

4.14 Special Leave

4.14.1 General

- a) Special leave is a category of full pay leave available to teachers. It covers activities which are not regarded as being on duty but which are not covered by other forms of leave.
- b) Where appropriate, applications for special leave should be accompanied by documentation verifying the teacher's involvement in the particular activity or organisation.

4.14.2 Entitlement

- a) Each circumstance has specific rules which determine the entitlement and where applicable, the duration of special leave that may be granted.
- b) In some instances, for example jury service, the amount of leave that may be granted has no upper limit and in other instances there are annual limits applicable to the particular circumstances.

4.14.3 Annual Conferences or Meetings

- a) Teachers may be granted special leave for the duration of the conference or meeting, plus reasonable travelling time to permit attendance at annual conferences or meetings in the following circumstances:
 - i) State Emergency Services Annual Conference as deputy division controllers and/or sub-division controllers;
 - ii) Annual Conference of the Federation of Parents and Citizens Associations or the Annual Conference of the Federation of School Community Organisations as representative delegates;
 - iii) National Red Cross Executive Council compulsory meetings;
 - iv) Annual Conference of the Returned Services League of Australia as a delegate of a sub-branch;
 - v) NSW Local Government Council.

4.14.4 Bone Marrow Donors

- a) Teachers who have registered and are selected to donate bone marrow may be granted special leave when the procedure cannot be carried out outside school hours or during school vacations.
- b) The maximum period of leave is five days special leave with pay and a medical certificate must accompany the application for leave.

4.14.5 Court Attendance as Interpreter

Subject to departmental convenience, teachers may be granted special leave when required to assist in official interpreting at courts. Teachers may retain the interpreter's fee.

4.14.6 Electoral Returning Officers

Teachers who are Electoral Returning Officers may be granted special leave in the following circumstances:

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- i) For contested elections or a referendum - up to seven weeks special leave from the date of issue of the writs until three weeks after polling day. Requests for additional leave are to be referred to the Director of Personnel Services.
 - ii) For uncontested elections - sufficient special leave to complete the necessary formalities.
 - iii) To visit schools to conduct campaigns of electoral education in line with the Premier's wishes - special leave for visit plus travelling time.

4.14.7 Duke of Edinburgh Awards

Up to two days special leave may be granted to teachers to attend rehearsals and/or presentation of Duke of Edinburgh Awards.

4.14.8 Examination Leave

- a) Special leave to a maximum of five days per year may be granted to teachers enrolled in approved tertiary courses to attend a terminal examination.
- b) "Approved tertiary courses" are defined as courses of study of value to teachers professionally which may be undertaken at a university or TAFE college in New South Wales or the Australian Capital Territory.
- c) "A terminal examination" is defined as:
 - an examination which occurs at the end of a subject and must be passed for the subject to be completed; or
 - an examination which occurs during a course and forms an integral part of the major examination or final assessment in a subject which must be taken in order to pass the subject in that academic period.
- d) These conditions also apply to attendance at deferred examinations and examinations in respect of repeat studies.

4.14.9 Pre-examination Leave

Teachers enrolled in approved tertiary courses may also be granted up to five days pre-examination leave as follows:

Morning examination : no pre-examination leave

Afternoon examination : half day pre-examination leave on the morning of the same day

Evening examination : half day pre-examination on the afternoon of the same day

4.14.10 Application and Approval of Leave

- a) Principals have authority to grant examination and pre-examination leave in accordance with the above provisions. Formal applications for leave do not need to be submitted as principals may approve leave on production of the examination timetable.
- b) In respect of teachers wishing to attend examinations arranged by institutions other than a university or TAFE college in New South Wales or the Australian Capital Territory, formal applications for leave must be submitted and accompanied by all relevant documentation.

4.14.11 Ex-armed Services Personnel

Ex-armed services personnel may be granted up to 6½ days special leave in any period of twelve months for the following purposes:

- to attend a hospital or visit a medical officer for review;
- to attend a hospital to report for periodical examination or attention in connection with a war caused disability;
- to attend limb factories for the supply, renewal or repair of article replacements or surgical appliances; or
- to attend the Department of Veterans' Affairs in connection with claims made for military pensions.

4.14.12 Graduation Ceremonies

- a) Teachers may be granted special leave for a maximum of one day for the minimum time necessary for attendance at a graduation ceremony for the award of a degree or diploma from a recognised tertiary institution.

Teachers in isolated locations who require additional time to travel to and from a graduation ceremony, may be granted family and community service leave to credit for the reasonable time necessary for travel.

- b) Where relief is not available, the closure of a one teacher school for one day will be permitted to allow the teacher to attend a graduation ceremony.

4.14.13 Jury Service

- a) Teachers who receive a jury summons should advise their principal of the details.
- b) A teacher who attends court in answer to a jury summons may be granted special leave for the time they are necessarily absent.
- c) A certificate of attendance or other documentation setting out attendance and detailing payments made must be obtained from the Sheriff or the Registrar of the court.
- d) Teachers can only claim out of pocket expenses.
- e) A teacher who attends court but is not empanelled for jury service is obliged to report for duty where practicable, even for part of the day. In these circumstances teachers should telephone the principal and indicate that they are returning to school.
- f) Applications for leave must be accompanied by the Sheriff's certificate, otherwise leave will be granted without pay.
- g) A teacher who serves on a jury during a school vacation or other approved leave is not eligible for compensatory leave or a recredit of approved leave. The certificate of attendance is not required.

Exemption from Jury Service

- a) A teacher who is summoned for jury duty at a time which would educationally disadvantage pupils or cause other severe hardship may apply to the Sheriff of NSW to be excused from jury service.

- b) Application, in the form of a statutory declaration accompanied by a letter of support from the principal and the summons for jury service, should be submitted to the Sheriff immediately following receipt of the jury service notice.

4.14.14 Local Government Activities

- a) Teachers who hold the civic office of mayor of a municipal council, president of a shire council or chairperson of a county council may be granted up to ten days special leave in any period of twelve months, not cumulative, to meet those commitments of office which occur in school hours.
- b) Teachers who hold civic office other than those above may be granted three days special leave in any period of twelve months, not cumulative.

4.14.15 Medical Examination for Permanent Appointment

- a) Teachers in country centres may be granted special leave for the time they are necessarily absent from duty where they are required to travel to another town for a medical examination for permanent appointment.
- b) In the metropolitan area and other centres where travel to another town is not necessary, teachers are deemed to be on duty for the minimum time necessary to attend the medical examination and return to duty.
- c) Where a teacher is not already on approved leave and is attending a medical examination for fitness to continue, the above provisions will apply.

4.14.16 Members of Statutory Boards and Authorities

- a) Teachers may be granted special leave for attendance at regular meetings of a specified statutory board or authority of which the teacher is a member on the following basis:
- up to three days in any period of twelve months, not cumulative, if a teacher is a member of one specified statutory board or authority;
 - up to five days in any period of twelve months, not cumulative, if a teacher is a member of more than one specified statutory board or authority;
- b) Teachers who attend meetings of statutory boards or authorities which come within the Education portfolio, for example the Board of Studies, will be deemed to be on duty and do not have to apply for leave of absence.
- c) Teachers appointed as board members of the NSW Teachers Credit Union or Directors of the Teachers Federation Health Limited board may be granted special leave for one half day per month to attend board meetings that are held during school terms.

The NSW Teachers Credit Union or Teachers Federation Health Limited, as appropriate, is responsible for payment of relief costs associated with this leave.

4.14.17 Political Exchange Program

Teachers who are selected to participate in the Political Exchange Program under the Multi-Party Commonwealth Government Committee may be granted special leave for the duration of the program plus reasonable travelling time.

4.14.18 National Aborigines' and Torres Strait Islanders' Day

Teachers who identify as Aborigines may be granted up to one day special leave so that they

may participate in National Aborigines' and Torres Strait Islanders' Day celebrations.

4.14.19 Professional or Learned Societies

- a) Applications for special leave for the attendance at conferences or meetings which are of professional interest to teachers will only be considered in special circumstances.
- b) Applications for special leave should be submitted at least one month in advance and should be accompanied by appropriate documentation regarding the conference or meeting.
- c) In respect of applications for special leave where overseas travel is involved it is essential that the prior approval of the Minister for Education and Training is obtained. In this instance it is therefore necessary for applications to be submitted at least ten weeks prior to the proposed departure date.

4.14.20 School Camping Programs

- a) Visiting teachers who attend school camps organised in association with the Department of Sport and Recreation may be granted two days special leave if they attend a camp of seven days duration or longer. This leave is to compensate the teacher for being on duty during a weekend.
- b) If the camp is of five days duration or longer and a teacher is on duty on a public holiday, special leave for one day may be granted.
- c) Leave should be taken within a reasonable time after the camp and at a time convenient to the teacher's school.

4.14.21 Sporting Fixtures

- a) In some instances special leave may be granted to teachers selected to represent a State or Australia as a competitor, coach, team manager or official in a major amateur sport.
- b) See Section 4.7, Leave for Sporting Fixtures for details.

4.14.22 State Emergencies

- a) Courses of Training
 - Teachers selected as departmental representatives to attend emergency services training courses or lectures are regarded as being on duty.
 - Teachers nominated by the Director of the State Emergency Services to attend the above courses are eligible for special leave for the time they are necessarily absent from duty.
 - Teachers who are members of Volunteer Bush Fire Brigades who are nominated by organisations which are recognised by the Bush Fire Council, may be granted up to ten days special leave in any period of twelve months to attend training courses approved by the Bush Fire Council. Applications for leave must be accompanied by a copy of approval from the Bush Fire Council and confirmation of attendance.
- b) Flood, Fire and Other Emergencies
 - i) Teachers who are volunteer members of the State Emergency Services or Bush Fire Brigade who serve during emergency operations will be regarded as being on duty when engaged in an emergency which occurs during normal working hours.

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- ii) Teachers who volunteer to assist where an emergency is declared under Section 17 or 41F of the *Bush Fires Act 1949* or under other relevant legislation or by the Governor, may be granted special leave for the time they are absent from duty. Special leave granted during a declared emergency is separate from the five days per annum provided for in iii) below.
 - i) Teachers who are volunteer members of a local Bush Fire Brigade, the NSW Volunteer Fire Brigade or the State Emergency Services may be granted up to five days special leave per annum when called upon to assist as a volunteer.
 - c) Teachers who are called by the Police or local authorities to assist in emergency search and rescue operations may be granted up to five days special leave per annum if they are volunteer members of the following organisations:
 - the Volunteer Rescue Association of NSW;
 - the NSW Bushwalkers Federation Search and Rescue;
 - the Wireless Institute Civil Emergency Network;
 - such other similar organisations involved in emergency operations as determined.
 - d) 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 days special leave for rest purposes may be granted.
 - e) In the case of an emergency other than a declared emergency, leave for rest purposes is included in the five day limits as set out in c) and d) above.
 - f) Teachers who are representatives of Volunteer Coastal Patrol Committees, Volunteer Bush Fire Committees or Disaster and Rescue Committees may be granted up to three days special leave per annum.
 - g) Proof of Attendance at Emergencies
 - i) An application for special leave must be accompanied by a statement from the local or Divisional Controller, the Fire Controller or Deputy Fire Controller or the Police, certifying the times of attendance at emergencies.
 - ii) Details regarding the period and area of attendance together with the name of the organisation of which the teacher is a volunteer member should be outlined on the leave application.

4.14.23 Subpoenaed or Called as Witnesses

- a) Teachers subpoenaed or called as witnesses in their official capacity are deemed to be on duty and do not have to apply for leave of absence.
- b) Teachers, who in their private capacity are subpoenaed or called as witnesses by the Crown, (whether in the right of the State or the Commonwealth) shall be granted special leave for the period they are necessarily absent from duty.
- c) Any witness expenses other than travelling expenses must be repaid to the NSW Department of Education and Training.
- d) Teachers subpoenaed in their private capacity other than by the Crown are granted long service leave to credit, or leave without pay. For leave without pay see Section

- 4.8 for details.
- e) A copy of the subpoena should be submitted with the teacher's application for leave.

4.14.24 Trade Union Training Courses

- a) Teachers may be granted up to twelve days special leave in any period of two years to attend Trade Union Training Courses conducted by Trade Union Training Australia or the NSW Teachers Federation.
- b) An application for leave must be accompanied by a statement from the NSW Teachers Federation verifying nomination to attend the course.

4.14.25 Transferred Officers

- a) Leave Entitlements Relating to Transfer
- i) A teacher who receives a transfer to a new locality and qualifies for payment of removal of residence and related expenses by the Department may be eligible for special leave.
- ii) Transferred officers who are to enter on duty at their new location at other than the beginning of a school term may be granted:
- up to two days special leave for the purpose of obtaining accommodation at the new location;
 - up to two days special leave for the purpose of preparation and packing of personal and household effects prior to removal or up to two days for the purpose of arranging storage;
 - one day special leave for the purpose of either cleaning the residence being vacated or settling in and occupying the new residence;
 - such special leave as is necessary to travel to the new location for the purpose of commencing duty.
- b) Leave Entitlements to Return Home at Weekends
- i) Provided suitable arrangements can be made for the performance of their duties, teachers who have been transferred at the Department's expense but are unable to secure accommodation for their families at their new headquarters may be granted special leave. This leave is to permit teachers to return home at weekends once each month and spend two consecutive days and nights with their families. An additional day and night stay with their families is also available in respect of each public holiday which occurs in conjunction with such weekends.
- ii) Special leave is limited to the time necessarily required in travelling on the day preceding a weekend or long weekend as the case may be.