



# SitRep 6

## Recall kilometres backpay this week

SitRep 3 confirmed that over \$500,000 backpay as a result of the Union's win in the recall kilometres dispute would be made to over 580 affected permanent members on the pay day of 25 April. We understand that payment occurred as planned, however members who were expecting backpay but did not receive it, or who believe the amount paid was incorrect should email the Union office explaining the problem.

## Retained annual leave

The Union regularly receives queries from retained members about the right to take (or not take) annual leave, as provided for in our Retained Award's Clause 10, Annual Leave. The short answer is that you cannot be required or directed to take your annual leave until the 11th month after it was accrued. You may, with the Department's approval, take it before it is accrued, but you can never be ordered to do so.

Award subclause 10.1 is clear - accrual occurs on your anniversary date (ie, the date of your appointment in Commissioner's Orders). Award subclause 10.3 is equally clear that "wherever possible" that leave should be taken within 6 months and must be taken within 12 months, either by your request or at their direction.

So what happens if you don't ask to take it and they don't tell you? The Award doesn't contemplate this happening but it occurs often enough anyway, and the answer is that the employer can no longer direct that leave to be taken but equally, that members may also have their request to take that leave denied. That's not to say that it can never be taken, only that management no longer has to allow you take it. It's not lost though, just paid out on leaving the job. It's unusual for the Department to decline a request to take older annual leave, but members who find themselves in this situation should contact the Union for assistance.

Award subclause 10.4 ("annual leave shall be granted to coincide with the employee's leave period from the employee's primary form of employment") can also assist members in planning and gaining approval to take your annual leave when you want to, not when management does.

## In brief ...

**That might be a thing.** Members attending this year's May Day events in Newcastle (Wed 1 May), Wollongong (Sat 4 May) and Sydney (Sun 5 May) are asked to RSVP to [emayo@fbeu.net](mailto:emayo@fbeu.net) to reserve t-shirts and for catering.

**MSA sets remain in the bin.** Members are reminded that MSA SCBA sets remain out of service and should not be used for any activity, including training.

**Nature of illness means?** The Union met with management on the "nature of illness" question following SitRep 4 and the Department has agreed to not press the requirement until it can provide clear guidelines of what it believes "nature of illness" to mean. More to follow if/when that is received.

**We paid the bill.** Members calling the Union office after 1100 hrs today received a "this number has been disconnected" message. For reasons unknown, Telstra did indeed disconnect our phones, and it took more than five hours for it to be sorted. Apologies to all members who couldn't get through.

**Leighton Drury**  
State Secretary