

HRSINGAPORE

Question - Resignation and Offset of Annual Leave - Update 2

Dear HR Practitioners,

I would like to know how do we treat the following:

- 1) Staff tendered 23/5, is the last day of service will be on the 22/6 (1 mth notice)?
- 2) Staff has pro-rated leave balance of 7.5 days which she wants to off-set for a shorter notice, so is last day 13/6?
- 3) For point 1, are we to pay up to 22/6 together with the encashment of annual leave?
- 4) If she offset leave, we are to pay up to 13/6, do we still have to pay for her annual leave balance?
- 5) What if she apply annual leave instead during notice period rather than off-set the notice period?

Thank you.

MW

REPLY 3

According to the Employment Act, if you are using annual leave to offset notice:

You can use your annual leave to offset the notice period in order to bring forward your last day of employment. In this case:

- You would only be paid up to your last day of work.
- The annual leave used to offset the notice will not be paid.

- After your last day, you can start work immediately with your new company.

However, using annual leave to offset the notice period is not the same as taking approved leave during the notice period.

If you apply for annual leave during your notice period, and your employer approves it:

- You will be paid for the full notice period.
- You are considered an employee until the last day.
- You cannot join a new company until the notice period is over

It depends on what has been agreed between the employer and the employee. The parts highlighted in yellow indicate the difference in treatment.

Siew Hua

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HR Writing Workshop

- 29 June 2016 (*Confirming Soon!*)

HR professionals must write in a way that is easy to read and understand. They should also be watchful of the tone and influence of their policies.

During this hands-on one day workshop, participants will be able to understand the legal inferences of HR Department communications and the opportunity to refresh their writing skills and techniques. The practical workshop will improve their skills in writing emails, letters and policies.

For details, please click on: <http://hrsingapore.org/hrwriting/>

REPLY 2

1) Yes, if she tender on 23 May, last day with one month notice is 22 June.

2) If the Management allows her to off-set her notice period with annual leave

earned, then last day is 13 June (Work till lunch time) since it's a 7.5 days.

3) If Mgt allow her to off-set notice with all annual leaves - Mgt pays till 22 June (No encashment of leave since all is used).

4) If Mgt do not allow her to off-set with annual leave and wants her to do proper hand-over - Mgt pays till 22 June (And encash for all annual leaves).

There will not be an incident that you pay her only until 13 June unless it's a agreement between both that you do not need her to serve a full month notice, you release her on 13th June and pay her till then, but still need to pay her for the annual leaves.

Hope the above is clear and useful.

SS

REPLY 1

Pls find below for reference:

1. Last day will be on 22/6/16.
2. Yes till 13/6 morning half day.
3. Yes pay together with encashment of leaves if any.
4. No. Once she offset her leaves we just hv to pay till last day of work ie 13/6
5. Pay till 22/6 if she apply for her balance annual leaves.

Hope the above suffice.

Cas



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