

RESIGNATION DUE TO ILL HEALTH

Procedure 5.5.43

Policy No. and Title	5.5	Conditions of Employment Policy
Procedure	5.5.43	Resignation Due To Ill Health
Version	1	
Date Adopted	21 March 2013	

1 OBJECTIVES

- a) To inform staff of the procedures involved in the termination of employment due to ill health.
- b) To consider providing reasonable workplace adjustments to staff who have a disability or medical condition affecting their performance to undertake the inherent requirements of the position.
- c) Where a medical assessment has been undertaken Council will consider reasonable workplace adjustments prior to any action which may include the termination of the contract of employment.

2 PROCEDURE

2.1 Resignation due to Ill Health (payment of Sick Leave)

- a) If an employee submits a resignation due to ill health, the Taxation Department requires certification by two (2) legally qualified medical practitioners and Council may require the employee to attend a doctor of Council's choice with a view to receiving a referral to a specialist in the field of medicine applicable to the problems being experienced by the employee.
- b) In respect untaken eligible sick leave, the calculation shall be in accordance with the Local Government (State) Award – Clause 20A and Council's policy adopted 26th September 1995, that being, payment for a "proportion of the value of untaken sick leave upon resignation or retirement will be made to employees in Council's service prior to 15th February 1993 only, and will be calculated as follows:
 - i) Over 20 years of service - 75% of the accrued sick leave.
 - ii) If due to ill Health - 100% if commenced before 11 May 1995

2.2 Ill Health Assessments

- a) A staff member whose capacity to perform the duties of his or her position is in doubt, apparently as a result of a medical condition, may be required by Council to undergo a medical examination. Unless there is well founded concern regarding immediate harm as a result of the illness to the staff members or others, Council will give not less than 2 months' notice that a medical examination is required; choose the medical practitioner; and pay for the cost of the examination.
- b) The medical practitioner will, so far as possible, apply the same standards that would be used by the staff member's superannuation scheme in granting permanent disablement or other similar benefit.

- c) A copy of the medical practitioner's report will be provided to the staff member.
- d) Where the medical report states that the staff member is unable to perform his or her duties, and is unlikely to be able to perform them and/or resume them within 12 months, Council may terminate the employment of the staff member, giving 6 months' notice in writing.
- e) The staff member may seek review of the termination decision.
- f) The staff member may submit a resignation before Council terminates his or her employment, provided the last day of duty is within a reasonable period.
- g) Where a staff member refuses to undergo a medical examination within 3 months of a written notification to do so, Council may reasonably conclude that the staff member is unable to perform his or her duties and is unlikely to be able to resume them within 12 months, and may terminate employment giving 6 months' written notice.
- h) A refusal by a staff member to undergo a medical examination will constitute misconduct.

VARIATION

Council reserves the right to review, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.