

COVID-Related Miscellaneous Leave – During the Circuit Breaker

The directive from the State Government is ***if you can work from home, you must***, therefore there may be circumstances where an employee may be eligible for miscellaneous leave. Consideration needs to be given to:

1. the vulnerability risk factors of the employee;
2. what reasonable alternative duties can be provided if a person cannot attend the workplace
3. other extenuating circumstances e.g. a school not opening where the children of an employee usually attend

Miscellaneous leave may be granted when:

- when the school has reasonably exhausted every option for alternative duties.
- when a staff member has been informed they are a close contact of a confirmed case of coronavirus and are required to self-isolate.
- If an employee advises that they are in one of the at risk categories and have been advised by their treating medical practitioner to stay home as a precaution. Discussions should occur in relation to work from home arrangements and if working from home is not reasonably practicable, it is recommended that miscellaneous leave be granted.

Approved miscellaneous leave should **not** be deducted from an employee's leave entitlements. It is provided in circumstances where the employer (the school) is unable to provide sufficient or reasonable alternative work, which is not the fault of the employee.

What happens if an employee's immediate family or household member is in self-isolation?

Where an employee is providing care to an immediate family or household member (e.g. a child) due to imposed self-isolation requirements, it is recommended they are provided with up to 10 days of paid miscellaneous leave.

If an employee is living in the same household as a person required to self-isolate due to current self-isolation advice (but is not required to provide care for that person), then it is still recommended that the employee does not attend work until there is confirmation the household member has not contracted COVID-19, or the self-isolation period has concluded. In this instance, it is recommended that discussions should occur in relation to work from home arrangements. If working from home is not reasonably practicable, the employee will be provided with up to 10 days of paid miscellaneous leave until such time as it is confirmed the household member has not contracted COVID-19, or the self-isolation period has concluded.

What if an employee has been in close contact with a confirmed case of COVID-19?

If a staff member has been informed by the DHHS they are a close contact of a confirmed case of COVID-19 and are required to self-isolate, but they have not developed symptoms, it is recommended that discussions occur in relation to working from home arrangements. If this is not practicable, the employee may access up to 10 days of paid miscellaneous leave.

In these circumstances, it would be reasonable for an employer to request evidence that demonstrates the employee is accessing the leave due to being classified as having close contact with a confirmed case of COVID-19. The evidence needs to be such that would satisfy a reasonable person that the employee took the leave for this reason.

In any case where a person is diagnosed with COVID-19, they will access their personal leave entitlements.

What leave entitlements apply when an employee is awaiting COVID-19 test results?

In this circumstance, discussions may occur in relation to work from home arrangements; however, if not suitable or if the employee is unfit for duty, employees will access their personal leave entitlements.