

MANAGING EMPLOYEE ABSENCES - MANDATORY PROCEDURES

This procedure must be read in conjunction with Managing Employee Absences Policy

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1. Overview
	1. Employees are obliged to notify their manager of reasons for an absence and to submit an application for leave within 10 working days of commencing the absence.
	2. Managers are responsible for implementing the Managing Employee Absences - Mandatory Procedures (Mandatory Procedures) when an employee is/has been absent from duty and fails to submit an application for leave.
	3. The Mandatory Procedures must be applied in accordance with the principles of natural justice and procedural fairness and in a manner that promotes the values and general principles of the ACT Public Service.
	4. When implementing the Mandatory Procedures, managers should ensure they are familiar with the relevant leave guidelines and delegations.
	5. Advice for managers on people management issues is available from ManagerAssist (see Definitions above for details) and from Employee Relations (ph 59149)
	6. Figure 1 below outlines employee and manager obligations under the Mandatory Procedures for managing employee absences.

Figure 1: Obligations under the Mandatory Procedures.

1. Rationale
	1. The purpose of the Mandatory Procedures is to provide managers with a framework for managing employee absences in accordance with the Directorate’s Managing Employee Absences policy, enterprise agreements and relevant legislation.
	2. There is a cost to the Government and the community if a Directorate employee is absent from duty and fails to fulfil their obligation to submit an application for leave.
	3. The Mandatory Procedures apply to all permanent and temporary employees who accrue leave entitlements under an award, enterprise agreement or the *Public Sector Management Act 1994*. The Mandatory Procedures do not apply to casual employees.
2. Procedures

Employee obligations

* 1. Employees are obliged to:
		1. notify their manager of the reason for an absence no later than the first day of the absence unless exceptional circumstances exist (e.g. hospitalisation)
		2. submit an application for leave prior to any planned absence
		3. submit an application for leave within ten working days after commencing any unplanned absence.
	2. Employees should submit their applications for leave using HR21. Where this is not possible, employees should access the hard copy leave form from the [Shared Services Customer Service Portal](https://actgovssc.custhelp.com/) or request a hard copy be sent to them by their manager.

Manager obligations

* 1. Determine the reason for an employee’s absence
		1. If the absence is **not work related** (i.e. is an entitlement under Section F‑Leave of the relevant enterprise agreement), the manager should:
			1. ask the employee how long they expect to be absent
			2. determine whether documentary evidence such as medical certificate is required
			3. where appropriate, refer to the policy *Managing officers with a non-compensable illness/injury* on Index
		2. If the absence is **related to a workplace injury or illness** (whether compensable or non-compensable), the manager should:
			1. refer to HR Guide *Reporting of Staff Accidents/Incidents* on Index, ensure any accident/incident is reported via Riskman (on Index) and take steps to address the cause
			2. refer to *Supporting our staff – manual for managers managing injured employees* on Index
			3. advise Injury Management (ph 99 or 620 79000 or email injurymanagement@act.gov.au or SSHRinjurymanagement@act.gov.au ) and the Workplace Health and Safety Representative (HSR)
		3. If the absence **relates to a workplace related issue** (e.g. conflict in the workplace), the manager must:
			1. inform the employee of the Employee Assistance Program (see Definitions above for details)
			2. take steps to address the issue.
	2. Record the absence
		1. For a **school based employee**, the manager should record the absence on CRS (or replacement) and/or on an internal attendance record, flex sheet or other approved format. A hard copy of the relevant attendance record must be kept for a period of two years and made available on request for audit. NB Entering an absence on CRS (or replacement) does not satisfy the need for the employee to submit an application for leave.
		2. For an **office based employee**, the manager should record the absence on an internal attendance record. The employee should record the absence on a flex sheet or other approved format. A hard copy of relevant attendance record must be kept for a period of two years and made available on request for audit.

Where an employee fails to fulfil their obligations

* 1. Failure to notify absence
		1. Where an employee remains absent and has not notified the manager of the reason, the manager must contact the employee as soon as possible to establish why the employee is absent. This contact should be made not later than five working days after the absence commenced.
		2. At this point, the manager must direct the employee to submit an application for leave within ten working days after commencing the absence, unless there are exceptional circumstances (e.g. hospitalisation) that will prevent the employee from doing this.
		3. If the employee expects to be absent for a period longer than ten working days, the manager must send an application for leave (hard copy) to their contact address while on leave, for completion by the employee and return to the manager.
		4. If unable to contact the employee, the manager should advise Shared Services Payroll (ph 99 or 620 79000 or email HRSharedServices@act.gov.au ) and People and Performance Branch.
	2. Failure to submit an application for leave
		1. Where an employee has notified their absence but has not submitted an application for leave within ten working days after commencing the absence, the manager must provide a written direction (usually an email) to the employee to submit the application for leave within a further ten working days.
		2. The direction should include the date(s) of the absence and advice that salary action will be taken if the employee fails to comply. Managers should use Template A attached to these procedures. No further reminders will be provided to the employee.
		3. The manager should take reasonable steps to find out whether there are exceptional circumstances – genuine incapacity that prevents the employee from submitting an application for leave within the required time.
		4. Should the employee fail to submit an application for leave within ten working days following the direction, the absence will be regarded as unauthorised leave without pay.
		5. The manager must then advise Shared Services Payroll (ph 99 or 620 79000 or email HRSharedServices@act.gov.au) to take appropriate salary action. Managers should use Template B attached to these procedures.
		6. Shared Services Payroll will check the employee’s leave entitlements and take appropriate salary action. In all cases, salary payments will be stopped for further periods of unauthorised absence and action will be taken to recover any overpayment for the period of unauthorised absence.
		7. The recording of an unauthorised absence and salary action will not be reversed even if a leave application is subsequently submitted by the employee, unless there are exceptional circumstances.
	3. Repeated failure to submit an application for leave
		1. The manager must implement the above procedure, including advising Shared Services Payroll on salary action, for each individual instance of an employee failing to submit an application for leave within ten working days after commencing an absence.
		2. If an employee repeatedly fails to submit applications for leave, the manager should contact Employee Relations (ph 59149) for advice about possible misconduct by the employee.
		3. In instances of repeated failure to submit leave forms the matter will be dealt with under Section H – Workplace Values and Behaviours of the relevant enterprise agreement. A preliminary assessment of the matter will be conducted and a misconduct investigation and disciplinary action may follow.

Best practice guide for managing employee absences and leave

* 1. This guide outlines best practices used by schools for ensuring all employees are aware of their obligations and workplace procedures relating to absence and leave. These practices can be adapted to suit the individual school’s administrative requirements and current practice.
1. Contact
	1. The Director People and Performance Branch is responsible for this procedure.
	2. For support contact Employee Relations on 620 59149.
2. Complaints
	1. Any concerns about the application of this procedure or the procedure itself, should be raised with:
* the manager in the first instance;
* the Directorate’s Liaison Unit on (02) 620 55429;
* online at <http://www.det.act.gov.au/contact_us>;
* see also the *Complaints Policy* on the Directorate’s website.
1. References
	1. **Definitions**

**Employee** includes permanent and temporary employees of the ACT Public Service Education Directorate. For the purposes of these procedures, it does not include casual employees.

**Employee Assistance Program** provides independent, confidential and professional counselling services for employees with work related or personal problems. The services are provided free to employees. Three providers are available: Converge International (ph. 1300 687 327), Davidson Trahaire Corpsych (ph. 1300 360 364) and Optum (ph. 1300 361 008).

**Employee Relations** means the section in People and Performance Branch in Education Directorate.

**HR21** is the ACT Government employee system for submitting electronic applications for personal leave (all employees) and annual leave (staff other than teachers).

**Manager** includes school principals and managers in central office.

**Manager Assist** is a free telephone consultancy service providing practical assistance and advice to managers and supervisors on people management issues. It is part of the Employee Assistance Program and three providers are available: Converge International (ph. 1300 687 327), Davidson Trahaire Corpsych (ph. 1300 360 364) and Optum (ph. 1300 361 008).

**Managing employee absences policy** refers to the Directorate’s internal policy located on Index.

* 1. **Related Policies and Documents**
* Managing Employee Absences and Leave – A Best Practice Guide <https://www.education.act.gov.au/publications_and_policies/policies>
* HR Delegations Manual
<https://index.ed.act.edu.au/governance/delegations/hr-delegations.html>
* Injury Management Toolkit
<https://index.ed.act.edu.au/our-people/whs/control/injury-management.html>
* Application for Leave (all forms)
<http://sharedservices/ACTgovt/HR-forms.htm>
1. Templates

A Written direction to employee to submit a leave application

B Email to Shared Services Payroll: Instituting salary action for an employee’s unauthorised absence

Template A: Direction to submit leave application

*[DELETE AND ALTER AS APPROPRIATE]*

Employee Name

Address 1

Address 2

Direction to submit an application for leave

As a condition of employment, you are required to submit an application for leave to cover an absence from the workplace. Attendance records indicate that you

[were absent from 8:30 01/01/2012 to 16:51 02/01/2012]

[have been absent since 8:30 01/01/2012]

and have not submitted an application for leave to cover this absence within 10 working days after commencing your initial absence. Failure to do so will result in an unauthorised absence and salary overpayment.

I am therefore formally directing you to submit an application for leave to cover this absence within a further 10 working days from the date of this communication.

[Please complete an application for leave on HR21 – and submit any documentary evidence such as a medical certificate or statutory declaration, if appropriate, within this timeframe.]

[I have enclosed an application for leave – please complete this and return it to me along with any documentary evidence such as a medical certificate or statutory declaration, if appropriate, within this timeframe.]

Warning of salary action

If you do not submit an application for leave as directed, this absence will be recorded as an unauthorised absence and salary action will be taken to stop and/or recover salary for the period of unauthorised absence. Once this action has been taken, it will not be reversed, even if you subsequently submit an application for leave, unless you are able to demonstrate that exceptional circumstances prevented you from complying with this direction.

If you believe the above period of absence to be incorrect or believe there is some other reason you are not required to complete an application for leave, please contact me on [NUMBER] to discuss this.

This action and direction is given in accordance with the Directorate’s *Managing Employee Absences - Mandatory Procedures*, available on Index.

[Principal][Manager]

School/Section Name

 / /

[Enclosed: Application for leave form]

Template B: Email to Shared Services Payroll to institute salary action due to an employee’s unauthorised absence

### [HRSharedServices@act.gov.au](%5C%5C%5C%5Cact.gov.au%5C%5Ceducation%5C%5Cdecs%5C%5CEmployee%20Relations%5C%5CStrategic%20Management%5C%5CPolicy%5C%5CManaging%20Employee%20Absences%5C%5C2015%20revision%5C%5C151007A%20Mandatory%20procedures%20for%20managing%20employee%20absences.docx%22%20%5Cs%20%221%2C13603%2C13681%2C3%2C%2CHYPERLINK%20%5C%22mailto%3AHRSharedServi)

Advice to take salary action due to an employee’s unauthorised absence

*[DELETE AND ALTER AS APPROPRIATE]*

Please take appropriate action to recover salary from the following employee for unauthorised absence:

Employee name:

AGS number:

Classification:

Period of unauthorised absence: 8:30am [DATE] to 16:51 [DATE]

School contact: [NAME] [PHONE] [EMAIL]

Please take appropriate action to cease and recover salary from the following employee for unauthorised absence:

Employee name:

AGS number:

Classification:

Continued unauthorised absence from: 8:30am [DATE]

School contact: [NAME] [PHONE] [EMAIL]

[Principal/Manager] [or delegate e.g. Business manager]

School/Section Name

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