Introduction

Applications for leave (except approval to accrue Accrued Leave – see Accrued Leave section of this procedure) are to be completed via the Authority system for employees who have access to a computer and have a computer log on. Employees who do not have access to a computer are able to complete a hard copy Leave Form:

Annual Leave

Permanent and fixed term employees are eligible for annual leave as per the provisions of the applicable awards, namely; Local Government (State) Award 2014 (the Award) (LG) at Clause 20 - Leave Provisions Section C or the Local Government (Electricians) State Award (LGE) and other employment legislation. Employees should not be encouraged to accrue their annual leave entitlements. Annual leave is intended to provide employees with time off from their work activities and taking regular annual leave breaks can improve WH&S and assist employees to maintain a healthy work life balance.

Annual leave of absence consisting for 4 weeks at the ordinary rate of pay (pro-rata for part time employees) is granted to an employee after 12 months service and should be taken on its due date or as soon as is mutually convenient to Council and the employee.

As per the (LG) Award 2014, Council may direct an employee to take annual leave by giving at least 4 weeks’ notification in the following circumstances:

- where the employee has accumulated in excess of 8 weeks annual leave
- a period of annual close-down of up and including for 4 weeks (refer to Clause 20 Leave Provisions, Section C (ii) Annual Leave regarding the provision for leave during periods of annual close-down)

As per the LGE Award, annual leave of absence, consisting of four weeks at the ordinary rate of pay exclusive of award holidays observed on a working day, shall be granted to an employee who has given twelve months service and shall be taken on its due date or as rostered within the ensuing twelve months, excepting under special circumstances and as approved by the Council whose decision shall be final.

Guidelines/Procedures

Directors/Executive Manager have responsibility to ensure annual leave is taken regularly and to ensure leave forms are approved and forwarded to the Payroll Officer to cover all annual leave absences.

The Finance Manager, through the Payroll Officer, will provide a quarterly report for each Director/Executive Manager to highlight employees with annual balances exceeding 8 weeks. Managers will be tasked with meeting with these employees with a view to scheduling the taking of an Annual leave break over the next 3 to 6 month period.

Any annual leave is to be approved in advance and at least 2 weeks’ notice should be given by employees unless exceptional circumstances apply. Where prepayment of salary for a period of annual leave is required, leave forms should be submitted at least 3 weeks prior to the commencement of leave.
Leave may be taken on a pro rata basis (i.e. prior to receiving the annual credit) provided sufficient pro rata leave credits are available and the proposed annual leave is mutually convenient for Council and the employee.

**Sick Leave**

Permanent and fixed term employees are entitled to sick leave as per the provisions of the Awards, the LG, Clause 21 Leave Provisions Section A, and the LGE Clause 18.

Permanent employees are entitled to 3 weeks sick leave (pro-rata for part time staff) at the ordinary rate of pay. This entitlement accumulates yearly for permanent employees.

Where a person is employed on a fixed term or temporary basis of less than 12 months duration the employee is entitled to 1 weeks’ sick leave on commencement and then entitled to a further 1 weeks’ sick leave after each 4 months of continuous service. This entitlement is subject to:

- Council being satisfied the sickness is such that it justifies the time off; and
- Council being satisfied the illness or injury does not arise from engaging in other employment; and
- proof of illness being required after 3 separate periods of absence in each service year or where the absence exceeds 2 working days; (proof of illness may include certification from a qualified medical/health practitioner, registered with the appropriate government authority); and
- When requested, proof of illness indicating the employee’s inability to undertake their normal duties.

**Guidelines/Procedures**

As a practical guide, employees who are unable to attend work due to genuine personal illness/injury should try to notify their Team Leader, Coordinator or Manager within 30 minutes of their usual start time. Notification is to include the employee’s reason for absence and the anticipated duration.

Periods of sick leave of less than 4 hours may be taken as time in lieu or on a time made up basis subject to the Manager’s approval – refer to procedure 5.04.24 Variable working arrangements. These instances will not be counted as sick leave.

An application for sick leave must be completed within 2 days of returning to work, either through the Authority system or hard copy form for employees who do not have a computer log on.

Where an employee is unable to make an appointment with a medical practitioner due to unavailability the employee may present a form signed by the medical receptionist stating that no appointments were available at the required time. The form (available as a template from the Payroll Officer) should be submitted to the Supervisor/Coordinator/Manager with a Statutory Declaration detailing the circumstances, additionally:

- Contact with the Doctor’s surgery must be made as soon as practicable.
- The form will cover up to a maximum of 3 days of certified sick leave from the date of the letter being signed.
- It is the employee’s responsibility to obtain medical proof of illness.
Carers Leave

Permanent and fixed term employees

As per Clause 21 Section B of the LG Award and LGE Clause 19, permanent and fixed term employees with family carer responsibilities as defined below, may use any current or accrued sick leave entitlement, for absence to provide care support for such persons when they are ill, or who require care due to an unexpected emergency.

Definition of family as per the Award:

- a spouse of the employee, or
- a de facto spouse who is a person of the opposite sex to the employee and who lives with the employee as a husband or wife of that person on a bona fide domestic basis although not legally married to that person, or
- a child or adult child (including an adopted child, a step child, foster child or an ex nuptial child), parent (including a foster parent, step parent and legal guardian) parents of spouse, grandparent, grandchild or sibling (including half, foster and step sibling) of the employee or spouse or de facto spouse of the employee, or
- A same sex partner who lives with the employee as the de facto partner of that employee on a bona fide domestic basis, or
- A relative of the employee who is a member of the same household, where:
  - ‘relative’ means a person related by blood, marriage or affinity;
  - ‘affinity’ means a relationship that one spouse because of marriage has to blood relatives of the other; and
  - ‘household’ means a family group living in the same domestic dwelling.

Provided that:

- Carer’s leave is not intended to be used for long term, ongoing care. In such cases the employee is required to investigate appropriate arrangements where these are reasonably available;
- Where more than 10 days sick leave in any year of service is to be used for caring purposes, the Council and employee shall discuss appropriate arrangements, which as far as practicable, take into account the Council’s and employee’s requirements. Where Council and the employee are unable to reach agreement, the grievance and disputes procedures of the Award should be followed.

In normal circumstances, an employee must not take carer’s leave where another person has taken leave to care for the same person.

Council may require the employee to provide proof of the need for carer’s leave as follows:

- Less than 10 days leave in any year of service - either by production of a medical certificate or statutory declaration describing the illness of the person concerned and that the illness is such as to require care by another person; or
- More than 10 days leave in any year of service - production of a medical certificate from a qualified medical/health practitioner showing the nature of the illness of the person concerned and such other information as may be reasonably necessary to demonstrate the illness is such as to require care by the employee and that no other appropriate care arrangements are reasonably available; or
- Establish by production of acceptable documentation or statutory declaration, the nature of the emergency and the emergency resulted in the person concerned requiring care by the employee.
Other carer’s leave options available to permanent and fixed term employees

<table>
<thead>
<tr>
<th>Type of Leave</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leave without pay (unpaid) carer’s leave</td>
<td>An employee with agreement from Council may take unpaid leave for the purpose of carer’s leave once all other leave is exhausted.</td>
</tr>
<tr>
<td>Time off in Lieu of payment for overtime</td>
<td>An employee with agreement from Council may take time in lieu of overtime (Accrued Leave) for the purpose of carer’s leave.</td>
</tr>
<tr>
<td>Make-up time</td>
<td>An employee with agreement from Council may elect to work ‘make-up time’, under which the employee takes time off during ordinary hours of work and works those hours at a later time within the spread of ordinary hours at the ordinary rate of pay, for the purpose of carer’s leave.</td>
</tr>
<tr>
<td>Annual leave</td>
<td>An employee with agreement from Council may elect to take annual leave as per the provisions of the Award, for the purpose of carer’s leave.</td>
</tr>
</tbody>
</table>

Casual employees

Casual employees are entitled not to be available to attend work, or can leave work if they need to care for a family member, who is sick and requires care and support, or who require care due to an unexpected emergency, or the birth of a child (refer above definitions of family member).

Casual employees should, where practicable, give notice to their manager/coordinator of their unavailability to work due to their need to take carers leave. A casual employee may take up to 48 hours leave to care for person who is categorised under Clause 21 (B), point (v)(b) of the Local Government (State) Award 2014.

Casual employees will need to provide the same medical certification (as outlined above for permanent employees).

Accrued Leave

Time in lieu of overtime or as a result of untaken rostered days off

The LG Award provides that where prior agreement is reached, an employee directed to work in excess of ordinary hours may elect to be paid either the appropriate overtime rate or be granted time in lieu equivalent to the actual hours worked.

Where an employee is required to work on their rostered day off (RDO), they are able to accrue the RDO and take it at a later date with the agreement of their manager.

Guidelines/Procedures

The maximum amount of leave staff are permitted to accrue is five (5) days. In the event a staff person has pre-existing leave accrued in excess of this amount, they may be directed by their manager to make use of this leave within an agreed timeframe. The taking of accrued leave should be utilised as a priority over annual leave.

Accrual of hours must be approved in advance by the relevant manager (or Director/Executive Manager in the case of a manager working) and notified to the Director/Executive Manager within one week.

Accrual of hours will not be considered where the employee works or attends meetings outside normal hours at their own discretion.

Accrued leave occurring as a result of working additional hours must be taken within 2 weeks of accrual unless authorised by the Director/Executive Manager.
Accrued leave occurring as a result of untaken rostered days off is to be taken within 6 months of the date of accrual.

**Note**

*Employees will need to complete an Accrued Leave Form (found under the HR templates in Word) and the completed and signed form will be forwarded to the Payroll Officer.*

**Long Service Leave**

Under the LG Award, a permanent employee of council is entitled to Long Service Leave (LSL) at the ordinary rate of pay as below:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>After 5 years’ service</td>
<td>6.5 weeks</td>
</tr>
<tr>
<td>After 10 years’ service</td>
<td>13 weeks</td>
</tr>
<tr>
<td>After 15 years’ service</td>
<td>19.5 weeks</td>
</tr>
<tr>
<td>After 20 years’ service</td>
<td>30.5 weeks</td>
</tr>
<tr>
<td>For every completed period of 5 years’ service thereafter</td>
<td>11 weeks</td>
</tr>
</tbody>
</table>

Long service leave is to be taken at a time mutually convenient to Council and the employee. As per Section E, part (iii)(a) of the LG Award 2014, all long service leave accruing on or after 23 June 1988 shall be taken within 5 years of it falling due.

Council may direct an employee to take long service leave which has been accrued on or after 23 June 1988 but not taken within five years of it falling due – provided at least four weeks’ notice is given to the employee.

From February 2011, employees are also able to access their LSL at the double pay rate for up to 10 weeks per year (i.e. take up to 10 weeks LSL per year and request payment for the equivalent period – as double pay).

Employees are able to access LSL at half pay only where they have less than 2 year’s LSL accruals available.

For employees covered under the LGE Award, different Award based conditions apply. For information about LSL under the LGE Award contact the Payroll Officer.

**Guidelines/Procedures**

Payment for Long Service Leave is made at the employee’s ordinary rate of pay for the period of LSL either before the commencement of the LSL period or by agreement through the normal fortnightly pay periods.

LSL is exclusive of annual leave and any other gazetted public holidays occurring during the period of LSL taken.

Applications for LSL will not be unreasonably withheld. Where an employee has had an application for LSL rejected due to operational requirements, they may refer the matter through grievance and dispute avoidance procedures set out in the Award.

The Finance Manager, through the payroll officer area will provide a quarterly report for each Director/Executive Manager to highlight employees with LSL balances exceeding 13 weeks or where an employee has not taken any LSL within 5 years of it falling due. Managers will be required to meet with these employees with a view to scheduling the taking of an LSL break over the next 3 to 6 month period.

LSL is to be approved in advance and at least 4 weeks’ notice should be given by employees. Where prepayment of salary for a period of LSL is required, leave forms should be submitted at least 2 weeks prior to the commencement of leave.
Applications for LSL at Half Pay – may only be considered by the General Manager where the employee has less than 2 year’s LSL accrual available.

**Bereavement Leave**

Under the LG Award, a permanent or fixed term employee is eligible to apply for 4 days leave with pay at their ordinary rate of pay upon the death of a family member, or up to 2 days leave upon the death of a member of the individual’s extended family; see Part K Bereavement Leave, part (ii), and part (iii).

The definition of family for the purposes of this leave is described as:

i. Subject to this clause, where an employee, other than a casual, is absent from duty because of the death of a person and provides satisfactory evidence to the employer of such, the employee shall be entitled to bereavement leave as follows:
   a. Up to four days paid bereavement leave upon the death of a member of the employee’s immediate family; or
   b. Up to two days paid bereavement leave upon the death of a member of the employee’s extended family;

ii. For the purposes of this clause, immediate family shall mean the following:
   a. a spouse or de facto partner of the employee;
   b. a child of the employee;
   c. a parent of the employee;
   d. a sibling of the employee;
   e. a grandchild of the employee;
   f. a child of the spouse or de facto partner of the employee;
   g. a parent of the spouse or de facto partner of the employee;
   h. a sibling of the spouse or de facto partner of the employee;
   i. a grandchild of the spouse or de facto partner of the employee;
   j. a member of the employee’s extended family living in the same domestic dwelling as the employee.

iii. For the purposes of this clause, extended family shall mean the following:
   a. a niece of the employee;
   b. a nephew of the employee;
   c. an uncle of the employee;
   d. an aunt of the employee;
   e. a grandparent of the employee;
   f. a grandparent of the spouse or de facto partner of the employee;
   g. the spouse or de-facto partner of the employee’s child (son in law or daughter in law).

iv. The employer may grant an employee additional bereavement leave if satisfied that extenuating circumstances exist.

For further information regarding casual employees refer to Section k(v) Bereavement Entitlements for Casual Employees.
Council recognises the importance of Aboriginal Culture and the way we approach and administer this in the workplace in terms of leave provisions.

Therefore, for the purposes of Bereavement leave, Aboriginal kinship will be recognised in the context of extended family and, as per the *Local Government (State) Award 2014*, a minimum of two days and up to four days by negotiation will be granted for ‘sorry business’.

**Guidelines/Procedures**

Employees are required to supply satisfactory evidence to Council along with their completed leave form to access this leave. Evidence may include a copy of the newspaper funeral notices; copy of death certificate or funeral service Order of Service sheet.
Other Paid Leave

Jury Service Leave or Crown Witness

An employee called for jury service or summoned to appear as a Crown witness will be granted leave of absence from Council. The employee will be paid the difference between their ordinary rate of pay and any fees received from either jury service or Crown witness service.

In other cases where an employee is required to appear as a witness in proceedings not associated with Council, make-up pay or actual pay will not be granted. Employees will be able to access their leave entitlements i.e. annual, accrued, or LSL to cover them for period of absences under this circumstance.

Guidelines/Procedures

Applications for this leave must be accompanied by the necessary supporting documentation and the employee is required to produce evidence of payment received prior to any difference in pay being met by Council.

Union Training Leave and Union Conference Leave

Union Training Courses

Council shall agree to release employees to attend an accredited trade union training course with pay and agreement shall not be unreasonably withheld.

Union Conferences (under the LG Award only)

Accredited union delegates to the union’s annual conference shall be granted paid leave for the duration of the conference provided that operational requirements are met.

Guidelines/Procedures

Applications for this leave must be accompanied with the necessary supporting documentation, normally a letter from the trade union outlining the names of the course participants and course details.

The Union is required to notify Council of the accredited delegates nominated to attend a Union conference and provide at least 1 months’ notice prior to the commencement of the conference.

Leave without Pay

Periods of leave without pay are to be taken at a time mutually convenient to Council and the employee.

Any period of leave taken without pay is not to be regarded as service for the purpose of accruing Long Service Leave (LSL), sick leave, annual leave or an employee’s entitlement to parental leave make-up pay. However, taking leave without pay does not constitute a break in the employee’s continuity of service.

The most common circumstances for granting leave without pay (LWOP) is for personal reasons. Employees of BVSC must meet the following criteria to be eligible for LWOP:

- A minimum of two years current continuous permanent service, excluding temporary or casual service.
- A minimum of two years must elapse between each period of leave without pay.

Eligibility

In order to be eligible for LWOP, applicants must have exhausted all annual leave, accrued leave, and time-in-lieu before being granted LWOP, except in the case of LWOP being taken during parental leave periods.

Generally, an employee whose service is unsatisfactory will not be granted leave without pay.
Application process

When applying for LWOP an employee will submit a leave application form at least four weeks prior to the commencement of the proposed leave. This form should include details of when the leave is being applied for and the purposes of the leave.

Applications for LWOP can be submitted to the individual’s Director/Executive Manager via the individual’s supervisor or coordinator; however, all requests will be referred to the General Manager for final decisions to be made. Each application on its merits; taking into account factors such as:

- The applicant’s length of service to Council
- Past performance of the employee
- The impact of the leave on the section of Council
- The reason leave without pay is being considered

Reasons for Leave

Council staff can apply for LWOP for the following reasons:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Description</th>
<th>Decision maker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compassionate reason</td>
<td>Staff may be granted LWOP where a period of absence is required that is not covered by family and community service leave, or where family and community service leave entitlements are exhausted.  There may also be circumstances in which staff may apply for LWOP for the period of time necessary to provide full time medical care for a family member who is seriously ill.</td>
<td>Director/Executive Manager (in consultation with the General Manager)</td>
</tr>
</tbody>
</table>

Note:

1. Leave without pay will not be granted for recreational purposes.
2. If an individual is successful in obtaining employment with Council, it is his or her responsibility to declare pre-arranged leave at the time of appointment. The individual should notify the staff person who coordinated the recruitment process.

Entitlements

An employee on approved leave without pay is not entitled to any payment for public holidays during their absence.

An absence on leave without pay will not interrupt the employee’s continuity of service with Council. However, taking any LWOP will not be taken into account when calculating the period of service with Council.

Employees will be responsible for maintaining or suspending their own superannuation contributions and deductions for the period of unpaid leave.

An employee on LWOP is able to terminate his or her services at any time during the period of absence. The date of service termination provided by the employee will be used by the Payroll Officer to calculate entitlements.

If an employee has a grievance concerning the outcome of a LWOP application, he or she can refer to Council procedure 5.04.8 Grievance and Disputes.
Parental Leave

Relationship with federal legislation – Clause 21E, 21F, 21G and 21I of the Local Government (State) Award 2014 shall apply in addition to:

- Chapter 2 Part-2 Division 5 – Parental leave related entitlements of the National Employment Standard (NES) under the Fair Work Act 2009 (FWA) and
- The Paid Parental Leave Act 2010 (PPLA)

Paid Parental Leave

An employee who is receiving Paid Parental Leave (PPL) instalments under PPLA shall be entitled to choose either:

**Parental leave make up pay**

An employee shall be entitled to parental make up pay for the period they are receiving PPL instalments up to a maximum of 18 weeks. The period of parental make up pay shall count as service for the purposes of long service, annual, and sick leave accruals and superannuation. An employee shall not be entitled to a further period of parental make up pay unless the employee has returned to work for the Council for at least 3 months since their previous period of parental leave OR Award Based Maternity Leave.

An employee who meets the eligibility criteria under Clause 19F, Paid Maternity Leave of the Local Government (State) Award 2007 may elect to receive paid maternity leave and/or paid special maternity leave in accordance with the provisions of the Local Government (State) Award 2007 in lieu of the entitlement to parental leave make up pay. An employee shall not be entitled to a further period of paid maternity pay unless the employee has returned to work for the Council for at least 3 months since their previous period of parental leave.

**Concurrent Supporting Parent Parental Leave**

Concurrent parental leave as per the provision LG Award - An employee other than a casual, who is a supporting parent shall be entitled to up to 10 days paid concurrent parental leave from their accrued sick leave balance at the time their partner gives birth to their child or the employee adopts a child provided the employee has 12 months continuous service with Council prior to the commencement of concurrent parental leave.

Fair Work Amendment Act 2013 Part 2 - Concurrent Parental leave must not be longer than 8 weeks and may be taken in separate periods, but unless agreed no shorter than 2 weeks. Leave is not to commence before the date of the birth of a child or the adoption of a child, unless agreed. The employee must give Council 10 weeks’ notice before starting leave or if the leave is taken in separate periods and it is not the first period of leave then 4 weeks’ notice shall be given or as soon as practicable.

Concurrent parental entitlement is 2 weeks from accrued sick leave as per LG Award up to another 6 weeks from unpaid leave totalling 8 weeks as per the FWA.

**Partner/Dad Leave**

Employees as per the provisions of the FWA who have worked continuously for Council for 12 months or more may be eligible for working dad or partner leave. Staff can get up to two weeks of government-funded pay based on the rate of the National Minimum Wage when staff are on unpaid leave from Council or are not working.

Application for leave without pay from Council is as leave without pay provision of this procedure. Partner/Dad leave must be taken within 52 weeks of the child’s birth or adoption.

Applications for Partner/Dad leave are managed through Centrelink. Council is not responsible for administering this type of leave option.