



## POLICY 2103

### LEAVE POLICY

#### 1. SCOPE

This Policy is applicable to all full-time, part-time and casual employees of Oberon Council.

#### 2. PURPOSE

This Policy details all types of leave applicable to Council employees.

#### 3. APPLICATION OF THE POLICY

The Policy reflects the provisions of, the Industrial Relations Act 1996 (NSW) (the Act), Local Government (State) Award 2017 (the Award), and its successors. The Policy is not intended to override the terms of any award, or certified agreement.

#### 4. DEFINITIONS

Definitions in this policy have the same meaning as those stipulated within the Award.

#### 5. EMPLOYEE RESPONSIBILITIES

Employees are responsible for:

- attending work when they are safely able to fulfil the requirements of the position,
- notifying their supervisor in a timely manner to minimise any potential disruption to workflows and provision of service,
- ensuring they return to work as soon as possible after any period of illness or incapacity
- providing appropriate evidence of illness or incapacity for periods of sick or carers leave
- providing any other documentation required under this policy or the Award

#### 6. SUPERVISOR/MANAGER RESPONSIBILITIES

Supervisors/Managers are responsible for:

- ensuring employees understand their rights, responsibilities and obligations in relation to leave,
- being empathetic towards employees who access sick, carers or Domestic Violence leave for genuine purposes,
- fostering a positive workplace culture where leave is accessed appropriately,
- ensuring the appropriate documentation is provided, authorised and forwarded to payroll staff in a timely manner,
- identifying any potential misuse of sick or carers leave and patterns of regular sick leave and managing appropriately,
- ensuring the effects of leave on other employees are minimised,
- if required, discussing with the employee other options to sick or carers leave. This may include reduced hours, suitable duties.

**7. HUMAN RESOURCES RESPONSIBILITIES**

Human Resources are responsible for:

- reviewing, updating and distributing appropriate guidelines, and policies,
- providing advice and recommendations to employees and management with respect to leave management and any potential issues.

**8. SICK AND CARER'S LEAVE**

Sick leave and carer's leave are provided in accordance with the Award.

Paid sick/carer's leave for permanent employees will be paid at the employee's ordinary rate of pay for all ordinary hours of work in the period. Sick leave may be payable at half pay under exceptional circumstances and by prior approval by the General Manager. Payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements. Payment may be withheld until appropriate documentation has been received.

Sick/carers leave is not payable on an employee's rostered day off, flexiday, public holiday or any other day where an employee would not otherwise have attended work. Sick/carers leave may be payable while the employee is on other approved leave if appropriate evidence is supplied.

An employee may apply to take unpaid leave for the purpose of personal illness, or injury, or for providing care and support to an immediate family member who is ill or requires care due to an unexpected emergency. Applications for unpaid carer's leave will be assessed on a case by case basis and approval will be based on merit of each situation.

A casual employee is entitled to be unavailable to attend work, or to leave work for up to 48 hours (two days) per occasion, if the employee needs to care for a person in their immediate family. This leave will be unpaid.

**9. PREVENTION AND INTERVENTION**

Council promotes a healthy lifestyle and has in place many initiatives to assist employees maintain health and wellbeing and present fit for work. These include but are not limited to:

- Assistance to Quit Smoking – Smoking Policy,
  - Drug and Alcohol Policy and Awareness training,
  - Employee Assistance Program – providing free access to confidential Counselling services,
  - Free flu vaccinations annually,
  - Provision of work/life balance strategies,
- Human Resources and Workplace Health & Safety employees will provide confidential guidance and support to direct employees to appropriate health service providers upon request.

**10. DOMESTIC AND FAMILY VIOLENCE LEAVE**

Domestic and Family Violence Leave is provided to eligible employees in accordance with the Award. Refer to the Domestic and Family Violence Policy – 2126.

## **11. HEALTH AND WELLBEING LEAVE**

Health and Wellbeing leave is provided to eligible employees in accordance with the Award and these guidelines.

A Health and Wellbeing activity for approval is discretionary and the list below is simply a guide and is not an exhaustive list of acceptable activities. Health and Wellbeing leave will be considered for the purposes of participating in the following activities:

- Work related health activities and/or team building exercises;
- Annual check-ups (e.g. general physical, dental, optical, hearing);
- Annual cancer screenings (e.g. skin cancer, bowel, breast, pap smear, prostate);
- Mental health (e.g. counsellor, psychologist, psychiatrist);
- Remedial health (e.g. physiotherapist, chiropractor, podiatrist);
- Physical Health (e.g. Active involvement in sports team, attendance at an exercise program such as swimming, yoga, aerobics, personal training.)
- Pre-arranged specialist medical appointments (e.g. scans, tests, follow-up medical appointments);
- Pregnancy related medical appointments (e.g. ultrasound, blood work, amniocentesis, glucose tolerance test);
- Health and Wellbeing Educational programs (e.g. nutrition, quit smoking, weight loss programs);
- Natural therapies including remedial massage, acupuncture, naturopathy;
- Activities as otherwise approved by the General Manager

## **12. ANNUAL LEAVE**

The Council provides annual leave (Clause 21D) in accordance with the Award and the *Annual Holidays Act 1944* (NSW). Employees should ensure they do not book or pay for flights or accommodation until their request for annual leave has been approved in writing by Council.

## **13. JURY SERVICE LEAVE**

The Council provides Jury Service Leave in accordance with the Award.

## **14. SPECIAL LEAVE**

The council provides special leave in accordance with the Award.

## **15. LONG SERVICE LEAVE**

Long Service Leave will be granted to all employees in accordance with the Award, and the *Long Service Leave Act 1955* (NSW).

## **16. BEREAVEMENT LEAVE**

Entitlement to Bereavement Leave will be granted in accordance with the Award.

## **17. UNION PICNIC DAY (UPD)**

In accordance the Award, financial members of the Union(s) are entitled to take a Union Picnic Day as a public holiday at their ordinary rate of pay.

## **18. PARENTAL AND PAID PARENTAL LEAVE**

Leave is provided in accordance with the Award, the Fair Work Act 2009 and the Paid Parental Leave Act 2010.

**19. UNION RELATED LEAVE**

Council provides union leave in accordance with the Award.

**20. LEAVE WITHOUT PAY (LWOP)**

Employees are able to apply for Leave Without Pay in accordance with Award if they have exhausted all other leave balances.

**21. EMERGENCY SERVICE LEAVE**

Council grants Emergency Services Leave in accordance the Award.

**20. PURCHASED ADDITIONAL LEAVE**

All employees, with the exception of casuals, may apply to Council to “purchase” additional leave.

Employees may apply for a minimum of one (1) week to a maximum of eight (8) weeks absence, over a twelve month period, calculated from the employee’s commencement date.

The employee’s salary will be reduced to reflect the purchased additional leave and annualised over a 52 week period.

The employee must apply for a purchased annual leave provision in writing, the agreement will be for a minimum of twelve months and a maximum of three years, after which the agreement will be reviewed.

The employee will be entitled to any public holidays which fall within the period taken as purchased additional leave.

Council will make superannuation payments on the annualised salary after the deduction of the purchased additional leave. Council is **NOT** responsible for superannuation payments on time purchased as additional leave. An employee can choose to make additional payment to their superannuation fund.

The agreement will be in writing, and is subject to approval from the General Manager and will be recorded on the employees personnel file.

**21. LEAVE TO ATTEND RELIGIOUS CEREMONIES AND EVENTS**

Anti-discrimination legislation and the principles of equal employment opportunity and Council’s equal employment management plan will be observed with respect to leave relating to religious beliefs.

An employee may apply for leave to observe special religious celebrations and events. All applications for leave should be in writing and provide reasonable notice. Approval for an employee’s application of leave to attend such a celebration and/or event will not be unreasonably withheld.

Should an employee be concerned that an application for leave on religious grounds has been unreasonably withheld, they should advise the General Manager or Council’s Human Resources staff who will conduct a review of the matter. The outcome of such a review will be communicated to the employee in writing.

**22. STUDY LEAVE**

Employees who are undertaking formal qualifications relevant to their role with Council may apply to Council to access study leave.

Study leave will be granted in accordance with Council's Training and Development Policy.

Each individual application will be assessed on its merits and will depend on costs of the qualifications already incurred by Council, level of qualification being undertaken (Certificate, Diploma, Degree, etc.), previous study leave granted and results obtained by the employee.

All applications for study leave must be in writing, provided with reasonable notice, detail qualifications being studied and dates of leave requested.

**23. APPLICATIONS FOR LEAVE**

Any employee who requests leave of a type specified by this Policy should submit an application via the online process. If this is not possible a Leave Application Form is to be completed in a reasonable time prior to taking leave. The exception to this is sick, carers or emergency leave, in which case the employee should advise their supervisor as soon as possible and complete the required documentation on return to work.

The approval of leave is not automatic. Council will assess the application on its merits and in relation to operational demands. Should leave not be approved, the employee will be provided with reasons why and, if possible, an alternative mutually agreeable decision may be reached.

If the issue is unresolved, the matter may be escalated to the General Manager.

**24. REVISION AND REVIEW**

Council will review this policy at least every two years, or earlier, should changes be required.

Approving Authority	Oberon Council
Contact	Human Resources Coordinator
Approval	19 May 2020 Report Item 13.02 Minute 09 190520
Next Revision Date	April 2022
Issue Date to Staff	April 2020