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# **GUIDE TO APPLICATIONS FOR LEAVE FOR COVID-19 PURPOSES (OTHER THAN pERSONAL LEAVE)**

Policy Number: 15/2021 Reviewed Date: 28/6/2021 Issued By: WhoG IRPSE, WCAG, CMTEDD

**Purpose**

The purpose of this Guidance is to assist employees or managers when applying for leave on behalf of employees for COVID-19 purposes.

This guidance should be read in conjunction with the [Emergency Response – ACTPS employee entitkements and access to leave during the COVID-19 Pandemic](https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0008/1484162/Emergency-Response-ACTPS-Employee-Entitlements-During-COVID-19-002.pdf) and the [Emergency Response – Guide to managing ACTPS employees on COVID-19 leave](https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0005/1551587/Emergency-Response-Guide-to-Managing-ACTPS-Employees-on-COVID-19-leave.pdf)**.**

Access to paid leave where leave cannot be granted under any other provision (COVID-19 leave) is available for ACTPS employees in some COVID-19 related circumstances. This includes where an employee:

* is having to isolate as a result of COVID-19 where they are not ill, but where they cannot beprovided with adequate work that can be performed from home;
* is unable to attend the workplace due to COVID-19 related workplace closures;
* where the employee cannot be relocated or cannot be given suitable duties to be performed from home;
* has genuine and extraordinary COVID-19 related circumstances as determined by an appropriate delegate.

COVID-19 leave is not leave in the traditional sense where an employee seeks to have time off work. Rather, it is a means of ensuring employees continue to be paid, without having to access their other leave entitlements, in circumstances where an employee is willing and ready to work, but where they cannot be given suitable duties to perform from home or other suitable locations.

**Principles**

Paid leave for this purpose will be paid at the same rate as if the employee had been on annual leave.

Where the employee is unwell, Personal Leave is the appropriate leave type.

COVID-19 leave is not unlimited and employees can be asked to work if and when circumstances allow, either where duties become available that an employee can perform from home, or where restrictions on movement of non-essential workers are eased and the employee can return to their usual workplace.

There are a number of conditions that employees must meet and continue to meet in order to be eligible for COVID-19 leave. The conditions include that the employee:

* is unable to attend their workplace and cannot be flexibly deployed to another workplace;
* cannot be provided with suitable duties to be performed from home; and
* is willing and ready to work if safe and appropriate work is available for them to perform.

It is incumbent on managers and employees to keep in regular contact and to regularly review the circumstances that have led to an employee being on COVID-19 leave and to ensure these conditions continue to be met, or whether the circumstances have changed.

Managers and employees should look for innovative and flexible ways for employees to contribute whilst they are on COVID-19 leave.

### How should employees apply for this leave?

The employee and manager should discuss the need for COVID-19 leave as soon as possible.

A leave application will need to be submitted for processing. The application for leave should be submitted as soon as practicable, noting the employee may already be isolated.

The employee can submit an application for leave and pick the relevant manager/supervisor as the approving delegate on the leave form. Alternatively, the manager/supervisor can complete the leave form on behalf of the employee if the employee requires assistance or cannot access the form from home.

When the manager/supervisor receives notification of the application, they should satisfy themselves that it meets the requirements of the [Emergency Response – ACTPS Entitlements during COVID-19 pandemic Advice](https://www.cmtedd.act.gov.au/employment-framework/novel-coronavirus-covid-19-advice-for-actps-employees-and-managers/leave-and-staff-entitlements).

Employees engaging in home-based work should complete the [Working From Home Checklist (SmartForm)](https://form.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1577) if they haven’t already completed one, and discuss with their supervisor.

Shared Services has created a form specifically for applying for COVID-19 related leave. It is available [here](https://actss.service-now.com/sharedservices/?id=sc_cat_item&sys_id=0dbcc282dbebc050277fcae43a961929).

 *Please note: If you are unable to access the form via the above link please search for “Apply for Leave (Corona Virus COVID-19)” at the following Shared Services website:* [*www.act.gov.au/sharedservices*](http://www.act.gov.au/sharedservices)

## Legislative References

The key principles of this Policy are aligned with the following authorised sources:

* [*Public Sector Management Act 1994*](https://www.legislation.act.gov.au/a/1994-37/)
* [*Public Sector Management Standards 2016*](https://www.legislation.act.gov.au/di/2016-251/)
* [*ACTPS Enterprise Agreements*](https://www.cmtedd.act.gov.au/employment-framework/for-employees/agreements)

**More Information on Coronavirus**

All staff should visit the ACT Health [website](https://www.health.act.gov.au/public-health-alert/updated-information-about-covid-19) to stay up-to-date on COVID-19 and how to minimise the spread from person to person.

All employees have a duty to take reasonable care for their own and others’ health and safety pursuant to work health and safety legislation. This includes practising good hygiene, such as frequent hand washing, to protect against infections.

**Guidance and Resources**

For the most up to date advice and guidance on COVID-19, please visit:

* [Smart traveller](https://www.smartraveller.gov.au/news-and-updates/novel-coronavirus-outbreak)
* Home Affairs, [COVID-19 travel restrictions](https://www.homeaffairs.gov.au/news-media/current-alerts/novel-coronavirus)
* The Commonwealth, Department of Health’s [daily alert on medical advice](https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert)
* [ACT Government travel advice](https://www.covid19.act.gov.au/community/travel)
* ACT Health’s information on [COVID-19 in the ACT](https://www.health.act.gov.au/public-health-alert/updated-information-about-covid-19)

**Further Information**

If you have further questions about the application of this advice please contact the Whole of Government Industrial Relations and Public Sector Employment team, Workforce Capability and Governance, Chief Ministers Treasury and Economic Development Directorate on EBA@act.gov.au

**Review**

This advice is due for review 1 year from the last reviewed date, or earlier where there are changes that affect the operation of this advice.

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