

Managing Sick Leave Policy

The Managing Sick Leave Policy was developed to better manage absenteeism and is part of the Government's commitment to achieving and sustaining productive, healthy, efficient and high performing workplaces.

The Managing Sick Leave Policy should be read in conjunction with the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* and other relevant instruments.

Agencies may develop their own policy but should ensure it is consistent with the framework, principles and intent of the Policy. Responsibilities of agencies, managers and employees are outlined in the policy.

Evidence of illness is to be provided for absences of more than two consecutive days. Absence reviews may be undertaken where there are more than five unsupported absences in a calendar year or where an absence trend is identified.

Analysis and review of sick leave strategies and data is to be undertaken regularly to ensure effective sick leave management.

Philip Gaetjens
Secretary

Further information:

Which agencies does this Circular apply to?

Public Service Agencies (as defined in the Government Sector Employment Act 2013) which on 23 February 2014 corresponded to Divisions listed in Schedule 1, Part 1 of the *Public Sector Employment and Management Act 2002* and agencies that corresponded to those identified in Attachment 1 of the Memorandum of Understanding in Settlement of the *Crown Employees (Public Sector Salaries – 2008) Award*

Who needs to know about this Circular?

Secretaries, Senior Executives, Managers, Employees, Payroll, Industrial Relations, Human Resources.

Issued by: Public Sector Industrial Relations, NSW Industrial Relations, NSW Treasury

Contact: Public Sector Industrial Relations, ph 9020 4644, psir@industrialrelations.nsw.gov.au

Web: www.treasury.nsw.gov.au

Date: 16 July 2014

This circular re-issues C2009-16 and D2009_08

Managing Sick Leave Policy

Executive Summary

Managing Sick Leave Policy has been developed to better manage absenteeism and is part of the Government's commitment to achieving and sustaining productive, healthy, efficient and high performing workplaces.

Evidence of illness is to be provided for absences of more than two consecutive days, and absence reviews may be undertaken where there are more than five unsupported absences in a calendar year or where an absence trend is identified.

Analysis and review of sick leave strategies and data is to be undertaken regularly to ensure effective sick leave management.

The responsibilities of agencies, managers and employees are outlined in the policy.

Agencies may develop their own policy but should ensure it is consistent with the framework, principles and intent of the Policy.

Contents:

	Page
Executive Summary	1
The Policy	3
Policy Statement	3
Application	3
Industrial instruments	3
Consultation with unions	3
Grievance Procedures	3
Related policies, procedures and legislation	4
Responsibilities of Employees	4
Notification procedures	5
Applications for sick leave	5
Evidence of illness	5
Medical appointments	5
Failure to comply with policy	6
Responsibilities of Managers	6
Managing absences	6
Agency discretion	7
Support for employees	7
Monitoring absences	7
Procedures for dealing with unacceptable absences	8
Step 1 – Trigger points for absence review	8
Step 2 – Formal Counselling	8
Step 3 - Sanctions	9
Medical assessments	9
Medical appointments and treatments	9
Managing longer term injury/illness	9
Health risks to employees and the public	10
Responsibilities of Agencies	10
Commitment and accountability	10
Confidentiality	10
Information Systems	10
Targets and benchmarks	11
Development of targeted strategies	11
Preventative and early intervention programs	11
Healthy Workforce Program	11
Employee Assistance Program	11
Review of industrial arrangements	12
Analysis and review of performance	12
<i>Crown Employees (Public Service Conditions of Employment)</i>	13
<i>Reviewed Award 2009 – Clause 79 Sick Leave</i>	

The Policy

Policy Statement

This policy has been developed to assist agencies to better manage absenteeism in the workplace pursuant to the Memorandum of Understanding in settlement of the *Crown Employees (Public Sector - Salaries 2008) Award*. This policy outlines:

a framework to assist managing absenteeism
the responsibilities of employees, and
the broader responsibilities of agencies.

Managing absenteeism is part of the Government's commitment to the broader goals of achieving and sustaining productive, healthy, efficient and high performing workplaces. Agencies must ensure the health, safety and wellbeing of their employees as well as training managers and briefing employees about their responsibilities.

Agencies may develop their own policies, provided they are consistent with the framework, principles and intent of this policy.

Application

This policy applies to Public Service Agencies (as defined in the Government Sector Employment Act 2013) which on 23 February 2014 corresponded to Divisions listed in Schedule 1, Part 1 of the *Public Sector Employment and Management Act 2002* and agencies that corresponded to those identified in Attachment 1 of the Memorandum of Understanding in Settlement of the *Crown Employees (Public Sector Salaries – 2008) Award*.

Industrial instruments

This policy should be read in conjunction with the relevant industrial instrument and in the event of an inconsistency the condition outlined in the relevant award will prevail.

An agency may grant leave to cover a range of circumstances in accordance with the relevant industrial instrument, for example, the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* or other agency specific industrial instruments.

Paid sick leave is not generally provided to casual employees unless provided for in the relevant industrial instrument.

Consultation with unions

Engagement with employees and their representatives is integral to successful absence management. Appropriate consultation with the relevant union(s) must be undertaken when proposing changes to an agency's absence management policy or a condition of employment.

Grievance procedures

All work related concerns and grievances must be managed in accordance with the agency's grievance and dispute resolution procedures.

Related policies and procedures

Other related policies and procedures include:

- TC14/22 – 15 Working arrangements in an influenza pandemic
- Memorandum 2007 – 02 Dignity and Respect: Policy and Guidelines on Preventing and Managing Workplace Bullying
- Circular 2007 – 48 Leading Well: The role of leadership in improving the prevention and management of psychological injury
- Circular 2007 – 39 A Healthy Workforce: policy on improving the health and well being of public sector employees
- TC14/20 Privacy guidelines on disclosure of information during industrial consultation
- Circular 2003 – 37 Occupational Stress - Hazard Identification and Risk Management Strategy
- Circular 98 – 103 Premier's Department Performance Management Policy and Guidelines
- Circular 98 – 80 Mature Workforce : Policy and Guidelines

Related legislation

Industrial Relations Act 1996

Government Sector Employment Act 2013

Government Sector Employment Regulation 2014, s. 33 & 35.

Work Health and Safety Act 2011

Health Records and Information Privacy Act 2002 (HRIP Act)

Responsibilities of Employees

Employees need to understand that:

- if they are fit they must come to work
- genuine sickness will be dealt with sympathetically and they should be fit before returning to work
- sick leave is a condition of employment that enables an employee to recover from an illness without loss of pay
- sick leave is available for caring purposes for a family member and that the same requirements for the provision of evidence apply as if it were any other type of sick leave
- they need to report the absence appropriately
- providing evidence of illness is required
- sick leave which is not legitimate places additional burdens on other employees
- reasonable precautions should be taken to guard against illness and injury and to ensure a safe workplace
- personal affairs should be attended to during off duty hours, with appropriate approved leave, or where available through the use of flexible working hours arrangements.

Notification procedures

Payment for sick leave is subject to the employee reporting the absence appropriately. Agencies must clearly communicate to employees procedures for the notification of absences. Agencies may establish more specific reporting arrangements to suit their requirements but they must ensure all employees are aware of their obligations and the implications of not meeting them.

This should include:

- who to contact and the acceptable mode in which contact should be made. For example, by telephone.
- the expected timeframe to make contact. This must be done as close to the employee's starting time as possible and should reflect operational requirements, for instance, specific arrangements may be required where backfilling a shift is required.
- what particular information is required, such as the nature of the illness or injury and the estimated duration of the absence.
- what evidence is expected (if required).

Absence from duty for more than two consecutive working days

An application for sick leave of more than two consecutive days must be supported by evidence of illness.

Absence from duty of more than five unsupported days

Employees taking more than five days of unsupported sick leave per annum may be required to provide evidence of illness each time they take sick leave for the remainder of the calendar year.

Applications for sick leave

Applications for sick leave must be submitted as soon as practicable employee's return to work. The application must be submitted on or through a prescribed application form or system to be approved. Where required, evidence of illness must be provided.

If an employee is concerned about disclosing the nature of the illness to their manager they may elect to have the application for sick leave dealt with confidentially by an alternate manager or the human resources section of the agency.

Evidence of illness

Payment for sick leave is subject to the employee, where required, providing evidence of illness which should indicate the nature of the illness or injury and the estimated duration of the absence.

- For absences up to one week evidence of illness may be provided by a medical practitioner, or registered dentist, optometrist, chiropractor, osteopath, physiotherapist, oral and maxillo facial surgeon or, at the Agency Head's discretion, another registered health services provider.
- Absences that exceed one week must be supported by evidence of illness from a registered medical practitioner, or
- At the Agency Head's discretion other forms of evidence that satisfy that an employee had a genuine illness.

Employees not covered by the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* should refer to the relevant industrial instrument. For employees covered by other industrial instruments, agencies may implement similar arrangements unless it would be contrary to award provisions.

Flexible working arrangements are provided to allow employees greater flexibility in dealing with workloads, work deadlines and the balance between work and family life. Where available, employees should use flexible working hours to attend appointments that fall during work hours. If this is not possible and sick leave is sought, the employee must provide evidence in accordance with this policy.

Failure to comply with policy

From time to time managers are required to request information or interview employees to establish whether there is non-compliance with this policy or an inappropriate use of sick leave. If confirmed, procedures may be put in place and can include formal counselling, a medical assessment, participation in a return to work program where appropriate or as a last resort sanctions to be decided by the Agency Head in accordance with existing agency policies.

Responsibilities of Managers

Managing absences

To manage sick leave in an effective and sensitive manner, managers need to:

- understand what procedures need to be followed and apply them fairly and transparently.
- understand that the majority of applications for sick leave are for genuine sickness and need to be dealt with sympathetically.
- understand that discretion is available to apply flexibility in considering each employee's individual circumstances.
- use information management systems to monitor, measure and analyse sick leave data/information.
- identify options, strategies and support available to manage absences when they occur.
- develop return to work plans where appropriate and conduct effective return to work interviews.
- recognise and act on underlying causes that may have contributed to the absence.
- understand that flexible working hours arrangements, where available, are provided to allow employees greater flexibility in dealing with workloads, work deadlines and the balance between work and family life.

Agency Discretion

Agency discretion is generally available to enable flexibility when considering each employee's individual circumstances. For instance:

- where an employee has regular treatment or an ongoing illness or condition an agency may opt to waive the requirement to provide evidence for each absence after the initial condition has been substantiated
- where an employee in a regional area faces genuine difficulties in accessing a medical practitioner, an agency may opt to accept other evidence such as a statutory declaration where a medical certificate from a registered medical practitioner would normally be required. This may be on an occasion by occasion basis, or as an ongoing arrangement
- accepting backdated medical certificates.

Support for employees

Induction for all employees must outline:

- a expectations regarding attendance generally
- the sickness absence procedures that apply to them
- how to report an illness related absence
- what evidence they need to provide
- other related policies, and
- access to flexible work arrangements as applicable.

Monitoring absences

It must be made clear who is responsible for monitoring individual employee's absences. In most cases line managers will be responsible for day to day management, with accruals and entitlements monitored by the agency's human resource area.

To assist managers, information management systems should, where possible, provide for automated notifications about specific actions that need to be undertaken, for example:

- advise when certificates will be required for future absences
- initiate absence review trigger points
- alert a line manager when an employee has patterns of absence when taking sick leave.

Procedures for dealing with unacceptable absences

Step 1 – Trigger points for absence review need to be established and may include the following:

- frequent unsupported absences - five cumulative days of unsupported sick leave in a calendar year.
- an absence trend - for example sick leave absences taken just before or just after Mondays and Fridays, public holidays, recreation leave and/or rostered days off or flex leave or following an employee formally indicating departure by redundancy, resignation or retirement.
- repeated failure to adequately notify an absence.

The manager should review the overall leave record and the reasons for and patterns of absence.

Where inappropriate use of sick leave is suspected or excessive amounts of sick leave are being taken, the manager should interview the employee to identify if there are any underlying causes for absences.

Attempts should be made to resolve any identified problems and a course of action appropriate to the circumstances determined. This may include:

making reasonable adjustments to work practices
re-enforcing this policy
reminding the employee of the required procedures to notify absences
imposing additional requirements for evidence of illness.

Step 2 – Formal counselling will be required when:

inappropriate use of sick leave is suspected, and/or
the employee continues to have an unsatisfactory sick leave record, and/or
failure to adequately notify an absence continues.

The formal counselling session should:

- occur as soon as possible following the absence/failure to notify
- explore any underlying reasons for non-compliance
- discuss possible solutions
- set targets for improving attendance and/or notification of illness
- detail the consequences of a continued unsatisfactory sick leave record or failing to adequately notify an absence
- fully inform the employee of their obligations at the end of the session
- be summarised in writing and a copy provided to the employee within one week of the counselling session.

A support person (such as a union delegate or colleague) can accompany the employee in the counselling session.

A review meeting should be scheduled down the track to determine whether targets have been met.

Step 3 – Sanctions

Where inappropriate use of sick leave is established and the unsatisfactory sick leave record or failure to adequately notify an absence continues after formal counselling, the Agency Head or their delegate may consider applying sanctions. The type of sanction is a matter for the Agency Head or their delegate to determine in accordance with an established agency policy and could include deferment of an increment or introduction of standard hours for a specified period.

Medical assessments

If an employee's absence will continue or is likely to continue for a period in excess of two months an agency should give active consideration to referring them for a medical assessment. This action should be taken before available sick leave is exhausted. A medical assessment may be required to provide:

- an independent second opinion on a period of claimed sick leave or frequent or recurrent sick leave
- advice on the effects of an injury or illness and how best to safely return the employee to work (for example, how to manage the effects, or whether the employee requires restricted or alternative duties while recovering)
- advice on whether there are long term health issues affecting an employee's ability to continue in a particular job.

Medical appointments and treatments

Where an employee has a medical condition that requires regular treatment and uses sick leave of short duration, all consequential absences can be aggregated for the purpose of debiting against leave credits. Sick leave may be granted to cover attendance at treatments only when the Agency Head is satisfied that:

- an appointment could not be obtained outside hours, or
- flexible arrangements were not available or could not be used to attend appointments during work hours, or
- treatment was urgently needed.

Managing longer term injury illness

Managers should make early and regular contact with employees on longer term absences. Flexible strategies to facilitate a smooth transition to work should be explored and may include:

- part time work
- the use of rehabilitation providers and other occupational health services
- return to work programs established in consultation with the employee and a medical practitioner to help them return to normal duties (even if the illness/injury is not work related)
- alternative or modified duties either in an employee's substantive position or another work area
- working from home (for example, facilitating remote access)
- a medical examination to give advice on the effects of the injury or illness and how best to facilitate a return to work
- re-training for new skills/job if the condition is permanent.

Health risks to employees and the public

Where there are health risks to employees or the public, a direction may be given for an employee to cease duty on special leave pending a medical assessment.

Responsibilities of Agencies

Commitment and accountability

All agencies are required by law to provide a safe and healthy working environment and an agency's attendance management policy is part of that commitment to all employees' health, safety and welfare.

The Agency Head has the ultimate responsibility for making sure that work activities are safe. To achieve this they need to ensure that attendance management is adopted throughout the organisation. Managers have specific accountabilities and responsibilities for managing sick leave and attendance.

Ongoing high level and visible organisational support is needed for an attendance management program to succeed, particularly for dealing with issues that are organisational rather than individual.

Confidentiality

Agencies must ensure that all records concerning an individual employee's sick leave are secure against loss, unauthorised access, modification and/or other misuse.

Agencies must ensure that:

- positions are identified that have authority to access records
- information management systems are secure and backed up
- filing cabinets are lockable
- care be taken when transmitting records
- records are sealed before transportation
- employees understand that breaches of confidentiality may give rise to disciplinary action.

Information Systems

Agencies must develop, analyse and maintain sick leave data. In developing strategies to improve attendance, agencies need to analyse absence levels and identify trends and 'hotspots', and the reasons behind them. This will then enable relevant targeted strategies to be developed. Recording and reporting of absences where possible should be in 'real time' so managers can monitor absences, take action and give support at agreed trigger points.

Reliable attendance data is the key to identifying trends and 'hot spots'. Information systems should support attendance management by:

- providing timely, accurate and reliable information that can be formatted in user friendly reports
- allowing managers to readily interpret data and identify problem areas
- containing appropriate diagnostic tools
- enabling reporting on progress towards targets.

The system should enable collection of information by the organisation as a whole and by agency/branch/unit, and fields could include the dates and days of absences, duration of absences and occupational group/grade.

Targets and benchmarks

Targets and benchmarks set must be realistic and reflect the particular situation of each employee group/grade, and could include patterns in similar organisations, typical levels for grades, gender, age, location, job type, or pattern of work, for example shift work.

Development of targeted strategies

There is no 'one size fits all' approach to address problematic absences, either across the public sector or across an agency's workplace. Using the data generated, agencies are able to:

- pin point problem areas
- focus on the local factors driving absenteeism, and
- target strategies to address the underlying cause(s).

Examples of targeted strategies could include ensuring fair access to flexible working arrangements, assisting mature workers by developing alternative workplace arrangements and/or developing healthy workforce programs.

Preventative and early intervention programs

Healthy Workforce Program

An employee's health can be significantly influenced by the behavioural choices they make. Attempting to influence those choices through health promotion is one important way to improve the health, happiness and productivity of employees and reduce the levels of sick leave and absence associated with workplace injuries.

Programs need to:

- respond to employees' needs
- be targeted to where sickness absence is highest
- work within the agency's structure and culture
- relate to occupational health and safety policies and other factors that may contribute to sick leave and workplace illness or injury.

Employee Assistance Program

Employee Assistance Program (EAP) is a confidential, independent, early intervention counselling service for employees to address issues that may be affecting their performance. Early intervention, when a problem is relatively small, may avoid the need for employees to take time off work or to seek support from medical professionals. Managers should encourage employees to make full and effective use of EAP.

Review of industrial arrangements

Sometimes strategies require changes to work practices contained in industrial agreements or arrangements which need to be negotiated with unions. This may include:

- removing impediments to using permanent or non-permanent relief staff to cover absences rather than the use of overtime
- reviewing any composite pay/annualised salary arrangements
- strengthening roster planning processes to allow employees to meet not only planned family and personal commitments but also respond to emergency and unplanned situations as they arise
- the more flexible use of employees across operational areas, for example, the removal of restrictions such as minimum staffing levels where this can be done safely.

Analysis and review of performance

Agencies need to adopt a continuous improvement approach, therefore reviews on how effectively and consistently policies are implemented and embedded within the agency should be carried out. Strategies need to have evaluation measures and reporting schedules in place. As a minimum, sick leave information should be analysed and reviewed by:

- managers on an ongoing basis
- senior management on a periodic basis
- the agency's human resources area on a periodic basis and as required
- the Agency Head at least annually, with
- feedback of the progress of strategies provided to employees and unions through the relevant consultative forums.

Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009

79. Sick Leave

79.1 Illness in this clause and in clauses 80 and 81 of this award means physical or psychological illness or injury, medical treatment and the period of recovery or rehabilitation from an illness or injury.

79.2 Payment for sick leave is subject to the staff member:

79.2.1 Informing their manager as soon as reasonably practicable that they are unable to perform duty because of illness. This must be done as close to the staff member's starting time as possible; and

79.2.2 Providing evidence of illness as soon as practicable if required by clause 80, Sick Leave - Requirements for Evidence of Illness of this award.

79.3 If the Department Head is satisfied that a staff member is unable to perform duty because of the staff member's illness or the illness of his/her family member, the Department Head:

79.3.1 Shall grant to the staff member sick leave on full pay; and

79.3.2 May grant to the staff member, sick leave without pay if the absence of the staff member exceeds the entitlement of the staff member under this award to sick leave on full pay.

79.4 The Department Head may direct a staff member to take sick leave if they are satisfied that, due to the staff member's illness, the staff member:

79.4.1 is unable to carry out their duties without distress; or

79.4.2 risks further impairment of their health by reporting for duty; or

79.4.3 is a risk to the health, wellbeing or safety of other staff members, Departmental clients or members of the public.

79.5 The Department Head may direct a staff member to participate in a return to work program if the staff member has been absent on a long period of sick leave.

79.6 Entitlements. A staff member appointed after 13 November 2008 commenced accruing sick leave in accordance with this clause immediately. Existing staff members at 13 November 2008 commenced accruing sick leave in accordance with this clause from 1 January 2009 onwards.

79.6.1 At the commencement of employment with the Public Service, a full-time staff member is granted an accrual of 5 days sick leave.

79.6.2 After the first four months of employment, the staff member shall accrue sick leave at the rate of 10 working days per year for the balance of the first year of service.

- 79.6.3 After the first year of service, the staff member shall accrue sick leave day to day at the rate of 15 working days per year of service.
- 79.6.4 All continuous service as a staff member in the NSW public service shall be taken into account for the purpose of calculating sick leave due. Where the service in the NSW public service is not continuous, previous periods of public service shall be taken into account for the purpose of calculating sick leave due if the previous sick leave records are available.
- 79.6.5 Notwithstanding the provisions of paragraph 79.6.4 of this subclause, sick leave accrued and not taken in the service of a public sector employer may be accessed in terms of the Public Sector Staff Mobility Policy.
- 79.6.6 Sick leave without pay shall count as service for the accrual of recreation leave and paid sick leave. In all other respects sick leave without pay shall be treated in the same manner as leave without pay.
- 79.6.7 When determining the amount of sick leave accrued, sick leave granted on less than full pay, shall be converted to its full pay equivalent.
- 79.6.8 Paid sick leave shall not be granted during a period of unpaid leave.
- 79.7 Payment during the initial 3 months of service - Paid sick leave which may be granted to a staff member, other than a seasonal or relief staff member, in the first 3 months of service shall be limited to 5 days paid sick leave, unless the Department Head approves otherwise. Paid sick leave in excess of 5 days granted in the first 3 months of service shall be supported by a satisfactory medical certificate.
- 79.8 Seasonal or relief staff - No paid sick leave shall be granted to temporary employees who are employed as seasonal or relief staff for a period of less than 3 months.

80. Sick Leave - Requirements for Evidence of Illness

- 80.1 A staff member absent from duty for more than 2 consecutive working days because of illness must furnish evidence of illness to the Department Head in respect of the absence.
- 80.2 In addition to the requirements under subclause 79.2 of clause 79, Sick Leave of this award, a staff member may absent themselves for a total of 5 working days due to illness without the provision of evidence of illness to the Department Head. Staff members who absent themselves in excess of 5 working days in a calendar year may be required to furnish evidence of illness to the Department Head for each occasion absent for the balance of the calendar year.
- 80.3 As a general practice backdated medical certificates will not be accepted. However if a staff member provides evidence of illness that only covers the latter part of the absence, they can be granted sick leave for the whole period if the Department Head is satisfied that the reason for the absence is genuine.
- 80.4 If a staff member is required to provide evidence of illness for an absence of 2 consecutive working days or less, the Department Head will advise them in advance.

80.5 If the Department Head is concerned about the diagnosis described in the evidence of illness produced by the staff member, after discussion with the staff member, the evidence provided and the staff member's application for leave can be referred to HealthQuest for advice.

80.5.1 The type of leave granted to the staff member will be determined by the Department Head based on HealthQuest's advice.

80.5.2 If sick leave is not granted, the Department Head will, as far as practicable, take into account the wishes of the staff member when determining the type of leave granted.

80.6 The granting of paid sick leave shall be subject to the staff member providing evidence which indicates the nature of illness or injury and the estimated duration of the absence. If a staff member is concerned about disclosing the nature of the illness to their manager they may elect to have the application for sick leave dealt with confidentially by an alternate manager or the human resources section of the Department.

80.7 The reference in this clause to evidence of illness shall apply, as appropriate:

80.7.1 up to one week may be provided by a registered dentist, optometrist, chiropractor, osteopath, physiotherapist, oral and maxillo facial surgeon or, at the Department Head's discretion, another registered health services provider, or

80.7.2 where the absence exceeds one week, and unless the health provider listed in paragraph 80.7.1 of this subclause is also a registered medical practitioner, applications for any further sick leave must be supported by evidence of illness from a registered medical practitioner, or

80.7.3 at the Department Head's discretion, other forms of evidence that satisfy that a staff member had a genuine illness.

80.8 If a staff member who is absent on recreation leave or extended leave, furnishes to the Department Head satisfactory evidence of illness in respect of an illness which occurred during the leave, the Department Head may, subject to the provisions of this clause, grant sick leave to the staff member as follows:

80.8.1 In respect of recreation leave, the period set out in the evidence of illness;

80.8.2 In respect of extended leave, the period set out in the evidence of illness if such period is 5 working days or more.

80.9 Subclause 80.8 of this clause applies to all staff members other than those on leave prior to resignation or termination of services, unless the resignation or termination of services amounts to a retirement.