

COVID – 19 Leave Entitlements

A number of members have sought information on the interpretation of, and when certain thresholds are met, with regard to the Premier's Circular C2020 – 01 Employment Arrangement during COVID – 19. This in part has been brought about by the backflip on the closure of schools flagged by the NSW Government before the National Cabinet Committee Meeting on Monday, 23 March 2020.

Schools Are Open but I am Encouraged to Keep my Kids at Home. What Leave do I Claim?

The Premier's Circular is specific that Special Leave is provided due to the closure of schools and caring facilities. Most members would be aware that the National Cabinet has made the decision not to officially close schools or caring facilities at this point in time (27 March) so the threshold has not technically been met for the application of Special Leave.

For the period that schools remain open, members should be making application for Family & Community Services (FaCS) leave to cover those absences from work.

Members in the first instance should consider whether there is provision to work from home to support those caring arrangements without taking leave entitlements. The PSA has assisted this process by agreeing with DPIE to temporarily suspend the core time and bandwidth provisions of Flexible Working Hours Agreements in DPIE, subject to mutual agreement between an employee and their manager. This means that there is much more scope for members work their

contract of employment hours outside of the traditional work times i.e. early morning, later into the afternoon or night, splitting the times up over the course of the day.

My Kids go to a School That Has Closed? What Do I Claim?

For those many private schools who have closed, a Special Leave application would be considered appropriate. However, members in the first instance should consider whether there is provision to work from home to support those caring arrangements without taking leave entitlements. The PSA acknowledges that this would not work for all parents, particularly those who have children with special needs.

Additionally, some public school principals have sent communication either stating that the school is closed, or instructing parents to keep their children at home except for "health and emergency services" staff. If this is the case it should be recognised that your school is closed and working from home, or special leave should be considered.

The PSA accepts that the situation with schools is confusing and unclear. This could be avoided if the Premier made a clear consistent decision regarding school closures, rather than attempting to have it both ways.

The Workplace is Closed & DPIE Can't Provide Me with Work from Home or at an Alternative Location. What Leave do I Claim?

Where work is unable to be provided to members through either an alternative location or through



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work from home, they are to be paid as normal and are placed on paid special leave.

I am a Casual Employee. What are my Entitlements?

DPIE is not immune to the issue of casual employment nor is it an island amongst itself when making comparisons with the NSW Public Sector. Other public services that have been forced to close to the public have provided their casual staff with payment for their current roster. Others still have reaffirmed their commitment to their workforce by stating that all casuals will be continued to be employed and engaged with work throughout the COVID – 19 situation.

Many agencies are stating that no casuals are entitled to special leave. This blanket statement is incorrect.

DPIE is required to consider whether an employee is a true casual, that is that they have been carrying out irregular, intermittent, short-term, urgent or other work as and when required.

The PSA is aware that there are many casual employees who have worked regular, systematic shifts every month for many years. Many of these casuals should have been converted to ongoing employment already.

The PSA's position is clear. All long term casuals that have been employed in a systematic, regular fashion should be found other duties, or in the event that none can be found, they are entitled to the special leave provisions as set out in the Premiers Circular.

The PSA believes it is vital that all Public Sector workers maintain a deserved pay cheque and are not added to the unemployment statistics.

The PSA will advocate for any casual PSA member who believes they fit the above description. If you know a casual who has not joined the PSA, show them this bulletin and ask them to join today.

<https://psa.asn.au/join/>

