

Transition from Recovery Leave to Flextime – Interim Advice

Introduction/Purpose

1. Under the newly negotiated common terms of the ACT Public Sector (ACTPS) enterprise agreements, the majority of employees currently entitled to access Recovery Leave will instead become entitled to flextime provisions on the effective date of the relevant enterprise agreement.
2. This advice should be read in conjunction with the relevant [ACTPS Enterprise Agreement](#) and the [Whole of Government Flextime Policy](#).
3. Under the new provisions within the enterprise agreements, flextime is not available to employees who are entitled to Recovery Leave, and an employee cannot access Recovery Leave while entitled to flextime arrangements.

Procedure

4. Recovery Leave is available under enterprise agreements as a tool to recognise extensive hours performed by senior officers in the ACTPS.
5. Recovery Leave can only be accessed where the terms and conditions of the Recovery Leave provisions have been satisfied, including where an employee has been working extensive hours and is able to demonstrate this through appropriate evidence. If an employee is not working extensive hours and they are unable to provide evidence to demonstrate working extensive hours, they will not be eligible to utilise Recovery Leave and any available credits.

Prior to flextime entitlements coming into effect

6. Senior officers who are currently entitled to Recovery Leave should continue with their usual work patterns and arrangements. If the employee meets the requirements of the Recovery Leave provisions of the relevant enterprise agreement, they are able to seek approval of Recovery Leave entitlements through their delegate.
7. Managers are required to manage an employee's hours of work. Managers have a responsibility to ensure that where excessive hours are worked, employees are provided the opportunity to utilise and exhaust their available Recovery Leave credits where they are eligible for Recovery Leave.
8. Please note, Recovery Leave is not accrued and not made available automatically. There may be circumstances where extensive hours have not been worked and therefore employees may not be eligible to access any of the available Recovery Leave credits.
9. Workplaces may have different internal arrangements in relation to the application of and access to Recovery Leave, in particular on the definition of excessive hours, and therefore further information should be sought from the relevant Directorate HR area.

After flextime entitlements come into effect

10. Employees who become eligible for flextime arrangements through a new enterprise agreement must commence with a zero balance on their flexsheet. Prior to the effective date of the relevant enterprise agreement, managers should provide opportunities to enable the employee to utilise and exhaust their Recovery Leave balance at the time they are eligible, particularly where those entitlements will no longer apply due to upcoming changes to the enterprise agreement.

11. Where the employee was unable to utilise the Recovery Leave credits before the new agreement comes into place, in exceptional circumstances, a delegate may approve a maximum of three days (22 hours and 3 minutes FTE) Recovery Leave to be converted into flextime credits where deemed appropriate.
12. Some workplaces may have been providing informal Time off In Lieu arrangements to employees where they maintained a record of hours worked, not provided for under the enterprise agreement or relevant directorate policies. In those circumstances, you should seek advice from your Directorate HR area about how to manage transition into the new arrangements.

References

13. The relevant legislation, policy and employment arrangements underlying this operational guidance are:
 - a. [ACTPS Enterprise Agreements](#)

Further Information

14. Please direct any queries relating to this advice to the inbox: eba@act.gov.au.

Review

15. This advice remains in effect until all relevant new enterprise agreements come into force and relevant employees transition to flextime arrangements.

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