

 **All Members**

Personal Leave And Sick Leave



How much paid sick leave do I have?

All permanent and fixed term full-time teachers are granted 20 days of paid sick leave in their first year of service and 10 days for each subsequent year after that. The new leave credits are added each year on the anniversary of your starting date with the employer.

Teachers can carry over any leave not used in a year; in other words the credit is cumulative. For example, if in your first year of service you take only five days of sick leave, in your second year the 15 days not used are carried over and you will have 25 days. There is no limit on the amount of days an employee can accumulate.

Employees can check their own leave balances at any time by logging onto ESS – Employee Self Service. https://edu.ess.tmd.tas.gov.au/edu_prod/signon.do

ESP Members

The new Personal Leave scheme clause ONLY applies to public sector employees paid under the PSUWA i.e. all non-teaching staff who are already working under the triennium system. Support Staff who were employed under the old Triennium Scheme now have a choice to opt into the new scheme – if you want to make the change from existing Triennium Leave scheme and opt into new Personal Leave scheme but you will not be able to ‘opt out’.

All calculations will have to be done by DoE and they will have to check their records for you back 13 years – something that only your employer has access to.

Before you make a decision to ‘jump’ you need to make sure the new scheme is right for you, and it will be different for every individual due to length of employment and what Personal Leave accruals you have – to find out if it will benefit you send an email to HRops@education.tas.gov.au

What if I work part time?

Part-timers receive pro rata personal leave credits. For example, a 0.5 part-timer would receive 10 days for the first year of service and five days for each year thereafter.

Any leave accumulated as a full-timer is retained when that person converts to part-time work.

Sick leave is allocated at the beginning of each year in anticipation of the workload you are going to undertake. If you increase or reduce your FTE during the year, your sick leave allocation for that year will be adjusted up or down accordingly for the remainder of that leave year.

How much sick leave can I take without a medical certificate?

There are limits on the amount of sick leave a full-time and part-time employee can take at any one time and in any one year without a medical certificate (or a statutory declaration).

These are:

If an employee takes less than three full consecutive days of sick leave, a medical certificate is not required. However, a certificate or a statutory declaration is required for three full consecutive days.

An employee can take up to five days per year without a certificate or a statutory declaration, but not more than three days in a row.

Because there is a restricted number of uncertified sick leave days, the AEU recommends that whenever you visit a doctor for any absence you obtain a medical certificate. Alternatively, the Award states: If it is not reasonably practical for the employee to provide a medical certificate, a statutory declaration which states the reasons for which leave is required is to be provided.

Need Support? Your union is here to help

Email: support@aeutas.org.au **Phone:** (03) 6234 9500

Visit the members area for resources and further information : aeutas.org.au/help



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How do I apply for sick leave?

Employees are expected to apply for their leave on-line using ESS (Employee Self Service) and then forward it to their principal/manager for approval. Medical certificates should be shown to the principal/manager and he or she will verify that the certificate has been sighted when the approval is being sent through to Head Office.

If you are unable to access a computer, you can still use a paper application form and send it, with any certificate, to your principal/manager – not to Head Office. The only time a medical certificate needs to be sent to Head Office is when an employee is applying for additional paid sick leave over and above their own accrued entitlements. Keep photocopies of any certificates provided to your employer.

What if I'm sick during the holidays?

Teachers cannot use sick leave during periods of recreation leave. It is just unfortunate if you fall sick during the holidays.

What if I'm sick during long service leave (LSL)?

If you are on long service leave and become ill or are injured, you can have your LSL reimbursed if you get a medical certificate for three or more consecutive days. This can be sorted out retrospectively at the end of your LSL.

A statutory declaration cannot be used to seek reinstatement of LSL. It must be a medical certificate from a qualified medical practitioner.

[Ref: Long Service Leave (State Employees) Act 1994 – 13. (3)]

Can I get my sick leave entitlements paid out?

No. When an employee retires or resigns, there is no termination payment in lieu of unused sick leave.

What if I have used all my sick leave entitlements?

If you have exhausted all your paid sick leave, you may apply to the Director of Human Resources DoE for up to 20 days of additional paid sick leave on the grounds of 'financial hardship'. This is best done through your principal/manager and must be accompanied by a medical certificate.

If granted, this leave may be used only for personal injury or illness – not as carer's leave.

What if I'm going to need a longer time off work?

If you are suffering from an illness or injury that may require an extended period of time off work, the AEU recommends you contact your superannuation fund and enquire about any entitlement to income protection you may have.

As there is no requirement for an employee to have exhausted all their leave entitlements before income protection is accessed, and because it can be such a slow process, we recommend you apply as soon as you become aware of your condition, regardless of how much sick leave you have left.

Can I take any period of unpaid sick leave?

Yes, an employee may seek to take a period of unpaid sick leave. For the maximum period of 12 months, an employee can take unpaid sick leave and still receive recreation leave entitlements (normal pay) during each holiday period.

After the 12 months any period of unpaid sick leave will not earn you any recreation leave entitlements.

What if I'm not well enough to work full-time but can do some work?

If you are not well enough to work full-time, a combination of work and sick leave can be the answer. It is possible to take part-time sick leave combined with part-time work provided the medical certificate indicates the level of work that can be undertaken.

The certificate can specify the days of the week you are able to work or can simply indicate an FTE, e.g. 0.6. This protects your full-time status and your income as well as counting as full-time service for superannuation purposes.

What if I'm sick because of work?

If your work has made you unwell or you are injured at work and cannot attend your workplace, you may be entitled to workers compensation. Talk to your doctor about this and also seek advice from your union.

What if I am not sick but need to take time off to care for immediate family members?

The Personal Leave provision which covers sick leave also includes time an employee may need to take off to care for immediate family, or members of their household, so any time an employee takes off for this purpose will be taken out of their sick leave. However there is a limit of 10 days per year that can be used for this purpose.

If an employee needs to take time off for any matters relating to family violence, up to 10 days per personal leave year are available.

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