

PERSONAL LEAVE SUB-SECTION 14.12

INDEX

- 14.12.1 - Purpose
- 14.12.2 - Definitions
- 14.12.3 - Approved By
- 14.12.4 - Eligibility
- 14.12.5 - Authority
- 14.12.6 - Accrual of Credits
- 14.12.7 - Entitlement to Carer's Leave
- 14.12.8 - Public Holiday – Employees on Personal Leave
- 14.12.9 - Evidence Required for Carer's Leave
- 14.12.10 - Medical Certificate (Sick Leave)
- 14.12.11 - Certificates from State Registered Nurses
- 14.12.12 - Medical Certificate from Other Than a Qualified Medical Practitioner and the List of Practitioners at 14.12.29
- 14.12.13 - Nature of Illness not Shown on Certificate
- 14.12.14 - Medical Certificates – Cases of Doubt, or From Overseas Medical Practitioners
- 14.12.15 - Clarification of an Absence on Medical Grounds
- 14.12.16 - Unable to Make Application
- 14.12.17 - Certificate Lost
- 14.12.18 - Australia Post Nominated Medical Officer's Report
- 14.12.19 - Function of Examining Medical Officers (MO's)
- 14.12.20 - Medical Examination Following 13 Week Absence
- 14.12.21 - Requirement to Undergo Medical Examination
- 14.12.22 - Certificate of Fitness to Resume Duty
- 14.12.23 - Maximum Period of Sick Leave (With and Without Pay)
- 14.12.24 - Sick Leave Credits up to Retirement on Medical Grounds
- 14.12.25 - Sick Leave Taken in Excess of Entitlements
- 14.12.26 - Infectious Diseases Contacts
- 14.12.27 - Medical Examinations – Fitness for Continued Duty
- 14.12.28 - Sick Leave Resulting from Vaccination in connection with Official Duties
- 14.12.29 - Sick Leave for Dental, Optical and Other Purposes (Also see 14.12.12)
- 14.12.30 - Volunteers for Blood Donation
- 14.12.31 - Meritorious Action
- 14.12.32 - Illness While on Defence Reserves Leave
- 14.12.33 - Leave During Currency of Sick Leave
- 14.12.34 - Illness During Recreation Leave/Long Service Leave
- 14.12.35 - Illness During Leave Without Pay
- 14.12.36 - Retention of Sick Leave Credits Accrued in Prior Public Employment
- 14.12.37 - Service with Employee Organisation/Union
- 14.12.38 - Employee Previously Retired on Medical Grounds
- 14.12.39 - Weekly Hours Over a Cycle of Shifts
- 14.12.40 - Advice of Sick Leave Approval
- 14.12.41 - Buying Back Sick Leave Credits Following Motor Vehicle Accident

14.12.1 PURPOSE

To grant leave to an employee who is unable to attend work because of:

- personal illness or injury (sick leave); or
- having to care for a member of the employee's immediate family or household who is sick and requires the employee's care and support or who requires care due to an unexpected emergency (carer's leave).

14.12.2 DEFINITIONS

a) The term immediate family for carer's leave includes:

- i) spouse (including a former spouse), a de facto partner (including a former de facto partner), child or an adult child (including an adopted child or step-child), parent, grandparent, grandchild or sibling of the employee; or
- ii) child or an adult child (including an adopted child or step-child), parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee.

Note: A de facto partner means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or different sexes).

b) An unexpected emergency:

- i) must apply to an employee's immediate family or household; and
- ii) must require immediate attention, be of a serious nature, and involve no prior notice; and
- iii) does not include events which are planned or where notice in advance was available.

14.12.3 APPROVED BY

a) Refer Sub-section 14.1 – General Leave Approval.

b) Authorised delegates may:

- i) Request a medical practitioner to visit and examine an employee or may direct the employee to attend a medical practitioner for examination; and

- ii) Direct an employee in writing that for a specified period, all applications for Sick Leave are to be supported by a certificate from a qualified medical practitioner or other approved evidence.

14.12.4 ELIGIBILITY

- a) All permanent and fixed term employees (both full-time and part-time) are eligible for paid Personal Leave.
- b) Casual employees are **not** entitled to be paid for any period of non attendance at work due to sick leave or carer's leave. A casual employee is entitled not to be available to attend work for up to two rostered shifts on each occasion the employee is required to take carer's leave.
- c) To be eligible for personal leave, an employee must notify their inability to attend for work prior to the absence, the reason for taking leave and, where known, the expected duration of absence in accordance with Section 10.3.2 (Notification of Absence).
- d) Failure to notify inability to attend for work may be regarded as an unauthorised absence and may result in disciplinary action.

14.12.5 AUTHORITY

Clause 21 of the Australia Post Fair Work Agreement 2010.

14.12.6 ACCRUAL OF CREDITS

FULL TIME EMPLOYEES

- a) Employees accrue 1 day of personal leave for each 20 days continuous work during their first 12 months subject to a maximum of 15 days. Employees are eligible for a further 15 days on the completion of each 12 months employment.

PART-TIME EMPLOYEES

- b) Part-time employees accrue personal leave credits on a pro rata basis under the same conditions as full-time employees but the personal leave credit which accrues for part-time employment is directly related to the hours worked and includes any additional hours.

EMPLOYEES WORKING VARYING HOURS

- c) Where an employee has worked varying hours since the last personal leave accrual, personal leave accrues on a similar basis as for recreation leave – (see 14.11.9 (e)); except that the calculation is based on the annual full-time personal leave entitlement of 15 days (110 hrs 15 mins) instead of 4 weeks (147 hrs) as applies to recreation leave. **Examples:** A full-time employee with a personal leave credit of 220 hrs 30 mins who transfers to a part-time position retains the personal leave credit of 220 hrs 30 mins and thereafter credits will be based on the actual part-time hours worked. Similarly a part-time employee with a personal leave credit of 100 hrs who transfers to a full-time position retains the credit of 100 hrs upon transfer to the full-time position and thereafter credits will be based on full-time hours.

COMPENSATION LEAVE AND PERSONAL LEAVE CREDITS

- d) Under the Safety, Rehabilitation and Compensation Act 1988 (Section 116), Personal Leave and Recreation Leave entitlements continue to accrue in the first 45 weeks during which the employee is on Compensation Leave. Personal Leave and Recreation Leave do not accrue for absences on Compensation Leave in excess of that period. Claims Management Advice No. 51 details the affects of Compensation Leave on Personal Leave and Recreation Leave. A copy of the advice is available from Claims Management Unit in each State.

14.12.7 ENTITLEMENT TO CARER'S LEAVE

- a) An employee is entitled to use their personal leave credits to care for members of their immediate family or household who are sick and require care or support, or who require care due to an unexpected emergency. The entitlement to take personal leave is subject to the employee complying with:
- i) notice requirements in 14.12.4(c); and
 - ii) evidentiary requirements in 14.12.9.
- b) Pupil free days are not regarded as an unexpected emergency as these days can be planned for in advance.
- c) Normally an employee is not entitled to take carer's leave if another person has taken leave to care for the same person.
- d) An employee who has exhausted all paid personal leave entitlements and casual employees, are entitled to take unpaid personal leave to care for members of their immediate family or household who are sick and require care and support or who require care due to an unexpected emergency. The employee is entitled to take up to two days (up to a maximum of 14 hours 42 minutes) per occasion, provided that the requirements concerning notice (14.12.4(c)) and evidence (14.12.9) are met.

- e) Unpaid leave for caring purposes does not count as service for any purpose.

14.12.8 PUBLIC HOLIDAYS - EMPLOYEE ON PERSONAL LEAVE

- a) When rostered for ordinary hours of duty on a public holiday an employee who does not attend duty because of illness/injury or caring responsibilities is to forfeit pay unless Personal Leave can be granted with pay. However, if an employee did not receive 7 days notice of the roster they are not to forfeit pay (nor have Personal Leave credits deducted).
- b) Where an employee is on Personal Leave before and after a public holiday which occurs on a work day and they would have observed the day as a holiday but for the Personal Leave, no deduction is to be made from Personal Leave credits for the holiday. Payment for the holiday is to be made at the same rate (ie: full pay, or without pay) as Personal Leave on the day immediately prior to the holiday.
- c) Where a Personal Leave credit accrues on a holiday, full pay is to be made for that holiday.

14.12.9 EVIDENCE REQUIRED FOR CARER'S LEAVE

- a) For carer's leave of a single day's duration relating to an illness or injury, where it is not feasible to obtain a medical certificate from a qualified medical practitioner for that single day's absence, the employee may instead provide a Statutory Declaration (see (d) below) to establish that the person to whom the carer's leave relates is ill or injured. The statutory declaration must also indicate that the employee is responsible for the care of the person concerned.
- b) For carer's leave relating to an illness or injury of more than a single day's duration, the employee must provide a medical certificate from a qualified medical practitioner establishing the illness of the person to whom the carer's leave relates and indicating that the illness or injury is such that it requires care by the employee.
- c) For carer's leave to provide care to another person due to an unexpected emergency, the employee must provide a statutory declaration (see (d) below) setting out the nature of the emergency and that the emergency resulted in the person concerned requiring care by the employee or other acceptable documentary evidence of the emergency such as a police report or newspaper clipping.

STATUTORY DECLARATION

- d) The Statutory Declaration referred to in 14.12.9 (a) and (c) must be a Commonwealth Statutory Declaration in accordance with the *Statutory Declarations Act 1959* (See copy at Appendix A). However, Statutory Declarations, which are legally valid within the State in which they are submitted, may also be accepted. If there is any doubt regarding the validity of a Statutory Declaration, contact Legal Services on (03) 9106 8847.
- e) A list of persons before whom a Commonwealth Statutory Declaration may be made is at the Attachment to Appendix A.

Note:

- i) The person witnessing the Statutory Declaration should not be a family member.
- ii) The only Australia Post employees who can witness Statutory Declarations are those who serve customers in a Postshop and who have had 5 years or more service with Australia Post.

14.12.10 MEDICAL CERTIFICATE (SICK LEAVE)

- a) Applications for Sick Leave are to be supported by a certificate from a qualified medical practitioner or other evidence approved by Australia Post. The medical certificate should show:
- Unfitness for duty
 - Expected duration of the absence
 - It is also desirable that the certificate show the nature of the illness or injury
- b) All medical certificates, whether commercially printed forms or computer generated, require an original signature by the treating doctor, together with the doctor's name, qualification, address and date of examination or treatment.
- c) Subject to the availability of credits Australia Post may grant Sick Leave with pay, without production of a medical certificate for up to 36 ³/₄ hours (equivalent to 5 standard days) between Sick Leave accrual dates.
- d) Paid sick leave under (c) is subject to the period of Sick Leave without a medical certificate not exceeding 3 consecutive days. When a period of Sick leave without a medical certificate exceeds 3 consecutive days the entire absence shall be without pay.
- e) Except where approved under (c) where Sick Leave is granted without production of a medical certificate or other approved evidence, the leave will be without pay.

- f) Where a medical certificate is not produced, it is desirable that the nature of the illness should be endorsed by the applicant on the leave application. This will provide information at a later date if there is a need to construct a case history in relation to a possible compensation claim or retirement invalidity. Where the nature of the illness is confidential, it may be disclosed to the supervisor who should endorse the leave application that the matter is confidential and has been discussed with the applicant.
- g) Where sick leave without producing a medical certificate is approved, the hours and minutes taken are subtracted from the employee's balance of sick leave without producing a medical certificate for that sick leave year.

Example		
A Postal Delivery Officer works 8 hours on a Monday, 7 hours on Tuesday, Wednesday and Thursday; and 7 hours 45 minutes on Friday. Assuming current sick leave credits are 2 weeks full pay with 36 ¾ hours credit without a certificate. The employee is absent without producing medical evidence, for various periods during the sick year as recorded on the sick leave record.		
Absence	Leave Taken	Proviso Balance
Monday 8 Sept 1997	8 hours	28 hours 45 minutes
Wednesday 5 Nov 1997	7 hours	21 hours 45 minutes
Friday 12 Dec 1997	3 hours	18 hours 45 minutes

14.12.11 CERTIFICATES FROM STATE REGISTERED NURSES

A certification of unfitness for duty by a State Registered Nurse employed as such by the Australia Post may be accepted as satisfactory evidence for Sick Leave absence not exceeding one day.

14.12.12 MEDICAL CERTIFICATE FROM OTHER THAN A QUALIFIED MEDICAL PRACTITIONER AND THE LIST OF PRACTITIONERS AT 14.12.29

Where an employee receives treatment from other than a qualified medical practitioner or practitioners listed at 14.12.29 and

- a) was referred for that treatment by a qualified medical practitioner; or
- b) a certificate from the person who treated the employee is endorsed by a medical practitioner that the treatment was desirable, the certificate may be accepted for the grant of paid Sick Leave.

14.12.13 NATURE OF ILLNESS NOT SHOWN ON CERTIFICATE

Where neither the application nor the medical certificate states the nature of the illness and the applicant does not wish to disclose this, the medical certificate must not be referred back to the doctor. The delegate should, however, ensure that the certificate is dated, clearly states that the employee is unfit and states the period for which the employee is unfit.

14.12.14 MEDICAL CERTIFICATES - CASES OF DOUBT, OR FROM OVERSEAS MEDICAL PRACTITIONERS

- a) Doubtful medical certificates or certificates from overseas medical practitioners should be referred to the Medibank Solutions Medical Officer or Australia Post Medical Officer or Medical Services Advisor (where available), for advice regarding their acceptance as satisfactory evidence.
- b) If the Medical Officer considers there is reason for doubt as to the case of illness or absence, action should be taken in accordance with 14.12.15.
- c) If an employee is overseas and the certificate from an overseas medical practitioner is in doubt the employee should be advised that the certificate has not been accepted and the employee should arrange for the treating medical practitioner to provide the Medical Officer with a detailed report (including clinical details and prognosis), or to be examined by the Medical Officer upon return to Australia. Any previously approved Sick Leave will stand but any further absence will be without pay (and will not count as service) until satisfactory medical evidence is available.

14.12.15 CLARIFICATION OF AN ABSENCE ON MEDICAL GROUNDS

In the vast majority of cases, there will be no reason to question an application for sick leave supported by a medical certificate and the application will be granted as a matter of course. However, circumstances may arise where reasonable doubt exists about the bona fides of a sick leave application submitted by an employee, whether or not the absence is covered by a medical certificate.

- a) The sort of circumstances that would constitute reasonable doubt include:
 - i) an employee, while absent on sick leave, being observed in an activity or participating in an activity/event that raises questions about the validity of the sick leave; and/or
 - ii) an employee giving advance notice to fellow worker/s and/or supervisor/s that he/she is going to take sick leave without, at that time, good cause **and** the person(s) hearing this statement being prepared to provide written confirmation; and/or
 - iii) an employee, having applied for time off/change of shift which cannot be granted or arranged for operational reasons, absenting him/herself and applying for sick leave to cover the absence.
- b) In such circumstances, the employee's supervisor will, during a discussion with the employee* upon his/her return to work, try to resolve the doubt that exists about the bona fides of the application. The supervisor will then either:
 - i) approve the leave on the basis of a reasonable explanation; or

- ii) refer the matter to the appropriate senior management representative if doubts remain and further clarification is required.
- c) The manager will, after a subsequent discussion with the employee*, decide whether to grant the sick leave or take further action in accordance with (i) or (ii) as follows:

[* An observer (who may be a union representative), may be present during that discussion at the request of the employee.]

- i) Where the application for sick leave is supported by a medical certificate request the employee to complete the Authorisation form (refer Appendix B of sub-section 14.12.) which allows a medical practitioner nominated by Australia Post to contact the employee's medical practitioner.

The purpose of the contact will be to confirm that the employee's absence from duty was necessary for the management of his/her medical condition in the context of the circumstances that raised doubts about the bona fides of the sick leave application.

The sick leave will be granted, unless the employee fails to grant the permission sought or the employee's medical practitioner confirms that the medical certificate was issued in error.

- ii) Where the sort of circumstances listed in paragraph (b) above apply and the application for sick leave is not supported by a medical certificate, request the employee to provide satisfactory medical or other supporting evidence.

If that employee has not sought medical advice during the absence, satisfactory supporting evidence must be produced (eg. a statutory declaration describing the illness which has prevented the employee from attending work).

If satisfactory medical evidence or other satisfactory supporting evidence is not provided, the sick leave will not be granted.

- d) Where the evidence provided does not support that the employee was unfit for duty due to an illness/injury, the provisions of the *Australia Post Employee Counselling and Discipline Process* will be applied.

14.12.16 UNABLE TO MAKE APPLICATION

- a) If illness prevents an employee from making a written application, approval for Sick Leave to the extent of credits may be given providing a written application is made at a later date.
- b) If later circumstances such as the death of the employee prevents the application, the interim approval for leave can be regarded as final.

14.12.17 CERTIFICATE LOST

If a medical certificate is lost after being received by the Shared Services Division (Human Resources Officer), a notation should be made on the leave application and no further certificate is required for that absence.

14.12.18 AUSTRALIA POST NOMINATED MEDICAL OFFICER'S REPORT

Where the APNMO places an employee on Sick Leave, no certificate other than the APNMO's report is necessary unless the absence exceeds that provided for in that report.

14.12.19 FUNCTION OF EXAMINING MEDICAL OFFICERS (MO's)

Australia Post has appointed MO's in country and metropolitan areas to act as advisors on the question of medical fitness. In addition, some State Administrations have appointed Medical Services Advisors to provide similar advice. Other medical practitioners approved by Australia Post are also available for such purposes. These medical practitioners are not appointed to provide treatment to employees who are ill or injured.

14.12.20 MEDICAL EXAMINATION FOLLOWING 13 WEEK ABSENCE

Shared Services Division (Human Resources Officer) may approve the grant of Sick Leave for up to 13 weeks in a continuous period, but approval beyond 13 weeks is subject to a recommendation by a medical practitioner approved by Australia Post.

14.12.21 REQUIREMENT TO UNDERGO MEDICAL EXAMINATION

An employee must attend for medical examination when required to do so by Australia Post or its approved medical practitioner.

14.12.22 CERTIFICATE OF FITNESS TO RESUME DUTY

- a) If an employee has been on Sick Leave in excess of 13 weeks continuously they are not permitted to resume duty until examined, and declared fit, by the Medical Officer or a medical practitioner approved by Australia Post.
- b) Arrangements should be made for the medical examination before the due date of return to duty. Where this cannot be done the supervisor may permit the resumption of duty pending the Medical Officer's examination, providing an employee produces a medical certificate certifying fitness to resume duty.

- c) If an employee resumes duty within 13 weeks and there is reason to believe that the employee is not fit for duty, the employee can be required to report to the Medical Officer immediately for examination. If the examination reveals that the employee is not fit for duty further Sick Leave may be granted according to the examination report.

14.12.23 MAXIMUM PERIOD OF SICK LEAVE (WITH AND WITHOUT PAY)

- a) A maximum of 52 weeks (364 calendar days) continuous paid sick leave inclusive of public holidays, subject to availability of credits. This leave limit will begin from the date the person commenced continuous sick leave, whether that is before or on the date of the medical examination.
- b) After the paid sick leave (maximum 52 weeks or shorter depending on credits), a further period of sick leave without pay may be taken, up to a combined maximum of 78 weeks (546 calendar days) continuous sick leave. Recreation leave and long service leave may be used instead of leave without pay prior to retirement, but cannot extend the 78 weeks limit.
- c) Where Sick Leave is for an accepted war-caused disability War Service Sick Leave credits may be granted in addition to ordinary Sick Leave credits (see sub-section 14.15 - War Service Sick Leave) beyond the maximum 52 week period in a). War Service Sick Leave credits should be granted first and exhausted before ordinary Sick Leave credits are used.
- d) All approved sick leave with or without pay is to count as service for all purposes.

14.12.24 SICK LEAVE CREDITS UP TO RETIREMENT ON MEDICAL GROUNDS

In the event of retirement on medical grounds, the retirement is not, except with the consent of the employee, to be effected until paid sick leave credits are exhausted, provided that –

- a) the continuous period for which sick leave with pay may be granted immediately before retirement is not to exceed 52 weeks (subject to sick leave credits);
- b) a further sick leave credit is not to accrue subsequent to the date of the decision to effect retirement;

14.12.25 SICK LEAVE TAKEN IN EXCESS OF ENTITLEMENTS

Where an overpayment has occurred as a result of Sick Leave having been approved in excess of entitlements, recovery provisions set out at Sub-Section 16.5.4 are to be followed.

14.12.26 INFECTIOUS DISEASES CONTACTS

- a) An employee who has been in contact with an infectious disease on which Australian Law imposes a quarantine or other isolated restriction, and who is unable to attend for duty is to be granted Sick Leave or may if the employee wishes, be granted part or all of the absence on Recreation Leave.
- b) Leave will not be granted beyond the earliest date that the quarantine or isolation restriction allows the employee to resume duty.

14.12.27 MEDICAL EXAMINATIONS - FITNESS FOR CONTINUED DUTY

- a) The Medical Officer should examine an employee to assist in determining fitness to remain on duty. A medical certificate or report from the employee's own doctor may be accepted pending receipt of the Medical Officer's report.
- b) If there is doubt about an employee's fitness for duty, or there is still doubt about it after a previous examination by the Medical Officer and the employee has subsequently been declared fit by the employee's own doctor, the employee is to be referred to the Medical Officer for examination.
- c) Where the Medical Officer declares an employee unfit for duty this may be accepted as a medical certificate for the grant of Sick Leave. Where the Medical Officer's report does not specify a specific period of required absence, Sick Leave beyond the date of issue of the report should be covered by a certificate from the employee's own doctor.

EMPLOYEE INCAPABLE OF DUTIES OR DANGEROUS TO OTHERS DUE TO ILLNESS

- d) If it is believed that an employee is incapable of performing duty or is a danger to other employees or the public due to the employee's state of health, the employee may be required to undergo a medical examination and on receipt of the medical report may be directed to take sick leave in accordance with Clause 10 of the Principal Determination.

14.12.28 SICK LEAVE RESULTING FROM VACCINATION IN CONNECTION WITH OFFICIAL DUTIES

Sick Leave may be approved without deduction from credits where medical evidence indicates that the sickness is attributed to vaccination, inoculation etc in connection with official duties. Reimbursement of reasonable medical expenses for treatment in such cases may also be approved.

14.12.29 SICK LEAVE FOR DENTAL, OPTICAL AND OTHER PURPOSES (ALSO SEE 14.12.12)

Where an employee visits a:

- Dentist
- Optometrist
- Optician
- Oculist
- Radiographer
- Physiotherapist
- Chiropractor
- Osteopath
- Podiatrist (see (e) below)

or where the visit or treatment is for a physical disability which prevents the employee from attending duty, leave may be granted as follows:

- a) where a certificate is not provided, Sick Leave may be granted under the Sick Leave without certificate provisions.
- b) where the absence is continuous for a period not exceeding 3 weeks, (except for podiatrist see 14.12.29 (e) below) Sick Leave may be granted subject to production of a medical certificate indicating-
 - the nature of the treatment
 - the period of absence necessary
 - that the employee is being treated by the person furnishing the certificate
- c) where an absence is beyond 2 days the certificate should be referred to the Medibank Solutions Medical Advisor or Australia Post Medical Officer or Medical Services Advisor for comments before Sick Leave is granted (this includes leave under (a) and (b) above).
- d) in any case where continuous absence extends beyond 3 weeks the Sick Leave application is to be supported by a medical certificate from a qualified medical practitioner.
- e) a medical certificate issued by a Podiatrist registered to practice in a State or Territory, may be accepted for absences on Sick Leave of up to 36 3/4 hours in each Sick Leave year.

14.12.30 VOLUNTEERS FOR BLOOD DONATION

- a) Full pay leave without deductions from Sick Leave credits may be granted to an employee who volunteers as a blood donor.

- b) Any further period of leave required as a result of the donation should be treated as ordinary Sick Leave with appropriate deduction from credits.

14.12.31 MERITORIOUS ACTION

- a) Where an employee not on duty sustains physical injury as a result of or whilst performing an act of bravery or other meritorious action in the public interest which Australia Post regards as warranting special consideration, the employee is to be granted leave on full pay necessitated by the injury for a period up to 4 months without deduction from Sick Leave credits.
- b) Where leave extending beyond 4 months is considered to be warranted a report should be made to the State General Manager for decision as to whether further leave should be granted and if so under what terms.

14.12.32 ILLNESS WHILE ON DEFENCE RESERVES LEAVE

An employee is not eligible for Sick Leave during a period of Defence Reserves Leave, but where illness necessitates absence from duty beyond the training period, normal Sick Leave provisions will apply for the period of absence beyond the Defence Reserves leave approved.

14.12.33 LEAVE DURING CURRENCY OF SICK LEAVE

- a) Where due to a prolonged illness an employee has exhausted sick leave credits, or has utilised the maximum period (52 weeks) of paid sick leave, and is still unfit for duty, the employee may apply to use Recreation Leave and Long Service Leave to cover the absence.
- b) Recreation Leave and Long Service Leave used to cover an employee's absence due to illness, are not regarded as breaking a continuous period of sick leave for the purposes of providing access to paid sick leave credits in excess of 52 weeks. An employee would have to be deemed fit to return to duty and return to duty after a continuous period of 52 weeks paid sick leave to be able to avail of any further paid sick leave credits.

14.12.34 ILLNESS DURING RECREATION LEAVE/LONG SERVICE LEAVE

- a) Where an employee becomes ill during a period of Recreation Leave or Long Service Leave and at that time produces a medical certificate certifying unfitness for duty for not less than one day, the certified period of illness will be treated as Sick Leave and the equivalent period of Recreation Leave or Long Service Leave may be re-credited to be granted at a time convenient to Australia Post.
- b) The medical certificate must be forwarded to the employee's manager as soon as possible after falling ill.

14.12.35 ILLNESS DURING LEAVE WITHOUT PAY

- a) An employee who becomes ill during a period of Leave Without Pay is not eligible for Sick Leave until the expiration of the leave granted without pay.
- b) Except during Maternity Leave Without Pay (i.e. within the initial 52 week absence) where sick leave may be used providing satisfactory medical evidence is available to justify the grant of sick leave (refer Sub-section 14.9.15 Maternity Leave – Access to other Leave Credits).

14.12.36 RETENTION OF SICK LEAVE CREDITS ACCRUED IN PRIOR PUBLIC EMPLOYMENT

- a) An employee may apply to transfer the final balance of their Sick Leave credit to Australia Post, accrued during prior full-time permanent or temporary service with the Australian Public Service or other public employer. Organisations in which prior service is recognised for sick leave purposes are public employer organisations recognised for Long Service Leave (see 14.8.18 (e)).
- b) Only an authorised delegate may approve the recognition of prior service.
- c) Sick Leave credits from prior public employment may be transferred to Australia Post provided that:
 - i) the employee commenced permanent employment with Australia Post not more than 2 months after leaving employment with the public employer (a break in service between employment does not count as service for Sick Leave purposes).
 - ii) in the case of a fixed term employee, employment with Australia Post commenced on the next working day after leaving employment with the public employer (ie there was no break between the two periods of employment).
 - iii) the amount of Sick Leave credits carried over from previous public employment is not to exceed the amount the employee would have accrued had the service with the public employer been with Australia Post.
 - iv) where prior service has been recognised for Sick Leave but there are no available records of sick leave usage in the recognised public employment a deduction is to be made from the Sick Leave credits of an assumed usage of 5 days full pay Sick Leave per year of service.
 - v) where prior service for Sick Leave has been recognised the next Sick Leave credit accrues on completion of 12 months service from the date on which the last credit accrued.

- vi) where an employee applies for recognition of prior service with a public employer, a statement from that employer should be obtained, indicating:
- date of commencement
 - date of cessation
 - details of weekly hours
 - details of full-pay Sick Leave granted during the period of service
 - details of Sick Leave at less than full-pay or payment in lieu
 - details of any period of leave without pay not to count for Sick Leave purposes
 - details of any period of National Service
 - accrual rate per annum and date of accrual

14.12.37 SERVICE WITH EMPLOYEE ORGANISATION/UNION

- a) An employee who is granted Leave Without Pay to count as service for a full-time position with a Staff Organisation retains Sick Leave credits and continues to accrue further credits during the absence. Any Sick Leave granted by the Staff Organisation will be deducted from the credits at the end of the leave without pay. A statement should be obtained from the Staff Organisation of any Sick Leave used.
- b) Where a Sick Leave credit has not been maintained, a “notional” deduction of Sick Leave usage is to be made at the rate of 1 ¹/₄ days for each completed 3 month period of leave without pay.

14.12.38 EMPLOYEE PREVIOUSLY RETIRED ON MEDICAL GROUNDS

Where a person who was previously retired by Australia Post on medical grounds and is re-appointed as a result of action taken under the Superannuation Act 1976, the employee’s Sick Leave credits remaining immediately prior to retirement are to be recredited to that person as follows:

- i) If Sick Leave credits were exhausted prior to retirement, or there was less than 15 days credit, a credit of 15 days should be allotted on re-appointment;
- ii) If Sick Leave credits immediately prior to retirement were more than 15 days, these credits should be restored on re-appointment.

14.12.39 WEEKLY HOURS OVER A CYCLE OF SHIFTS

Some employees work their prescribed weekly hours over a cycle of shifts eg.

1 st week	35 hours	} average
2 nd week	38.5 hours	} hours 36.75
3 rd week	36.75 hours	} per week

Where this occurs deductions from Sick Leave credits should be made as follows:

ABSENCES OF ONE OR MORE COMPLETED WEEKS

- a) A deduction is to be made for average weekly hours irrespective of the number of hours rostered for duty.

ABSENCES OF LESS THAN ONE WEEK

- b) A deduction is to be made of the actual number of rostered hours covered by the absence.

14.12.40 ADVICE OF SICK LEAVE APPROVAL

Written advice should be given to the applicant where approval is given for Sick Leave without pay.

14.12.41 BUYING BACK SICK LEAVE CREDITS FOLLOWING MOTOR VEHICLE ACCIDENT

- a) Where an employee is absent as a result of injuries sustained in a motor vehicle accident (in circumstances where workers' compensation is not payable), an insurer may reimburse the employee for loss of earnings, or for the use of paid Sick Leave credits during the absence. Where an employee is paid in these circumstances for loss of Sick Leave credits used during the absence, an employee may "buy back" those credits by paying into Australia Post's general revenue the payment received for the gross value of the credits i.e. value pre-tax and deductions.
- b) Alternatively, an employee may in anticipation of payment by the insurer, request that Sick Leave Without Pay be granted for the period of associated absence (even though paid Sick Leave credits may be available). Where payment by the insurer does not subsequently occur, that employee may then seek and be granted Sick Leave under normal conditions (ie: subject to the extent of credits and production of medical evidence).
- c) There is no provision for part payment by an employee of an amount received from an insurer to buy back only a portion of Sick Leave credits.

(This page intentionally left blank)

APPENDIX A

STATUTORY DECLARATION IN SUPPORT OF AN APPLICATION FOR A SINGLE DAY'S CARER'S LEAVE

Statutory Declarations Act 1959

1. Employee's Name

I, (Family Name):

(Given Names):

of address:

occupation:

make the following declaration under the Statutory Declarations Act 1959:

2. Name Of Person Being Cared For

Family Name:

Given Names:

Relationship To Employee eg. Daughter, Father

.....

Date care given:

.....

3. I declare that the person I was caring for was suffering from an illness or an injury and that the illness or injury was of a nature that required me to take care of that person.

4. State Any Other Matters You Wish To Add

.....

.....

.....

.....

5. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this statement are true in every particular.

.....
(Your Signature)

.....
(Declared at eg. Melbourne)

.....
(Date: Day Month Year)

6. Details of person before whom the declaration is made

Family Name:

Given Names:

Preferred Title: Mr Mrs Miss Ms Other

.....
(Signature of Witness)

.....
(Date: Day Month Year)

.....
(Address of Witness)

Details of eligibility to Witness Statutory Declaration (eg Legal Practitioner):

.....

Please note – the person witnessing the Statutory Declaration should not be a family member. The only Australia Post employees who can witness Statutory Declarations are those who serve customers in a PostShop and who have 5 years or more continuous service with Australia Post.

Please see attached the list of people eligible to witness Commonwealth Statutory Declarations

STATUTORY DECLARATIONS REGULATIONS 1993 – SCHEDULE 2Persons before whom a statutory declaration may be made

(regulation 4)

Part 1 : Occupations

- Chiropractor
- Dentist
- Legal Practitioner
- Medical Practitioner
- Nurse
- Optometrist
- Patent Attorney
- Pharmacist
- Physiotherapist
- Psychologist
- Trade marks attorney
- Veterinary surgeon

Part 2 : Other Persons

- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the [Consular Fees Act 1955](#))
- Bailiff
- Bank officer with 5 or more continuous years of service
- Building society officer with 5 or more years of continuous service
- Chief executive officer of a Commonwealth court
- Clerk of a court
- Commissioner for Affidavits
- Commissioner for Declarations
- Credit union officer with 5 or more years of continuous service

- Employee of the Australian Trade Commission who is:
 - in a country or place outside Australia; and
 - authorised under paragraph 3 (d) of the [Consular Fees Act 1955](#) ; and
 - exercising his or her function in that place
- Employee of the Commonwealth who is:
 - in a country or place outside Australia; and
 - authorised under paragraph 3 (c) of the [Consular Fees Act 1955](#) ; and
 - exercising his or her function in that place
- Fellow of the National Tax Accountants' Association
- Finance company officer with 5 or more years of continuous service
- Holder of a statutory office not specified in another item in this Part
- Judge of a court
- Justice of the Peace
- Magistrate
- Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the [Marriage Act 1961](#)
- Master of a court
- Member of Chartered Secretaries Australia
- Member of Engineers Australia, other than at the grade of student
- Member of the Association of Taxation and Management Accountants
- Member of the Australian Defence Force who is:
 - an officer; or
 - a non-commissioned officer within the meaning of the [Defence Force Discipline Act 1982](#) with 5 or more years of continuous service; or
 - a warrant officer within the meaning of that Act
- Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
- Member of:
 - the Parliament of the Commonwealth; or
 - the Parliament of a State; or
 - a Territory legislature; or
 - a local government authority of a State or Territory

- Minister of religion registered under Subdivision A of Division 1 of Part IV of the [Marriage Act 1961](#)
- Notary public
- Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public.
- Permanent employee of:
 - the Commonwealth or a Commonwealth authority; or
 - a State or Territory or a State or Territory authority; or
 - a local government authority;
 - with 5 or more years of continuous service who is not specified in another item in this Part
- Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- Police officer
- Registrar, or Deputy Registrar, of a court
- Senior Executive Service employee of:
 - the Commonwealth or a Commonwealth authority; or
 - a State or Territory or a State or Territory authority
- Sheriff
- Sheriff's officer
- Teacher employed on a full-time basis at a school or tertiary education institution
- Member of the Australian Institute of Mining and Metallurgy.

(This page intentionally left blank)

APPENDIX B



AUTHORISATION

I.....**authorise**
(Employee’s full name – please print) (Manager’s full name – please print)
to arrange for a medical practitioner nominated by Australia Post to contact
Dr....., the medical practitioner who issued the attached medical
certificate dated /.... /....., relating to my absence from work on /.... /..... to
discuss that medical certificate.

The purpose of the contact with your Doctor is to confirm that your absence from duty
was necessary for the management of your illness or injury. Any information regarding
the nature of your medical condition obtained through this contact will remain
confidential and will not be provided to Australia Post management.

.....
Employee’s signature

Date /.... /.....