

Public Sector Management Amendment Standards 2007 (No 8)

Disallowable instrument DI2007–246

made under the

Public Sector Management Act 1994, s 251 (Management Standards)

EXPLANATORY STATEMENT

This amendment changes the recreation leave accrual methodology under part 4.16 of the Public Sector Management Standards (the Standards). The amendment makes the accrual methodology compatible with the system requirements of the Chris21 Employee Self Service Module, allowing for that module's introduction across the service.

Section 378 of the Standards provides the methodology for the accrual of recreation leave credits. This section has been amended so that recreation leave will be accrued daily on a pro-rata hour for hour basis. This accrual method allows for a single leave balance to be accrued regardless of any change in an officer's or employee's ordinary hours of duty. The entitlement to an equivalent of four weeks recreation leave provided for by this section has not been affected by the change to the accrual methodology.

The amendment inserts new definitions of 'day', 'notional period', 'relevant period', and 'week' into section 371. These definitions are intended to clarify the accrual and measurement of recreation leave, to make clear that recreation leave accrues daily on a pro-rata hour for hour basis.

The amendment makes technical changes to the terminology or phrasing used in sections 373, 374, 376(4), 379(1), 379(7), 381, 383(2), 383(5) and 383(10) so that references to multiple recreation leave balances become references to a single balance, and to clarify that recreation leave is to be measured in hours.

Section 380 has been omitted because officers and employees will no longer have more than one recreation leave balance. The previous provisions of section 385 have been omitted because officers and employees will no longer have part-time and full-time recreation leave credits.

New provisions have been inserted in section 385 which provide an authority to amalgamate multiple recreation leave credits accrued prior the amendment coming into effect into a single leave balance expressed in hours. Subsections 385(2) to

385(8) are intended to ensure officers and employees who have their notional recreation leave balance reduced by the amalgamation of their multiple recreation leave balances are able in effect to retain enjoyment of their notional period of recreation leave. These subsections are only relevant where an officer or employee has increased their ordinary hours of duty as there will be no impact on the entitlements of staff who have decreased the number of hours they work.

For example, if an officer had accrued two weeks annual leave while working normal hours of 10 hours per week (20 hours of leave in total) then changes to work normal hours of 20 hours per week and accrues one week of annual leave (a separate credit balance of 20 hours), under the previous methodology the officer would have had a total of three weeks annual leave and would have had to take the recreation leave in the order it was accrued:

Paid at rate (10 hours per week)	Full pay (20 hours per week)
three week period	

Following the amendment the officer's balances are amalgamated into a single balance which means the officer has an equivalent of two weeks leave accrued at their current normal hours of work (40 hours):

Full pay (20 hours per week)	Recreation leave credits expired after two weeks
three week period	

Subsections 385(2) to 385(8) enable the officer to continue to access the notional three week period of leave which they had accrued prior to the amendment coming into effect. Under these subsections officers and employees who have increased their normal hours of work, and who have multiple leave balances at the time the Standard comes into effect, can take leave without pay (LWOP) to make up the difference in the total period of leave entitlements. Unlike ordinary LWOP, where the leave only counts as service with delegate approval, if an affected officer or employee takes LWOP in these circumstances it will count as service for all purposes.

Staff who take LWOP in these circumstances:

- are not able to take more than their notional period of recorded leave at the time the Standard came into effect; and
- are only able to access the LWOP to count as service in conjunction with leave credits accrued before the Standard came into effect; and
- are no longer eligible for this LWOP when the recreation leave credits they had accrued before the Standard came into effect had expired, after this time, normal LWOP rules would apply.

It is intended, through these provisions, that section 385 will prevent any staff from being disadvantaged by the amalgamation of their recreation leave credits into a single balance.