

If a public holiday falls when an employee is on leave, the employee's entitlement to the public holiday **depends** on whether they're taking **paid** leave or **unpaid** leave.

If a public holiday falls during a period of paid leave (for example, annual leave or sick leave), the employee must be paid for the public holiday. This includes any hours that fall on a part-day public holiday.

The public holiday isn't counted as annual leave or sick leave. This means that the public holiday hours will not be taken away from the employee's amount of built-up paid leave.

If an employee takes sick leave either side of a public holiday, they should still be paid for the public holiday if it is on a day that they would normally work. Normal sick leave rules apply for the time taken as sick leave. An employer can also ask the employee for evidence that shows the reason they took the leave.

If an employee is rostered to work on a public holiday on a day they don't normally work, and calls in sick, they don't get paid for that day.

EXAMPLE

PUBLIC HOLIDAYS DURING A PERIOD OF ANNUAL LEAVE

Alfred Pennyworth is a full-time employee at a Wayne Enterprises. Alfred organises to take paid annual leave for 10 days. This period includes Anzac Day, which is a public holiday and falls on a Monday. As Monday is a day Alfred is regularly rostered to work, he must be paid for the Anzac Day public holiday. The public holiday won't be taken from his annual leave amount. This means that only 9 days are deducted from Alfred's annual leave balance.

Alfred's employer, Bruce, makes an adjustment to the payroll system to ensure that Alfred's annual leave balance isn't affected by the public holiday.

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