

Our Ref:

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CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 10 OF 1994

ANNUAL LEAVE - EFFECT OF LEAVE WITHOUT PAY

This Circular replaces Circulars to Departments and Authorities No. 22 and 30 of 1983 which set out the effect of leave without pay on annual leave entitlements where employees have a common anniversary date for annual leave purposes or the employing authority operates an annual closedown.

The Schedules attached to the above Circulars set out two different methods of calculating annual leave entitlements for 38 hour week employees when leave without pay is involved. Schedule A has dealt with the adjustment of pro rata annual leave entitlements for every five working days taken as unpaid leave. Schedule B was based upon a monthly adjustment of accrued annual leave entitlements owing from a completed twelve month qualifying period.

As a consequence of the introduction of the Minimum Conditions of Employment Act 1993, which contains provision for the weekly accrual of annual leave and an implied one week qualifying period, it has been necessary to repeal the existing Circulars.

Schedule A of this Circular prescribes the effect on both pro rata and accrued annual leave of periods of leave without pay. Both pro rata and accrued annual leave are adjusted on a weekly basis. Please note that this Circular is still subject to employees experiencing a common annual leave anniversary date or an agency having an annual closedown.

Note 1

The days taken on leave without pay are to be calculated on an aggregate basis, i.e. the total number of days of leave without pay taken during the qualifying period.

Note 2

The weeks numbered 1-52 are generally based upon a five day, 38 hour week arrangement. This is not, however, to preclude the operation of other 38 hour working

arrangements such as a nine day fortnight where there is alternate rostering of four and five day weeks.

Note 3

In the case of **accrued** annual leave a precedent of "five days grace" has been established whereby employees are able to take an aggregate of up to five days unpaid leave per year without incurring any loss in annual leave entitlements. This practice still applies and as such in the case of **accrued** annual leave there is to be no penalty imposed on an employee if five or less days of unpaid leave are taken. If an employee takes more than five days then all days count.

Note 4

(i) An employee employed north of the 26 degree south latitude who receives an additional five days per annum annual leave under the provisions of Circular to Departments and Authorities No 10 of 1980 is not entitled to the extra leave until twelve months continuous service in that region has been served. The weekly rate of accrual in the initial qualifying period is therefore based on the actual award annual leave entitlement.

(ii) If an employee's service terminates during the initial qualifying period and leave without pay has been taken, any reduction in the pro-rata annual leave payment is to be calculated on the actual award entitlement only.

(iii) In any qualifying period subsequent to the initial twelve months continuous service in the region, leave accrual is based on the total annual leave received, i.e. the additional five days together with appropriate award annual leave entitlement. Any deduction from entitlements where leave without pay is involved should be calculated accordingly.

Note 5

Notwithstanding the changed method of calculation the provisions of Industrial Employees' Circular No. 8 of 1974 shall continue to apply. Namely, a continuous period of up to three months approved sick leave without pay continues to accrue annual leave.

A/CHIEF EXECUTIVE OFFICER

7 October 1994

SCHEDULE A

**PRO - RATA AND ACCRUED ANNUAL LEAVE FOR 38 HOUR PER WEEK
EMPLOYEES**

WORKING WEEKS ABSENT ANNUAL LEAVE LOST (HOURS)

**4 Week Annual Leave Entitlement 5 Week Annual Leave Entitlement 6 Week Annual Leave
Entitlement 7 Week Annual Leave Entitlement 8 Week Annual Leave Entitlement 9 Week Annual
Leave Entitlement**

1 2.92 3.65 4.38 5.12 5.85 6.58

2 5.84 7.30 8.76 10.24 11.70 13.16

3 8.76 10.95 13.14 15.36 17.55 19.74

4 11.68 14.60 17.52 20.48 23.40 26.32

5 14.60 18.25 21.90 25.60 29.25 32.90

6 17.52 21.90 26.28 30.72 35.10 39.48

7 20.44 25.55 30.66 35.84 40.95 46.06

8 23.36 29.20 35.04 40.96 46.80 52.64

9 26.28 32.85 39.42 46.08 52.65 59.22

10 29.20 36.50 43.80 51.20 58.50 65.80

11 32.12 40.15 48.18 56.32 64.35 72.38

12 35.04 43.80 52.56 61.44 70.20 78.96

13 37.96 47.45 56.94 66.56 76.05 85.54

14 40.88 51.10 61.32 71.68 81.90 92.12

15 43.80 54.75 65.70 76.80 87.75 98.70

16 46.72 58.40 70.08 81.92 93.60 105.28

17 49.64 62.05 74.46 87.04 99.45 111.86

18 52.56 65.70 78.84 92.16 105.30 118.44

19 55.48 69.35 83.22 97.28 111.15 125.02

20 58.50 73.00 87.60 102.40 117.00 131.60

21 61.32 76.65 91.98 107.52 122.85 138.18

22 64.24 80.30 96.36 112.64 128.70 144.76

23 67.16 83.95 100.74 117.76 134.55 151.34

24 70.08 87.60 105.12 122.88 140.40 157.92

25 73.00 91.25 109.50 128.00 146.25 164.50

26 75.92 94.90 113.88 133.12 152.10 171.08

27 78.84 98.55 118.26 138.24 157.95 177.66

28 81.76 102.20 122.64 143.36 163.80 184.24

29 84.68 105.85 127.02 148.48 169.65 190.82

30 87.60 109.50 131.40 153.60 175.50 197.40

31 90.52 113.15 135.78 158.72 181.35 203.98

32 93.44 116.80 140.16 163.84 187.20 210.56

33 96.36 120.45 144.54 168.96 193.05 217.14

34 99.28 124.10 148.92 174.08 198.90 223.72

35 102.20 127.75 153.30 179.20 204.75 230.30

36 105.12 131.40 157.68 184.32 210.60 236.88

37 108.04 135.05 162.06 189.44 216.45 243.46

38 110.96 138.70 166.44 194.56 222.30 250.04

39 113.88 142.35 170.82 199.68 228.15 256.62
40 116.80 146.00 175.20 204.80 234.00 263.20
41 119.72 149.65 179.58 209.92 239.85 269.78
42 122.64 153.30 183.96 215.04 245.70 276.36
43 125.56 156.95 188.34 220.16 251.55 282.94
44 128.48 160.60 192.72 225.28 257.40 289.52
45 131.40 164.25 197.10 230.40 263.25 296.10
46 134.32 167.90 201.48 235.52 269.10 302.68
47 137.24 171.55 205.86 240.64 274.95 309.26
48 140.16 175.20 210.24 245.76 280.80 315.84
49 143.08 178.85 214.62 250.88 286.65 322.42
50 146.00 182.50 219.00 256.00 292.50 329.00
51 148.92 186.15 223.38 261.12 298.35 335.58
52 all all all all all all

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