

Training, Education and Study Leave (TESL) for Staff Specialists

Summary The Policy Directive outlines the requirements governing Training, Education and Study Leave (TESL) for Staff Specialists.

Document type Policy Directive

Document number PD2019_043

Publication date 03 September 2019

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Replaces PD2016_043

Review date 03 September 2020

Policy manual Not applicable

File number 18/3633

Status Active

Functional group Personnel/Workforce - Learning and Development, Leave

Applies to Ministry of Health, Public Health Units, Local Health Districts, Board Governed Statutory Health Corporations, Chief Executive Governed Statutory Health Corporations, Specialty Network Governed Statutory Health Corporations, Affiliated Health Organisations, NSW Health Pathology, Cancer Institute, NSW Ambulance Service, Public Hospitals

Distributed to Ministry of Health, Public Health System, NSW Ambulance Service, Health Associations Unions

Audience Medical Administration;Medical

TRAINING, EDUCATION AND STUDY LEAVE (TESL) FOR STAFF SPECIALISTS

PURPOSE

The purpose of this Policy Directive is to outline the policy governing Training, Education and Study Leave (TESL) for Staff Specialists.

MANDATORY REQUIREMENTS

Public Health Organisations (PHOs) have a responsibility to ensure all Staff Specialists employed in the NSW Health System have appropriate and equitable access to TESL that is relevant to both the Staff Specialist and the PHO and establishes entitlements to TESL.

IMPLEMENTATION

Chief Executives

Chief Executives must ensure that the arrangements set up in this Policy Directive are communicated to all Staff Specialists and other relevant medical administration and HR staff.

Directors of Medical Services

Directors of Medical Services must ensure and verify that there is full compliance with the terms and conditions of this Policy Directive.

Staff Specialists

Staff Specialists must ensure that they co-operate with PHO management in implementing the arrangements set out in this Policy Directive.

REVISION HISTORY

Version	Approved by	Amendment notes
September-2019 (PD2019_043)	Deputy Secretary, People Culture and Governance	Changes to clarify access to pre-1997 study and conference leave and clarify access to residual Level 1 funds when Staff Specialists change from Rights of Private Practice (RoPP) Level 1 to RoPP Level 2-5.
September 2016 (PD2016_043)	Deputy Secretary, Governance, Workforce and Corporate	Rescinds PD2015_010. Updates to Attachment 1 to reflect new Government Travel Provider and to change provisions of Staff Specialists using alternate travel providers when obtaining cheaper quotations.
February 2015 (PD2015_010)	Deputy Secretary, Governance, Workforce and Corporate	Rescinds PD2005_305. Introduced the procedures for eligibility and implementation of Training, Education and Study Leave for Staff Specialists.
January 2005 (PD2005_305)	Deputy Secretary, Governance, Workforce and Corporate	New policy.

ATTACHMENTS

1. Training, Education and Study Leave (TESL) for Staff Specialists: Procedures.

**Training, Education and Study Leave (TESL) for Staff
Specialists**



Issue date: September-2019

PD2019_043

CONTENTS

1	BACKGROUND	1
1.1	About this document	1
1.2	Key Definitions	1
1.3	Legal and Legislative Framework	1
2	PURPOSE OF TESL	2
3	TESL – GENERAL	2
3.1	Study Leave Entitlements Accrued Prior to 27 November 1997	3
3.2	TESL Leave	3
3.3	Home Based Study	4
3.4	Rights of Private Practice	4
3.5	Transferring Accrued TESL from one NSW Health Service to Another NSW Health Service	5
4	TESL ENTITLEMENT – DAYS	5
4.1	Allocation	5
4.2	Deduction	6
4.2.1	Part Time Staff Specialists	6
4.2.2	Debiting of TESL Day(s)	7
4.3	Reasonable Travel Time for Overseas Travel	8
4.4	Other Forms of Leave Taken in Conjunction with TESL (i.e. Annual Leave / Long Service Leave / Leave without Pay)	9
5	TESL ENTITLEMENT – FUNDING	9
5.1	Allocation	9
5.1.1	Staff Specialists Changing Levels	11
5.2	Expenses Cover by Level 1 TESL Funding	11
5.3	Per Diem Allowance	12
5.4	Accommodation	13
5.4.1	Leave Involving Overseas Accommodation	14
5.5	Incidentals Allowance	15
5.5.1	Official Incidentals	15
5.6	Registration and Course Fees	15
5.7	Sponsorship	16
5.8	Speaking and Attendance at Commercial Conferences and Seminars	16
5.9	Other Expenses	16
5.10	Taxation Implications for TESL Subsistence / Accommodation Allowances	16
5.10.1	Substantiation Exception	17
5.10.2	Qualifying for the Substantiation Exception	17
5.11	Airfares	17
5.12	Travel Insurance	18
5.12.1	Personal Accident and Medical Expenses Cover	19
5.12.2	Baggage and Personal Effects Coverage	19

5.12.3 Personal Accident Exclusions.....	19
5.12.4 Emergency Assistance	20
5.13 Approval of TESL.....	20
5.14 Amendments to Travel Itinerary	20
5.15 Cancellation of TESL and Recouping of NSW Health Service Funds.....	21
6 LIST OF ATTACHMENTS.....	21
ATTACHMENT 1: How to Book Airfares.....	22
ATTACHMENT 2: Frequently Asked Questions	24

1 BACKGROUND

1.1 About this document

The purpose of this Policy Directive is to outline the policy governing Training, Education and Study Leave (TESL) for Staff Specialists.

1.2 Key Definitions

ATO: Australian Tax Office.

Award: means the Staff Specialists (State) Award.

Chief Executive: means the Chief Executive of the Public Health Organisation or a person delegated to perform certain functions of the Chief Executive.

Continuous service: means a period of employment which immediately follows another period of employment within two months after the end of the earlier period.

Determination: means the Staff Specialists Determination.

General Fund: the operating fund of the Public Health Organisation (see definition below).

Incidentals: allowance entitlement *to contribute to* miscellaneous personal expenses (such as expenses to cover personal laundry and dry cleaning, taxi fares for personal reasons, newspapers and magazines, private telephone calls, gratuities).

Official Incidentals: official incidental expenses are not covered by the daily allowance rates and are to be reimbursed based on receipts, e.g. taxi, train or bus fares to and from airports / conference venues or stationary items.

Number 2 Account: separate account in the Special Purpose and Trust (SP&T) bank account which contains separate sub-ledgers in the name of facilities, business units, agreed groups or individual Staff Specialists.

Public Health Organisation (PHO): Public Health Organisation is defined in section 7 of the *Health Services Act 1997*. For the purposes of this document, PHO will include the Ambulance Service of NSW and other agencies as set out in PD2013_021 - *Application of Policies - Newly Established NSW Health Agencies*.

TMF: Treasury Managed Fund.

1.3 Legal and Legislative Framework

- *NSW Health Information Bulletin Staff Specialists' Training, Education and Study Leave (TESL) New Funding Entitlement* (changed yearly)
- PD2005_415 - *Sponsorship Policy NSW Health*
- *NSW Government Travel and Transport Policy* (outlines the arrangements with current Government contractor for travel)
- PD2016_010 - NSW Health - Official Travel Policy
- Staff Specialists (State) Award

- Staff Specialist Determination
- Australian Taxation Office – Tax Determinations released each financial year for Reasonable Travel and Meals Allowances
- Treasury Managed Fund Statement of Cover including the Scheme Structure Version 4.1.

2 PURPOSE OF TESL

The Staff Specialists Determination provides that the NSW Health System has a responsibility to ensure all Staff Specialists employed in the NSW Health System have appropriate and equitable access to TESL.

3 TESL – GENERAL

- TESL is for Staff Specialists only and is not available to Postgraduate Fellows, Clinical Academics and Visiting Medical Practitioners.
- Locum or temporary Staff Specialists employed after the publication date of this Policy Directive and whose total period of employment is less than one year's duration do not accrue and are not entitled to TESL. TESL is only available to permanent or temporary Staff Specialists who have been employed for a period of more than one year.
- Where a Staff Specialist converts from temporary to permanent, or whose temporary employment is greater than 12 months (by way of the original contract or via further contract / extension to the initial engagement), all the temporary service will count as service for TESL purposes and the accrual toward TESL days and funding as long as the employment is continuous with the temporary appointment.
- A Staff Specialist is not entitled to take any unused TESL entitlements on retirement, resignation, dismissal or redundancy.
- Clause 7(o) of the Determination states that in circumstances where a Staff Specialist takes more than 50 days of Training, Education and Study Leave in the 24 months prior to resignation or retirement from his or her employment in the NSW Health Service (except where the resignation or retirement is on medical grounds), he or she will be required to pay back the remuneration received relating to the number of days of leave in excess of 50 days, unless the relevant Chief Executive determines in any particular case that this requirement should not apply. This limitation however will not be applied in those circumstances where a decision is made to transfer the delivery of public health services to a non-government sector provider and a Staff Specialist subsequently moves their employment to the new provider as part of the transition process undertaken for those services.
- Official incidentals, transfers (between airport and home, airport and hotel and hotel and conference venue), car hire, airport parking and airfares. TESL can be used by Area of Need Staff Specialists to cover the travelling costs to attend a college interview or examination to gain full College recognition of specialist status.

- Approved site visits: visits to a hospital, university or other relevant facility may be undertaken on TESL. Where a site visit is proposed for TESL approval, it is to be included in the Travel Diary and full details of the proposed site visit must be included at the time of application, including:
 - Statement summarising the relevance of the site visit to both the Staff Specialist and the PHO, and
 - A letter from the site being visited confirming the dates, times and purpose of the visit.

3.1 Study Leave Entitlements Accrued Prior to 27 November 1997

Staff specialists on preserved Scheme D arrangements receive Conference and Study leave in accordance with Circular 90 / 39 issued on 23 May 1991 (see Clause 7 (k) of the Staff Specialists Determination). Staff Specialists who have a previously accrued leave entitlement under Scheme D will continue to have such leave preserved and managed in accordance with the Circular.

Other Staff Specialists who have previously accrued leave entitlements prior to 27 November 1997 ('pre-1997') will continue to have such leave preserved and managed in accordance with the Circular and the following principles:

- A Staff Specialist's pre-1997 accrued Study and Conference Leave days will be recorded in StaffLink. Any concerns regarding the recorded balance should first be addressed with the Health Agency and then by the Union raising the matter with the Ministry of Health.
- The funding entitlement for each day of pre-1997 leave is \$1400. Funding for all pre-1997 Study and Conference Leave will cease on the date 7 years from the publication of this policy amendment.
- The Pre-1997 funding entitlement for previous Scheme A Staff Specialists will be recorded separately to TESL Funds in the PHO's General Fund and can be drawn on for any TESL purpose. These moneys can be used in conjunction with any Level 1 TESL funding and/or from the No 2 Accounts for TESL purposes. For clarity, TESL purposes are taken to mean any leave entitlement arising from Pre-1997 leave and TESL (including where the Pre-1997 leave entitlement has been exhausted).
- Previous Scheme's B and C Staff Specialists can draw on either Level 1 TESL Funding and/or from the No 2 Account, depending on their elected level of Rights of Private Practice to fund any Pre-1997 leave.
- The Pre-1997 leave entitlement will remain for the length of employment minus any leave taken and can be funded from Level 1 funding and/or from the No 2 Accounts after expiry of the 7 year period.

3.2 TESL Leave

- TESL is an entitlement to paid leave for the purposes of training, education and study for Staff Specialists.

- TESL must be relevant to both the Staff Specialist, and the PHO.
- TESL can be granted for time spent in attendance (including speaking) at a bona fide course, conference, other approved training, education and study activity.
- TESL can be granted for home-based study.
- Approval should not be unreasonably withheld.

3.3 Home Based Study

- In terms of TESL, home based study relates to short periods of time such as a period of up to one week's time for thesis preparation, or a period of leave for one day for exam preparation. The initial application should contain details of any postgraduate courses, examinations or other university commitments related to the course of study. Any applications seeking approval of a longer period would require additional specific justification and approval by the PHO.
- An approved research related activity relevant to the Staff Specialist's field. TESL may be granted for short periods of preparation (not more than 1 day) for a publication in a refereed journal or preparation for a book chapter, resulting from the outcomes of research conducted by a Staff Specialist in the course of his or her duties and where the copyright of any publication is invested in the PHO. Any applications seeking approval of a longer period would require additional specific justification and approval by the PHO.
- Home based study will not apply to general reading relating to continuing medical education activities.
- In exceptional circumstances, and at the discretion of the PHO, home based study may be used more flexibly in those circumstances where attendance at courses / conferences is impracticable.

NOTE: Allowances (including per diem) are not paid for home based TESL.

3.4 Rights of Private Practice

- There are five private practice arrangements for Staff Specialists, depending on the Rights of Private Practice elected each financial year. The level of Rights of Private Practice elected determines if funds for TESL are made available, on application, from the PHO's General Fund (Level 1) or are generated from private practice and collected by the PHO in a Number 2 account (Level 2-5).
- A Staff Specialist transferring from Level 1 to Level 2-5 maintains the balance of the entitlements in terms of days accrued and any remaining funds balance at the time of the change in levels, but no longer receives new funding from the general fund.
- A Staff Specialist transferring from Level 2-5 to Level 1 maintains the balance of the entitlements in terms of days accrued but has no right to payment from the previous relevant Number 2 account sub-ledger without approval from the relevant management committee and at least two contributors to that sub-ledger (except where there is only one contributor to that sub-ledger).

- The Determination deals with the above matter at Clause 7(e) (ii).

3.5 Transferring Accrued TESL from one NSW Health Service to Another NSW Health Service

- Accrued (unused) TESL days can be transferred from one Health Service to another provided the Staff Specialist's service is continuous, meaning the effective date of employment with the new PHO is no more than two months after the termination date with the previous PHO.
- Accrued funds are not transferable from one Health Service to another for Level 1 Staff Specialists. However the individual retains the entitlement to the funding provided that the service is continuous. In general, Level 2-5 Staff Specialists accrued (unspent) No 2 account funds cannot be transferred. In exceptional circumstances, the Chief Executive may approve such transfers following a recommendation from the management committee for the relevant sub-ledger in the No 2 Account and at least two contributors to that sub-ledger (except where there is only one contributor to that sub-ledger).
- When a Staff Specialist changes from one to two separate appointments involving more than one PHO and service is continuous, accrued (unused) TESL days will be 'split' and transferred to each PHO on a proportionate basis that reflects the fraction of each appointment. For example, a full time staff specialist taking up two part-time appointments of 0.5 FTE each will transfer their accrued TESL days on a 50:50 split between each PHO.
- The same above principle is to be applied for Level 1 Staff Specialists in determining the retained entitlement to funding at each PHO.
- Staff Specialists are not entitled to be paid out the accrued TESL funding entitlements or the monetary value of accrued TESL days upon retirement, resignation, redundancy or dismissal.

4 TESL ENTITLEMENT – DAYS

4.1 Allocation

- Full time Staff Specialists are entitled to 25 calendar days of TESL per year.
- Part time Staff Specialists are entitled to the number of full time calendar days of TESL that is the proportion of 25 calendar days that their employment bears to full time employment.
- TESL days are calendar days (not week or work days and include public holidays and weekends).
- Entitlements to TESL leave should be recorded separately from other leave types, with any pre-November 1997 Study and Conference Leave balances to be listed separately (with this leave being managed in accordance with section 3.1 above).

- A day can be taken as a TESL day, and funding paid for that day, on days when a Staff Specialist would not normally be on duty. For the avoidance of doubt, the fact that a day is taken as a TESL day does not mean that a Staff Specialist is to be regarded as being on duty on that day for payroll purposes. TESL arrangements have no impact on Staff Specialists' salaries.
- TESL funding and leave entitlements arise at the end of each year of completed service. For Staff Specialists who have been permanently employed or engaged to work a continuous period of service greater than twelve months, TESL benefits can be provided where approved by the PHO in advance of the completion of a year of completed service, on a notional pro rata basis accrual.
- Any costs associated with days taken in advance but not accrued before the Staff Specialist leaves the PHO's employment must be recovered by the PHO.
- As part of the transition to the new system of recoding TESL balances on StaffLink, and arising from the amendment of the Staff Specialists Determination to remove one of the previous options for providing TESL to part time Staff Specialists, the following information for each part time Staff Specialist needs to be provided by PHOs to HealthShare within three months of the date of publication of this Policy Directive: (i) the number of full time TESL days at the Staff Specialist's most recent anniversary date, with any pre-November 1997 Study and Conference Leave balances to be listed separately; (ii) the number of TESL days taken from the most recent anniversary date to the date of publication of this Policy Directive; and (iii) the balance as at the date of publication of this Policy Directive. In the event that the balance provided is in negative, TESL leave will not be approved until a positive TESL leave balance has accrued although noting that TESL benefits can be provided where approved by the PHO in advance on a notional pro rata basis accrual.

4.2 Deduction

TESL days cannot be deducted at a fractional amount (i.e. half a TESL day cannot be deducted, the minimum deduction is one TESL day).

4.2.1 Part Time Staff Specialists

If a Staff Specialist works part time for more than one PHO then:

- TESL may be taken using funding and days from each health service.
- Where TESL days and funding is sought from more than one PHO, and unless otherwise agreed between the PHOs and the Staff Specialist, the split for days and expenses will be determined on a proportionate basis reflecting the absence of the Staff Specialist from each of the PHOs.
- Where a Level 1 Staff Specialist seeks to use funding consistent with section 5.5.2 (Expenses covered by Level 1 TESL funding) for purposes other than that associated with conference attendance, such funding will be split between the PHOs on a proportionate basis that reflects the fraction of each appointment.
- The Staff Specialist must submit a full application to both PHOs indicating the total number of TESL days taken in each PHO and the funding split for expenses.

- The Staff Specialist will continue to be paid their usual part time daily rate of pay from each PHO.

4.2.2 Debiting of TESL Day(s)

TESL day(s) are debited when:

- Leave is granted to attend a conference, training or educational activity.
- Leave is granted to attend at an examination or for study.
- TESL day(s) will not be debited on day(s) that the Staff Specialist would usually work if they can perform their usual duties on those day / s, i.e. if it is usually a full day's work then they must work the full day. If it is usually only a half-day's work then they must work that half-day.
- TESL days will not be debited for local conferences (those not involving an overnight stay or flight expenses) that do not reduce the Staff Specialist's normal work commitment i.e. a local conference / meeting that is held only on non-working days (as determined by that Staff Specialists agreed normal duties or the actual working pattern of the Staff Specialist), or is held before or after a full day's duties on a normal working day and where only registration or actual expenses for transport, parking and meals are claimed e.g. a Staff Specialist who usually works Monday to Friday and attends a conference in Sydney on the weekend, can claim the registration and other actual expenses and will not have any TESL days deducted.
- If the local conference / meeting extends over other working days and the Staff Specialist cannot perform their normal duties for even part of the conference / meeting duration, then TESL days will be deducted for the whole duration of the conference/ meeting; e.g. a Staff Specialist who usually works Monday to Friday and attends a conference in Sydney on Saturday, Sunday and Monday can claim the registration and other actual expenses and will have three TESL days deducted.
- A Staff Specialist may clearly specify on their application form that they wish to go to their normal place of work to undertake a normal full day's work on the day of departure on TESL, or day of return from TESL - in effect working and travelling on the same day (unless otherwise specified clearly on the application, a day's TESL will be deducted for each travel day). In this instance, TESL days usually will not be deducted and allowances not paid. (NOTE: half-day deductions are not available). The exception is when a Staff Specialist works a normal, full day at work and elects to travel to a TESL activity in another city (at least 160km away) that is due to begin by 9am the following morning. In this instance the Staff Specialist is electing to travel in the evening and stay overnight at the conference destination prior to the conference beginning early the next day. Accommodation and TESL expenses will be paid for that day but a TESL day shall NOT be deducted, as a full day's work has been completed.
- Except where the Staff Specialist has worked the full day, or as outlined above for local conferences, every calendar day is deducted where TESL funding is claimed when on TESL whether or not the Staff Specialist is full time or part time and whether or not it is a day the Staff Specialist would normally or not normally work for the PHO.

- Part time Staff Specialists whilst on TESL will only be paid for those days they would usually work, but are entitled to TESL payments while on TESL for days when they would not usually work. Where a Staff Specialist is on TESL on a day not normally worked, the following process will apply:
 - A TESL day will be debited from the Staff Specialist's TESL leave balance
 - Travel, accommodation, per diem allowances will be paid at the full time rate.

Domestic Conferences

- For domestic travel involving overnight accommodation a TESL day will be deducted where the Staff Specialist has not worked the full day. If the staff specialist has worked a full day, actual expenses will be paid or reimbursed. For examples see Appendix 3 – Frequently Asked Questions.

Overseas Conferences

- For overseas travel a TESL day will be deducted and where required a per diem and / or incidentals allowance will be paid and accommodation will be reimbursed.

4.3 Reasonable Travel Time for Overseas Travel

- Up to 48 hours (actual time), depending on destination, either side of the conference or educational activity may be allowed as travel time. Staff Specialists will normally be expected to travel by the most direct and least time consuming method unless there are good reasons (e.g. safety; significant cost benefits) to do otherwise. The day of departure and the day of return will generally be deducted as TESL days unless the Staff Specialist does not apply for leave on those days and travelling time allows for a full day's work for that Staff Specialist's normal hours. Staff Specialists will not be expected to attend a conference or return to work on a day on which they have arrived the morning after travelling overnight from an overseas destination. A TESL day will be deducted for this day. However, reasonable travel time does not generally include "stopovers" or other journey interruptions, nor "recovery" time between or following travel, unless there are reasonable and demonstrable health reasons for such interruptions / time.
- Travel time should be actual travel time. If the travel is broken by stopover(s) for private non-TESL purposes, which are on the normal flight path, then non-TESL days will need to be taken for such stopover periods.
- **Time between conferences:** For multiple TESL activities requiring travel in between, *up to 48 hours* (actual time) depending on destination, can be covered by TESL for travel time by the most direct and least time consuming method (e.g. 24 hours travel time is allowed between European destinations or USA destinations and *up to 48 hours* for destinations involving longer travel times). Days spent in addition to the above between conferences should be taken as annual or other non-TESL Leave.
- In some circumstances it is not practical or possible for a Staff Specialist to travel to a conference on the same day as the commencement of the conference. Where a Staff Specialist undertakes a normal, full day's work and then departs in the evening so as to arrive the night before the commencement of a conference, a TESL day is not to be deducted, but TESL expenses are to be paid. (Scheme "D" Staff Specialists must

specify on their application whether they are applying for “Conference” and / or “Study” Leave).

4.4 Other Forms of Leave Taken in Conjunction with TESL (i.e. Annual Leave / Long Service Leave / Leave without Pay)

- Annual Leave or other non TESL leave can be taken in conjunction with TESL however if the non-TESL days exceed the TESL days then any flights or other travel costs for travelling to and from the destination will be paid proportionate to the number of days spent on TESL (e.g. if there are 10 days of non-TESL and five days of TESL then the PHO would only pay one-third of the cost of the airfare to the destination). Note during periods of non-TESL leave weekend days are to be counted as non-TESL leave days.
- When applying for TESL, a Staff Specialist can substitute TESL days (e.g. conference attendance) with another form of leave (e.g. annual leave). No TESL funding is available for such non-TESL days.
- The following is offered as an example, based upon a scenario of a Full Time Staff Specialist who normally works Monday to Friday:

During a period of domestic or overseas TESL activity, on weekend days that do not include any TESL related activity (either educational or travel), the Staff Specialist does not have to apply for any form of leave but these weekend days will be counted however, as non-TESL days for the purpose of determining whether the majority of days were TESL related. The Staff Specialist will not be entitled to a per diem (including accommodation and incidentals) for such weekend days.
- Within four weeks of returning from TESL, Staff Specialists are to provide a report, in electronic format, to the relevant Chief Executive dealing with the outcome / benefits of the leave.

5 TESL ENTITLEMENT – FUNDING

5.1 Allocation

Level 1 Staff Specialists

- The annual amount of funding allocated to Level 1 Staff Specialists is determined annually.
- Such entitlement shall accumulate to a maximum of the dollar value of two years of entitlement unless otherwise approved by the Chief Executive.
- The entitlement to funding for Staff Specialists who are working pursuant to a Part Time Working Arrangement is pro rata based on the full-time entitlement.
- Staff Specialists working pursuant to a Part Time Working Arrangement may accumulate the same maximum dollar value as a full-time Staff Specialist ie accrue two years full time equivalent entitlement.

- Any unspent funds from the previous years' entitlement are carried over to the new financial year. However, funds can only accumulate to the maximum-capped amount. The capped amount is the dollar value of two years funding entitlements (at the full time allocation), unless otherwise agreed by the Chief Executive. As the funding entitlement changes each financial year, so does the capped amount.
- It is the responsibility of the PHO to ensure accurate records are maintained and readily available to Level 1 Staff Specialists regarding such funding.

Level 2- 5 Staff Specialists

- The amount of funding for Level 2-5 Staff Specialists is not allocated from the PHO's general funds.
- The availability of TESL funding for Level 2-5 Staff Specialists is dependent on the funds in the appropriate sub-ledger of the No 2 Account for Staff Specialists employed pursuant to Levels 2 to 5 arrangements. The quantum of the funding is a matter for approval by the relevant management committee for that sub-ledger and at least two contributors for that sub-ledger (except where there is only one contributor to that sub-ledger), having due regard to the payment made to Level 1 Staff Specialists. Such allocation is to be limited to the level of funds available in the relevant sub-ledger.

Scheme D Staff Specialists

- Scheme D Staff Specialists do not receive TESL. They are entitled to Conference and Study Leave in accordance to NSW Health Circular 90 / 39 (May 1990) where the following applies:
- Scheme D only arrangements apply to Staff Specialists who, prior to 27 November 1997, had already elected and have since been participating in Scheme D.
- Specialists employed under Scheme D shall be entitled to paid leave at half time rates as set out in Clause 6 Conference Leave and Clause 7 Study Leave of this circular, but subject to Clause 8.4 Subsistence Allowance, shall not be entitled to airline tickets or Expenses (paid either from General Funds or No 2 Accounts) for the proportion of their service working under Scheme D.

Specialist Medical Administrators

Clause 7 (n) of the Staff Specialists Determination states:

“A Specialist Medical Administrator employed in accordance with Clause 25 of the Award may make a once-only election for the term of the Award to either:

- (i) Accrue the Training, Education and Study Leave funding entitlement pursuant to this clause, or
- (ii) Use a motor vehicle consistent with Senior Executive Service guidelines and charges.

The election must be made within one month of the date of commencement of the Award, or the commencement of employment.

If a Specialist Medical Administrator elects option (ii) above, he / she will be entitled to access an amount of Training, Education and Study Leave annual funding entitlement

which represents the difference in value between (i) and (ii) above. With regard to the accumulation of the funding entitlement, a Specialist Medical Administrator who elects option (ii) above may accumulate to the same dollar value as a Specialist Medical Administrator who elects option (i) above. The number of days of Training Education and Study Leave available shall be reduced by the same proportion as the annual funding entitlement is reduced.

This provision shall not apply to Staff Specialists who are not Specialist Medical Administrators employed in accordance with Clause 25 of the Award.

5.1.1 Staff Specialists Changing Levels

Staff Specialists changing level of private practice from Level 1 to Levels 2-5 (usually on July 1) maintain access to their accumulated unused Level 1 TESL funds at the time they changed to Level 2-5 and can use those funds until exhausted by the Staff Specialist.

Staff Specialists changing from Level 1 to Levels 2-5 with an individual sub-ledger should understand that they will not have any TESL funding available from their No 2 account for the first 12 months.

However, on July 1 in the following year after such a change, surplus funds in the relevant sub ledger of the No 1 account remain available until expunged. If there are sufficient funds available, they are then able to claim any legitimate approved TESL expenses incurred during the first 12 months on Levels 2-5, subject to the relevant approval.

5.2 Expenses Cover by Level 1 TESL Funding

- Staff Specialists have an entitlement to funds, but **must** submit an application to the PHO for approval in order to utilise them.
- All allowances, or reimbursement of actual expenses, will be paid at the full time daily rate for part time Staff Specialists, provided the Staff Specialist's funding entitlement is not exceeded.
- For any eligible TESL activity, a Staff Specialist may elect to claim the full cost of the activity or only partial costs e.g. they may choose to claim for travel expenses only or subsistence allowances only. Note: allowances can only be paid at the full daily rate however. If however, insufficient funds are available to pay the costs in full then the Staff Specialist shall receive the amount of funds remaining in their entitlement at the time of application.
- Unless specified on application by the Staff Specialist, TESL allowances for meals, accommodation and incidentals will be paid in accordance with the ATO reasonable travel allowance amounts. This approach does not prevent a Staff Specialist from claiming actual expenditure in respect of the entire period of TESL, provided tax invoices, receipts, credit card statements or where appropriate, diary records are provided for all expenditure.
- The expenses covered by TESL funds are:
 - Conference registration or course fees
 - Accommodation allowances

- Per diem payments
- One third of the costs of membership in the colleges listed at Schedule 2 of the Award (but no other professional association membership fees)
- Books and journals relevant to the Staff Specialist's area of speciality which will remain the property of the PHO, and
- Post-graduate course fees for courses that are relevant to the staff specialist's area of speciality.
- Laptops and mobile internet capable devices required for work purposes (where these have not otherwise been provided by the employer) can be purchased in consultation with the relevant PHO Information Technology Unit in respect of compatibility, connectivity and configuration. Such devices will remain the property of the PHO. The funding arrangements are as follows:
 - \$2,000 per year accumulating to a maximum of \$6,000 over a three year cycle to pay for the purchase and replacement of a laptop and / or mobile internet capable devices (e.g. iPad, iPhone) at the Staff Specialist's discretion. The quantum of this funding arrangement will be subject to annual review in conjunction with the recalculation of the TESL funding for Level 1 Staff Specialists.
 - The annual allocation to occur on the date and month of commencement of the Staff Specialist's employment.
 - On the commencement of this Policy Directive, all Staff Specialists employed at the time of its promulgation will be deemed to hold at least one year's allocation, with the second year allocation subsequently becoming available on the date and month of their employment commencing.
 - Expenditure may occur in advance with the agreement of the employer.

5.3 Per Diem Allowance

- For the purposes of calculating the per diem allowance, the salary rates are to be based on the full time equivalent (FTE) salary for superannuation purposes applicable to the position occupied by the Staff Specialist. As Level 5 Staff Specialists are paid 75% of the Level 4 rate (at an equivalent seniority) and leave without pay (LWOP) is permitted for 25% of the full commitment in that speciality, Level 5 Staff Specialists are to use 100% of the Level 4 rate for calculation of the appropriate per diem rate as per the Staff Specialist Level 4 salary rates of the equivalent seniority.
- Overseas per diem allowance is payable to Staff Specialists to cover the cost of meals and other incidental expenses, but not including accommodation. The amount paid per day is in accordance with the salary rates published by the ATO as reasonable travelling allowances.
- Domestic per diem allowance is payable to Staff Specialists to cover cost of meals and other incidental expenses, including accommodation. The amount paid per day is in accordance with the salary rates published by the ATO as reasonable travelling allowances.

- A per diem allowance covers meals, incidental expenses (and accommodation for domestic travel is only paid when a night is spent at the educational activity location). Therefore, the number of days per diem paid will be equal to the number of nights at the educational activity.
- A per diem will not be paid during:
 - Periods of private leave
 - Time spent in transit
 - TESL days for home-based study, or
 - If the Staff Specialist does not live far enough away from the educational activity to qualify for accommodation away from home.
- Food and drink charged to a hotel room are covered by the per diem allowance and cannot again be claimed on an accommodation invoice except if actual expenses rather than a per diem are being claimed.
- All allowance payments and reimbursements will be paid into the bank account used for payroll purposes.
- The PHO will pay the per diem allowance (in conjunction with incidentals and accommodation allowance for domestic travel) in one payment. Presentation of tax invoices or receipts is not necessary for payment of the allowance.
- Staff specialists may elect to claim actual expenses instead of the per diem allowance however in this case receipts / tax invoices must be provided for ALL expenses claimed. These will be reimbursed to the Staff Specialist on presentation of:
 - Tax invoices (domestic travel), or
 - Receipts **and** credit card statements or an equivalent showing the payment in Australian dollars where possible (overseas travel).

Leave not involving overnight accommodation

- For any TESL not involving overnight accommodation, only registration or actual expenses for transport, parking and meals will be reimbursed based on receipts.

Leave involving travel within Australia

- Per diem is paid in accordance with the ATO Reasonable Travel Allowances and differs for each capital city (and some country centres) in Australia.

Leave involving travel Overseas

- Per diem is paid in accordance with the ATO Reasonable Travel Allowances and differs for each country.

5.4 Accommodation

- It is the Staff Specialist's responsibility to arrange accommodation.
- Reimbursement is at a standard room rate only. The Staff Specialist may choose to book a family room if he / she is travelling with family, but the PHO will only reimburse the standard room rate. In determining what is the reasonable standard room rate,

reference should be made to the standard room rates applying at major hotel chains in reasonable proximity to the conference venue (e.g. Hilton, Marriott, Sheraton).

- Accommodation will be paid for the night before a conference begins if it is necessary to do so to attend the conference. Accommodation will be paid if a conference involves evening sessions and the Staff Specialist needs to stay overnight in order to travel safely home the next day or depart on the next available flight home.
- Accommodation **is not** payable for days where departure is not arranged for the first available return flight after the conference ends (allowing for time to travel to the airport with sufficient time to arrive at the designated check in time), during personal leave, or when arranged for the purpose of proceeding on non-TESL leave where overnight accommodation would not otherwise have been necessary.
- If the Staff Specialist's place of residence is within approximately 160km of the TESL venue, accommodation will not be approved for an overnight stay preceding or at the conclusion of the TESL activity unless the starting / finishing time of the TESL activity precludes arrival at the Staff Specialist's conference / residence at a reasonable time. For a TESL activity that exceeds one day, accommodation will be approved provided the distance from the Staff Specialist's residence to the activity exceeds 60km. If the TESL activity requires a residential stay as part of the activity, then accommodation will also be approved for the nights during the conference, e.g. a residential course.
- The PHO will pay the ATO rate for accommodation as an allowance (which varies from city to city within Australia).
- In the event that the only available accommodation is more expensive than the allocated ATO rate the PHO will pay the actual cost. However, the total payment in this instance must be declared as taxable income and a tax deduction may be claimed. The Staff Specialist can decide between maintaining fewer records and limiting a tax deduction claim to the reasonable ATO allowance amount (which may be lower than the amount actually incurred) or keep written evidence and claim the full amount of expenses incurred, (which may be higher than the reasonable ATO amount).
- The PHO will pay the accommodation allowance, in conjunction with the per diem allowance (or on presentation of tax invoices detailing the cost of accommodation the actual amount will be reimbursed).

5.4.1 Leave Involving Overseas Accommodation

- When accommodation linked to the conference is available (particularly if a discounted rate is being offered), and the cost is consistent with the DOH suggested rates, it is expected that this accommodation will be utilised. Where a Staff Specialist wishes to stay in more expensive accommodation, they will be required to meet the additional cost from their personal funds.
- There is no established ATO rate for overseas accommodation; however, hotel rates for the Hilton, Sheraton and Marriott should be used as a guide for a reasonable rate.
- The PHO reimburses the Staff Specialist for the cost of accommodation providing the cost is 'reasonable' and based on a standard room rate, on presentation of receipts (e.g. an itemised hotel receipt or pre-paid accommodation receipt) and credit card

statements or an equivalent showing accommodation transactions in Australian dollars where possible.

5.5 Incidentals Allowance

- An incidentals allowance is payable in accordance with the ATO reasonable travel allowances for each Australian and overseas destination. Rates differ for each capital city in Australia and for each country overseas.
- An incidentals allowance will not be paid when an overnight stay is not required.
- The PHO will pay the incidentals allowance in conjunction with the per diem allowance (and accommodation allowance if applicable) in one payment. Presentation of tax invoices is not necessary for these expenses.

5.5.1 Official Incidentals

- Official Incidentals may be claimed in addition to the per-diem allowance.
- Official incidentals include:
 - Business expenses for taxis, trains, buses, fares or stationery items. An estimated cost of such items should be included with the travel application with reimbursement subject to the production of receipts. Official conference functions including official dinners and lecture breakfasts not covered by the normal registration fee and not an optional add-on as part of conference arrangements will be covered by the per diem allowance. These expenses should be included with registration costs and will be paid directly to the conference organiser with the registration fee or will be reimbursed to the Staff Specialist on presentation of:
 - Tax invoices (domestic travel), or
 - Receipts **and** credit card statements or an equivalent showing the payment in Australian dollars where possible (overseas travel), and / or
 - Taxis or shuttle services from home to airport, airport to hotel, hotel to conference venue, conference venue to hotel, hotel to airport and airport to home. These are termed 'transfers' and are reimbursed to the Staff Specialist on presentation of tax invoices (domestic) or receipts (overseas).
- If a Staff Specialist drives his / her own car to the conference location, the mileage can be claimed in accordance with the Transport Rates outlined in the NSW Health Information Bulletin IB2009_049 - *Private Motor Vehicle use on Official Business - Transport Rate*. Please check the Information Bulletin as updated from time to time, for current rates. Staff Specialists are to obtain prior approval from the PHO to use their own vehicle.

5.6 Registration and Course Fees

TESL funding is available to cover registration costs for approved conferences and seminars. These will be paid or reimbursed on presentation of tax invoices for approved TESL funding. TESL funding is not available for payment of HECS fees except with the

approval of the Chief Executive. TESL funding can be used to pay course fees for courses that are relevant to the speciality in which the Staff Specialist practices.

5.7 Sponsorship

Where a TESL application involves sponsorship, the conditions of NSW Health PD2005_415 - *Sponsorships Policy - NSW Health* must be followed.

5.8 Speaking and Attendance at Commercial Conferences and Seminars

It is necessary to comply with Premier's Circular C2005_40 as amended from time to time.

5.9 Other Expenses

Other expenses covered by the PHO are:

- Airport car parking (reimbursed proportionally if non-TESL is taken in conjunction with TESL), on presentation of a tax invoice and if driving to the airport is the most practicable or cost effective method of getting to the airport.

Car hire costs or costs associated with driving a private vehicle based on the official per kilometre rate will be reimbursed for TESL related travel if it is the only practical method of transport or is less expensive than the alternatives. Car hire should be arranged under the terms, conditions, provisions and requirements being implemented at the time, by the agency / organisation holding the current government contract for travel (see Attachment 1).

5.10 Taxation Implications for TESL Subsistence / Accommodation Allowances

Australian Taxation Office Tax Ruling 'Income tax – reasonable travel and meal allowance expense amounts', (amended by Tax Determinations for current income years), sets out the reasonable domestic and overseas travel allowances and how the allowances should be treated for income tax purposes.

Generally, all allowances must be shown as assessable income in the employee's tax return. However where:

- The allowance received is a bona fide travel allowance
- The allowance received does not exceed the reasonable ATO allowance amount and
- The allowance has been fully expended on deductible expenses then the allowance received is not required to be shown as assessable income in the employee's tax return.

Where a taxpayer incurs costs that are less than the allowance received, the allowance must be shown as assessable income and a deduction can be claimed for deductible expenses incurred. Where a taxpayer claims a deduction for deductible expenses

incurred when travelling, the expenses must be substantiated unless it qualifies for the exception from substantiation.

Where the allowance is not required to be shown as assessable income in the employee's tax return, and is not shown, a deduction for the expense cannot be claimed.

5.10.1 Substantiation Exception

- If a claim for expenses covered by a travel allowance qualifies for exception from substantiation, it is not necessary to keep written evidence as required under Subdivision 900-E of the Income Tax Assessment Act (ITAA) 1997.
- A taxpayer can choose not to use the exception from substantiation. Each taxpayer can decide between maintaining fewer records and limiting a claim to the reasonable allowance amount, which in some circumstances may be lower than the amount actually incurred, or keeping written evidence and claiming the full amount of deductible expenses incurred, which may be higher than the reasonable amount.
- If a taxpayer relies on the exception from substantiation, they may still be required to show records of expenses incurred for work-related purposes. What is a reasonable basis for determining the amount of a claim that is subject to an exception from substantiation varies according to individual circumstances and the nature of the expense, the basis for determining the amount of the claim and that the expense was actually incurred.

5.10.2 Qualifying for the Substantiation Exception

For domestic or overseas travel allowance expenses to qualify for the substantiation exception, the following conditions must be met:

- The employee is paid a bona fide travel allowance,
- The allowance is paid to cover work-related travel expenses incurred for travel away from the employee's ordinary residence, undertaken in the course of performing duties as an employee (subsection 900-30(3) of the ITAA1997) and involves sleep away from home, and
- Further, the travel allowance must be paid or payable to cover expenses for accommodation or food or drink or expenses incidental to the travel. A travel allowance that is not paid or payable to cover specific work-related travel is not considered a travel allowance for the purposes of the exception from substantiation. The exception does not apply to accommodation expenses for overseas travel.

5.11 Airfares

The current government contractor for travel must be used to book all official business travel, including airfares (see Attachment 1 for details on how to book travel) except as detailed below.

Staff Specialists are entitled to travel Business Class, at the best (lowest) possible rate available for travel by the most direct and least time consuming route unless there are good reasons (e.g. safety, significant cost benefits) from the current government contractor (see Appendix 1 for details on how to book travel).

Where Business Class is not provided by the airline (such as many US airlines), the next class above Economy that is equivalent to Qantas Business Class may be booked.

Staff Specialists are not entitled to select their preferred airline. The Government contractor is to be given the earliest time of departure and the latest time of arrival to ensure that the best possible fares can be provided.

- In accordance with the Staff Specialists Determination, no first class international airfares are to be booked or paid for in respect of TESL travel. Where a domestic business class is not provided by an airline, the next class above economy that is equivalent to a Qantas business class may be booked. Bookings are to be made as part of the international flight booking.
- It is the Staff Specialist's responsibility to arrange flights and provide an itinerary.
- The delivery of airline tickets is to be arranged between the Staff Specialist and the current government contractor.
 - Where a Staff Specialist is able to produce a written cheaper quotation from another travel agent / carrier within 7 days of obtaining a quotation from FCM, the cheaper quotation is to be provided (in formal written form) to FCM so an opportunity is provided for FCM to match the quote.
 - The cheaper quotation (as provided by the alternate travel agent / carrier) must be based on the same dates, itinerary, class of travel, and fare rules in terms of flexibility and refundability, as the quotation from FCM taking into account differences between carriers in terms of scheduling and fare rules.
 - In the above situation, FCM have the opportunity to provide an updated quote within three business days of having received the alternate travel agent's / carrier's quote from the Staff Specialist (on the basis all necessary information has been provided to FCM by the Staff Specialist).
 - In the event that FCM are unable to match the alternate travel agent's / carrier's quote or fail to respond within three business days, the Staff Specialist can use the written quote from an alternate travel agent / carrier.

5.12 Travel Insurance

The NSW Treasury Managed Fund Statement of Cover V4 dated 12 September 2012, provides certain additional cover for employees (including Staff Specialists undertaking overseas travel for the purposes of TESL in accordance with the Staff Specialists Determination) for official travel outside of Australia. Details of the cover under the TMF can be obtained from the relevant PHO Risk Manager.

Local regulations in the country being visited should be examined to determine whether local insurance coverage is required. If you have any questions regarding this service enquiry should be directed to the relevant PHO Risk Manager.

Note: There is no coverage under TMF for the cancellation of an event such as a seminar or conference, which includes any fees paid to attend and the cancellation of accommodation.

5.12.1 Personal Accident and Medical Expenses Cover

Employees undertaking travel in the course of their employment are covered under the NSW Workers Compensation legislation. TMF also provide cover for death or bodily injury for other approved persons which arises out of or in the course of official duties while travelling abroad.

The coverage is in accordance with, and equivalent to, the benefits payable under the *Workplace Injury Management and Workers Compensation Act 1998*. (The Schedule of Benefits is amended on 1 April and 1 October each year).

In addition, cover is provided for employees and other approved persons for medical expenses of up to \$1,000,000 incurred while outside of Australia and while travelling for the purpose of NSW Health business.

The intention of this additional cover for medical expenses is to protect the approved agency person for the entire period they are overseas whilst on official business e.g. 24 hours, seven days a week and cover includes treatment for accidents and acute episodes of illness occurring whilst overseas. Cover is provided for treatment other than elective treatment.

Note: Subject to the employee receiving the PHO's prior written approval, TMF cover extends to leisure and recreational periods associated with a conference while the employee is abroad. TMF cover does not extend to such activities if they are undertaken during periods when the Staff Specialist has taken recreation, long service or leave without pay either before, during or after the conference.

In applying this cover to Staff Specialists undertaking overseas travel for the purposes of TESL the NSW Ministry of Health advises that the Staff Specialist is covered while on official business 24 hours per day. However, should the Staff Specialist take recreation, long service or leave without pay, or during days when TESL entitlements do not apply, while abroad, then TMF cover is suspended for the time of that leave or period when TESL entitlements do not apply, and private arrangements should be made to obtain any insurance coverage for that period.

On resumption of TESL, TMF coverage would again apply.

5.12.2 Baggage and Personal Effects Coverage

Coverage to the value of \$10,000 is provided for baggage and personal effects in accordance with the Treasurer's Directions.

5.12.3 Personal Accident Exclusions

This personal accident protection shall not apply to any event directly or indirectly attributable to or a consequence of:

- Intentional self-injury or suicide (whether felonious or not) or any attempt thereof
- Sexually transmitted diseases that are acquired during approved travel unless the disease was workplace contracted while undertaking approved activities
- Engaging in professional sport(s).

5.12.4 Emergency Assistance

TMF has contracted International SOS, to provide travel and emergency medical assistance to employees of TMF Agencies whilst travelling overseas on official business.

For advice or assistance under the International SOS contract whilst overseas, employees can make a reverse charge call to any of the following:

- **24 / 7 Emergency Hotline: +61 2 9372 2468**
- **Email: Sydney@internationalsos.com**

5.13 Approval of TESL

- A full travel itinerary must be provided: this is a record of events for each day the Staff Specialist is on TESL (including other dates of other leave that is to be taken if this leave is taken in conjunction with TESL). It must include the following:
 - The date and approximate time when the activity will commence
 - The location of the activity, and
 - The nature of the activity.
- Applications must be submitted **before** undertaking TESL.
- The TESL travel and expenditure must be approved in advance by the PHO.
- In order to obtain relevant payments and reimbursements prior to commencing travel, applications for TESL travel should be made at least eight weeks prior to departure.
- If a Staff Specialist travels off the most direct and least time consuming route (unless there are good reasons acceptable to the employer, e.g. safety; significant cost benefits to do otherwise) to a destination where there are no TESL activities undertaken then the cost of the flight to that destination and the flight to return to the most direct route is the responsibility of the Staff Specialist.
- A 'round the world' airfare cannot be used for TESL travel unless:
 - It is the cheapest fare, and
 - The number of stopovers at which TESL activities are undertaken exceeds the number of stopovers at which there are no TESL activities undertaken.

5.14 Amendments to Travel Itinerary

- The current government contractor will not charge when amendments are made to itineraries whilst in transit, providing there is no change to the fare cost.
- If additional charges apply, an updated itinerary **MUST** be supplied to the relevant department via email and further approval for the additional expenses (if necessary) will be required.

5.15 Cancellation of TESL and Recouping of NSW Health Service Funds

There is no cancellation fee payable to the current government contractor; however, some airlines will charge a cancellation fee on some tickets. This will be advised by the current government contractor consultant at the time of booking.

A “**Transaction Fee**” may be payable to the current government contractor when cancelling a ticket. This will be deducted from the Staff Specialist’s TESL funds balance.

When TESL travel and activities are cancelled, it is the responsibility of the Staff Specialist to:

- Immediately advise the relevant PHO to contact the current government contractor to cancel the itinerary (e.g. airfare & accommodation) and request reimbursement,
- Cancel registration, accommodation, transfers, etc. and request reimbursement, and
- If a per diem has already been paid the Staff Specialist is to contact the PHO and arrange reimbursement.

6 LIST OF ATTACHMENTS

1. Attachment 1: How to Book Airfares
2. Attachment 2: Frequently Asked Questions

ATTACHMENT 1: How to Book Airfares

The current government contractor for travel is FCM Travel Solutions (FCM). **All airfares must be booked through FCM.** To make it convenient, Staff Specialists can also book conferences, accommodation and car hire etc., through FCM.

1. Booking Airfares, Other Transport and Accommodation

Airfares, other transport and accommodation can all be booked through FCM. There are two ways to book and organise a travel itinerary:

a) Telephone

Domestic and International: 1800 823 464 or (02) 8974 0859

b) Email

Domestic and International: nswg@fcmtravel.com.au

2. How do you make a Booking?

Note: FCM will offer the best (lowest) possible rate available for travel on the day by the most direct and least time consuming method, which must be utilised unless there are good reasons (e.g. safety, significant cost benefits).

When booking, a Staff Specialist must quote the PHO account or profile number:

The Staff Specialist arranges for an itinerary (which includes the cost and a booking reference number) and requests a copy via email from FCM.

Where a Staff Specialist is able to produce a written cheaper quotation from another travel agent / carrier within seven days of obtaining a quotation from FCM, the cheaper quotation is to be provided (in formal written form) to FCM so an opportunity is provided for FCM to match the quote.

The cheaper quotation (as provided by the alternate travel agent / carrier) must be based on the same dates, itinerary, class of travel, and fare rules in terms of flexibility and refundability, as the quotation from FCM taking into account differences between carriers in terms of scheduling and fare rules.

In the above situation, FCM have the opportunity to provide an updated quote within three business days of having received the alternate travel agent's / carrier's quote from the Staff Specialist (on the basis all necessary information has been provided to FCM by the Staff Specialist).

In the event that FCM are unable to match the alternate travel agent's / carrier's quote or fail to respond within three business days, the Staff Specialist can use the written quote from an alternate travel agent / carrier.

Frequent Flyer Points

Staff Specialists can use their frequent flyer membership to earn status on TESL airfares booked through the current government contractor but cannot redeem free flights or other entitlements. Any frequent flyer points obtained as a result of TESL travel must be used for other TESL purposes.

Car Hire

Car hire must be sourced through the NSW Government Procurement Rental Cars Contractor.

Car hire is only available where there is a significant cost benefit. Car hire will not be reimbursed for periods of non-TESL (e.g. Annual leave, weekends between TESL engagements not involving legitimate TESL travel).

ATTACHMENT 2: Frequently Asked Questions

NOTE: All examples in Attachment 2 are for illustrative purposes only, and unless expressly stated otherwise, are based upon a Monday to Friday work configuration for a full time Staff Specialist.

Local Conference, Examinations or Study Leave

EXAMPLE 1:

A Staff Specialist requires three days home-based study in preparation to attend an examination the following day. The Staff Specialist can apply for TESL for all four days, not just for the day he / she will be attending the examination, as there is no study leave entitlement, other than TESL, for Staff Specialists. On this occasion, four TESL days will be deducted and no per diem paid or actual expenses reimbursed (unless overnight accommodation is required to attend the examination).

EXAMPLE 2:

A Staff Specialist leaves his / her place of employment (Port Kembla) at 10am to attend a five-hour seminar in Sydney. The Staff Specialist utilises a PHO vehicle to travel and arrives home at 6.30pm on the same day. One TESL day will be debited, registration will be covered as a TESL expense and upon presentation of receipts car parking will be reimbursed. The Staff Specialist is entitled to a per diem for lunch and incidentals (or reimbursement of actual expenses).

EXAMPLE 3:

A part time Staff Specialist who lives and works at Randwick works on a Monday, Tuesday and half day Wednesday and applies to attend a conference in Sydney from Monday to Friday. The Staff Specialist will be deducted five TESL days, and is entitled to registration and reimbursement of actual expenses for transport, parking and meals (an estimate of the non-registration expenses should be included in the TESL application). The Staff Specialist is paid his / her normal salary for Monday, Tuesday and half day Wednesday. The Staff Specialist is not paid extra salary for the half day Wednesday, Thursday and Friday (the days they would not normally work).

EXAMPLE 3A:

A full time Staff Specialist who lives and works in Randwick and has been rostered to work Wednesday to Sunday attends a conference in Sydney from Monday to Friday. The Staff Specialist will be deducted five TESL days, and is entitled to registration and reimbursement of actual expenses for transport, parking and meals (an estimate of the non-registration expenses should be included in the TESL application). The Staff Specialist is paid his/her normal salary for Wednesday, Thursday and Friday. The Staff Specialist is not paid extra salary for Monday and Tuesday (the days they would not normally work).

EXAMPLE 4:

Same scenario as Example 3, however the Staff Specialist lives and works in Nowra. The Staff Specialist will be deducted five TESL days and is entitled to per diem for required meals, incidentals (or reimbursement of actual expenses, if nominated on application) and accommodation, as the return home is not practical on a daily basis. The Staff

Specialist is paid their normal salary for Monday, Tuesday and half day Wednesday. The Staff Specialist is not paid extra salary for the half day Wednesday, Thursday and Friday (the days they would not normally work).

EXAMPLE 5:

Same scenario as Example 4, however the Staff Specialist lives in Sydney and works at Wollongong. The Staff Specialist will be deducted five TESL days and is entitled to per diem for required meals, incidentals (or reimbursement of actual expenses, if nominated on application), but not accommodation on the night preceding the conference nor after the conference, as the conference is held within 160km of their place of residence; however, as it is further than 60km it is unreasonable to expect them to drive to and from the conference on 5 consecutive days and so they may claim accommodation on the Monday, Tuesday, Wednesday, and Thursday nights. The Staff Specialist is paid their normal salary for Monday, Tuesday and half day Wednesday. The Staff Specialist is not paid extra salary for the half day Wednesday, Thursday and Friday (the days they would not normally work).

EXAMPLE 6:

A Staff Specialist works normal hours and then attends an educational activity that has received approval as a TESL activity, accompanied by a dinner. Expenses related to registration and parking will be paid. A TESL day will not be deducted.

EXAMPLE 7:

A Staff specialist who lives and works in Randwick who usually works Monday to Friday attends a conference on Saturday and Sunday in Sydney. The only expenses claimed are registration and actual expenses for transport, parking and meals. No TESL is deducted and no per-diems are allowed.

EXAMPLE 8:

The same conditions as above but the conference runs from Saturday to Wednesday inclusive. Five days TESL are deducted and in addition (similar to Example 7) registration and actual expenses for transport, parking and meals for five days can be claimed.

Domestic Conferences

EXAMPLE 1:

A conference runs from Monday to Wednesday in Perth. The Staff Specialist travels on the Sunday, attends the conference and returns on the Thursday, five TESL days will be deducted.

EXAMPLE 2:

A conference runs for two consecutive weeks in Cairns (i.e. Monday to Friday, not Saturday / Sunday, then Monday to Friday the next week). The Staff Specialist can choose, on application, if the Saturday and Sunday in the middle will be debited as TESL days. If so, a per diem allowance **will** be paid for the Saturday and Sunday and TESL days **will** be deducted. If not, a per diem (including accommodation and incidentals) **will not** be paid and TESL days **will not** be deducted.

EXAMPLE 3:

A conference in Adelaide finishes on a Friday and the Staff Specialist wishes to spend the Saturday and Sunday at the conference location as a holiday and fly home Sunday night returning to normal duties on the Monday. The Staff Specialist **will not** be entitled to accommodation on the Friday night. The Saturday is neither TESL nor Annual Leave, but is considered the Staff Specialists own time and the Staff Specialist **will not** be entitled to a per diem, (including accommodation and incidentals) for the Saturday. The return flight home will now occur on Sunday, and the Staff Specialist **will not** be entitled to a per diem (including incidentals) for the Sunday.

EXAMPLE 4:

Same scenario as Example 3, however the Staff Specialist intends to fly home on the Wednesday as he / she has approved Annual Leave for Monday and Tuesday. The Staff Specialist **will not** be entitled to accommodation on the Friday night. The Staff Specialists **will also not** be entitled to a per diem (including accommodation and incidentals) for the Saturday and Sunday. The Monday and Tuesday are Annual Leave and the Staff Specialist **will not** be entitled to a per diem (including accommodation and incidentals). Due to the return flight home now occurring on Wednesday, the Wednesday is **not** Annual Leave, and a TESL day **will be** debited unless the Staff Specialist does a normal days work on the Wednesday. The Staff Specialist **will not** be entitled to a per diem (including incidentals) for the Wednesday.

Overseas Conference (or other educational activity)

EXAMPLE 1:

A conference in New York, USA runs for two consecutive weeks (e.g. Monday to Friday, not Saturday / Sunday, then Monday to Friday the next week). The Staff Specialist is required to take the Saturday and Sunday in the middle as TESL days if a per diem is being claimed.

EXAMPLE 2:

A conference in London, UK finishes on a Friday and the Staff Specialist has no approved leave (TESL or otherwise) on or beginning the following Monday. The Staff Specialist must take the first available return flight home in order to attend work on Monday. The weekend cannot be spent at the conference location as there is no remaining leave entitlement.

EXAMPLE 3:

A conference in Paris ends on a Friday and the Staff Specialist begins Annual Leave on the following Monday, the two weekend days (Saturday and Sunday) between the conference ending and the Annual Leave beginning are neither TESL nor Annual Leave. Per diem, accommodation and other costs **will not** be paid for the Saturday and Sunday or any Annual Leave. Time spent on the return flight home from Paris is **not** Annual Leave and **will be** debited as TESL. However, the Staff Specialist **will not** be entitled to a per diem, as meals are provided on the flight, or accommodation, as it is not required, but would be entitled to official incidentals.

EXAMPLE 4:

A Staff Specialist finishes a conference in London, on a Tuesday, flies to his / her second destination, Hong Kong, on Wednesday. The second conference does not begin until the following Monday. As in this case it is not practical to return to Australia, up to 48 hours shall be allowed for travel between conferences; however, in this case, up to 24 hours travel would be allowed to get from London to Hong Kong. Wednesday would be a TESL day (provided the travel is via the most direct and least time consuming method) and the Thursday and Friday would need to be covered by Annual Leave while the Saturday and Sunday would be non TESL days. Per diems and accommodation allowances will be paid for the Wednesday travel day and evening, but will not be paid from Thursday to Sunday.

EXAMPLE 5:

Same scenario as Example 4, however there is seven days in between arriving at the second destination and the conference commencing. As outlined the maximum amount of time to cover travel between any two destinations is up to two days via the most direct and least time consuming method. In this case, the Staff Specialist would either be required to return to Australia between conferences or apply for annual leave for the days between arriving at the second destination and commencing the conference.

Other Forms of Leave taken in Conjunction with TESL

(E.g. Annual Leave / Leave without Pay, Long Service Leave, etc.)

EXAMPLE 1:

A Staff Specialist departs on a Sunday and arrives at the conference location on the Monday. The conference runs from Monday to Friday. The Staff Specialist applies to take the following Monday through to Friday as Annual Leave, then intends to depart on the Friday evening and arrive home on the Saturday. The total TESL days are seven (one for travel each way to and from the conference and five for conference attendance). The weekend is considered as being non TESL days and the total Annual Leave days applied for are four.

EXAMPLE 2:

A Staff Specialist has a balance of three TESL days and wishes to attend a five day conference. The Staff Specialist applies via the normal process, noting the remaining two days have been applied or approved as another form of leave (other than TESL). Providing the Staff Specialist has adequate funding the full registration fee will be covered by TESL, but a per diem allowance or other associated allowances or expenses will only be paid or reimbursed for the three TESL days, not the two non-TESL unless approved by the PHO.

EXAMPLE 3:

A Staff Specialist has zero TESL days available and wants to attend a five-day conference. The Staff Specialist has applied for and had approved five annual leave days. As there is no claim for TESL days and no entitlement to funding the Staff Specialist is not required to complete a TESL application.