

Our Ref: 479/87

Enquiries: Ms J Allen

CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 22 OF 1988

DELEGATION OF AUTHORITY TO DEPARTMENTS AND INSTRUMENTALITIES

Approval has been granted for the Office of Industrial Relations to delegate authority to departments and instrumentalities to approve certain types of leave and other entitlements for wages employees.

Accordingly approvals for wages employees for the below listed policies are delegated to Departments and Authorities with effect from January 4, 1989:.

Splitting and Deferral of Long Service Leave.

Leave for International Sporting Events

Leave without Pay

Study Assistance

Extension of Employment Beyond the Age of 65

Retirement Planning for Government Employees

Alcohol and Drug Abuse Programs

The contents of the policies are set out in the attachments, and are not changed substantially from those to date administered by the Office of Industrial Relations. The only minor amendments involve:

The removal of the 18 month qualifying period of service for leave without pay to wages employees to rectify the current inconsistency of conditions between wages and salaried public sector employees;

deletion of all reference in the policies requiring final approval by the Office of Industrial Relations, and replacement by transfer of this prerogative to Chief Executive Officers.

The policies contain guidelines to be followed to ensure consistency of application throughout the public sector. They also bring into line the administration of such conditions for wages and salaried public sector employees, as the policies providing for leave and entitlements for salaried public servants were delegated from the Public Service Commission to Departments in May 1988.

This Office will conduct a review of the operation of these delegated policies in 6 months. However, in the interim should any problems arise in administering these policies, please direct any enquiries to this Office, for the attention of Judy Allen.

M HELM
A/EXECUTIVE OFFICER
28 December 1988 [rbvs]

ATTACHMENT 1

SPLITTING AND DEFERRAL OF LONG SERVICE LEAVE

Splitting and deferrals of Long Service Leave are granted in accordance with Clause 6 of the Long Service Leave General Order. However, subject to amendment to that Clause of the General Order to reflect delegation of authority, the provisions of this Circular shall apply.

Chief Executive Officers of departments and authorities may approve postponements of long service leave for up to 3 years from the time of the leave falling due.

Requests for deferrals beyond 3 years are to be forwarded to the Minister responsible for the Department or Authority and will only be approved in "exceptional circumstances."

"Exceptional circumstances" shall include the nominated date of retirement is within 5 years of the date of entitlement.

Amendment to the Long Service General Order to reflect the above changes will proceed as soon as possible.

ATTACHMENT 2

LEAVE FOR INTERNATIONAL SPORTING EVENTS

1. Special leave with pay may be granted by the Chief Executive Officer to an employee chosen to represent Australia as a competitor or official at a sporting event which meets the following criteria:

(a) it is a recognised international amateur sport of national significance; or

(b) it is a world or international regional competition; and

(c) no contribution is made by the sporting organisation towards the normal salary of the employee.

2. The Chief Executive Officer shall liaise with the Assistant Director, Regional and Development Services, Department of Sport and Recreation when determining:-

(a) whether the application meets the above criteria; and

(b) the period of leave to be granted.

ATTACHMENT 3

EXTENSION OF AND EMPLOYMENT BEYOND AGE 65

This circular supersedes and replaces the Department of Labour Circular No 51 of 1965, "Retirement at 65".

The retirement date for Government employees is their 65th birthday. However, there may be circumstances where the services of a worker are required beyond this date. Where a department or authority considers that special circumstances exist which necessitate the extension of employment of a particular employee, approval must be sought from the Minister responsible for the department or authority.

The following criteria are to be adhered to when considering such applications:

1. Requests will only be approved in exceptional circumstances, ie. where the applicant possesses a specialised skill and, after extensive examination, a replacement with that skill cannot be found.

2. The period of extension of employment is to be used to train a suitable replacement.

The following conditions apply.

1. There will be no indefinite extension of employment. The period of extension is to be as brief as possible and one year is considered a maximum period.
2. If employment is extended beyond the 65th birthday, any accrued leave may be taken after the 65th birthday. During the period of extended employment all leave entitlements will accrue in the normal way.

APPOINTMENT OF AN EMPLOYEE OVER 65

P>The above criteria and conditions also apply when employing someone over 65.

ATTACHMENT 4

ALCOHOL AND DRUG ABUSE PROGRAMS

The Government encourages departments and authorities establishing procedures to deal with the problems of alcohol and drug abuse among employees.

In particular it is recommended that such procedures should be established to deal with instances where an employee's unsatisfactory work performance may relate to alcohol or drug problems. In such cases the employee should be referred for counselling at the earliest possible occasion.

The purposes of this circular is to advise Government Chief Executive Officers that there are a number of counselling services such as Indrad Services Inc. which can be of assistance in this matter. In particular if Chief Executive Officers wish to implement alcohol and drug abuser programmes for their staff, it would be beneficial to discuss the matter with such an organisation.

For further details on appropriate counselling services, departments and authorities should contact:

Alcohol and Drug Authority
35 Havelock Street
WEST PERTH
Tel: 426 7272

ATTACHMENT 5

RETIREMENT PLANNING FOR GOVERNMENT EMPLOYEES

This Circular replaces Circulars to Departments and Authorities Nos 2 and 20 of 1986.

The Government's policy with respect to retirement planning for Government employees is that Departments and Authorities should support the provision of retirement planning counselling for their employees. The following approach should be adopted:

1. departments and authorities are responsible for determining appropriate courses.
2. departments and authorities are to meet the cost of courses utilised.
3. courses should preferably be held in the employee's own time rather than in the employer's time.

Courses are conducted by a number of organisations including the Council and the Ageing and Retirement Planning Foundation. Both these bodies are non profit organisations which specialise in running pre-retirement seminars. Enquiries may be made to:

Claire Zilko
Seminar Co-ordinator
Council on the Ageing
11 Freedman Road
MT LAWLEY WA 6050
Tel: 272 2133

John Clune
Executive Director
Retirement Planning Foundation (WA) Inc
PO Box 273
SUBIACO WA 6008
Tel: 382 1533

Other retirement planning courses are available through a variety of private investment and insurance organisation.

ATTACHMENT 6

LEAVE WITHOUT PAY FOR WAGES EMPLOYEES

1. Leave Without Pay

General Conditions

1.1 Every application for leave without pay will be considered on its merits and may be granted provided the following conditions are met:

- a) it suits the convenience of the department or authority; and
- b) all other leave credits of the employee are exhausted.

1.2 Subject to the provisions of 1.1 the Chief Executive Officer of a department or authority may grant an employee leave without pay for a period not exceeding 12 months in any one continuous absence except for leave without pay for full time study. (See Section 2)

1.3 Applications for leave without pay for periods in excess of 12 months may be approved by the Chief Executive Officer of a department or authority only under exceptional circumstances (see schedule 1).

1.4 Leave granted under this provision shall not count as qualifying service for the purpose of annual leave.

The effect (of leave without pay granted under this provision) on qualifying service for the purposes of long service leave is as prescribed in the Long Service Leave Conditions State Government Wages Employees General Order or the award/agreement under which a person is employed.

2. General Conditions

The Chief Executive Officer of a department or authority may grant an employee up to 3 years leave without pay to undertake full time study, subject to a yearly review of satisfactory performance.

3. Leave Without Pay for Australian Institute of Sport Scholarships<

Subject to the provisions of 1.1, the Chief Executive Officer of a department or authority may grant an employee who has been awarded a sporting scholarship by the Australian Institute of Sport, leave without pay not exceeding 12 months in any one continuous absence.

4. Leave Without Pay Adjoining Holidays

Unless the award/agreement under which a person is employed prescribes otherwise, the following is to apply:-

4.1 Leave Without Pay Preceding Public Holidays

An employee on leave without pay for any period which is followed immediately by a public holiday is not entitled to receive payment in respect to such holidays.

4.2 Leave Without Pay Following Public Holidays

An employee who, having worked up to the close of business on the last working day immediately preceding a public holiday is granted a period of leave without pay to follow such holiday, is entitled to receive payment in respect of such holidays.

SCHEDULE 1

Leave Without Pay Exceptional Circumstances

Subject to the provisions of the policy for leave without pay, the following grounds may be considered exceptional

- compassionate reasons
- extended sick leave

Exceptional circumstances may not include those circumstances which are in breach of Government policy (e.g. parenting leave) or prohibited by legislation (e.g. to gain employment outside the public sector).

ATTACHMENT 7

STUDY ASSISTANCE FOR WAGES EMPLOYEES

1. Conditions for Granting Time Off

1.1 An employer may be granted time off with pay for part-time study purposes at the discretion of the Chief Executive Officer.

1.2. Time off with pay may be granted up to a maximum of five hours per week including travelling time, where subjects of approved courses are conducted during normal working hours. The equivalent applies if studying by correspondence.

1.3. External students who are obliged to attend educational institutions for compulsory sessions during vacation periods, may be granted time off with pay including travelling time up to the maximum annual amount allowed to an employee in the metropolitan area.

1.4 . Employees shall be granted sufficient time off with pay to travel to and sit for the examination of any approved course of study.

1.5. In every case the approval of time off to attend lectures and tutorials will be subject to:

(a) departmental convenience;

(b) the course being undertaken on a part-time basis;

(c) employees undertaking an acceptable formal study load in their own time;

(d) employees making satisfactory progress with their studies; and

(e) the course being relevant to the employee's career in the Public Service and being of value to the State.

1.6 A service agreement or bond will not be required.

2. Payment of Fees

1) Department and Authorities are to meet the payment of higher education, administrative charges for cadets and trainees who, as a condition of their employment, are required to undertake studies at a University or College of Advanced Education. Employees who of their own volition attend such institutions to gain higher qualifications will be responsible for the payment of fees.

2) This assistance does not include the cost of text books or Guild and Society fees.

3) An employee who is required to repeat a full academic year of the course will be responsible for payment of the higher education fees for that particular year.

2. Approved Courses

2.1 (a) First degree courses at the University of Western Australia, Curtin University and Murdoch University.

(b) First degree, post graduate or Associate Diploma courses at a College of Advanced Education.

(c) Diploma courses at the Technical Education Division of the Education Department. Two year full-time Certificate courses at the Technical Education Division of the Education Department.

2.2 Except as outlined in paragraph 2.4 of this policy employees are not eligible for study assistance if they already possess one of the qualifications specified in paragraph 2.1(a) or 2.1(b) of this policy.

2.3 An employee who has completed a Diploma through the Technical Education, Division, is eligible for study assistance to undertake a degree course at any of the tertiary institutions listed in paragraph 2.1(a) or 2.1(b) of this Administrative Instruction. An employee who has completed a two year full-time Certificate through the Technical Education Division, is eligible for study assistance to undertake a Diploma course specified in paragraph 2.1(c) or a degree or Associate Diploma course specified in paragraph 2.1(a) or 2.1(b) of this Administrative Instruction.

2.4 Assistance towards additional qualifications including second or higher degrees may be granted in special cases such as a graduate embarking in a post-graduate Diploma in Administration or a Masters Degree in Business Administration or a higher degree in a specialist area of benefit to the Public Service as well as the officer.

3. Method of Application

3.1 Employees seeking time off to attend approved courses of study should make application through the appropriate Branch Head to the Chief Executive Officer on Form PS2, Application for Study Assistance.

3.2 Employees undertaking studies at an approved institution where the timetable is organised on a semester basis should submit separate applications for study assistance for each semester.

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4. Additional Guidelines

4.1 . In determining departmental convenience Chief Executive Officer should give due emphasis to the employee's career aspirations.

4.1 . An acceptable part-time study load should be regarded as not less than five hours per week of formal tuition or the equivalent if studying by correspondence with at least half of the total formal study commitment being undertaken in the employees own time, except in special cases such as where the employee is in the final year of study and requires less time to complete the course, or the employee is undertaking the recommended part-time year or stage and this does not entail five hours formal study.

4.3. The relevance of a course should be determined from a Public Service rather than department or authority perspective. For instance, an employee may be undertaking a course of study which is of no special relevance to the employee's work or department or authority but which may well be particularly significant in some other section of the Public Service.

4.4 A first degree or Associate Diploma course does not include the continuation of a degree or Associate Diploma towards a higher post graduate qualification.

4.5 . In cases where employees are studying subjects which require fortnightly classes the weekly study load should be calculated by averaging over two weeks the total fortnightly commitment.

4.6. In departments or authorities which are operating on flexi-time, time spent attending or travelling to or from formal classes for approved courses, between 8.15 am and 4.30 pm, less the usual lunch break, and for which "time off" would usually be granted, is to be counted as a credit time for the purpose of calculating total hours worked per week.

4.7. Travelling time returning home after lectures or tutorials is to be calculated as the excess time taken to travel home from such classes, compared with the time usually taken to travel home from the employee's normal place of work.

4.8. Unless the Chief Executive Officer of a department or authority otherwise approves, employees shall not be granted more than five hours time off with pay except part-time Trainees (refer paragraph 5 of this policy).

4.9. Time off with pay for those who have failed a unit or units may be considered for one repeat year only.

Trainees

Trainees, working within departments or authorities at their professions and attending Technical Educational Divisions or Curtin University of Technology classes for their academic training are obliged to undertake certain training.

They may be granted time off with pay to attend classes for up to five hours per week, excluding travelling time, provided they are attending lectures for at least an equivalent period in their own time, provided they are attending lectures for at least an equivalent period in their own time and regardless of whether or not the subjects being attended during the day are available in the evenings.

While we endeavour to provide accurate and up-to-date information, DOPLAR is not responsible for the results of any actions taken or not taken based on the information provided.