



# LEAVE POLICY & PROCEDURE

Approval Date: April 2019

Review Date: April 2021

Responsible Officer(s): General Manager/Human Resources Manager

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## 1. SCOPE

This policy applies to all permanent full time, part time and temporary employees. Leave entitlements for casual employees are also included where the Local Government (State) Award 2017 makes such provision.

## 2. PURPOSE

The purpose of this policy is to inform all employees of their leave entitlements and provide clarification within the Local Government (State) Award 2017 requirements that need to be complied with in order to access the various forms of leave.

The guiding principle of the policy is the requirement to maintain operational effectiveness at all times. Supervisors of staff must be able to guarantee the effective operation of work groups and individuals when approving leave.

This policy does not form part of any employee's contract of employment. The policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

## 3. RELATED LEGISLATION AND DOCUMENTS

1. Local Government (State) Award 2017
2. Annual Holidays Act 1944
3. Long Service Leave Act 1955
4. Paid Parental Leave Act 2010
5. Fair Work Act 2009
6. Local Government (General) Regulation 2005
7. Local Government Act 1993
8. Workers Compensation Act 1987(NSW)
9. Industrial Relations Act 1996 (NSW)

#### **4. PROCEDURE APPLYING FOR LEAVE**

All leave must be approved and is subject to availability. Approval is gained by completing a Leave Application Form, attaching any required documentation and gaining approval by the relevant Supervisor, Manager, Director and General Manager and having appropriate leave available.

Sick leave is generally applied for retrospectively, except for planned medical absences that can be applied for in advance. Health and Wellbeing Leave, Annual Leave and Long Service Leave must be applied for a minimum of fourteen (14) days in advance of the start of the leave requested.

##### **1. SICK LEAVE**

Sick leave is for instances when you are unable to perform your duties due to illness. Full-time employees are entitled for each year of service to receive 3 weeks sick leave, which is granted at the commencement of employment and every anniversary thereafter. Sick leave accumulates from year to year. Part-time employees are entitled to pro-rata sick leave. Casual employees do not receive sick leave entitlements.

The entitlement to sick leave is subject to the following conditions:

- Council is satisfied that the sickness or illness is such that it justifies the time off;
- Council is satisfied that the illness does not arise from engaging in other employment;
- Employees are to provide proof of illness to justify payment:
  - a) After three separate periods in each service year
  - b) Where an absence exceeds two working days, even if the leave falls within the first three periods.
  - c) If Council is not satisfied that the use of leave was genuine.
- Proof of illness shall indicate the employee's inability to undertake their normal duties.
- A Leave Application form is completed for actual time off.

Employees who have a pattern of absences that fall on Mondays, Fridays, the day before or after a public holiday, RDO or annual/long service leave may be requested to provide proof of illness.

Where an employee is employed on a fixed term or temporary basis of less than 12 months, the employee will be entitled to 1 week's sick leave on commencement. They will then receive a further 1 weeks sick leave after each 4 months of continuous service.

If an employee falls sick during a period of approved annual leave, a claim cannot be made for sick leave. Sick leave is exclusive of public holidays. Employees performing higher duties are paid their normal rate of pay.

##### **Council expects employees;**

- To produce proof of illness or injury in the form of a statutory declaration or a certificate from a qualified medical/health practitioner registered with the appropriate government authority which gives the employees name, date of consultation, evidence of incapacity for being unfit to undertake duties and the period of incapacity.
- Notify their immediate supervisor as soon as possible when they are absent because of illness or injury and to indicate how long they expect to be absent. Text messaging, facebook or leaving a message with another employee is not considered as providing adequate notice.
- Make a formal application for sick leave as soon as possible and provide evidence of illness or

injury.

- To attend a medical examination by a medical practitioner nominated by Council (at Council expense) where:
  - a) there is extended or frequent absence due to illness or injury;
  - b) there is a need to establish the fitness for work of an employee.

### **Transferring Sick Leave**

Accumulated sick leave, up to a maximum of 13 weeks can be transferred on change of employment from another council in NSW to Walgett Shire Council and from Walgett Shire Council to another council in NSW, subject to provisions under the Local Government (State) Award 2017.

### **Additional Leave Grants**

In extenuating circumstances Council may grant an employee sick leave at half pay; however this is at Council's discretion. Where an employee has had five years' service Council and has exhausted all sick leave entitlements, Council may grant additional sick leave if the circumstances warrant. This will be on the Director's recommendation and the General Manager's approval. The balance of all other leave entitlements must be exhausted before additional sick leave grant will be considered.

### **Worker's Compensation and Sick Leave**

During the time between when a worker's compensation claim is made and liability is accepted or denied by Council's insurer, an employee may be able to access sick leave. This is usually in circumstances where there is a delay in liability acceptance or a claim is in dispute.

If an employee has accessed sick leave at 100% of their normal wage and subsequently becomes entitled to the payment of workers compensation for the same period but at a lesser amount (95% or 80% of wage), the employer shall be entitled to deduct from the employee the difference between the two amounts. Sick leave will be credited back to the employee's entitlement balance for the period covered by worker's compensation.

## **2. HEALTH AND WELLBEING LEAVE**

Walgett Shire Council recognises that workplace health and wellbeing programs can lead to positive outcomes such as improved employee work performance and productivity, improved employee recruitment and retention, reduced absenteeism, and other benefits.

Two days paid Health and Wellbeing Leave is allowed per calendar year (Jan-Dec), for full and part time employees, providing the following conditions are met:

- a) leave is taken from accrued sick leave entitlements
- b) leave taken will not reduce the balance of accrued sick leave below 3 weeks
- c) leave must be approved 2 weeks prior to the leave start date / activity
- d) proof of participation may be required to justify the leave taken
- e) the granting of paid leave under this clause is at the discretion of the employer; and falls into an approved activity below.

Walgett Shire Council has approved the following activities:

- a. Routine medical/health appointments such as:
  - i. Hearing and optical appointments
  - ii. Preventive general and annual medical check ups
  - iii. Annual cancer screenings
  - vi. Dental appointments
  - iv. Specialist and mental health appointments
  - vi. Pregnancy related appointments
  - vii. In addition to current bereavement leave entitlements for an employee's grandparents
- b. Approved charity events on a case by case basis
- c. Approved work related sport and physical fitness activities including health educational programs
- d. Other activities at the discretion of the General Manager

Retrospective applications for Health and Wellbeing Leave will not be approved. An employee may be required to provide proof of attendance for the activity. Where this evidence can be provided prior to the leave, then it should be attached to the leave application form. Where the evidence of participation or attendance is required by Council, then payment shall not be made until such evidence has been provided.

### **3. CARER'S LEAVE**

#### *Paid Carer's Leave*

Employees (other than casuals) can access their sick leave entitlements with responsibilities in relation to class of person as defined in the Local Government (State) Award 2017, who require care and support due to illness, or who require care due to an unexpected emergency.

The Local Government (State) Award 2017 defines a family member as:

- a spouse of the employee; or
- a de facto spouse, who, in relation to a person, is a person of the opposite sex to the first mentioned person who lives with the first mentioned person as the husband or wife of that person on a bona fide domestic basis although not legally married to that person; or
- a child or an adult child (including an adopted child, a step child, foster child or 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 employees 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 for the purpose of this paragraph;

a) 'relative' means a person related by blood, marriage or affinity;

b) 'affinity' means a relationship that one spouse because of marriage has to blood relatives of the other; and

c) 'household' means a family group living in the same domestic dwelling.

Carer's leave is not intended to be used for routine medical, dental appointments, foreseen periods of childcare or intended to be used for long term care. Carer's leave cannot be used for the birth of a child in addition to parental leave for female employees.

**Council expects employees:**

- To provide evidence of the requirement for care that is acceptable to the employer such as a medical certificate or statutory declaration. The document must state the relationship to the person concerned, the illness of the person and that the illness is such as to require care by another person where less than two weeks sick leave in any service year is used for carers leave.
- Where more than two weeks sick leave in any year of service is sought to be used for caring purposes the council may require the employee to produce a medical certificate from a qualified medical/health practitioner showing the nature of illness of the person concerned and such other information as may be reasonably necessary to demonstrate that the illness is such as to require care by the employee and that no other appropriate care arrangements are reasonably available;
- To notify their immediate supervisor as soon as possible when they are absent due to caring for an ill family member and to indicate how long they expect to be absent. Text messaging or leaving a message with another employee is not providing adequate notice.
- To submit an application form for carer's leave as soon as possible and with above evidence of the need for them to provide care.
- Where more than two working weeks of sick leave hours in an anniversary year is to be used for caring purposes the Council and employee shall discuss appropriate arrangements which, as far as practicable ,take account of the Council's and the employee's requirements.
- A part time employee's entitlement to carer's leave is calculated on a pro-rata basis.

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

An employee with the consent of council may elect to take time in lieu instead of payment for overtime (where overtime is required of the position) for the purpose of providing care and support for a person as defined above.

An employee with the consent of Council may elect to work "make up time" under which the employee takes time off during ordinary hours, and works those hours at a later time, within the spread of ordinary hours provided by the award, and at the ordinary rate of pay, for the purpose of providing care and support for a person as defined above.

### **Unpaid Carer's Leave**

Casual employees are entitled to up to 2 days unpaid carer's leave on each permissible occasion on which a member of the employee's family requires the employee's care or support as they are sick or injured, had an unexpected emergency or birth of a child,

If there is no prior agreement for periods longer than 2 days, casual employees and Council shall agree on the period for which the employee will be entitled to not be available for work. This agreement should be in writing. Casual employees are not entitled to any payment during their period of non-attendance.

Full time, part time and fixed term employees may be eligible to access unpaid carer's leave after they have exhausted their other leave entitlements.

#### **Council expects employees:**

- To provide evidence of the requirement for care by a medical certificate or statutory declaration. The document must state the relationship to the person concerned, the illness of the person and that the illness is such as to require care by another person.
- To submit an application form for carer's leave as soon as possible.

### **4. ANNUAL LEAVE**

For each year of service an employee (other than a casual) is entitled to four (4) weeks leave. As per Council resolution dated 27 November designated salaried/professional staff are entitled to and additional one (1) weeks Annual Leave.

Leave is calculated on a pro rata basis for part-time employees. Annual leave is exclusive of public holidays.

#### **Council expects employees:**

- To apply for annual leave 14 days in advance and indicate if they wish to be paid in advance for the period of annual leave.
- Applications are considered taking into account the operational requirements of the work area, including attendance at training and annual leave must be approved *prior to* going on leave.
- Have adequate annual leave entitlements accrued to cover the period of leave. Council may direct

an employee to take annual leave by giving four weeks' notice when:

- the employee has accumulated in excess of eight weeks annual leave
- there is a period of close down of up to four weeks or other period by agreement
- If an employee does not have leave accrued during a close down period, they may be given meaningful duties or instructed to take leave without pay.

Employees who leave Council will receive payment for all relevant leave entitlements as part of their termination pay. Employees cannot cash in annual leave entitlements prior to cessation of employment and annual leave is not transferable between Councils. Employees will not be granted leave in excess of their accrued balance.

If an employee falls sick during a period of approved annual leave, a claim cannot be made for sick or carer's leave. Annual leave is exclusive of public holidays. For employees who have a varying rate

of pay for 6 months or more in a 12 month period preceding the leave, annual leave is then paid at an average rate. Employees performing higher duties are paid their normal rate of pay.

## 5. LONG SERVICE LEAVE

The Local Government (State) Award 2017 prescribes the following Long Service Leave Entitlements:

Length of Service	Entitlement
After 5 years' service	6.5 weeks
After 10 years' service	13 weeks
After 15 years' service	19.5 weeks
After 20 years' service	30.5 weeks
For every 5 years thereafter	11 weeks

Long Service Leave shall be taken at a time mutually convenient to the employer and employee. Employees cannot cash in long service leave entitlements. Employees will not be granted leave in excess of their due entitlement.

### Council expects employees:

- To apply for Long Service Leave fourteen( 14) days in advance and indicate if they wish to be paid in advance for the period of leave.
- Applications are considered taking into account the operational requirements of the work area, including attendance at training and long service leave must be approved prior to going on leave.
- Have adequate leave entitlements accrued to cover the period of leave.

An employee who is entitled to any period of long service leave on ordinary pay may, *with the consent of Council*, take that entitlement;

- a) On full pay
- b) On half pay
- c) On double pay

Walgett Shire Council encourages employees who have excessive long service leave entitlements and in accordance with the Local Government (State) Award 2017 to consider payment options such as;

- Paid at double pay
- If a member of Local Government Superannuation – Salary sacrifice (seek advice from Local Government before committing to this option)

If an employee falls sick during a period of approved long service leave, a claim cannot be made for sick or carer's leave.

For employees who have a varying rate of pay for 6 months or more in a 12 month period preceding to annual leave will be paid at an aggregate rate. Employees performing higher duties are paid at their normal rate of pay.

### Transferring leave

Employees who leave Council will receive payment for untaken long service leave entitlements as part of their termination pay unless they are transferring to another NSW council, in which case the long service leave entitlement may be transferred to the new council if requested. Long service leave entitlements can be transferred from one Council to another within NSW as long as the period between leaving one council and joining another is not more than three months and no other employment has been taken up in the intervening period between leaving one council and joining another.

## Period of Service

Continuity of service shall be deemed not to have been broken by transfer or change of employment from one employer to another provided the period between cessation of service with one employer and appointment to the service of another employer does not exceed three months and such period is covered by accrued annual and long service leave standing to the credit of the employee at the time of the transfer, provided further that the employee concerned does not engage in work of any kind during the period of paid leave between the cessation of service with one employer and appointment to the service of another employer.

## Additional information

Long service leave shall be taken at a time mutually convenient to the employer and employee, provided that all long service leave accruing on or after 23 June 1988 shall be taken within five years of it falling due. The employer may direct an employee to take long service leave accrued on or after 23 June 1988 and not taken within five years of it falling due provided that at least four weeks' notice is given to the employee.

Calculations of long service leave entitlements are exclusive of public holidays and in most, not all, cases exclude any periods of leave without pay. Where an employee's service is terminated at the end of a season or through shortage of work, material or finance or through illness certified by a duly qualified medical practitioner and such employee is re-employed by the same employer within 12 months of termination of service, prior service shall be counted for the purpose of this clause.

## 6. PARENTAL LEAVE

Employees must make a formal application for parental leave in accordance with the provisions of The Local Government (State) Award 2017 and Chapter 2, Part 2-2, Division 5 of the Fair Work Act 2009 and Paid Parental Leave Act 2010 (Cth).

If an employee who is pregnant continues to work during the 6 week period before the expected end date of birth of the child, Council may request the employee to provide a medical certificate containing the following statements (as applicable):

- A statement of whether the employee is fit for work
- If the employee is fit for work; a statement of whether it is inadvisable for the employee to continue in her current position during a stated period of:
  - (i) Illness, or risks, arising out of the employee's pregnancy
  - (ii) Hazards connected with the person.

If the employee provides evidence that it is inadvisable for her to continue in her present position but is fit for work then the employee will be transferred to a safe job. If there is no safe job available then the employee will be entitled to either paid or unpaid "no safe job leave" for the risk period prior to the expected date of birth. Further medical evidence may be required during this period to justify the payment of leave.

If the employee fails to comply with Council's request within 7 days they will be directed to take unpaid parental leave.

## Entitlements Government Paid Parental Leave

The Paid Parental Leave Scheme is a government funded scheme for eligible working parents that can be taken at any time within the first year after the birth of a child. It is paid at the rate specified by the Department of Human Services, for up to 18 weeks.

**\* For full details regarding eligibility and detailed information on the Paid Parental leave scheme Department of Human Services office is to be contacted.**

Paid Parental Leave will be administered by Council in the usual pay cycle and Council will be reimbursed by the Government.

The Parental Leave Pay must be taken in one continuous 18 week period. All pay must be received within the 12 months following the birth.

The Government funded Paid Parental Leave can be received before, after or at the same time as Paid Leave provided by Council.

Whilst solely on the Government funded Paid Parental leave the employee will not accrue any leave entitlements however the period will be considered continuous service. Superannuation is also not payable on Paid Parental Leave.

## Council Paid Parental Leave (Maternity Leave)

Full-time and part-time female employees who have 12 months continuous service with Council immediately before the commencement of maternity leave or special maternity leave and female casual employees who have worked on a regular and systematic basis with the council for at least 12 months before the commencement of maternity leave or special maternity leave, are entitled to paid maternity leave or parental leave make up pay.

Paid parental leave and paid parental make-up pay means leave taken by a female employee in connection with the pregnancy or the birth of a child of the employee.

Paid special maternity leave means leave taken by an employee where the pregnancy for the employee terminates before the expected date of birth, or where she suffers illness related to her pregnancy, and she is not then on paid maternity leave; provided that a medical practitioner certifies such leave to be necessary before her return to work.

The entitlement for paid maternity leave is a total of nine weeks paid maternity leave or special maternity leave. The payment of leave may be based on a combination of full pay or half pay, provided the leave does not exceed the equivalent of nine weeks on full pay.

Employees can also elect to receive parental leave make-up pay for the period that they are receiving PPL instalments, up to a maximum of 18 weeks in lieu of 9 week's maternity leave. Make up pay is the difference between your ordinary working wage and the paid parental leave scheme (government funded).

Parental leave and make up pay is counted as service for the purposes of annual, long service and sick leave and attracts superannuation.

A casual employee's rate of pay will be calculated by averaging the employee's weekly wage in the twelve months immediately prior to the employee commencing paid maternity leave or special

maternity leave.

In the event an employee has been receiving a varied rate of pay and/or hours while acting in a different role to their substantive position, Council will average out their earnings and hours for the 12 months prior to maternity leave to calculate the amount they will be paid on Maternity Leave. This will only occur when they are employed in a varied role to their substantive position for 6 months or more directly prior to commencing maternity leave.

An employee shall not be entitled to a further period of parental leave 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.

Time in lieu that an employee is owed can be used in addition to parental leave entitlements; however the accumulating of time in lieu (including RDOs) for this specific purpose will not be approved.

## **OPTIONS**

Before any entitlements are claimed it is important that the employee consider the following:

- leave work date before the birth
- dates for employer-provided paid leave
- if eligible the date commencing Government funded Paid Parental Leave
- planned return to work date
- caring arrangement for child on return to work

### **Concurrent Parental Leave**

Employees (except casuals) who are a supporting parent are entitled to up to 10 days paid concurrent parent leave from their accrued sick leave balance at the time their partner gives birth or at the time the employee adopts provided they have had 12 months continuous service prior to the commencement of their concurrent parental leave.

A leave application form is to be submitted a minimum of ten (10) days prior to the leave date.

## **OPTIONS FOR HOW TO TAKE LEAVE**

1. For those eligible for Government Funded Paid Parental Leave Scheme and Employer provided paid leave the following options apply.

### **OPTIONS 1.1** Mother takes accrued or unpaid leave

- 18 weeks at Paid Parental Scheme weekly rate, followed by;
- 9 weeks full pay of Employer provided paid leave, followed by;
- Any other leave accrued and; or unpaid maternity leave

### **OPTION 1.2** Mother takes accrued or unpaid leave

- 18 weeks at Paid Parental Scheme weekly rate, followed by
- 18 weeks half pay of Employer provided paid leave, followed by

- Any other leave accrued

**OPTION 1.3** 18 weeks half pay employer provided

- 18 weeks Paid Parental Leave taken at same time as 9 weeks full pay or 18 weeks half pay provided by employer

**OPTION 1.4**

- 18 weeks paid parental leave with make-up pay to employee's ordinary pay provided by employer for the 18 week period

Receiving make up pay is in lieu of receiving the 9 weeks Council maternity leave

2. for those eligible for Government Funded Parental Leave Scheme but NOT for Employer provided paid parental leave (not eligible due to less than 12 months service)

**OPTION 2.1** Mother takes accrued or unpaid leave

- 18 weeks at Paid Parental Scheme weekly rate followed' by any other accrued leave

**Council expects employees**

- To provide ten weeks' notice (in writing) of intent to take leave and medical certificate confirming pregnancy and expected date of birth;
- If Council requests, to provide six weeks before the expected date of birth medical certificate confirming capability to carry out normal duties.
- To provide four weeks' notice in writing of the employee's intention to take paid parental leave, including the leave options the employee has chosen (including annual/long service leave and unpaid parental leave) and the proposed start date and expected return to work date;
- To give at least four weeks written notice before the expected return to work date of any further variation to leave arrangements or request or flexible working arrangements.
- To take all paid and unpaid parental leave entitlements consecutively

**Illness pre Maternity leave**

If an employee is experiencing illness prior to their agreed maternity leave period with council and cannot continue to undertake their usual role, they can request an adjustment to their duties or transfer to a safe job as long as they provide evidence from their Doctor detailing the limitations.

If the employee feels they cannot continue working up until the agreed maternity leave date due to illness then they can provide a certificate from their Doctor to council and take any accrued sick leave entitlements up until the start of their maternity leave.

**Other Adoption Leave**

Different eligibility requirements exist for adoption unpaid parental leave - please refer to the Adoption Leave section of the Local Government (State) Award 2017 and Fair Work Act 2009 (Cth)

**Family Reunion Leave**

An employee, other than a casual, able to establish that they were adopted under a "closed adoption" practice shall be entitled to up to five (5) days family reunion leave from their accumulated sick leave balance to reunite with their biological parent(s) for the first time.

For the purpose of this sub-clause "closed adoption" means an adoption whereby the record of the biological parent(s) is kept sealed and the adopted child is thereby prevented from knowing the identity of such biological parent(s).

## **7. BEREAVEMENT LEAVE**

The Local Government (State) Award 2017 provides employees (other than a casual) with paid Bereavement leave for each permissible occasion, if they are absent from duty because of death of any persons 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;

The definition of immediate family and extended family is per clause 21(K) (ii) and (iii) under the Local Government (State) Award 2017. The employee will be required to provide satisfactory evidence of the bereavement if requested.

Staff who wish to attend the funeral of a person that is not immediate or extended family, can access their paid leave entitlements, on the recommendation of the Director of each department subject to the General Manager's approval.

### **Bereavement Leave - Casual Employees**

Subject to providing satisfactory evidence, casual employees are entitled to not be available to attend work, or to leave work upon the death of a family member as defined above by clause 21 (K) (ii) and (iii) under the Local Government (State) Award 2017, and will be granted the same period of unpaid leave as above.

Council must not fail to re-engage a casual employee because the employee accessed bereavement leave entitlements. The rights of the Council to engage or not engage a casual employee are otherwise not affected.

## **8. OTHER PAID LEAVE**

### **Jury Service Leave**

Under The Local Government (State) Award 2017 employees required to attend jury service during ordinary working hours are entitled to Jury Service Leave. Employees are required to notify Council as soon as possible of the jury service dates and provide proof of attendance, the duration of attendance and the payment received in respect of such jury service.

An employee required to attend jury service during the employee's ordinary working hours shall be reimbursed by the employer an amount equal to the difference between the amount in respect of the employee's attendance for such jury duty and the amount of wage the employee would have received in respect of the ordinary time the employee would have worked had the employee not been on jury service.

### **Union Leave Training**

Council shall agree to release employees to attend an accredited trade union training course with pay and such agreement shall not unreasonably be withheld. Details of the training and request must be provided in writing, and may not be approved if considered excessive.

### **Union Conference Leave**

The Local Government (State) Award 2017 provides for an employee of Council who is an accredited delegate to the union's Annual Conference, to be granted paid leave for the duration of the Conference provided that the Council's operational requirements are met and the union notifies Council of the accredited delegates nominated to attend the Conference at least one month prior to the commencement of the conference.

### **Union Picnic Day**

The Union Picnic Day is a public holiday for financial members of the Union(s). Council allows non-financial members to observe Union Picnic Day and requires non-financial members of a Union, who are not required to work that day, to submit a leave application for annual leave, long service leave, and time in lieu or leave without pay. All other conditions are in accordance with the Award.

### **Emergency Services Leave**

To be granted at the discretion of the General Manager. For further reference refer to the Local Government (State) Award 2017, Clause 21. Leave Provisions C. Emergency Services Leave.

### **Study Leave**

Please refer to Council's Training and Professional Development Policy.

## **9. LEAVE WITHOUT PAY**

Directors may approve leave without pay for a period of up to five working days in exceptional circumstances. All other accrued annual and/or long service leave entitlements and time in lieu/flex time must be used before leave without pay can be considered.

Leave without pay in excess of five working days will only be considered on the Director's recommendation and approved by the General Manager under exceptional circumstances.

Employees must in the first instance seek leave without pay in writing, detailing the exceptional circumstances to support their request and provide this request to their Director, along with a leave application form.

Periods of leave without pay are not considered service for the purpose of computing long service leave, sick leave or annual leave. Such periods shall not however constitute a break in the employee's continuity of service and public holidays during this period will not be paid.

## **10. ABSENT WITHOUT LEAVE**

An employee who has failed to complete the appropriate leave form and notify their supervisor as requested will be considered to be "Absent Without Leave".

After recording three (3) such absences employees may be given notice to show cause why their employment should not be terminated without further notice. Disciplinary action may commence from the first incident of failing to notify their Supervisor.

## 11. PAYMENT (CLIMATIC CIRCUMSTANCES)

An employee's ordinary pay shall not be reduced when the employee is prevented *from attending* work due to bushfire or other climatic circumstances beyond their control, provided that the following does not apply

- Alternative duties are available that the employee can usefully perform
- The bushfire or other climatic circumstances occurred outside of the State of New South Wales
- The employee has been unable to attend work for more than one week per climatic event.

The employee may, in exceptional circumstances, apply to the employer for paid special leave and such a request shall not be unreasonably refused.

### Excess Leave Plans

There are many reasons why excess leave should be managed. Some of these reasons include:

- a) Employees need to take time off for rest and recreation to ensure that they return to work refreshed and reinvigorated
- b) Periods of regularly taken annual leave often provides other employees an opportunity to act in a position of higher grade or with different responsibilities. When annual leave is not taken these employees may be denied an opportunity for career development.
- c) When leave entitlements are not taken, as they fall due or on a regular basis, it may be necessary for the employee to eventually take an extremely large block of leave to reduce the excessive entitlement. This may have a negative impact on the continuity of service provided by Council.

Council will allow staff to accrue and keep a reasonable amount of Annual and Long Service Leave. However, it is preferred that staff do not accrue excessive leave credits as defined below:

Annual leave	10 weeks (Indoor staff, team leaders, technical Officers) 8 weeks (outdoor staff)
Long Service Leave	13 Weeks

Staff and Supervisors must work together to reduce excessive leave credits and maintain them at acceptable levels as identified above.

An annual plan of leave taking must be agreed upon by staff with excessive credits within 1 month from 1<sup>st</sup> June each year.

## **Policy/Procedure Review History**

Date	Changes Made	Approved By
June 2016	Procedure Developed	
April 2019	Revised	

This procedure shall be reviewed:

- Immediately if any provision is contrary to law or applicable industrial relations legalisation and award provisions.