

JobKeeper Payment Employer Guide – Edition 3 & Temporary New Schedule in Awards

JobKeeper Payment Employer Guide – Edition 3

Please find [attached](#) the third edition of JobKeeper Payment – Employer Guide.

The third edition now provides new details on JobKeeper eligibility and payment processes, as well as a detailed outline of the significant temporary changes made to the Fair Work Act for employer and employees who have access to the JobKeeper wage subsidy.

Temporary New Schedule in Awards - New Unpaid pandemic leave and annual leave amendments

On 8 April 2020, the Fair Work Commission (the Commission) made determinations varying 99 awards which includes the *Vehicle Manufacturing, Repair, Services and Retail Award 2010* (VMRSR Award) and the *Clerks - Private Sector Award 2010* (Clerks Award). The determinations inserted a temporary new schedule into these awards. The schedule provides employees with:

- 2 weeks of unpaid pandemic leave; and
- the ability to take twice as much annual leave at half their normal pay if their employer agrees.

The schedule in each award applies from an employee's first full pay period on or after 8 April 2020 until 30 June 2020. This end date can be extended by application to the Commission.

Unpaid pandemic leave

Employees who are employed under the VMRSR Award and Clerks Award can access up to 2 weeks' unpaid pandemic leave (or more by agreement with their employer) if they're prevented from working:

- as a result of being required to self-isolate by government or medical authorities, or acting on the advice of a medical practitioner, or
- by measures taken by government or medical authorities in response to the pandemic (for example, an enforceable government direction restricting non-essential businesses).

The leave is available in full immediately to full-time, part-time and casual employees – they don't have to accrue it.

Employees don't have to use all their paid leave before accessing unpaid pandemic leave.

The leave needs to start before 30 June 2020, but can finish after that date.

All eligible employees can take the 2 weeks' leave that is full-time, part-time and casual employees. It is not pro-rated for employees who don't work full-time.

Unpaid pandemic leave counts as service for entitlements under:

- awards
- the National Employment Standards.

Notice and evidence

An employee has to let their employer know that they're going to take unpaid pandemic leave and the reason for taking the leave. This has to be done as soon as possible and can be after the leave has started. They should also say how long they'll be off or expect to be off work.

An employer can ask an employee to give evidence that shows why they took the leave.

An employer must not dismiss the employee or take any other adverse action against an employee because the employee is entitled to unpaid pandemic leave.

Annual leave

Under the new schedule, employees can take their annual leave at half pay, and double their time off work, if their employer agrees. This means an employee gets 1 weeks' annual leave payment (including annual leave loading if applicable) for every 2 weeks of annual leave they take.

The agreement must be in writing and the employer needs to keep it as a record.

The leave needs to start before 30 June 2020, but can finish after that date.



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