



12 November 2015

TAFE Christmas closedown period bulletin

The NSW Government has released **advice** regarding the 2015/2016 Christmas closedown.

(<http://arp.nsw.gov.au/m2015-06-premier%E2%80%99s-memorandum-christmas-closedown-2015-2016>)

Government Sector Agencies, including TAFE, will close down from Monday 21 December 2015 until Friday 1 January 2016, inclusive. Most Institutes will close down over this period.

Can I be directed to take annual leave because of the Christmas closedown?

Just because your college or office is closing down **does not mean you can be directed to take annual leave to cover the closedown period.**

You cannot be directed to take annual leave if you have accrued fewer than 40 days' annual leave.

Clause 34.1.4 of the TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2013 (the Agreement) deals with the circumstances where a staff member may be directed to take recreation leave.

(<http://www.fwc.gov.au/documents/documents/agreements/fwa/AE406373.pdf>)

When can I be directed to take annual leave?

You can only be directed to take annual leave if your accumulated annual leave balance exceeds 40 working days (50 for shift workers). Then you can be directed to take annual leave to reduce the accrued leave to below 40 days.

Even if you have accrued over 40 days, the Agreement allows for you to "conserve" leave for operational or personal reasons with the approval of the Managing Director.

Any blanket directive for all staff to proceed on leave during the Christmas closedown, without taking into account accrued leave balances, is a breach of the Agreement.

What if my college or office is shut?

If your TAFE college or office is shut over the Christmas new year period and if you want to keep working, a reasonable alternative work arrangement must be made available for you at your convenience.

TAFE may ask you to work at another location but you cannot be expected to travel unreasonable distances.

If you are required to work at an alternative

workplace you may be entitled to be reimbursed for the cost of travel to and from work.

Am I required to put up a justification or "business case" about why I do not want to take my leave?

No.

Can I be directed to take extended leave?

You cannot be directed to take extended leave (or long service leave) under any circumstances.

What can the union do for me if I have a problem?

If there is evidence that management has tried to direct you to take annual leave outside of the provisions of Clause 34.1.4 of the Agreement, and you are a member of the PSA, we will advise, assist, and support you to prevent this occurring.

What else does the Christmas closedown mean for me?

Public Holidays

- Friday 25 December 2015 Christmas Day
- Saturday 26 December 2015 Boxing Day Holiday
- Monday 28 December 2015 Additional Holiday
- Tuesday 29 December 2015 Public Service Holiday
- Friday 1 January 2016 New Year's Day

Concessional Leave

The arrangements for the half concessional day are the same as previous years and consistent with the terms of the Personnel Handbook.

The concessional leave only applies if you are required to work on Christmas Eve.

You must be required to be on duty that morning and must work half your standard full time daily hours. If you are directed to remain on duty for the full day on 24 December 2015 you are entitled to a half-day's concessional leave on 31 December 2015.

Public Service Holiday

The Public Service holiday on Tuesday 29 December 2015 is determined by the Managing Director TAFE NSW as a public service holiday and is set down as a day between Boxing Day and New Year's Day each year (see Clause 47.1.3 of the Agreement).

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