

- (a) to the employee's legal personal representative; or
- (b) when authorised by the employee's legal personal representative, to another person or persons at the Chief Executive Officer's discretion.

PUBLIC HOLIDAYS

- 4. (18) Where a public holiday occurs during recreation leave -
 - (a) an employee shall be paid at the same rate as the rate allowed for the period of leave; and
 - (b) the public holidays shall not be debited from the employee's annual credit.

By-law 5 - Recreation Leave Loading

ENTITLEMENT

- 5. (1) An employee shall be entitled to a recreation leave loading as follows:
 - (a) a sum of seventeen and one half percent of the value of the recreation leave credit based on their salary (including any allowances in the nature of salary) as at 1 January in the year in which the recreation leave accrued; or
 - (b) to a maximum payment advised by the Commissioner, of the equivalent of the average weekly earnings of Northern Territory males ascertained from the Australian Statistician for the quarter ended 31 August of the year preceding the year in which the date of accrual occurs;whichever is the lesser; or
 - (c) where the employee is a shift worker as defined in By-law 39, payment of the greater of either shift penalties to which they would have been entitled but for proceeding on leave or the recreation leave loading as per paragraph (a) and (b).

MINIMUM PERIOD OF LEAVE

- 5. (2) An employee is not entitled to be paid a recreation leave loading unless an application is approved for use of at least one week of recreation leave.

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CESSATION OF EMPLOYMENT

5. (3) On cessation of employment an employee shall be entitled to payment in lieu of any unpaid recreation leave loading, and pro rata payment of a recreation leave loading calculated on the basis of one twelfth of the recreation leave loading entitlement at 1 January last, for each completed month of service in the year of cessation.
5. (4) Where an employee commenced and ceased duty in the same year, salary for the purposes of clause (3) shall be the salary which would have been payable to them had they been employed on 1 January of that year.

FORMULA

5. (5) The following formula is to be used in the calculation of the recreation leave loading:

$$A \times B \times 0.175 \times \frac{6}{313}$$

where:

A = annual salary at 1 January including any allowances in the nature of salary payable.

B = number of weeks recreation leave accrued at 1 January.

0.175 = seventeen and one half percent

$\frac{6}{313}$ = factor to convert annual salary to a weekly wage.

By-law 6 - Additional Recreation Leave - 7 day Shift Worker

INTERPRETATION

6. (1) For the purpose of this By-law -

“7 day shift worker” means an employee who is rostered to work regularly on any of the 7 days of the week, which includes regular rostered duty on Sundays.

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