is accrued in hours and minutes and is credited daily.
- Annual leave credits are recorded and deducted in hours and minutes.
- Part-time employees will accrue annual leave on a pro-rata basis calculated on the number of part-time hours worked, in line with the provisions of the Part Time Guidelines.

- Annual leave counts for service for all purposes.
- An employee who is receiving higher duties allowance (HDA) and has been granted paid leave or observes a public holiday will continue to receive their HDA during that period, provided they are in receipt of HDA on both sides of the public holiday. However the HDA will only be paid up to the date that the employee would have worked at that level had they not been on leave.
- Employees who undertake rostered duties on Sundays and/or public holidays will accrue additional hours of annual leave at the rate of one-tenth of their average rostered weekly working hours in respect of each such occasion. Additional annual leave will accrue for the first ten occasions in a calendar year only and will be credited on 1 January of the following year.
- Commuted penalty payments for rostered employees will be made during periods of annual leave and other paid leave.

5. Annual leave half pay provisions

An employee can choose to access some or all of their leave at half pay. One day annual leave at full pay equals two days of annual leave at half pay and leave credits will be deducted at half the full pay rate.

A minimum of five consecutive working days must be taken when taking annual leave at half pay.

6. Regular annual leave taking

In keeping with the work life balance principles, employees entitled to annual leave are encouraged to take at least three weeks of their annual leave entitlement every 12 months. This enables employees to regularly take a reasonable break from work.

Managers will initiate discussions with employees regarding leave arrangements where nil annual leave has been taken in the previous 12 months.

Where the delegate has refused an employee's request to take leave in the previous 12 month period, the employee may access their annual leave entitlements regardless of operational requirements (up to a maximum period of four weeks), unless the leave of absence is specifically refused by the Director due to exceptional operational circumstances. Where such a situation occurs, the Director will agree to the period of leave for the employee to commence within a reasonable timeframe.

Employees who have two or more years annual leave credit (equivalent of eight or more weeks leave or pro-rata for part-time employees) may be directed to take annual leave. The employee may be directed to take a minimum of one quarter of the amount of leave at credit at the time the direction is given.

7. Cash out of annual leave

Employees may cash out a portion of their annual leave, in accordance with the *Fair Work Act 2009*. Each application for cashing out annual leave must be by a separate agreement in writing. To be eligible to cash out annual leave employees must have utilised a minimum of 15 days annual leave in the previous 12 months and have a balance remaining of four weeks or more. Annual leave can only be cashed out once in a 12 month period with a minimum of a one week cash out. Part-time employees will be calculated on a pro-rata basis.

8. Cancelled annual leave and recall to duty

Where an employee is recalled to duty or has their leave cancelled, re-crediting of the periods of unused leave will require approval from their manager. The re-crediting of leave must be entered through ESS.

If an employee is recalled to duty, the employee will be re-credited with a period equivalent to the ordinary hours worked during the leave period and reimbursed for any reasonable cost incurred.

If an employee's leave is cancelled without reasonable notice the employee will be re-credited with the amount of leave cancelled and reimbursed for reasonable costs incurred.

When considering reimbursement of reasonable costs due to an employee having their leave cancelled or being recalled to duty, the Deputy Director and above should consider:

- the impact on and disruption to the employees leave arrangements
- the distance travelled to return to work
- the amount of notice that was given to the employee to return to work.

9. Re-crediting of annual leave due to illness or injury

If an employee becomes ill or injured during a period of leave, the employee may apply for personal leave and the re-crediting of annual leave. In such a case, the employee must provide satisfactory supporting evidence and must be unfit for duty longer than one day. Annual leave for part day illnesses will not be re-credited. The reversal and subsequent application for personal leave must be entered through ESS.

10. Leave without pay (LWOP)

If an employee takes more than 30 days of leave without pay that does not count as service (LWOP NTCAS) within a calendar year, annual leave will not be accrued for that amount of days.

11. Portability of accrued annual leave entitlements

Where an employee joins MoAD from an employer under the *Public Service Act 1999*, the *Parliamentary Service Act 1999* or from the ACT Government Service, or due to a machinery of government change, accrued annual leave credits (however described) will be transferred, provided there is no break in continuity of service.

Employees commencing with MoAD from government agencies or authorities not listed above are not automatically entitled to have their annual leave credits transferred.

The arrangements for using these accrued credits of leave, and any future entitlement to annual leave will be those prevailing in the employee's relevant workplace agreement.

Where a person is engaged as an ongoing employee, and immediately prior to the engagement the person was employed as a non-ongoing APS employee, the Director may, at the employee's request, recognise any accrued annual leave, provided that there is no break in continuity of service and if the liability is transferred from the other Agency.

12. Payment of annual leave credits at the conclusion of non-ongoing work

Where an employee has been engaged for a specified period in a non-ongoing capacity, any annual leave accrued will be paid out on cessation of the non-ongoing contract.

Where a non-ongoing employee ceases employment with MoAD and is then engaged as an MoAD ongoing employee the next working day, i.e. there is no break in service, annual leave credits will be accrued, not paid out.

Where an MoAD employee ceases a period of non-ongoing MoAD employment (part time/fulltime) and accepts casual employment status, any annual leave they accrued during the period of non-ongoing employment will be paid out.

13. Payment of annual leave credits on exit from the APS

Where an employee exits permanently from the agency and ceases to be an APS employee, the balance of his or her annual leave credits will be paid out in the final salary payment. If moving to another eligible agency entitlements may be transferred.

Payment for leave credits will be calculated at a base salary rate on the date of exit and allowances as they apply.

HDA will be included in an employee's salary for leave purposes where the employee is in receipt of HDA immediately before employment is terminated, and it is certified that the HDA would have continued beyond the date of exit.

Commutated penalties will count as salary in final payment of annual leave for rostered staff.

Supporting documentation

[Public Service Act 1999](#)

[Parliamentary Service Act 1999](#)

[Fair Work Act 2009](#)

[Old Parliament House Enterprise Agreement 2017-2020](#)

[Accountable Authority Instructions](#)

[Old Parliament House Instrument of Human Resources Delegation](#)