

## PART 2 – LEAVE

### 4. RECREATION LEAVE

#### Interpretation

4.1 For the purposes of this by-law:

“month” means a calendar month.

“shift worker” means an employee who works rostered shifts including day shift, evening shift and night shift.

*(Note: Definition of ‘shift worker’ applies to by-law 4 only for the purpose of determining an entitlement to additional recreation leave under this by-law).*

“year” means a calendar year.

4.2 Recreation leave

- (a) An employee (except for a casual employee) is entitled to:
  - (i) four (4) weeks paid recreation leave per year;
  - (ii) an additional two (2) weeks paid recreation leave per year if normally stationed in the Northern Territory or under any condition the Commissioner so determines. This will not affect and will be in addition to the entitlement under by-law 4.2(a)(iii); and
  - (iii) an additional seven (7) consecutive days including non-working days paid recreation leave per year for a seven (7) day shift worker, provided that a shift worker rostered to perform duty on less than 10 Sundays during a year is entitled to additional paid recreation leave at the rate of half a day for each Sunday rostered.
- (b) A rostered overtime shift of three (3) hours or more which commences or ceases on a Sunday will count in the calculation of entitlements in 4.2(a)(iii).

4.3 Accrual of leave

- (a) An employee’s entitlement to paid recreation leave accrues progressively during a year of service according to the employee’s ordinary hours of work.
- (b) If an employee takes unpaid leave that does not count as service, leave will not accrue for that period.

*(Note: An employee who has taken unpaid leave that does count for service will accrue leave for that period.)*

- (c) A part-time employee will accrue recreation leave on a pro-rata basis in accordance with his or her agreed hours of work.
- (d) An employee who has worked for only part of a year will accrue recreation leave on a pro-rata basis in accordance with his or her ordinary hours of work or, agreed hours of work if a part-time employee.
- (e) Recreation leave accumulates from year to year.

#### 4.4 Granting of leave

The CEO may, on application in writing by the employee, grant leave for recreation purposes, subject to the agency's operational requirements.

#### 4.5 Public holidays

- (a) Where a public holiday occurs during recreation leave including recreation leave at half pay, the employee is entitled to his or her full rate of pay that he or she would have been paid had the public holiday fallen on a day that he or she was not on recreation leave; and
- (b) The period of the public holiday is not deducted from the employee's recreation leave entitlement.

#### 4.6 Excess leave

Where an employee has accrued recreation leave entitlements in excess of two (2) years (or three (3) years in the case of a compulsory transferee), the CEO may, on giving a minimum of two (2) months' notice, direct the employee to take recreation leave and the employee must take that leave within a three (3) month period, or a period agreed between the parties, to reduce the accrued leave balance to the equivalent of two years (or three (3) years in the case of a compulsory transferee) of entitlements.

#### 4.7 Cash-out of leave

An employee may apply, in writing to the CEO, to cash-out an amount of his or her available recreation leave provided that:

- (a) the employee's remaining accrued entitlement to paid recreation leave is not less than four (4) weeks;

- (b) each cashing out of a particular amount of recreation leave must be by a separate agreement in writing between the CEO and employee;
- (c) the employee must be paid at least the full amount that would have been payable to the employee, had the employee taken the leave that the employee has forgone; and
- (d) a minimum of five (5) days to be cashed-out on any occasion.

#### 4.8 Access to personal leave during recreation leave

If during a period of paid recreation leave an employee requires personal (sick or carer's) leave which is supported by documentary evidence as set out in by-law 7.7, the CEO may grant personal leave in accordance with by-law 7 and authorise the equivalent period of recreation leave to be re-credited.

#### 4.9 Payment in lieu

- (a) Where an employee ceases employment, other than by death, the employee is entitled to payment in lieu of any available recreation leave entitlement.
- (b) Where an employee dies, or after consideration of all the circumstances the employer has directed that an employee shall be presumed to have died on a particular date, the CEO may authorise payment in lieu of the employee's remaining recreation leave entitlement:
  - (i) to the employee's legal personal representative; or
  - (ii) when authorised by the employee's legal representative, to another person or persons at the CEO's discretion.