



19 November 2015

## 2015/2016 Christmas closedown

The NSW Government has released advice regarding the 2015/2016 Christmas closedown. Public Sector Agencies will close down from Monday 21 December 2015 until Friday 1 January 2016 inclusive.

### ***Why is there a close down?***

The NSW Government encourages all non "front line" areas of the government to shut down over the Christmas/New Year period.

### ***Can I be directed to take recreation (annual) leave due to the closedown?***

Just because your office may be closed does not mean you can be directed to take recreation (annual) leave, to cover the closedown period.

You cannot be directed to take recreation leave if you have accrued less than six weeks leave. If you have accrued less than six weeks recreation (annual) leave the choice to take that leave is yours.

Clause 77.2 of the *Crown Employees (Public Service Conditions of Employment) Award 2009* (the Award) deals with the circumstances where a staff member may be directed to take recreation leave.

### ***When can I be directed to take recreation leave?***

You may only be directed to take recreation leave if you have accrued more than six weeks recreation leave.

If you have accrued between 6-8 weeks recreation leave you may be directed to take at least two weeks recreation leave within three months of notification at a time convenient to the Department.

If you have accrued eight weeks leave, you can be directed to take at least two weeks leave within six weeks of the notification at a time convenient to the Department.

An application for recreation leave must be dealt with according to your wishes and the operational requirements of the Department.

Additionally, where the Department Head (or their delegate) is satisfied that you are prevented from taking leave due to operational or personal reasons, they may approve the 'conservation of leave' to allow you to reduce your leave to an acceptable level (4-6 weeks) at a 'mutually convenient time' in the future.

### ***How is my flex leave affected if I have accrued excess recreation leave?***

Clause 10.5 of the Award states that if an employee has accrued 8 weeks recreation leave, "unless otherwise authorised by their manager", flex leave can only be taken where recreation leave has been applied for and approved. If you have applied for leave and had it declined or if your manager has not actioned your request then flex leave cannot be denied.

### ***What if my office is shut?***

If your office is shut over the Christmas New year period, and you have less than six weeks recreation leave, and you want to work over this period, then a reasonable alternative work arrangement must be made available for you at your convenience.

You can seek approval to work from home or work, from a different location or a different office. If you are experiencing difficulties in negotiating appropriate arrangements please contact your workplace delegate or call the PSA for assistance.

Your Department may ask you to work at another location but you cannot be expected to travel unreasonable distances.

If you are required to work at an alternative workplace you may be entitled to be reimbursed for the cost of travel to and from.

***Am I required to put up a justification or "business case" why I do not want to take my leave?***

No.

***Can I be directed to take extended leave?***

You cannot be directed to take extended leave (or long service leave) under any circumstances.

***What can the union do if I have a problem?***

If you have been directed to take recreation (annual) leave outside of the provisions of Clause 77.2 of the Award, or if you are denied flex leave in breach of Clause 10.5 of the Award, and you are a member of the PSA, contact the MSC on **1300 772 679**.

***What else does the Christmas closedown mean for me?***

**Public Holidays**

1. Christmas Day public holiday is on Friday 25 December 2015
2. Boxing Day public holiday is on Monday 28 December 2015
3. New Year's Day public holiday is on Friday 1 January 2016

**Concessional Leave**

If you are required to work during the closedown period subject to operational requirements, concessional leave will be available for the afternoon of Christmas Eve (24 December 2015). To be eligible for the leave, you must be required to be on duty that morning and must work half your standard full time daily hours.

If you are directed to work the full day on 24 December, you are entitled to a half-day's concessional leave on 31 December 2015.

Provisions for the granting and taking of concessional leave are set out in the Personnel Handbook under Chapter 6-5.

**Public service holiday**

The public service public holiday is on Tuesday 29 December.

If you are directed to work on the date set as the public service holiday, you are entitled to be absent from duty on one of the other working days between Boxing Day and New Year's Day, If you are directed to work on all of the working days between Boxing Day and New Year's Day you are to be paid overtime at the "public holiday" rate. Under the Award, this is double time and one half.

If you have any questions regarding this advice or want the PSA to support you with any problems regarding your rights at work over the Christmas and New Year period please speak to a PSA delegate or call the MSC on **1300 772 679**.

**Join the PSA**

**[membership.psa.asn.au/join](http://membership.psa.asn.au/join)**

