

NSW Department of Education – Leave Framework for Responding to Emergencies

Leave entitlements for Emergencies

This document reflects the leave entitlements as set out in the [Crown Employees \(Public Service Conditions of Employment\) Reviewed Award](#), the [Public Service Industrial Relations Guide](#), the [Non-Teaching Staff in Schools Handbook](#) and the [Teachers Handbook](#).

In the case of emergencies employees will either be:

- At work or working at another workplace location;
- Volunteering for an Emergency Services Organisation;
- Are directly impacted by an event and are eligible to access leave relevant to their particular circumstances.

Please refer to flowchart 1 *Leave for Emergencies* which applies to permanent and temporary employees.

If a decision is made by the Secretary of the Department of Education, or delegate, of an event, actual or imminent, which endangers or threatens to endanger life, property or the environment and which requires a significant or coordinated response other leave entitlements may apply. Please refer to the Significant and Coordinated response section under flowchart 1 *Leave for Emergencies*.

Volunteers

Permanent and temporary employees who are members of an emergency services organisation or volunteer in emergencies may also be entitled to paid leave. Evidence requirements apply.

Please refer to the *Employees who are Volunteers* flowcharts (see flowchart 2 for Teaching staff & flowchart 3 for SASS/Corporate staff).

Emergency Services Organisations are those described in the *State Emergency Management and Rescue Act 1989*, see below:

Ambulance Service of NSW;

Fire and Rescue NSW;

A fire brigade within the meaning of the Fire and Rescue NSW Act 1989;

NSW Police Force;

NSW Rural Fire Service;

State Emergency Service;

Surf Life Saving New South Wales;

New South Wales Volunteer Rescue Association Inc.; and

Volunteer Marine Rescue NSW.

In the case of a significant or coordinated response this list may be extended on a case by case basis.

Australian Defence Force Reserves (ADFR)

Permanent and temporary employees who are members of the ADFR who due to an emergency are required to undertake compulsory reserve service in the form of a call out, may be entitled to paid leave. Evidence requirements apply.

Please refer to the *Employees who are Reservists* flowcharts (see flowchart 4 for Teaching staff & flowchart 5 for SASS/Corporate staff).

Rest Periods

Permanent and temporary employees who volunteer during term time may be granted the following leave:

Teaching Service

Where a teacher remains on emergency duty for several days or assists in a rescue at such time as it would be unreasonable to expect the teacher to report for duty at a normal time, up to one day special leave for rest purposes may be granted.

SASS/Corporate Staff

Where a staff member remains on emergency duty for several days, the Secretary may grant special leave to allow the staff member reasonable time for rest before returning to normal duties.

Where a staff member does not remain on emergency duty for several days but assists in a rescue at such time as it would be unreasonable to expect the staff member to report for duty at a normal time, up to one day special leave for rest purposes may be granted.

In the case of an emergency other than a significant or coordinated response, this leave is to be included in the general limit of five days in any period of twelve months.

Rest periods for emergencies during vacation periods

Where a permanent or temporary employee is a volunteer and has remained on emergency duty as a result of a significant or coordinated response for the majority of the vacation period and the period of volunteering is adjacent to the end of the vacation period, the employee may be granted special leave to allow reasonable time for recovery before returning to duty. This is subject to eligibility requirements.

Casual Teachers

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In the case of emergency, including a significant or coordinated response, casual teachers should be contacted as soon as possible by the school principal or delegate to advise the casual teacher if a school is non-operational. If a casual teacher doesn't report for duty, that is, they were due to work in a school that was non-operational or alternatively they are unable to attend the workplace, they will not be paid.

In the event that a casual teacher has reported to a school for duty but has subsequently been sent home due to the school being non-operational, they are entitled to be paid for half a day (that is 3 hours pay).

Flowchart 1 – Leave for Emergencies

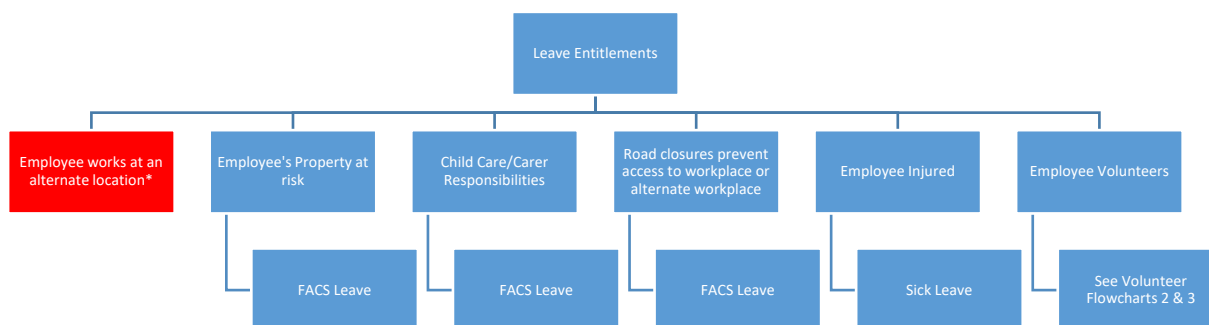
The flowchart below outlines the leave entitlements for emergencies. In the first instance employees who are unable to attend work, or an alternative workplace location, may be eligible for FACS leave in circumstances set out below.

School is Operational

Employees are to attend the workplace unless one of the circumstances in the flowchart applies.

School is Non-Operational*

Employees are expected to attend an alternate workplace location unless one of the individual circumstances in the flowchart applies. Directors, Educational Leadership and Principals will work with school communities to determine alternate locations. Where no suitable alternate location is identified employees will be considered on duty until their school re-opens or a further alternate workplace location is identified.



Significant or Coordinated Response

In circumstances of a significant or coordinated response where the workplace is operational, and the employee has exhausted their FACS leave entitlement but the employee is prevented from attending work due to either their property being at risk, road closures or ongoing child care responsibilities, a case management approach to the granting of leave should be taken by the employee's principal or manager.

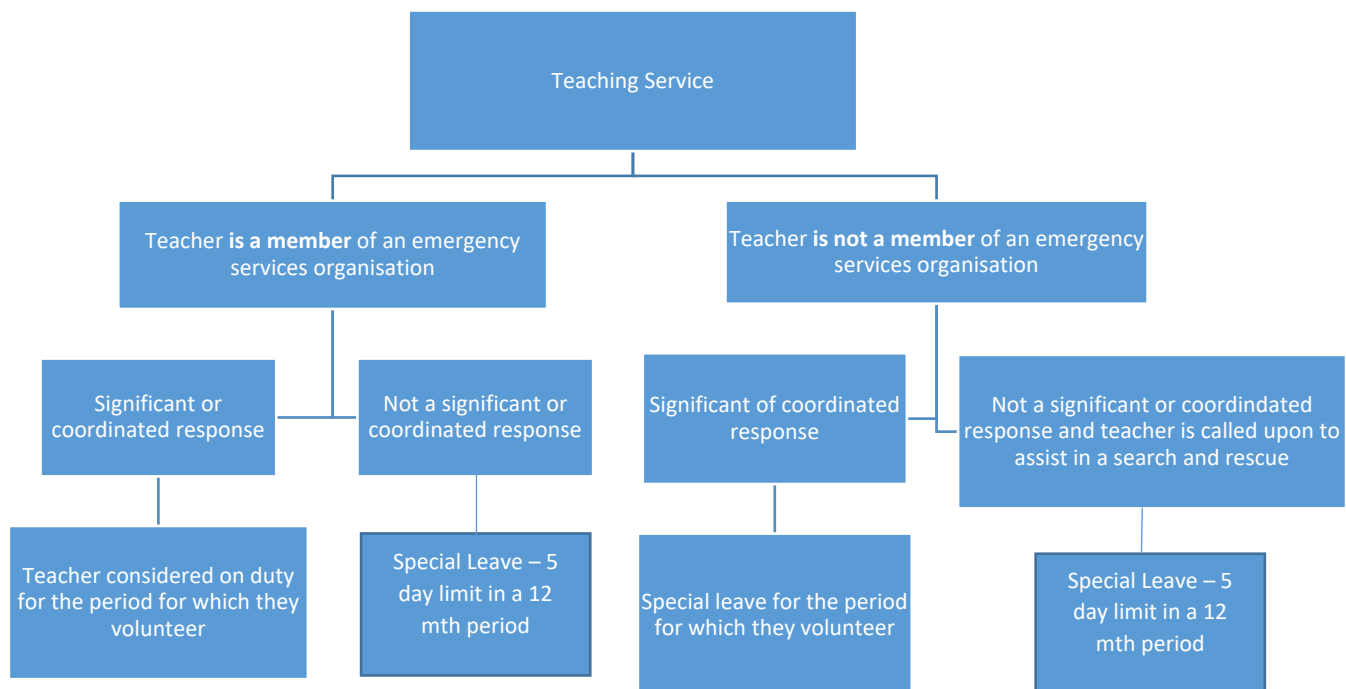
Where the eligibility criteria below are met access to up to 20 days special leave may be available. The Department has the discretion to cease access to this additional provision following the period of the significant or coordinated response.

Eligibility Criteria

The employee is prevented from attending work due to one or more of the following:

- Employee has lost their home/or is unable to access their home/or their home is at risk;
- Employee has lost access to child care due to their regular provider being non-operational/has ongoing child care/carer responsibilities; and/or
- Employee is sourcing temporary accommodation and/or is living in an evacuation centre.
- Employee is unable to get to the workplace due to road closures.

Flowchart 2 – Employees who Volunteer – Teaching Service Staff



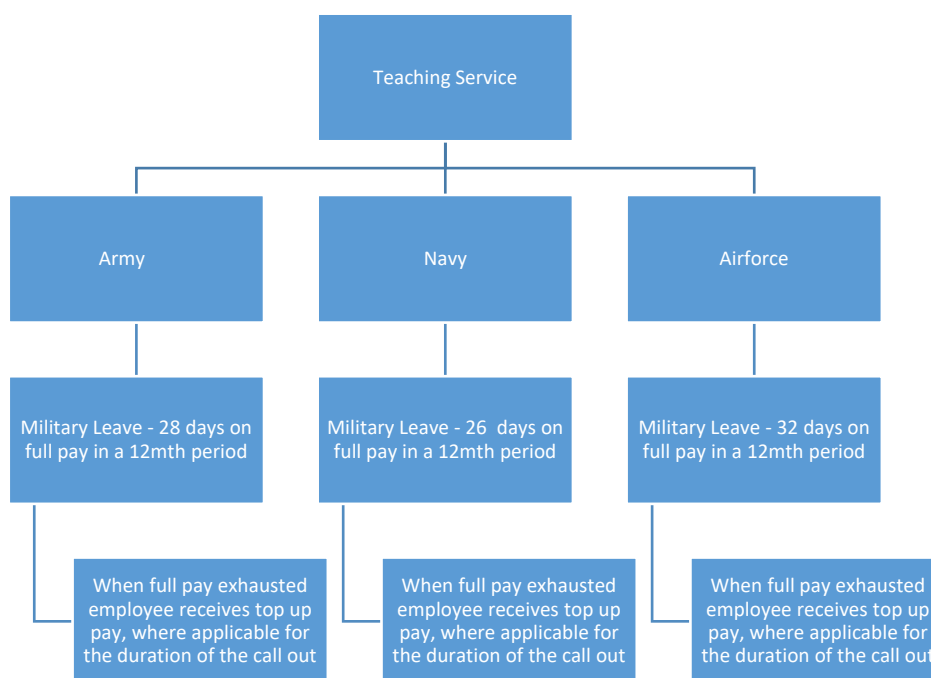
NB: This does not apply to employees who are reservists. Please refer to Flowchart 4.

Flowchart 3 – Employees who Volunteer – SASS and Corporate Staff



NB: This does not apply to employees who are reservists. Please refer to Flowchart 5.

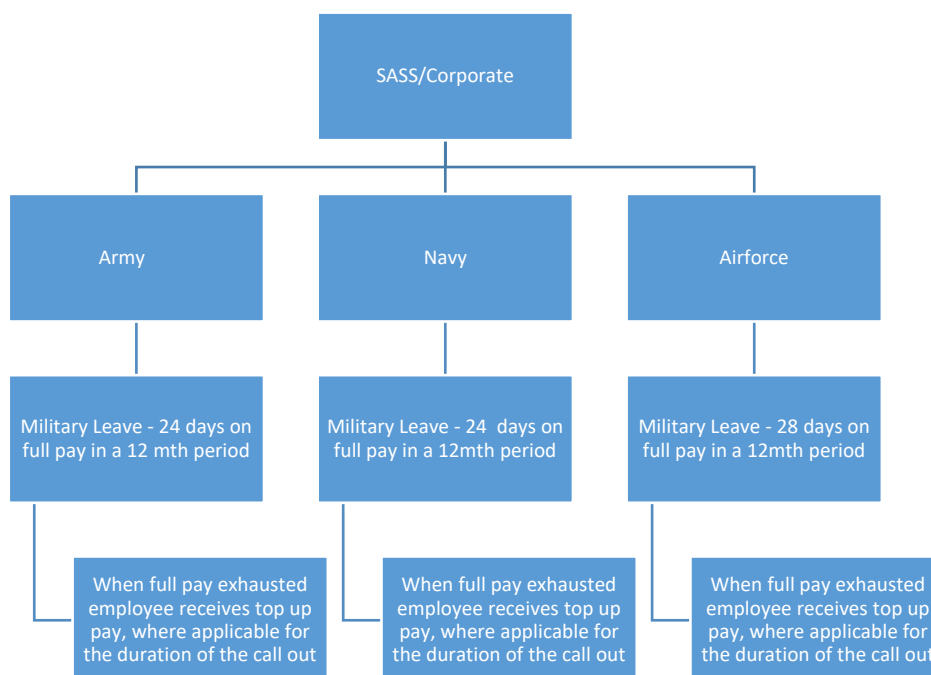
Flowchart 4 – Employees who are Reservists – Teaching Service



“*Military leave year*” means a 12 month period starting from 1 July in a given year and ending on 30 June in the following year.

“*Military leave with Top up pay*” is for the ADF Reserve service that is granted in excess of the annual paid military leave entitlement. The Reservist will be entitled to top up pay which is the difference between the Reservist’s pay paid by the Commonwealth Department of Defence and what they would ordinarily have received if they were at work.

Flowchart 5 – Employees who are Reservists – SASS/Corporate staff



“*Military leave year*” means a 12 month period starting from 1 July in a given year and ending on 30 June in the following year.

“*Military leave with Top up pay*” is for the ADF Reserve service that is granted in excess of the annual paid military leave entitlement. The Reservist will be entitled to top up pay which is the difference between the Reservist’s pay paid by the Commonwealth Department of Defence and what they would ordinarily have received if they were at work.

Sources

[Teachers Handbook](#)

[Crown Employees \(Public Service Conditions of Employment\) Reviewed Award](#)

[Non-Teaching Staff in Schools Handbook](#)

[Public Service Industrial Relations Guide,](#)

[Military Leave Guidelines](#)