

ACCRUAL OF ADDITIONAL LEAVE

6. (2) A 7 day shift worker shall accrue on 1 January of every year, in conjunction with their annual credit for recreation leave:
- (a) an additional leave credit of 1 week; or
 - (b) where rostered to perform duty on less than 10 Sundays during a year an additional leave credit at the rate of 1/2 day in respect of each Sunday rostered.
6. (3) Additional leave accrued under this By Law is not available to an employee for utilisation on a pro rata basis.
6. (4) For the purposes of this By-law -
- (a) A rostered Sunday overtime shift of less than 3 hours shall not be included in reckoning an employee's eligibility to be regarded as a 7 day shift worker;
 - (b) subject to paragraph (a), a rostered overtime shift which commences on a Saturday and extends into Sunday or commences on a Sunday and extends into Monday shall be deemed to be a Sunday overtime shift.

RECREATION LEAVE BY-LAW TO APPLY

6. (5) The additional leave accrued under this By-law shall also be subject to the provisions of By-law 4, provided that (2)(b) above shall apply for the purpose of calculating payment in lieu for the final year of service.

By-law 7 - Sick Leave

INTERPRETATION

7. (1) For the purposes of this By-law -
- “full pay” means salary as defined under the Act;
 - “half pay” means one half of full pay;
 - “illness” means an illness, injury or disease of the employee;
 - “family member”, for the purposes of clause (6A) means, a member of the employee's immediate family or household for whom the employee is responsible for care and support;
 - “sick leave year” means 12 months service from the anniversary of commencement or 12 months service since the last sick leave accrual;
 - “medical evidence” means:
 - (a) a medical certificate provided by a registered medical practitioner;
 - (b) a report provided by a medical officer approved by the Commissioner for the purpose; or

- (c) certification of illness provided by a person or class of persons approved by the Commissioner eligible to provide certification,

provided that the medical evidence states the period of the illness and wherever possible the nature of the illness.

ACCRUAL OF SICK LEAVE

- 7. (2) A permanent employee is credited -
 - (a) on commencement of his or her employment, with 3 weeks sick leave on full pay; and
 - (b) on completion of each 12 months of continuous service, with 3 weeks sick leave on full pay,and such leave is to be cumulative.

- 7. (3) A temporary employee shall, subject to this By-law -
 - (a) not be credited with sick leave on commencement, but shall be entitled to apply for sick leave of up to one week for each period of two months service provided that the total leave does not exceed 3 weeks at full pay within the first 12 months of service;
 - (b) on completion of 12 months service, be credited with 6 weeks sick leave on full pay less any leave granted under paragraph (a);
 - (c) on completion of each period of 12 months of continuous service thereafter, accrue 3 weeks sick leave on full pay;and such leave is to be cumulative.

- 7. (4) Where an employee is permanently appointed to the Public Sector and that employment is consecutive with a period of temporary employment, sick leave may be credited in accordance with clause (2), but shall be subject to reduction by the period of sick leave granted during the period of temporary employment.

DEFERRAL OF SICK LEAVE CREDIT

- 7. (5) A sick leave credit referred to in this By-law shall be deferred by the equivalent number of calendar days where an employee has been absent from duty in the preceding sick leave year and that absence has been -
 - (a) leave on account of illness where the absence is without pay and not covered by medical evidence;
 - (b) an unauthorised absence;
 - (c) leave without pay that does not count as service.

Issued 7 October 1998

GRANT OF SICK LEAVE

7. (6) In the case of illness of an employee the Chief Executive Officer may grant sick leave -
- (a) on production of satisfactory medical evidence to the extent of sick leave credits:
 - (i) at full pay, or
 - (ii) on the employee's request, at half pay, where the period of absence required is one day or more, or
 - (b) without production of medical evidence, in any sick leave year, to the extent of 5 working days or the equivalent number of hours of duty provided that no more than 3 of those days may be consecutive working days or the equivalent number of hours of duty.
- (6A) Access to sick leave credits in accordance with 7 (6) (a) and (b) can also be used to care for sick family members for up to 10 days in any sick leave year.
7. (7) Where an employee has exhausted all available sick leave credits the Chief Executive Officer may, after considering all the relevant circumstances and where satisfactory medical evidence is provided -
- (a) grant sick leave without pay, or
 - (b) grant additional sick leave on half pay, which is not subject to conversion to full pay.
 - (c) grant access to Recreation Leave in accordance with By-law 4 where an extended period of absence is involved, provided that where Recreation Leave is used it shall be deemed to be Sick Leave for all other purposes under the provisions of this By-law.
7. (8) In no case shall a permanent employee be entitled to sick leave extending beyond the day immediately preceding their prescribed maximum retiring age.

MAXIMUM AMOUNT OF SICK LEAVE

7. (9) The maximum period of absence allowable in respect of any continuous period of absence due to illness shall be:
- (a) 52 weeks in respect of paid leave, and
 - (b) 78 weeks in respect of combined paid and unpaid leave.

SICK LEAVE WHILE ON OTHER LEAVE

7. (10) An employee who has been granted leave other than recreation leave, long service leave or maternity leave, shall not be granted sick leave under the provisions of this By-law during such period of that leave.

Issued 7 October 1998

MEDICAL EXAMINATION

7. (11) The Chief Executive Officer may direct an employee to attend an examination by a medical practitioner approved by the Commissioner where -
- (a) an employee has been absent, or is likely to be absent, through illness continuously for an extended period;
 - (b) it is considered that an employee's efficiency may be affected due to illness;
 - (c) there is reason to believe that an employee's state of health renders them a danger to themselves, other employees or the public; or
 - (d) in accordance with Part 7 of the Act.
7. (12) Subject to clause (9) an employee directed to attend an examination in accordance with clause (11), who is -
- (a) absent on approved sick leave covered by medical evidence, shall be entitled to continue on sick leave until the findings of the medical examination are known;
 - (b) an employee other than one to which paragraph (a) refers, shall be deemed to be on duty from the time of the direction until the findings of the examination are known,
- and the grant of sick leave after the date of examination or the employee's return to duty shall be subject to the findings of the medical officer.
7. (13) The Chief Executive Officer shall not grant leave -
- (a) where the employee failed to attend a medical examination under clause (11) without reasonable cause; or
 - (b) where illness is caused through misconduct; and
- the Chief Executive Officer may instigate action under Part 8 of the Act.

CONFLICT OF MEDICAL EVIDENCE

7. (14) Where an employee has been directed to attend an examination under clause (11) and the view of the medical practitioner conflicts with that of the employee's medical practitioner (or providers recognised by clause (1)(c)), the case is to be referred to the Northern Territory Medical Adviser for consultation and resolution with the Chief Medical Officer.
7. (15) The Northern Territory Medical Adviser or the Chief Medical Officer may, at his or her discretion, arrange for a further examination by another medical officer, private practitioner or specialist and any associated costs will be borne by the referring Agency.

Issued 7 October 1998

INFECTIOUS DISEASE

7. (16) Where an employee produces medical evidence that -
- (a) he or she is infected or has been in contact with an infectious disease as defined under the Public Health Act; and
 - (b) by reason of any law of the Territory or any State or Territory of the Commonwealth is required to be isolated from other persons,
- the Chief Executive Officer may grant -
- (c) sick leave in relation to any period during which the employee actually suffers from illness;
 - (d) recreation leave in relation to any period during which the employee does not actually suffer from illness.

WAR SERVICE

7. (17) Notwithstanding anything contained in this By-law, where satisfactory medical evidence is produced that absence from duty was on account of illness which originated from war service, the Commissioner shall determine the conditions under which sick leave may be granted.

By-law 8 - Long Service Leave

INTERPRETATION

8. (1) For the purposes of this By-law -
- “month” means
- (a) when calculating or using a whole month, a calendar month; or
 - (b) when calculating or using a fraction of a month, 30 calendar days;
- “recognised employer” means an employer who is determined by the Commissioner to be a recognised employer.
- “qualifying service” means the period of actual service with the Northern Territory Public Sector and/or a recognised employer.

ENTITLEMENT

8. (2) An employee is entitled to paid long service leave -
- (a) of 3 calendar months after completing 10 years of continuous service; and
 - (b) for service after 10 years an additional 3 tenths of a month on completion of each subsequent year of continuous service.

Issued 7 October 1998