
8 SEPARATION FROM THE SERVICE

8.1	RESIGNATION/RETIREMENT - GENERAL	1
8.1.1	NOTICE OF RESIGNATION/RETIREMENT (SEPARATION)	1
8.1.2	EFFECTIVE DATE OF RESIGNATION/RETIREMENT	1
8.1.3	VACATION ENTITLEMENTS	2
	8.1.3.1 Resignation/Retirement During a School Term	2
	8.1.3.2 Resignation/Retirement Prior to The Last Day of Any School Term	2
	8.1.3.3 Resignation/Retirement on the Last Day of a School Term	2
8.1.4	REASON FOR SEPARATION FROM THE SERVICE	2
8.1.5	EXTENDED LEAVE: PAYMENT OF MONETARY VALUE	2
8.1.6	WITHDRAWAL OF RESIGNATION/RETIREMENT	3
8.1.7	RECORDS OF EMPLOYMENT	3
8.1.8	SUPERANNUATION FORMS	4
8.1.9	EMPLOYEES CONTESTING FEDERAL AND STATE ELECTIONS	4
	8.1.9.1 Federal Elections	4
	8.1.9.2 State Elections	5
8.2	MEDICAL RETIREMENT	6
8.2.1	GENERAL	6
8.2.2	MEDICAL EXAMINATION	6
8.2.3	MEDICAL APPEALS PANEL	6
8.2.4	LAST DAY OF SERVICE	6
8.2.5	RECREATION AND EXTENDED LEAVE	7
8.2.6	MEDICAL RETIREMENT AND WORKERS COMPENSATION	7
8.2.7	SUPERANNUATION AND SOCIAL SECURITY BENEFITS	7
8.2.8	RE-EMPLOYMENT OF MEDICALLY RETIRED NON TEACHING STAFF	7

8 SEPARATION FROM THE SERVICE

8 SEPARATION FROM THE SERVICE

8.1 RESIGNATION/RETIREMENT - GENERAL

Staff members should give a reasonable period of notice before terminating their employment. Staff are entitled to be paid final monies on their last day of work (after 3.30 p.m.).

Before resigning staff members should ensure that other options such as extended leave, leave without pay, permanent part-time work and part-time leave without pay have been considered.

There is no compulsory retirement age and staff members must make an individual decision as to the age at which they wish to retire.

In respect of contributors to a State Government superannuation scheme, advice should be sought from the Pillar Customer Service Centre regarding the superannuation aspects of a decision to retire.

8.1.1 NOTICE OF RESIGNATION/RETIREMENT (SEPARATION)

8.1.1.1 Notice of resignation/retirement should be submitted on the notice of resignation/retirement form which is available in schools.

8.1.1.2 Notice of resignation/retirement may be given at any time but should be submitted at least two weeks prior to the date on which separation from the service is to be effective.

8.1.1.3 To assist in the selection of appropriate and qualified staff and to ensure prompt payment of benefits, where possible, staff members are asked to submit their notice more than two weeks in advance.

8.1.1.4 The notice of resignation/retirement form when completed by a staff member and signed by the principal should be sent by the principal to the Administrative Staff Services Unit, Bathurst.

8.1.1.5 Superannuation exit forms with the employer's section completed will be forwarded on receipt of the notice of resignation/retirement form. When completed by the employee the form should be returned directly to Pillar.

8.1.2 EFFECTIVE DATE OF RESIGNATION/RETIREMENT

8.1.2.1 When completing the notice of resignation/retirement form, staff members must indicate the proposed last day of duty. Care should be taken in selecting this date as payment of benefits such as extended leave and superannuation can be dependent on length of service.

8.1.2.2 Staff members resigning or retiring while on leave of absence may indicate that the resignation/retirement is to become effective from the date the notice of resignation/retirement form is completed, dated and signed or they may nominate an effective date which is on or before the last date of the approved leave. The nominated date, however, cannot be back dated to a date which falls before the notice of resignation/retirement form is signed and dated by a staff member or, if completed on or after the date of expiration of a period of leave, cannot be back dated to a date earlier than the last date of approved leave.

8 SEPARATION FROM THE SERVICE

8.1.3 VACATION ENTITLEMENTS

8.1.3.1 Resignation/Retirement During a School Term

To assist in the effective staffing of schools, staff members are encouraged to elect the last day of a school term as their resignation/retirement date.

Where a staff member's resignation/retirement becomes effective during a school term, payment of salary ceases at the end of the school day on which the staff member ceases duty.

8.1.3.2 Resignation/Retirement Prior to The Last Day of Any School Term

Permanent staff resigning or retiring during a school term will be paid accrued vacation pay entitlements, as a gratuity. Vacation entitlements already paid during the year are deducted when calculating the vacation balance for the separation payment.

8.1.3.3 Resignation/Retirement on the Last Day of a School Term

Permanent staff resigning or retiring on the last day of a school term may elect to:

- a) receive payment for the balance of vacation entitlements, as a gratuity; or
- b) take the balance of vacation entitlements as leave; or
- c) combine options a) and b) above.

Long-time temporary school administrative and support staff and part-time long-time temporary general assistants (who do not work school vacations) may also be entitled to standdown pay for the previous vacation.

8.1.4 REASON FOR SEPARATION FROM THE SERVICE

The reason for resignation or retirement e.g. personal reasons, other employment etc. should be indicated on the notice of resignation/retirement form in the appropriate space. Completion of this section is particularly relevant to staff members who have completed more than five years but less than ten years service.

8.1.5 EXTENDED LEAVE: PAYMENT OF MONETARY VALUE

8.1.5.1 A staff member who has acquired a right to extended leave will be paid the monetary value of any leave entitlement on resignation or retirement.

8.1.5.2 If net service is less than five years the staff member is not eligible to be paid any extended leave upon cessation of employment.

8.1.5.3 If net service is five years but less than ten years the staff member may be entitled to pro rata extended leave. Payment depends on the staff member's reason for exiting employment. Payment of monetary value of extended leave is only made where the reason for separation from the service is because of illness, incapacity or other pressing necessity. Pressing necessity may include marriage, family responsibilities, child rearing or the impending birth of a child.

8 SEPARATION FROM THE SERVICE

- 8.1.5.4 Pro rata extended leave is paid when the staff member has completed at least five years "adult" service. "Adult" is service during which the staff member was paid a rate not lower than the lowest rate fixed under the award, industrial agreement or determination for an adult. If the rate is not specified, adult service starts when the staff member attained the age of eighteen years or received the eighteen years rate of pay. If five years adult service has been completed, all service is counted (including service before the eighteenth birthday).
- 8.1.5.5 On completion of ten years of service, the entitlement is 44 working days on full pay and eleven working days for each completed year of service after ten years.
- 8.1.5.6 School administrative and support staff are paid extended leave at the rate applicable to long-term temporary employee's hourly rate of pay.

8.1.6 WITHDRAWAL OF RESIGNATION/RETIREMENT

- 8.1.6.1 Notice of resignation/retirement cannot be withdrawn after the date on which the notice became effective.
- 8.1.6.2 Should a staff member wish to withdraw notice of resignation/retirement, a written request should be submitted through the principal to the Administrative Staff Services Unit, Bathurst, prior to the day on which the notice is to become effective.
- 8.1.6.3 When a staff member submits a notice of resignation/retirement form to the Department indicating that he or she is going to resign or retire from the service, the staff member's position will be declared vacant. Staff members who apply to withdraw their notice of resignation/retirement will only be considered for re-appointment to their former position if a replacement staff member has not been appointed.

8.1.7 RECORDS OF EMPLOYMENT

Current and former non teaching staff in schools who require a record of employment should make a written application to the appropriate section of the Department as listed below:

Employment Category	Section
Permanent non teaching staff in schools	Administrative Staff Services Unit Locked Bag No 1010 BATHURST NSW 2795
Temporary non teaching staff in schools	Casual Employee Payroll Services Unit Locked Bag No 3012 BLACKTOWN NSW 2148

- 8.1.7.1 A record of employment does not indicate suitability for further employment nor does it constitute a reference.
- 8.1.7.2 Non teaching staff in schools who attempt to falsify information on a record of employment may be liable to disciplinary action.

8 SEPARATION FROM THE SERVICE

8.1.8 SUPERANNUATION FORMS

- 8.1.8.1 On resignation/retirement from the service, contributors to a State Government superannuation scheme must complete exit forms.
- 8.1.8.2 Superannuation exit forms with the employer's section completed will be forwarded on receipt of the notice of resignation/retirement form. When completed by the employee the form should be returned directly to Pillar.
- 8.1.8.3 Staff members who are contributors to the State Superannuation Fund who elect early voluntary retirement and who wish to commute part or all pension to a lump sum must submit the "Election to Commute Pension to a Lump Sum" form to Pillar six months in advance of the date on which commutation is to take effect.

8.1.9 EMPLOYEES CONTESTING FEDERAL AND STATE ELECTIONS

8.1.9.1 Federal Elections

a) Employee Required to Resign Prior to Federal Election

[Section 44 \(iv\) of the Commonwealth Constitution Act](#) provides that:

"Any person who ... holds any office of profit under the Crown ... shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives."

This provision has been interpreted to mean that Government employees must resign from their positions before they can nominate for election to the Commonwealth Parliament.

b) Last Day of Service

The last day of service of an employee who is contesting a Federal election must be no later than the day prior to the closing date for nominations.

c) Entitlement to Reappointment

The [Public Service Act 1999](#) and [Public Service Regulation 1999](#) provide that a public servant who resigns to contest a Commonwealth election and fails to be elected is entitled to be reappointed to the position held at the day of the resignation at the same salary and conditions as previously applied, provided:

- the resignation took effect not earlier than six months of the polling date;
- the resignation stated an intention to contest the election; and
- the public servant makes written application for reappointment within two months of the declaration of the poll.

d) Leave Arrangements

Where an employee is so reappointed the period between the dates of resignation and reappointment is to be regarded as leave without pay. The monetary value of recreation or extended leave credits paid on resignation may be retained, applied in whole or part to the period of leave without pay, or refunded to re-establish leave credits according to the preference of the

8 SEPARATION FROM THE SERVICE

employee concerned. For further information see Public Employment Office Circular 96-7.

8.1.9.2 State Elections

a) Legislative Provisions

The legislative provisions relevant to the position of public sector employees or officers contesting State elections include [section 13B of the Constitution Act 1902](#). [Premier's Department Circular 95-4](#) should also be consulted.

Where a public sector employee is standing for election to State Parliament, he or she is not required to resign until declared elected. In this situation, the last day of service is the date upon which the employee is declared elected.

b) Leave Arrangements

Notwithstanding the above, employees who are intending to nominate as candidates should be advised to consider appropriate leave arrangements to cover the election period. In this regard, attention should also be drawn to the provisions of [Section 8-10 Political and Community Participation](#), of the Personnel Handbook. In order to avoid potential conflict between political interests and public employment, it would be preferable for employees to take leave for election campaigning purposes, from and including the day of nomination for the election.

When contesting an election, leave may be taken, with or without pay according to the employee's preference and entitlements available.

8 SEPARATION FROM THE SERVICE

8.2 MEDICAL RETIREMENT

8.2.1 GENERAL

8.2.1.1 A permanent staff member, who because of invalidity or physical or mental incapacity, is unable to perform the duties of his or her position may be medically retired.

8.2.1.2 Temporary staff members who are found to be unfit to perform the duties of their position may have their services terminated on medical grounds.

8.2.2 MEDICAL EXAMINATION

A medical examination by HealthQuest will be arranged in order to determine a staff member's fitness to continue in employment where:

8.2.2.1 the staff member requests an examination; or

8.2.2.2 a medical certificate is submitted covering a period in which a staff member's sick leave with pay will cease and the medical condition is such that recovery is unlikely; or

8.2.2.3 where the medical certificate indicates an absence of at least six months.

8.2.3 MEDICAL APPEALS PANEL

8.2.3.1 Staff members who are recommended for medical retirement will be advised of the HealthQuest decision and appeal rights by the Medical Appeals Panel.

8.2.3.2 The appeal period is 21 calendar days from the date of the Medical Appeals Panel's letter to the staff member advising him or her of the right of appeal.

8.2.3.3 No action to finalise a medical retirement is taken until:

- a) the staff member waives the right of appeal; or
- b) the appeal period has expired; or
- c) the appeal is determined.

8.2.3.4 Where an appeal is lodged against the decision not to grant medical retirement, no administrative action is taken regarding the allocation of any sick leave until the outcome of the appeal is known. If the appeal is upheld, sick leave to credit will be granted.

8.2.4 LAST DAY OF SERVICE

The last day of service for a staff member who does not appeal is to be:

- a) the date the staff member notifies the Medical Appeals Panel in writing within the 21 days period that an appeal will not be lodged; or
- b) the end of the appeal period if the staff member does not indicate an intention to appeal.

8 SEPARATION FROM THE SERVICE

The last day of service for a staff member who has lodged an appeal and the appeal is disallowed will be the date the decision is made by the Medical Appeals Panel.

Sick leave may be granted up to the last day of service. Should recreation leave be taken and not paid as a gratuity, the last day of service will be on the expiration of such leave, and it is from this date that extended leave entitlements are to be calculated.

8.2.5 RECREATION AND EXTENDED LEAVE

Following the determination of a staff member's last day of service, the Department will automatically calculate any recreation or extended leave entitlement and pay any benefits in a lump sum.

The Department calculates the number of days leave owing to a staff member and when a staff member has such an entitlement Pillar adds that number of days to the last day of service. Superannuation payments will only commence after that date.

8.2.6 MEDICAL RETIREMENT AND WORKERS COMPENSATION

Staff members who are medically retired because of a work related illness or injury should contact the GIO regarding the continuation of workers compensation payments.

8.2.7 SUPERANNUATION AND SOCIAL SECURITY BENEFITS

8.2.7.1 The Department advises Pillar of the medical retirement of all contributors to a State Government superannuation scheme.

8.2.7.2 Staff members who are contributors to the State Superannuation Scheme will be eligible for pension benefits following medical retirement. Contributors to the State Authorities Superannuation Scheme will be eligible for lump sum benefits.

Staff members should contact the advisory section of Pillar for further information.

8.2.7.3 Staff members who are not contributors to a State Government superannuation scheme may be eligible for payment of a disability support pension and should contact Centrelink for information.

8.2.8 RE-EMPLOYMENT OF MEDICALLY RETIRED NON TEACHING STAFF

8.2.8.1 Before a non teaching staff member is re-employed in any capacity (including casual, short-term or long-term capacity) after having been medically retired, he or she must:

- a) apply for a position advertised in the press;
- b) complete an application for employment and attach a certificate of fitness from a registered medical practitioner, preferably one who has treated the applicant for the last twelve months at least;
- c) undergo a merit selection process; and
- d) if successful at the selection process, undertake a medical examination by HealthQuest for the purpose of determining fitness for re-employment as a non teaching staff member.

8 SEPARATION FROM THE SERVICE

- 8.2.8.2 Pillar will be notified when a non teaching staff member in receipt of a state superannuation pension is re-employed.

Any inquiries concerning superannuation entitlements should be addressed to the Pillar Customer Service Centre (see Chapter 9 for contact details).